

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-01**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND
BUDGETS AND AUTHORIZING THE CITY MANAGER TO TAKE THE
NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS
RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

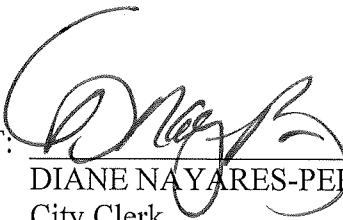
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:


BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

ENGINEERING SERVICES DEPARTMENT-MEASURE L

- A budget adjustment is necessary to allocate higher than anticipated revenues to various Measure L projects. The total amount of the adjustment is \$1,570,000. Each project will have an increase in the transfer out from Fund 1410 – Measure L Local Road Tax (if applicable) to the project and an increase to the projects discretionary expense accounts. This was approved by the Citizen’s Transportation Sales Tax Commission on December 7, 2023. Below is the adjustment to each project.

Project Number	Project Name	Amount for Adjustment
Local Streets and Roads Category		
101314	Orangeburg Ave. Pavement Rehab	\$1,000,000
Traffic Management Category		
101089	Tully Road Hawk Signal	\$370,000
Bike and Pedestrian Category		
101073	Carver Road Bike Path	\$200,000
Total Increase to Projects		\$1,570,000
Total Transfer Out from Fund 1410		\$1,570,000

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of \$75,000 is necessary in the Non-Capital Parks Fund (Non-Grant) (1380) Project 100984 – Awesome Sport Playground project in Fiscal Year 2023-2024. As part of the adjustment, a transfer from General Fund - Parks Operating Cost Center will be established. The transfer from the General Fund will come from salary savings within the current operating budget.
- A budget adjustment in the amount of \$100,000 is necessary in the JPA – Tuolumne River Regional Park (TRRP) Special Revenue Fund – CIP to increase the expense budget for the TRRP Neece Drive Project (101701). The project will be funded with reserves from insurance proceeds. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on December 13, 2023, as part of the 2023-2024 calendar year TRRP project funding plan.
- A budget adjustment is necessary in the amount of \$75,000 to recognize additional revenue and expenditures on Project 101562 – Mancini House Fire Remediation. The revenue will be recognized and allocated to the project discretionary expenditure budget for anticipated expenses in the fiscal year. Due to the urgent need to pay for invoices in the project, a budget adjustment in the amount of \$25,000 was completed on the Budget Manager’s authority. The adjustment will increase the budget by an additional \$75,000 for a total of \$100,000.

POLICE DEPARTMENT

- A budget adjustment in the amount of \$132,344 is needed in the Police - Grants Fund (1342) for Project 101424 - 2022-2023 Supplemental Law Enforcement Services Fund (SLESF) to recognize the annual revenue received from the State of California and allocate to the project discretionary expense budget.

PUBLIC WORKS

- A budget adjustment in the amount of \$1,025,128 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101397 – Sisk Road Signal Coordination. The project recently received an E-76 for construction grant funds from the Department of Transportation (CalTrans) on November 25, 2023. The adjustment will recognize the grant revenue and amend the project discretionary expenditure accounts.

UTILITIES

- A budget adjustment in the amount of \$1,420,000 is necessary in the Water CIP Fund (4180) to establish the expense budget for Project 101554 – Mark Twain Area S&R WMs/Ph1. This Project will upgrade existing water mains, valves, and hydrants to improve system reliability, flows and pressures. Due to the need to begin work on the project, a budget adjustment in the amount of \$50,000 was completed on the City Manager’s authority. The adjustment will increase the budget by an additional \$1,420,000 for a total project budget of \$1,470,000.
- A budget adjustment in the amount of \$1,246,550 is necessary in the Water CIP Fund (4180) to establish the expense budget for Project 101557 – Hwy 99 S&R WM Crossings. This Project will upgrade existing water mains to improve system reliability, flows and pressures. Due to the need to begin work on the project, a budget adjustment in the amount of \$50,000 was completed on the City Manager’s authority. The adjustment will increase the budget by an additional \$1,246,550 for a total project budget of \$1,296,550.
- A budget adjustment in the amount of \$7,550,000 is necessary in the Wastewater Fund (4210) to establish the expense budget for Project 101556 – La Loma Sewer Phase 2. This Project will upgrade existing sewer mains to improve system performance and reliability. Due to the need to begin work on the project, a budget adjustment in the amount of \$50,000 was completed on the City Manager’s authority. The adjustment will increase the budget by an additional \$7,550,000 for a total project budget of \$7,600,000.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-02**

RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR ECONOMIC DEVELOPMENT STRATEGIC PLANNING SERVICES TO THE NATELSON DALE GROUP, YORBA LINDA, CALIFORNIA, FOR A ONE (1) YEAR AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$144,875, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on October 8, 2019, the City Council approved the Modesto 2020-2025 Strategic Plan; and

WHEREAS, the 2025 Strategic Plan enumerated goals including for Economic Vitality; and

WHEREAS, Economic Vitality Goal 5 is to drive the success of vibrant and economically sustainable business climate; and

WHEREAS, Goal 5 requirements include an update the General Plan consistent with city vision, and a citywide business incentive plan that fosters economic diversification; and

WHEREAS, an Economic Development Strategic Plan is an essential support for implementing Goal 5 requirements; and

WHEREAS, the City released a Request for Proposals for Economic Development Strategic Plan services on August 21, 2023 and received eleven qualified proposals; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow the formal bid procedures, an award of RFP and Agreement for Professional Services for Community and Economic Development Department use to

The Natelson Dale Group, Yorba Linda, California, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and The Natelson Dale Group was the highest ranked proposal based on the evaluation criteria.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it approves the award of a Professional Services Agreement for Economic Development Strategic Planning Services to The Natelson Dale Group, Yorba Linda, California, for one (1) year Agreement for an amount not to exceed \$144,875.

BE IT FURTHER RESOLVED that the City Manager, or his designee is 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 9th day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-03**

**RESOLUTION ACCEPTING THE CARPENTER ROAD LANDFILL
MITIGATION PHASE 1 PROJECT AS COMPLETE, RELEASING
SECURITIES, RELEASING PAYMENTS TOTALING \$6,959,100 TO PACIFIC
STATES ENVIRONMENTAL CONTRACTORS, INC., OF DUBLIN, CA, AND
AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION**

WHEREAS, the Carpenter Road Landfill is owned and maintained by the City of Modesto; and

WHEREAS, the landfill includes two separate waste management units located on the east and west sides of Carpenter Road; and

WHEREAS, the west landfill area includes approximately 28 acres that received waste from 1956 to 1967; and

WHEREAS, the east landfill area includes approximately 11 acres that received waste from 1967 to 1968; and

WHEREAS, no liners were in place beneath the waste on either landfill area; and

WHEREAS, gas monitoring began in 1993 of the landfill, with the installation of six gas probes along the northern boundary where residences are located, approximately 120-200 feet from the landfill; and

WHEREAS, in 2005, methane was reported in a gas probe at concentrations above the regulatory limit; and

WHEREAS, due to this, in January 2007, CalRecycle required the City to conduct an assessment of the groundwater and landfill gas; and

WHEREAS, a Site Assessment Workplan was submitted in July 2007. The City had geophysical surveying and testing done to determine the extent and depth of wastes; and

WHEREAS, the City also completed surface emission measurements to evaluate any methane release from gas probes on the site, and installed and monitored nine groundwater monitoring wells; and

WHEREAS, these actions confirmed the presence of volatile organic compounds (VOCs) in the groundwater; and

WHEREAS, additionally, the landfill was confirmed to be the source of the VOCs. In February 2014, the Central Valley Regional Water Quality Control Board (RWQCB) met with City staff to discuss the extent of the VOC groundwater impacts. Based on those discussions, it was determined that a final closure cap would need to be installed and a Corrective Action Plan and Post Closure Maintenance and Monitoring Plan would need to be submitted. This was completed in October 2014; and

WHEREAS, on March 4, 2015, the RWQCB issued a Cleanup and Abatement Order (CAO R5-2015-0700), which specified that the waste on the east landfill area needed to be excavated and moved to the west landfill area, and that a final cover had to be installed on the west landfill area to address the detection of VOCs in the groundwater; and

WHEREAS, a revised Clean Closure Work Plan was completed by the City in July 2016. The project was to start in the spring of 2017 and was to be completed by October 2017; and

WHEREAS, however, due to the significant storm event that occurred in the winter of 2017, the groundwater levels rose so high that the project was rendered unable to begin; and

WHEREAS, the RWQCB extended the project one year, requiring a background soils assessment to be completed in the summer of 2017, and the project to begin upon opening of the construction season in the spring of 2018, to be completed in December 2018; and

WHEREAS, bids were advertised on June 20, 2018, and were publicly opened on July 17, 2018, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Pacific States Environmental Contractors of Dublin, California, was the apparent lowest responsible and responsive bidder; and

WHEREAS, on August 14, 2018, by Resolution No. 2018-345 Council awarded a contract to Pacific States Environmental Contractors of Dublin, CA., in the amount of \$3,776,598; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of August 19, 2019. All contract work was completed by June 21, 2021; and

WHEREAS, the total project costs were \$7,916,141 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$8,144,621, which included \$4,154,257 for the construction contract and contingency with Pacific States Environmental Contractors of Dublin, CA; and

WHEREAS, due to limited availability of the City's Construction Administration staff, it was recommended to utilize a consultant to provide construction management, inspection, and materials testing services through completion of the construction phase; and

WHEREAS, the City entered into a Professional Services Agreement with SCS, by Resolution No. 2007-341 to assess the landfill's groundwater impacts and recommend corrective action if necessary; and

WHEREAS, subsequently, based on reports submitted by SCS, the RWQCB required the City to submit a Correction Action Plan (CAP); and

WHEREAS, design and environmental support services from SCS was required to ensure the closure meets the original design described in the plans and specifications; and

WHEREAS, additionally, SCS monitored well abandonment and replacement of at least six of the nine existing groundwater monitoring wells and provide all post-closure documentation and reports to the appropriate state agencies; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-497 on November 5, 2019, and updated by Resolution No. 2023-405 on September 12, 2023, established a contract change order authority of up to and not to exceed 10% (\$377,659) of the original contract price; and

WHEREAS, this was updated on February 25, 2020, by Resolution No. 2020-113 to 48% (\$1,812,767) and increased again December 8, 2020, by Resolution No. 2020-530 to 88% (\$3,312,767). The new amended construction contract and contingency total amount is \$7,089,365; and

WHEREAS, there were seven change orders resulting in an overall increase of \$3,182,502 for change order work as listed on the attached change order log; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Carpenter Road Landfill Mitigation Phase 1 project as complete, releasing securities, releasing payments totaling \$6,959,100 to Pacific States Environmental Contractors, Inc., of Dublin, CA., and authorizing the City Clerk to file a Notice of Completion.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

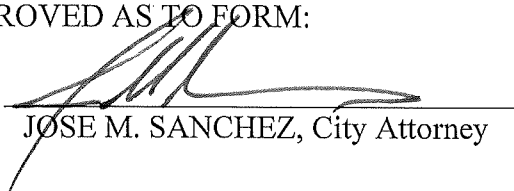
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-04**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH NORTHSTAR ENGINEERING GROUP, OF MODESTO, CA, FOR THE BYSTRUM AREA PHASE 1 - STRENGTHEN AND REPLACE WATER MAINS PROJECT IN THE AMOUNT OF \$333,120, PLUS \$33,312 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$366,432 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Bystrum Area has deficient water mains that are undersized, lack pressure, and are prone to leaks, and

WHEREAS, the Bystrum Area Phase 1 - Strengthen and Replace Water Mains Project will replace and upgrade water mains, associated water valves, services, and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four (4) pre-qualified local consultants for Civil Engineering Services for various Capital Improvement Program Projects, and

WHEREAS, staff received and distributed four (4) proposals to a selection committee consisting of Utilities Engineering staff, and

WHEREAS, the selection committee evaluated the proposals and determined NorthStar Engineering Group to be the most qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) agreements for professional services are exempt from formal bidding as long as competitive quotations or proposals have been sought informally from at least three qualified entities, and

WHEREAS, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 that complied with the requirements of Modesto Municipal Code 8-3.204(a), and

WHEREAS, staff recommends approval of an Engineering Services Agreement with NorthStar Engineering Group for the Bystrum Area Phase 1 - Strengthen and Replace Water Mains Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with NorthStar Engineering Group, in the amount of \$333,120, plus \$33,312 in additional services (if needed), for a total amount not to exceed \$366,432 for the Bystrum Area Phase 1 - Strengthen and Replace Water Mains Project.

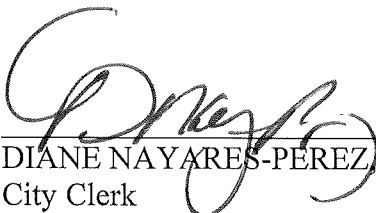
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-05**

**RESOLUTION APPROVING A SECOND AMENDMENT TO THE
EMPLOYMENT AGREEMENT WITH DIANE NAYARES-PEREZ, TO
INCREASE BASE SALARY TO \$153,545.60**

WHEREAS, on April 5, 2022, by Resolution No. 2022-180, City Council appointed Nayares-Perez to the role of City Clerk and entered into an Employment Agreement with Ms. Nayares-Perez; and

WHEREAS, in 2023, the City engaged in labor negotiations with all represented and unrepresented employees, except for the Modesto City Firefighters Association. Through labor negotiations, the City Council agreed to implement the results of a City-wide labor market study that analyzed all City positions, cost of living increases for the term of the successor Memorandums of Understanding, and certain benefit changes; and

WHEREAS, the City Council also adopted Resolution No. 2023-287 and Resolution No. 2023-288, extending the salary market adjustments resulting from the City staff market study, cost of living increases, and benefits the City Council offered to the Modesto Confidential and Management Association to the City's unrepresented employees, including Charter Officers. Ms. Nayares-Perez serves as City Clerk, which is a Charter Officer position; and

WHEREAS, pursuant to Section 4(b) of the Employment Agreement and labor negotiations, the City Council amended the Employment Agreement in order to adjust Ms. Nayares-Perez's compensation and benefits consistent with the compensation and benefits offered to employees in the Modesto Confidential and Management Association; and

WHEREAS, pursuant to Section 11 of the Employment Agreement, on December 5, 2023, the City Council conducted Ms. Nayares-Perez's performance evaluation. As a result of a positive evaluation, the City Council wishes to amend the Employment Agreement by providing Ms. Nayares-Perez a merit increase of four and one-tenth percent (4.1%) effective December 5, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Employment Agreement for Diane Nayares-Perez to increase the base salary to \$153,454.60.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-006**

**RESOLUTION APPROVING THE APPOINTMENT OF RAJMEET GREWAL
TO THE PLANNING COMMISSION FOR A FOUR-YEAR TERM WITH A
TERM EXPIRATION OF DECEMBER 31, 2027**

WHEREAS, the Planning Commission is responsible for making decisions and recommendations regarding the development of the community. The Planning Commission has final authority regarding subdivision maps and parcel maps, certain zoning matters and development plans, and

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

WHEREAS, Planning Commissioner Amin Vohra’s second term ended on December 31, 2023, leaving a vacancy on the City of Modesto Planning Commission, and

WHEREAS, the Appointments Committee met on December 19, 2023, and recommended the appointment of Rajmeet Grewal to the City of Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto, that it approves the appointment of Rajmeet Grewal to the City of Modesto Planning Commission for a term of four-years with a term expiration of December 31, 2027.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-007**

**RESOLUTION APPROVING THE REAPPOINTMENT OF ROGER SHANKS
TO THE PLANNING COMMISSION FOR A SECOND FOUR-YEAR TERM
WITH A TERM EXPIRATION DECEMBER 31, 2027**

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

WHEREAS, Planning Commissioner Roger Shanks' first term ended on December 31, 2023, leaving a vacancy on the City of Modesto Planning Commission; and

WHEREAS, the Appointments Committee met on December 19, 2023, and recommended the reappointment of Roger Shanks to the City of Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints for a second term Roger Shanks, expiring December 31, 2027, for the City of Modesto Planning Commission.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

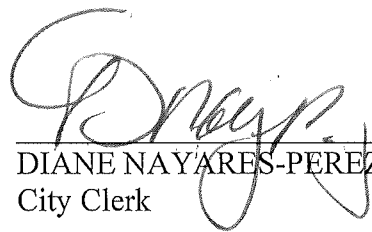
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-008**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SWINGLE, VAN EGMOND & HEITLINGER INCREASING THE AGREEMENT AMOUNT BY \$300,000 FROM \$250,000 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED \$550,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

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

WHEREAS, on June 24, 2014, by Resolution No. 2014-241, Council approved an agreement with Arata, Swingle, Van Egmond & Goodwin, to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases for a total agreement amount not to exceed \$790,000, including amendments; and

WHEREAS, on December 12, 2017, by Resolution No. 2017-500, Council approved a Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin for the same services, for a total agreement amount not to exceed \$650,000, including amendments; and

WHEREAS, on January 28, 2020, by Resolution 2020-029, Council approved a Second Restated Legal Services Agreement with Arata, for a total amount of \$750,000, including amendments, for continued representation for the same services; and

WHEREAS, in March of this year, the firm's name changed to Swingle, Van Egmond & Heitlinger ("Swingle") due to Mr. Arata's retirement; and

WHEREAS, on May 23, 2023, by Resolution No. 2023-231, Council approved a Legal Services Agreement with Swingle, Van Egmond & Heitlinger in an amount not to exceed \$250,000 to continue representing the City in tort cases; and

WHEREAS, Swingle continues to prepare multiple cases for trial simultaneously, as well as handling a number of additional smaller cases. This agreement will provide a budget for continued representation for those cases and future assigned cases; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, the City Attorney’s office has drafted a First Amendment to the Legal Services agreement with Swingle, Van Egmond and Heitlinger for continued representation.

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 Swingle, Van Egmond & Heitlinger increasing the agreement amount by \$300,000 from \$250,000 for a revised total amount not to exceed \$550,000 to continue representing the City of Modesto in tort cases, 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 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

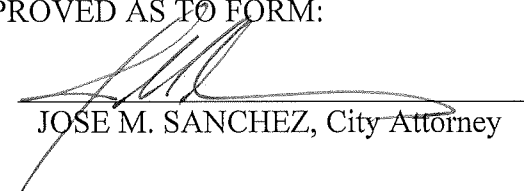
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this “**First Amendment**”), is made and entered into on 23rd day of January 2024 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **SWINGLE, VAN EGMOND & HEITLINGER**, 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 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 Agreement for further service by increasing the previously approved amount of fees from \$250,000 to \$550,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and **SWINGLE, VAN EGMOND & HEITLINGER** dated May 23, 2023, is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” 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 five hundred and fifty thousand dollars (\$550,000).”

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 May 23, 2023, 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:

Jose M. Sanchez, City Attorney

ATTEST:

Diane Nayares-Perez, City Clerk

Christina Alger, Director of Human Resources

[Signatures Continued on Next Page.]

ATTORNEY:
SWINGLE, VAN EGMOND & HEITLINGER
a Professional Corporation

Federal I.D. No.

State I.D. No.

City of Modesto Business Op. Tax Cert. 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

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-009**

RESOLUTION APPROVING THE ENCAMPMENT RESOLUTION FUNDING PROGRAM APPLICATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE ENCAMPMENT RESOLUTION FUNDING (ERF) APPLICATION IN AN AMOUNT NOT TO EXCEED \$5,845,514, AND APPLICABLE DOCUMENTATION, AS REQUIRED BY CALIFORNIA INTERAGENCY COUNCIL ON HOMELESSNESS (CAL-ICH), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE GRANT AGREEMENT, AND TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, in 2021, Assembly Bill 140 allocated \$50 million for local proposals to resolve the experience of unsheltered homelessness for people residing in encampments in a first round of funding, and

WHEREAS, Senate Bill 197 amended the program and Assembly Bill 178 allocated an additional \$300 million for round two of funding, and

WHEREAS, the current Notice of Funding Availability (NOFA) is accepting applications through the California Interagency Council on Homelessness (Cal-ICH) for the remaining \$\$298,747,574 of ERF-3 funds until June 30, 2024 or until funds are exhausted, and

WHEREAS, if approved, the City's proposal for ERF funding will support the City's Camp2Home initiative in tackling homelessness with the focus of non-congregate shelter in a grant amount estimated not to exceed \$5,845,514, and

WHEREAS, the City has identified the ERF-3-R funding program as an opportunity to address concerns caused by the encampments to transition unhoused individuals into safe and stable housing, and

WHEREAS, the City is proposing to be the lead agency in writing, submitting, and administering the ERF-3-R grant application, and

WHEREAS, the City will partner with the Modesto Gospel Mission on the development of the program, identification and provision of a site location, and operations of the site, and

WHEREAS, this proposal includes financial support for the City Community Health and Assistance Team to perform street outreach, and

WHEREAS, the proposal also includes support for the Salvation Army with the implementation of a bed set-aside for clients and will also provide ongoing support and referral services to the program participants, and

WHEREAS, if awarded, ERF will support acquisition of non-congregate shelter units that will be placed on a location that can be quickly modified to accommodate up to 10 units, congregate shelter, street outreach, and housing opportunities, and

WHEREAS, the proposal will include a housing first modeled rental subsidy program model intended to assist in removing barriers to accessing permanent housing intended to assist in removing barriers to accessing permanent housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Encampment Resolution Funding Program Application.


BE IT FURTHER RESOLVED that the City Manager, or his designee, to submit the Encampment Resolution Funding (ERF) Program application, and applicable documentation, as required by California Interagency Council on Homelessness (Cal-ICH)), and authorizing the City Manager or his designee to execute the grant agreement and to make the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-010**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM DEPARTMENT OF GENERAL SERVICES, PROCUREMENT DIVISION OF THE STATE OF CALIFORNIA WITH PIH SERVICES INC., PALLET PBC, DBA PALLET, INC, BOSS HOMES, LLC, FACTORY OS, KEB HOMES, LLC AND AMEG ENTERPRISES, LLC FOR EMERGENCY SLEEPING CABINS, STORAGE AND PARTS AND ACCESSORIES FOR BRIDGE HOUSING FOR A TOTAL COMBINED AMOUNT NOT TO EXCEED \$2,000,000; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDERS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS

WHEREAS, homelessness has emerged as a key priority for the State of California and the region throughout the last several years and to help meet the needs of the rising number of individuals experiencing homelessness, the City of Modesto, alongside the County of Stanislaus, has worked tirelessly to address the challenge of homelessness through the 3-Prong Strategy of Community Accountability, Shelter/Housing, and Programs and Services, and

WHEREAS, since 2018, the City embarked on various initiatives to address the need for shelter beds and programs to support individuals experiencing homelessness, and

WHEREAS, to align efforts and initiatives between all stakeholders involved in addressing homelessness, the City created a strategic plan workgroup that began meeting to discuss the creation of a communitywide plan to address homelessness, and

WHEREAS, the result of this workgroup's efforts is the 2021 Stanislaus Regional Homeless Strategic Plan (Plan) that includes regional initiatives and is intended to align efforts from the public, private, and faith-based communities, and

WHEREAS, to help achieve the deliverables outlined in the Plan, on October 20,

2023, the City Council considered a comprehensive update on available housing and homelessness programs and explored potential new programs that can be made available to meet the growing needs of the population to include Bridge Housing, and

WHEREAS, Bridge Housing, often referred to as non-congregate shelter options, is typically the first level of housing for individuals who are transitioning out of homelessness; these are temporary manufactured homes with approximately 60 sq. ft. of space for individuals and 120 sq. ft. for families, and

WHEREAS, based on feedback from the Homeless Workshop on October 20, 2023, staff developed a framework and implementation strategy for multiple Bridge Housing sites throughout the City and to assist with the facilitation, the City released two Request for Proposals (RFP) to bring additional resources to the community, and

WHEREAS, these RFQ's were approved by council on November 7, 2023 and Request for Proposals released following approval included Bridge Housing Host Sites, Bridge Housing Site Operators, and Bridge Housing Case Management Support Services, and

WHEREAS, the City is proposing to piggyback off the State of California released Request for Proposals (RFP) that occurred on May 15, 2023, that solicited proposals from firms qualified to establish a list of vendors qualified to provide Emergency Sleeping Cabins to the State of California (State) that also includes a provision to allow participating California local governmental agencies to utilize the resulting agreements, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all

purchases, which meet or exceed \$100,000 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) “Where the Purchasing Manager, in his or 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,” and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served. Both requirements were met based on the Competitive Bidding Process selected by the Department of General Services, Procurement Division of The State of California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves the Competitive Bidding Process from Department of General Services, Procurement Division of The State of California with to PIH Services Inc., Pallet PBC, dba Pallet, Inc, BOSS Homes, LLC, Factory OS, KEB Homes, LLC and AMEG Enterprises, LLC for emergency sleeping cabins, storage and parts and accessories for Bridge Housing for a total combined amount not to exceed \$2,000,000.


BE IT FURTHER RESOLVED by that Council of the City of Modesto that it authorizes the Purchasing Manager, or her designee, to issue the purchase orders based on contractor’s availability and department’s needs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-011**

**RESOLUTION ACCEPTING THE NEW TRAFFIC SIGNAL INSTALLATION
OAKDALE ROAD AT CLARATINA AVENUE PROJECT AS COMPLETE,
RELEASING SECURITIES, RELEASING PAYMENTS TOTALING \$478,581 TO
TIM PAXIN'S PACIFIC EXCAVATION, INC., DBA PACIFIC EXCAVATION
OF ELK GROVE, CA., AND AUTHORIZING THE CITY CLERK TO FILE A
NOTICE OF COMPLETION**

WHEREAS, in July of 2015, the City of Modesto applied for a Highway Safety Improvement Program (HSIP) funds to install a new traffic signal at the intersection of Oakdale Road and Claratina Avenue; and

WHEREAS, the City was later approved for the HSIP grant with design funds approved in June of 2016 and construction funds in 2019; and

WHEREAS, the New Traffic Signal Installation Oakdale Road at Claratina Avenue project installed a new traffic signal, traffic signs, street lighting, and pavement markings at the intersection of Oakdale Road and Claratina Avenue; and

WHEREAS, this project was identified as one of the City's top safety priorities through the City's regular review of collision data in 2015; and

WHEREAS, a total of 37 vehicular crashes have been reported from 2009 to 2014 and show no noticeable specific patterns; and

WHEREAS, the location was also identified as a desirable intersection to signalize by the City's Capital Improvement Projects (CIP) Task Force consisting of public members and City Department Heads; and

WHEREAS, bids were advertised on July 13, 2022, and were publicly opened on August 30, 2022, pursuant to Modesto Municipal Code Section 8-3.403 and Charter

Section 1307, and Tim Paxin’s Pacific Excavation, Inc., dba Pacific Excavation of Elk Grove, California was the apparent lowest responsible and responsive bidder; and

WHEREAS, on October 11, 2022, by Resolution 2022-417 Council awarded a contract to Tim Paxin’s Pacific Excavation, Inc., dba Pacific Excavation of Elk Grove, CA., in the amount of \$489,196; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of December 5, 2022. All contract work was completed on July 20, 2023; and

WHEREAS, the total project costs were \$612,284 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$680,500, which included \$538,116 for the construction contract and contingency with Tim Paxin’s Pacific Excavation, Inc., dba Pacific Excavation; and

WHEREAS, the City’s “Change Order Approval Policy” enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value; and

WHEREAS, there were five change orders on this project with an overall decrease of \$10,615; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the New Traffic Signal Installation Oakdale Road at Claratina Project as complete, releasing securities, releasing payments totaling \$478,581 to Tim Paxin's Pacific Excavation, Inc., dba Pacific Excavation, of Elk Grove, CA and authorizing the City Clerk to file a Notice of Completion.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-012**

RESOLUTION ACCEPTING THE RALSTON TOWER PARK PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING \$952,204 TO TAYLOR BACKHOE SERVICE, INC. DBA TBS CONTRACTORS OF MERCED, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, on April 24, 1918, Nellie S. Maze and C.M. Maze donated land on the corner of Downey Avenue and I Street, to the City of Modesto for the express purpose of building a playground and park for the residents of the neighborhood; and

WHEREAS, this 0.3-acre City owned park, is adjacent to its namesake downtown icon - Ralston Tower, a senior independent living, low-income community; and

WHEREAS, the triangular shaped park, directly located to the northwest face of Ralston Tower, is ideally suited for use by the senior residents; and

WHEREAS, previously, the park consisted mostly of grass and trees, with a few pathways, benches, and horseshoe pits. Residents of Ralston Tower are encouraged to use the park's perimeter pathway as part of their active lifestyle; and

WHEREAS, over the past decades, the wooden benches and horseshoes pits have become antiquated and deteriorated, and residents have expressed to the City their reluctance to continue to use the park due to the increased presence of vagrant populations and criminal activity; and

WHEREAS, the renovation of Ralston Tower Park is partially funded by the City as part of the Housing and Urban Development (HUD) Annual Action Plan and has been in process for some time; and

WHEREAS, on March 22, 2016, by Resolution No. 2016-102, Council awarded the contract to complete the professional design services for the Ralston Tower Park Project to O'Dell Engineering, Inc.; and

WHEREAS, this construction documentation and professional design was completed in 2021; and

WHEREAS, on January 23, 2018, by resolution 2018-30, Council approved the submittal of a grant application to the Land and Water Conservation Fund Program in the amount of \$550,000; and

WHEREAS, on September 29, 2021, the State of California Parks and Recreation Department notified staff that the Ralston Tower Park project was recommended for funding through the Land and Water Conservation Fund Program in the amount of \$550,000; and

WHEREAS, bids were advertised on November 16, 2021, and were publicly opened on December 14, 2021, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Taylor Backhoe DBA TBS Contractors, of Merced, California, was the sole responsible bidder at 817 above the engineers estimate; and

WHEREAS, on January 11, 2022, by Resolution 2022-019, Council awarded a contract to Taylor Backhoe dba TBS Contractors, in the amount of \$897,100; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of February 28, 2022. All contract work was completed on February 7, 2023; and

WHEREAS, the total project costs were \$1,253,169 which included design, construction, and construction administration costs. The total project amount originally

budgeted was \$1,255,000, which included \$986,810 for the construction contract and contingency with Taylor Backhoe dba TBS Contractors; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value not to exceed \$89,710; and

WHEREAS, there were eight change orders on this project with an overall decrease of \$54,104; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the of Ralston Tower Park project as complete, releasing securities, releasing payments totaling \$952,204 to Taylor Backhoe dba TBS Contractors, of Merced, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-013**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH STAN BOYETT & SON, INC. DBA BOYETT PETROLEUM, MODESTO, CA FOR FUEL CARD-LOCK SERVICES BY \$2,700,000 FROM \$1,800,000 TO A REVISED ANNUAL ESTIMATED AMOUNT OF \$4,500,000 FOR YEAR 4 AND YEAR 5 AND A REVISED TOTAL AMOUNT NOT TO EXCEED \$14,400,000 OVER FIVE YEARS; REVISING THE TERM OF THE AGREEMENT FROM MARCH 9, 2027 TO MARCH 9, 2025; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto Fleet Services is required to maintain fuel services for all of the City of Modesto’s owned vehicles and equipment, by providing designed fuel cards to be used for vehicles and equipment valid at various approved Boyett Petroleum gas stations in and around the City of Modesto for city-owned vehicles and equipment to obtain fuel – referred to here as “fuel card-lock services”; and

WHEREAS, on September 6, 2019, the Stanislaus County General Services Agency (GSA) and the City of Modesto Purchasing Division jointly issued a Request for Proposals No. 19-48-AH for Fuel Card-Lock Services; and

WHEREAS, Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA was the awarded proposer based on the evaluation criteria and awarded a five (5) year agreement term with two (2) one-year extension options; and

WHEREAS, on June 2, 2020 under Resolution 2020-247, Council approved the purchasing agreement with Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA by utilizing the competitive process along with the General Services Agency Purchasing Division, Stanislaus County, CA for Fuel Card-Lock Services, for a five (5) year agreement with two (2) one-year extension options for an annual estimated cost \$1,800,000, and a total amount not to exceed \$12,600,000, over seven years; and

WHEREAS, on June 8, 2023, a First Amendment was approved under the City Manager authority due to the sales of various of the retail location by Boyett Petroleum. Boyett Petroleum only retained two of their retail locations at 320 Codoni Avenue and 401 9th Street and all other locations that were sold would be billed as the full retail price; and

WHEREAS, during staff's analysis of this amendment, it was determined about 70% of the fuel cards were utilized at two retail locations retained by Boyett Petroleum; and

WHEREAS, over the four years of this agreement, the fuel rates have fluctuated drastically across both California and the United States with the fuel rates increasing by 42% in Year 2, 81% in Year 3 and 29% in Year 4; and

WHEREAS, the City has increased our fleet inventory due to outside service contracts such as Stanislaus Regional Transit Authority where the establishment of the Joint Powers added an additional 30 cut-away coaches during fiscal year 2021-2022; and

WHEREAS, it is anticipated that StanRTA fleet will increase during 2024-2025 fiscal year by up to an additional 15 busses.

WHEREAS, In providing improved services to the community, there has been an increase in existing City programs, partly as a result from the passing of Measure H that covered rental vehicles and 13 permanent additions to the City fleet; and

WHEREAS, the programs include an additional Slurry crew, expansion of the Forestry program, Park Ranger, Blight Abatement, and Solid Waste and there were contractual conditions that required green waste disposal at the Fink Road Landfill which increased mileage to travel to the disposal site; and

WHEREAS, during the next year it is anticipated the vehicle needs will increase by an additional 50 vehicles that are pending procurement or delivery; and

WHEREAS, this combined increase, after the initial agreement and First Amendment, totals approximately 137 vehicles to the fleet; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to increase the goods provided under an existing agreement to include similar goods, of limited quantity or scope, avoid delays or disruptions to City projects or services. This amendment is necessary to increase the fuel usage due to the added program and outside services, in addition to, the price increases over the term of this agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Agreement with Stan Boyett & Son, Inc. dba Boyett Petroleum, Modesto, CA for Fuel Card-Lock services by \$2,700,000 from \$1,800,000 to a revised annual estimated amount of \$4,500,000 for Year 4 and Year 5 and a revised total amount not to exceed \$14,400,000 over five years and revising the term of the Agreement from March 9, 2027 to March 9, 2025.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-014**

RESOLUTION APPROVING THE AGREEMENT WITH TYLER TECHNOLOGIES, PLANO, TX BY UTILIZING THE COMPETITIVE BID PROCESS WITH SOURCEWELL THROUGH THE STATE OF MINNESOTA, FOR PROFESSIONAL SERVICES AND SOFTWARE SUBSCRIPTION FOR A TERM OF THREE (3) YEARS, IN THE AMOUNT OF \$256,500 PLUS A 5% CONTINGENCY OF \$12,825 FOR A TOTAL AMOUNT NOT TO EXCEED \$269,325; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City Council adopted the City of Modesto Smart City Strategy whereby the City developed three (3) Areas of Focus, defined as Efficiency and Effectiveness, Building a Data Culture, and Improving Community Well-Being, with corresponding goals and strategies to help the City become a Smart City. Several Smart City Goals within these Areas of Focus lay out a foundation to leverage technology to improve data collection and promote data transparency; and

WHEREAS, one crucial aspect of this recognition is the need to present key performance indicators (KPIs) for public viewing. By making our KPIs accessible to the public, we foster trust and provide stakeholders with a clear understanding of our organization's performance; and

WHEREAS, after reviewing multiple data analytics tools and conferring with other municipalities, the tool set from Tyler stood out as the most able to meet the City's needs. The Tyler application offers a suite of advanced data visualization which enables our end-users, including internal and external stakeholders, to interact with and interpret the data more effectively. Clear and compelling data presentation is not only aesthetically pleasing but also serves as a powerful tool to enhance transparency, foster stakeholder trust, and allow for more informed public assessment of operations in the City; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.”; and

WHEREAS, In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. Both requirements were met based on the Competitive Bidding Process selected by Sourcewell.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Tyler Technologies, Plano, TX by utilizing the Competitive Bid Process with Sourcewell through the State of Minnesota for Professional Services and Software Subscription in the amount of \$256,500 plus a 5% contingency of \$12,825 for a total amount not to exceed \$269,325 over three (3) years.

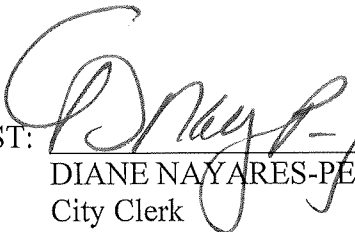
BE IT FURTHER RESOLVED, that the City Manager or his designee are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-015**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM OMNIA PARTNERS COOPERATIVE PURCHASING ORGANIZATION, MARICOPA COUNTY, AZ, WITH MYTHICS, INC. OF VIRGINIA BEACH, VA FOR ORACLE APPLICATION UPGRADES AND PROFESSIONAL MIGRATION SERVICES, FOR A TOTAL AMOUNT NOT TO EXCEED \$406,629; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Modesto currently uses the Oracle E-Business Suite (EBS) Enterprise Resource Planning (ERP) software application for most of our financial processing needs including General Ledger, Cash Management, Purchasing, Payables, Payroll, Stores Inventory, Human Resources, and Projects & Grants; and

WHEREAS, no major upgrades have been performed since 2017 and several key application modules of the Oracle EBS system are in danger of no longer being supported; and

WHEREAS, due to the complexity of the Oracle EBS system, IT will work with the professional services vendor to upgrade the current unsupported key modules. And to make our environment secure, fully supported and state of the art, we will move our on-premises Oracle EBS system applications from our data center to the Oracle cloud-based infrastructure (off-premises system); and

WHEREAS, Mythics, Inc. is a Platinum Partner reseller of Oracle products. They are the facilitator of a piggy backed contract with Region 4 for Oracle Products and Services. They will provide Oracle Professional Services; and

WHEREAS, on June 12, 2019, Region 4 issued RFP 19-08 for Oracle Products and Services and was advertised on multiple newspapers. On August 15, 2019, proposals were opened at Region 4 ESC Office 7145 West Tidwell Road, Houston, TX. Two (2)

proposals were received and based on the committee evaluation and criteria outlined in the RFP, one (1) contract was awarded for this commodity which includes Oracle Products and Services. Based on the responsive and responsible proposer offering the products/pricing, performance capability, qualifications & experience, and value add, City staff recommends to award to Mythics, Inc., Virginia Beach, VA to purchase Professional Migration Services to move our On-Premises E-Business Suite to Oracle Cloud in Year 1 for an amount of \$387,266 plus a 5% Contingency of \$19,363 for a total amount not to exceed \$406,629; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served. Both requirements were met based on the Competitive Bidding process selected by Maricopa County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Mythics, Inc., for Professional Services for a term of one year for multiple upgrades to our Oracle ERP system for an amount not to exceed \$406,629.

BE IT FURTHER RESOLVED, that the Purchasing Manager or her designee are hereby authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-016**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE OMNIA PARTNERS COOPERATIVE PURCHASING ORGANIZATION, MARICOPA COUNTY, AZ, WITH MYTHICS, INC. OF VIRGINIA BEACH, VA FOR PURCHASE OF ORACLE CLOUD SUBSCRIPTION LICENSES, FOR A TOTAL AMOUNT NOT TO EXCEED \$813,230 OVER FIVE YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, the City of Modesto currently uses the Oracle E-Business Suite (EBS) Enterprise Resource Planning (ERP) software application for most of our financial processing needs including General Ledger, Cash Management, Purchasing, Payables, Payroll, Stores Inventory, Human Resources, and Projects & Grants; and

WHEREAS, the server hardware has not been upgraded since 2017 and is in need of replacement as the equipment is close to end-of-life and will no longer be supported beginning June of 2024; and

WHEREAS, to forego the costs of hardware replacement and make our environment secure, fully supported and state of the art, we will move our on-premises Oracle EBS system applications from end-of-life server hardware in our data center to the Oracle cloud-based infrastructure (off-premises system); and

WHEREAS, Mythics, Inc. is a Platinum Partner reseller of Oracle products. They are the facilitator of a piggy backed contract with Maricopa County for Oracle Software. They will provide Oracle Cloud Infrastructure subscriptions. This is the cloud infrastructure that holds our ERP software applications; and

WHEREAS, on May 18, 2018, Maricopa County of Phoenix AZ issued 180233-RFP for Oracle Products and Services and was advertised on the BidSync, Pamplin Media Group, US Communities Publication, and Capital City Press. On June 26, 2018,

proposals were opened at Maricopa County, 320 W. Lincoln St., Phoenix, AZ. Eight (8) proposals were received and based on the committee evaluation and criteria outlined in the RFP, two (2) contracts were awarded for this commodity which includes the Oracle Products and Services; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served. Both requirements were met based on the Competitive Bidding process selected by Maricopa County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from the Omnia Partners Cooperative Purchasing Organization, Maricopa County, AZ, with Mythics, Inc. of Virginia Beach, VA for Purchase of Oracle Cloud Subscription Licenses, for a total amount not to exceed \$813,230 over five years;

BE IT FURTHER RESOLVED that the Purchasing Manager or her designee are hereby authorized to issue the Purchase Order.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-017**

RESOLUTION APPROVING AN AGREEMENT WITH PEREGRINE TECHNOLOGIES, INC., SAN FRANCISCO, CA, BY UTILITZING THE COMPETITIVE BID PROCESS WITH CITY OF FREMONT, CA, FOR AN ANALYTICS AND DATA INTEGRATION PLATFORM FOR A THREE-YEAR AGREEMENT, FOR A TOTAL AMOUNT NOT TO EXCEED \$553,500; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department (MPD) continues to be a leader in technology-based policing and believes in utilizing software and hardware technologies to enhance efficiency, streamline processes, support advanced investigative techniques, and increase transparency; and

WHEREAS, the MPD currently utilizes many databases that functionally do different jobs, and hold different information, but are all essential to documenting, investigating, and reducing crime; and

WHEREAS, law enforcement today demands policing strategies that leverage advanced technologies, and

WHEREAS, currently the MPD does not have any single solution for conducting searches across all of its different databases and the process of analyzing investigative data and producing meaningful and actionable information is done manually which is time consuming and therefore inefficient and costly; and

WHEREAS, Peregrine Technologies, Inc. provides a powerful, unique solution built specifically for law enforcement that allows for automated, intelligent analysis and reporting capabilities across the platforms and applications currently utilized by the MPD; and

WHEREAS, the software facilitates efficient real-time, fact-based decision making, enhances investigatory capabilities, streamlines criminal analysis, displays previously unforeseen data relationships, and generates intelligence driven outcomes for law enforcement professionals; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 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) “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.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. Both requirements were met based on the competitive bidding process by the City of Fremont, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves an Agreement with Peregrine Technologies, Inc., San Francisco, CA, by utilizing the competitive bid process with City of Fremont, CA, for an Analytics and Data Integration Platform for a three-year agreement, for a total amount not to exceed \$553,500.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-018**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL WITH PUBLIC RESTROOM COMPANY, OF MINDEN, NV, FOR THE PURCHASE, DELIVERY, AND INSTALLATION OF A RESTROOM BUILDING FOR THE TUOLUMNE RIVER REGIONAL PARK, PICNIC AREA B, FOR A TOTAL AMOUNT OF \$298,796, PLUS \$29,880 OF CONTINGENCY, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$328,676, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA) a \$1.9 trillion emergency relief measure intended to address the economic hardships and negative impacts caused by the COVID-19 pandemic; and

WHEREAS, on May 25, 2021, by Resolution 2021-194, Council approved the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the first allocation of ARPA funding; and

WHEREAS, based on the Final Rule released by the Treasury Department in January 2022, the Parks, Recreation and Neighborhoods Department evaluated the previously allocated funding and prepared a revised spending plan that was approved by Council on July 12, 2022, by Resolution 2022-307; and

WHEREAS, on July 11, 2023, by Resolution 2023-349, Council approved an additional revision of the Parks, Recreation and Neighborhoods Department Phase 1 ARPA funding to reallocate \$350,000 originally designated to the American Legion Hall Parking Lot Replacement Project, to the TRRP Picnic Area B Renovation that includes updates to the picnic area and restroom building in TRRP B to encourage positive use of the park; and

WHEREAS, Sourcewell is a cooperative agency which streamlines the

procurement process by developing Request For Bids (RFB)s or Request For Proposals (RFP)s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, the competitive process is continually refined to best meet agency needs and allows Sourcewell to offer exceptional products from nationally acclaimed vendors; and

WHEREAS, on November 10, 2020, Sourcewell issued RFP #081721 for restroom and shower facility solutions; and

WHEREAS, on August 17, 2021, proposals were electronically opened, and the list of all Proposers was made publicly available in the Sourcewell Procurement Portal; and

WHEREAS, seven (7) proposals were received and based on the Sourcewell Proposal review committee and criteria outlined in the RFP, Public Restroom Company was awarded contract #081721-PRM effective October 14, 2021, through October 15, 2025; and

WHEREAS, through this contract, Public Restroom Company has provided a quote for the restroom building for the for Tuolumne River Regional Park (TRRP), Picnic Area B for a total of \$298,796; and

WHEREAS, the quotes include delivery and installation of a restroom building with three (3) ADA, unisex restrooms along with a park operations storage room; and

WHEREAS, the new restroom building will replace the existing bathroom and storage buildings at the park; and

WHEREAS, the restroom supplier will be doing minimal onsite work to drop the restroom in place and hook up the restroom building to utilities; and

WHEREAS, over the next couple months, staff will prepare bid documents to obtain a separate contractor to complete the necessary site preparation, utilities to the restroom location and site improvements surrounding the new restroom and will return to Council with a contract for this work in summer 2024; and

WHEREAS, as the restroom design is not 100% finalized, materials and fixtures could potentially change and increase the cost of the restrooms; and

WHEREAS, for this reason and due to fluctuating material cost, staff recommends Council approve a 10% contingency budget in the amount of \$29,880, for a total cost not to exceed \$328,676; and

WHEREAS, City staff recommends award to Public Restroom Company as the most responsive and responsible proposer for the purchase of restroom buildings for the three park sites, for an amount not to exceed \$328,676; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 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) “Where the Purchasing Manager, in his or 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”; and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City could be served and both requirements were met based on the Competitive Bidding Process selected by Sourcewell.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell with Public Restroom Company, of Minden, NV, for the purchase, delivery, and installation of a restroom building for the Tuolumne River Regional Park, Picnic Area B, for a total amount of \$298,796, plus \$29,880 of contingency, if needed, for a total amount not to exceed \$328,676.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-019**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE REGIONAL WATER RECYCLING FACILITY - JENNINGS CAMPUS CORROSION CONTROL MEASURES PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO TCB INDUSTRIAL, INC., OF MODESTO, CA, IN THE AMOUNT OF \$3,870,047, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$580,507, 15% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$4,450,554 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Regional Water Recycling Facility - Jennings Campus (RWRF-JC) Corrosion Control Measures Project, and

WHEREAS, the project will replace a corroded steel influent line between the screening facility and the distribution box with a corrosion resistant fiberglass reinforced plastic (FRP) line and install a stainless steel liner in the ultraviolet (UV) channels to assist with the cleaning of the channels and reduce the growth of algae, and

WHEREAS, the project will also address replacing the influent Parshall Flume No. 2 at the Regional Water Recycling Facility - Sutter Campus (RWRF-SC) which has developed a large blister creating a significant impact on the accuracy of the flow measurement, and the removal of the built in crane and existing loading dock doors of the maintenance shop as the building is being repurposed into additional office space, and

WHEREAS, the project was advertised for bids on October 16, 2023, and

WHEREAS, on December 5, 2023, bids were publicly opened, pursuant to City Charter Section 1307, one bid was received and TCB Industrial Inc., of Modesto, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the award of Contract for the construction of the RWRF-JC Corrosion Control Measures Project to TCB Industrial Inc., of Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and TCB Industrial Inc. was the lowest responsive and responsible bidder, and

WHEREAS, staff recommends awarding the Contract to TCB Industrial Inc., of Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the RWRF-JC Corrosion Control Measures Project, accepts the bid of \$3,870,047, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of \$580,507, 15% of the original Contract price, for a total payment amount not to exceed \$4,450,554, awards the Construction Contract to TCB Industrial Inc., of Modesto, CA and authorizes the City Manager, or his designee, to execute the Contract.

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 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

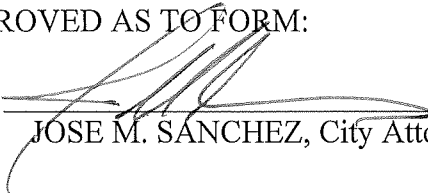
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-020**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$2,632,510 TO
FUND THE CONSTRUCTION PHASE OF THE REGIONAL WATER
RECYCLING FACILITY - JENNINGS CAMPUS CORROSION CONTROL
MEASURES PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$2,632,510, in order to fund the Regional Water Recycling Facility - Jennings Campus Corrosion Control Measures Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$2,632,510.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-021**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE ON-CALL ENGINEERING CONSULTANT AGREEMENTS WITH BROWN & CALDWELL, CAROLLO ENGINEERS, AND HAZEN AND SAWYER, AND THE SECOND AMENDMENTS TO THE ON-CALL ENGINEERING CONSULTANT AGREEMENTS WITH BLACK WATER CONSULTING ENGINEERS, INC., WEST YOST ASSOCIATES, AND WOODARD & CURRAN, TO REMOVE THE ANNUAL “NOT TO EXCEED” LANGUAGE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, the Wastewater Division currently holds contracts with six (6) Engineering Consulting firms under the Wastewater Division’s On-Call Engineering Consultant Agreement; and

WHEREAS, these Engineering Consultants provide a broad range of technical expertise, allowing City staff to select the most qualified consultant to assist Staff in making informed decisions regarding the City’s wastewater treatment operations, wastewater and stormwater collection system, and maintaining permit compliance; and

WHEREAS, due to the complex nature of the tasks performed by the Consultants, projects often span multiple agreement years; and

WHEREAS, resulting services are charged to the City as they are completed over time; and

WHEREAS, this poses complications over the life of the agreement due to the original verbiage placing limitations on the allowable annual spend in each Agreement year; and

WHEREAS, this results in the Wastewater Division having to defer projects to a later time, in some cases multiple years; and

WHEREAS, the Wastewater Division has several pending projects, necessary for evaluating the current system and informing staff on potential regulatory actions as well

as adjusting treatment to meet both demand as well as address critical infrastructure limitations to meet the new Waste Discharge Requirements for Land Application; and

WHEREAS, staff recommends removing Section 3, Paragraph 1, COMPENSATION of the original Agreement and replacing it with verbiage not limiting the annual agreement spend while maintaining the previously approved five-year spend limit.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendments to the On-Call Engineering Consultant Agreements with Brown & Caldwell, Carollo Engineers, and Hazen and Sawyer, and the Second Amendments to the On-Call Engineering Consultant Agreements with Black Water Consulting Engineers, Inc., West Yost Associates, and Woodard and Curran, to remove the annual “not to exceed” language.

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

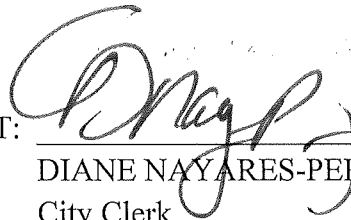
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-022**

**RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN
AREA GENERAL PLAN (DR HORTON BAY INC.)**

WHEREAS, on March 5, 2019, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-435, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-101, 2022-193 and 2022-449, copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, DR Horton Bay has filed an application for a General Plan Amendment (File No. GPA-22-001) to amend the Land Use Element of the General Plan to change 140 acres from Business Park-Commercial-Residential (BCR) uses to Residential Uses (R), property located east of Merle Avenue, north of East Briggsmore

Avenue, within the Village One Specific Plan, to facilitate development of a new 527-lot single-family residential project, “The Crossings”; and

WHEREAS, to facilitate said development the City of Modesto proposes an amendment to the Circulation Element of the General Plan to downgrade the classification of Claus Road between Sylvan Avenue and East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street, and to downgrade East Briggsmore Avenue from Claus Road to the BNSF Railroad crossing from an Expressway to a four-lane Principal Arterial Street, and to amend Section VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, said application was made concurrently with a proposed amendment to the Village One Specific Plan to amend the land use designation of the above 140 acres from Business Park (BP) to Village Residential (VR) with associated text amendments (File No. SPA-22-003) together with a City-initiated amendment to the Circulation Diagram to amend the designation of Claus Road from a Class A Expressway to a four-lane Principal Arterial Street, and to amend the designation of East Briggsmore Avenue east of Claus Road from a Class C Expressway to a four-lane Principal Arterial Street; and

WHEREAS, said application was also made concurrently with a proposal to adopt a Precise Plan document for Village One Precise Plan Area No. 35 (File No. PP-22-001), for the purpose of establishing land use, circulation and infrastructure requirements of the Precise Plan area, properties totaling 257 acres located generally south of Milnes Road, east of Claus Road, west of the BNSF Railroad and north of East Briggsmore Avenue; and

WHEREAS, said application was also made concurrently with a proposed Vesting Tentative Subdivision Map “The Crossings” to divide 84.1 acres of the Precise Plan area into 527 single-family residential lots, five landscape lots and one park lot (File No. TSM-22-002); and

WHEREAS, said application was also made concurrently with a proposed Final Development Plan for the purpose of establishing residential development standards and architectural guidelines for The Crossings development (File No. FDP-22-003); and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that the amendments to the Land Use Element, Circulation Element, and Sections VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks would allow for the development of new single-family residential uses consistent with the General Plan (as amended); and

WHEREAS, an Initial Study has been prepared by staff, as required by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2023-26, was prepared; and

WHEREAS, a 30-day public review period for the Initial Study/Mitigated Negative Declaration began on November 14 and concluded on December 14, 2023; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, on December 18, 2023, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to change the land use designation of 140 acres from Business Park-Commercial-Residential (BCR) to Residential (R), and to change the designation of Claus Road between Sylvan Avenue and East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street, and to change the designation of East Briggsmore Avenue from Claus Road to the BNSF Railroad crossing from an Expressway to a four-lane Principal Arterial Street, and to amend Sections VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2023-31, recommending to the City Council an amendment to the Modesto Urban Area General Plan Land Use and Circulation Elements and Sections VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 23, 2024, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of

the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Land Use and Circulation Elements and Sections VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. The proposed General Plan amendments to the Land Use Diagram and Sections VI.H.11 and VI.H.12 regarding Neighborhood Parks would result in Residential uses that would provide for development of new housing within the Village One Specific Plan, consistent with the Residential (R) designation.
2. The proposed amendment to the Circulation Diagram of the General Plan would facilitate residential development as part of the project, as General Plan policy disallows connection of residential development to Expressways.
3. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED 2023-26, has been prepared by the City of Modesto that analyzed the proposed General Plan Amendment, and the Planning Commission has determined that, on the basis of the whole record before it, that while the project may have a potentially significant effect on the environment, the incorporation of project-specific mitigation measures would reduce the impact to a less than significant level.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendments to the Urban Area General Plan as described in **Exhibit “A”, Exhibit “B” and Exhibit “C” attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

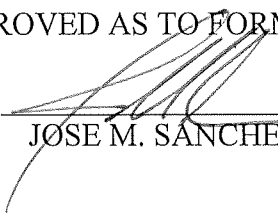


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

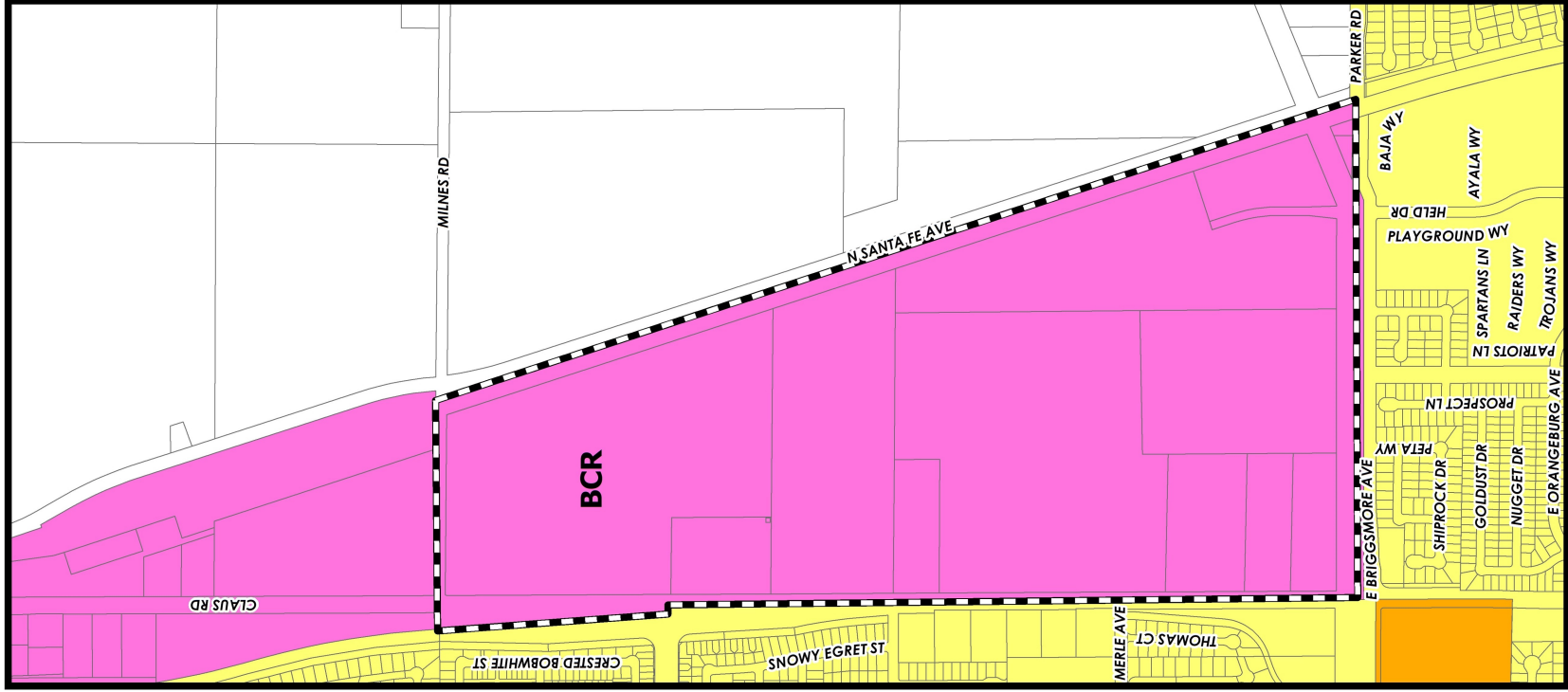
APPROVED AS TO FORM:

BY:

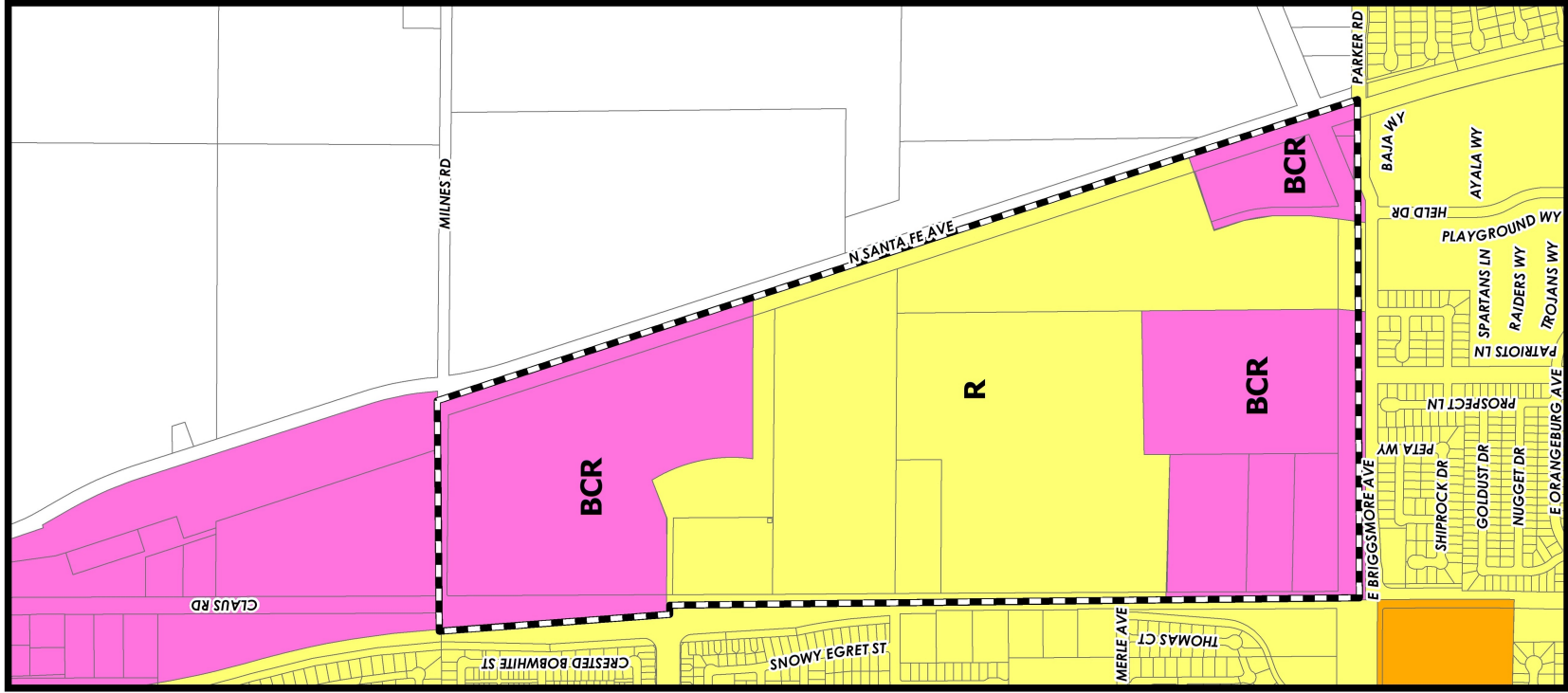


JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"



CURRENT GENERAL PLAN
LAND USE



PROPOSED GENERAL PLAN
LAND USE

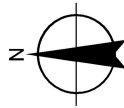
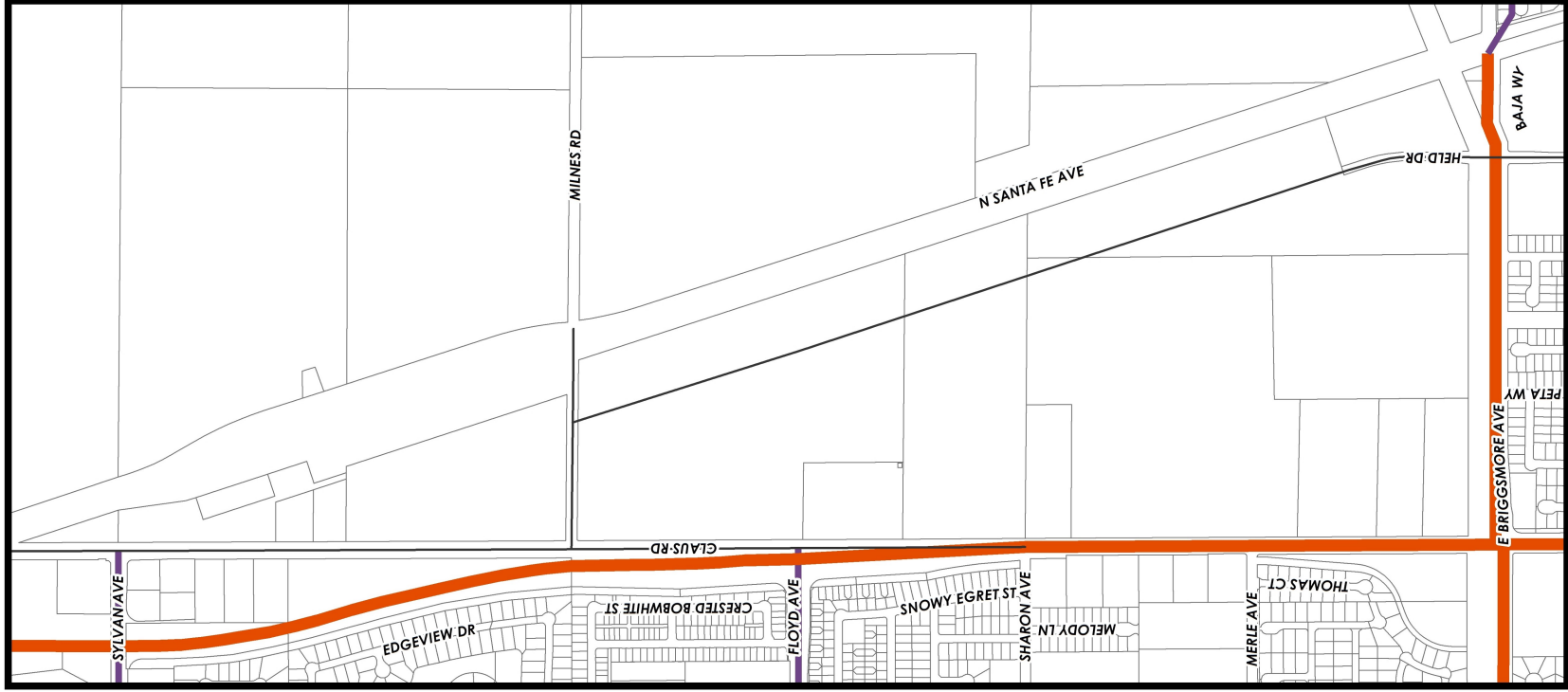
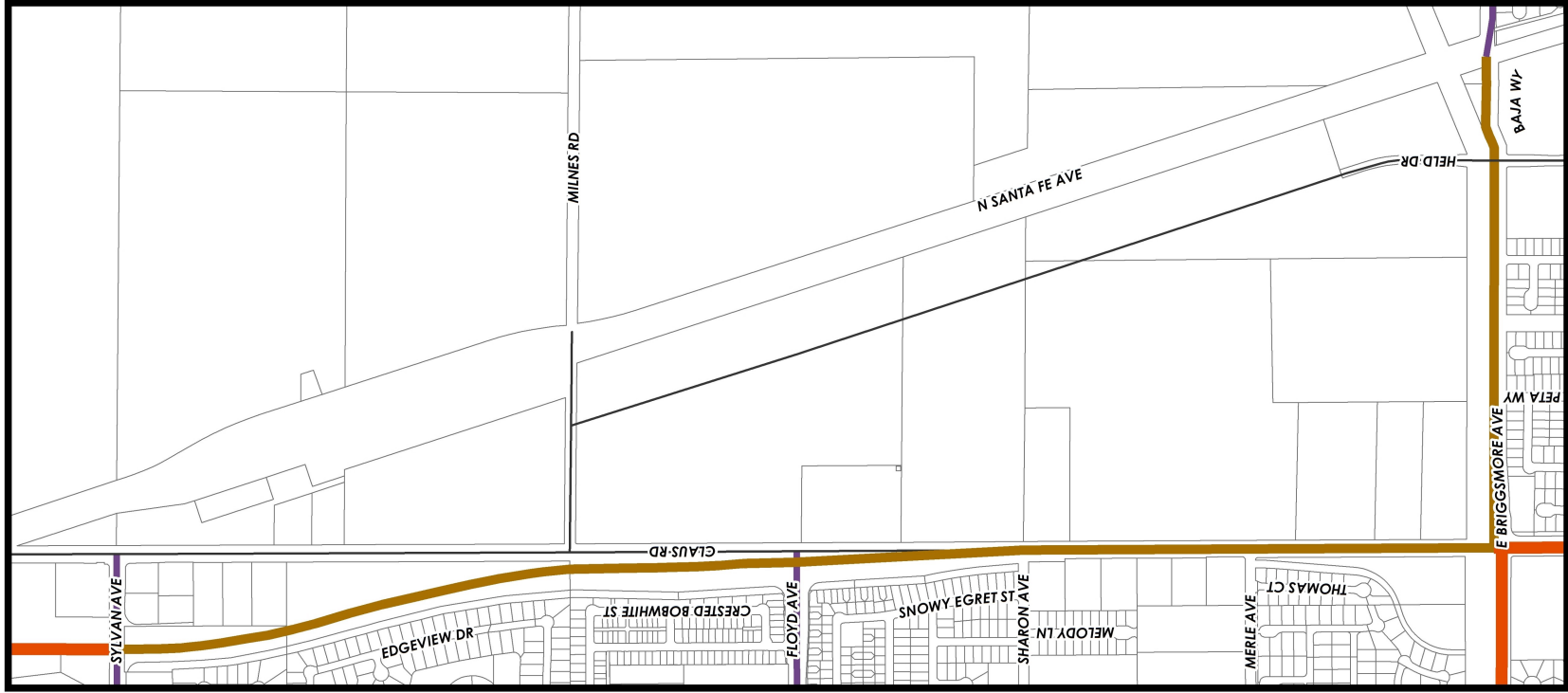


EXHIBIT "B"



CURRENT GENERAL PLAN
CIRCULATION ELEMENT

- EXPRESSWAY 6
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- MINOR COLLECTOR



PROPOSED GENERAL PLAN
CIRCULATION ELEMENT

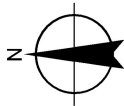


EXHIBIT "C"

GENERAL PLAN AMENDMENT: SECTION VI.H.11 AND VI.H.12

VI-H-11

Design and construct dual-use facilities in accordance with the standards and criteria contained in the *Design Standards for Dual use Flood Control / Recreation Facilities* manual. Alternative design solutions for dual-use facilities may be allowed as long as they meet the intent of the *Design Standards for Dual use Flood Control / Recreation Facilities* manual and are approved by the Direction of Parks, Recreation and Neighborhoods and the City Engineer.

VI.H.12

Provide at least one neighborhood park within each ~~residential neighborhood or~~ Park Planning Area as defined in Figure VI-C-2. The neighborhood park should be centrally located within the ~~neighborhood~~ Park Planning Area and have a service radius of one-half to three-quarters of a mile. The neighborhood park should have one collector street frontage, and the remaining sides should front on residential streets. The minimum size for a neighborhood park shall be seven acres or the total acreage based on one acre of park land per one thousand population within the ~~neighborhood~~ Park Planning Area, whichever is greater. With the approval of the Director of Parks, Recreation and Neighborhoods, the neighborhood park acreage may be provided in no more than two separate park locations within a Park Planning Area, provided that each park location is at least three acres in size, both parks total (in aggregate) at least the minimum required park acreage for the Park Planning Area, and both parks are maintained by a Community Facilities District."

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-023**

RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 26 TO THE VILLAGE ONE SPECIFIC PLAN, TO AMEND THE LAND USE DIAGRAM FROM BUSINESS PARK (BP) TO VILLAGE RESIDENTIAL (VR), 140 ACRES EAST OF CLAUS ROAD AND NORTH OF EAST BRIGGSMORE AVENUE, WITH ASSOCIATED AMENDMENTS TO THE CIRCULATION DIAGRAM AND TEXT (DR HORTON BAY, INC.)

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A, adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan to adopt an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan to improve technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan to rewrite and reorganize the Plan to be more implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH No. 90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan to widen Floyd

Avenue from three to five lanes, realign the Claus/Sylvan intersection, delete the nonpotable water supply for public landscaping, and integrate mitigation monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan to revise the Residential Design Policies for cul-de-sacs, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 to the Village One Specific Plan to revise the school and park sites within the Specific Plan and redistribute residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to the Village One Specific Plan to reduce costs and to implement recommendations to increase the marketability of development within the Village One area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to the Village One Specific Plan to delete the multiple-family development designation from Precise Plan Areas Nos. 8 and 33, and Resolution No. 26-246, to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Nos. 8, 32, and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to the Village One Specific Plan to incorporate

changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan to modify the standards for dwelling setbacks and three-car garages for the entire Specific Plan area, and

WHEREAS, the City Council on May 6, 1997, by Resolution No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element policies and to eliminate language that was too restrictive, and

WHEREAS, the City Council on June 3, 1997, by Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to the Village One Specific Plan to exempt public facilities from precise plan requirements, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams, and

WHEREAS, the City Council on October 21, 1997, by Resolution No. 97-602, adopted Specific Plan Amendment No. 12 to the Village One Specific Plan to allow changes in public service providers, delete the requirement for a business park market study, revise Amtrak station language, revise the business park precise plan diagram, and allow regional commercial uses in the business park, and

WHEREAS, the City Council on February 17, 1998, by Resolution No. 98-97, adopted Specific Plan Amendment No. 13 to the Village One Specific Plan to redesignate

9.8 acres in Precise Plan Area No. 3 from Multi-Family Residential to Village Residential, and

WHEREAS, the City Council on August 17, 1999, by Resolution No. 99-416, adopted Specific Plan Amendment No. 14 to the Village One Specific Plan to modify the mix of land uses allowed in the southeast quadrant of Precise Plan Area No. 20, and

WHEREAS, the City Council on September 26, 2000, by Resolution No. 2000-507, adopted Specific Plan Amendment No. 15 to the Village One Specific Plan to reduce the noise setback along Claus Road, and

WHEREAS, the City Council on May 7, 2002, by Resolution No. 2002-230, adopted Specific Plan Amendment No. 16 to the Village One Specific Plan to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and

WHEREAS, the City Council on April 1, 2003, by Resolution No. 2003-177, adopted Specific Plan Amendment No. 17 to the Village One Specific Plan to allow for a revised infrastructure financing plan for Village One, including the formation of a new community facilities district for the remaining undeveloped, unvested property in Village One, and

WHEREAS, the City Council on December 7, 2004, by Resolution No. 2004-650, adopted Specific Plan Amendment No. 18 to the Village One Specific Plan to change the land use designation of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density Residential and to amend some of the Village One design and development standards, and

WHEREAS, the City Council on March 8, 2005, by Resolution No. 2005-129, adopted Specific Plan Amendment No. 19 to the Village One Specific Plan to change the land use designation of a portion of Precise Plan Area No. 1 from Very-Low-Density Residential to Office and High School and to allow City Council approval of a Final Development Plan concurrent with approval of Precise Plan Area No. 1, and

WHEREAS, the City Council on November 1, 2005, by Resolution No. 2005-547, adopted Specific Plan Amendment No. 20 to the Village One Specific Plan to allow for a revised layout for the Village Center Retail Center, property located at the southeast corner of Roselle and Floyd Avenues, and

WHEREAS, the City Council on May 9, 2006, by Resolution No. 2006-290, adopted Specific Plan Amendment No. 21 to the Village One Specific Plan to modify policies related to the development of the Village One Town Center Housing Project, property located at the northeast corner of Roselle Avenue and Belharbour Drive, and

WHEREAS, the City Council on December 12, 2007 by Resolution No 2007-749, adopted Specific Plan Amendment No. 22 to the Village One Specific Plan to change the land use designation from Multi-Family Residential to Village Center for the property at the northeast corner of Floyd Avenue and Roselle Avenue, and

WHEREAS, the City Council on March 11, 2014 by Resolution No 2014-89, adopted Specific Plan Amendment No. 23 to the Village One Specific Plan to change the land use designation of six acres located at the southeast corner of Hillglen Avenue and Caden Drive from Elementary School to Village Residential, and

WHEREAS, the City Council on February 24, 2015 by Resolution No. 2015-55 adopted Specific Plan Amendment No. 24 to change the land use designation of 9.5 acres

located at the southwest corner of Kodiak Drive and Lincoln Oak Drive from Multi-Family Residential to Village Residential, and

WHEREAS, the City Council on September 14, 2020, by Resolution No. 2020-09 adopted Specific Plan Amendment No. 25 to the Village One Specific Plan to allow small-lot single-family residential developments of a minimum density of 10 units per net acre and multi-family residential uses within the Senior Housing land use designation, and

WHEREAS, DR Horton Bay Inc. has filed an application to amend the Village One Specific Plan to amend approximately 140 acres in the Land Use Diagram from Business Park (BP) to Village Residential (VR) to allow for single family residential development, plus associated textual and exhibit amendments to the Specific Plan document, and

WHEREAS, to facilitate said residential development, the City of Modesto proposes an amendment to the Circulation Diagram of the Specific Plan to downgrade the classification of Claus Road between Sylvan Avenue and East Briggsmore Avenue from a Class A Expressway to a four-lane Principal Arterial Street, and to downgrade East Briggsmore Avenue from Claus Road to the BNSF Railroad crossing from a Class C Expressway to a four-lane Principal Arterial Street, and

WHEREAS, said application was made concurrently with a proposed amendment to the Land Use Element of the City of Modesto Urban Area General Plan, to change 140 acres from Business Park-Commercial-Residential (BCR) uses to Residential Uses (R), property located east of Merle Avenue, north of East Briggsmore Avenue, within the Village One Specific Plan, to facilitate development of a new 527-lot single-family

residential project, “The Crossings”; together with a City-Initiated amendment to the Circulation Element of the General Plan to downgrade the classification of Claus Road between Sylvan Avenue and East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street, and to downgrade East Briggsmore Avenue from Claus Road to the BNSF Railroad crossing from an Expressway to a four-lane Principal Arterial Street, and to amend Section VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, said application was also made concurrently with a proposal to adopt a Precise Plan document for Village One Precise Plan Area No. 35 (File No. PP-22-001), for the purpose of establishing land use, circulation and infrastructure requirements of the Precise Plan area, properties totaling 257 acres located generally south of Milnes Road, east of Claus Road, west of the BNSF Railroad and north of East Briggsmore Avenue; and

WHEREAS, said application was also made concurrently with a proposed Vesting Tentative Subdivision Map “The Crossings” to divide 84.1 acres of the Precise Plan area into 527 single-family residential lots, five landscape lots and one park lot (File No. TSM-22-002); and

WHEREAS, said application was also made concurrently with a proposed Final Development Plan for the purpose of establishing residential development standards and architectural guidelines for The Crossings development (File No. FDP-22-003); and

WHEREAS, on February 10, 2023, the proposed Specific Plan Amendment was referred to the Sylvan and Modesto School Districts, Modesto Irrigation District, Local Agency Formation Commission, County Planning and Community Development, and the

Environmental Resources Director, for a 45 day referral period in accordance with Government Code sections 65453 and 65352, and

WHEREAS, on December 18, 2023, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed Village One Specific Plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2023-32, recommended to the City Council approval of amendments to the Village One Specific Plan to amend 140 acres from Business Park (BP) to Village Residential (VR), property located east of Claus Road and north of East Briggsmore Avenue, plus associated textual and exhibit amendments to the Specific Plan document, and to change the designation of Claus Road between Sylvan Avenue and East Briggsmore Avenue from Class A Expressway to four-lane Principal Arterial Street, and to change the designation of East Briggsmore Avenue between Claus Road and the BNSF Railroad from Class C Expressway to four-lane Principal Arterial Street, together with associated text amendments, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 23, 2024, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Amendment No. 26 to amend 140

acres from Business Park (BP) to Village Residential (VR), property located east of Claus Road and north of East Briggsmore Avenue, plus associated textual and exhibit amendments to the Specific Plan document, and to change the designation of Claus Road between Sylvan Avenue and East Briggsmore Avenue from Class A Expressway to four-lane Principal Arterial Street, and to change the designation of East Briggsmore Avenue between Claus Road and the BNSF Railroad from Class C Expressway to four-lane Principal Arterial Street, together with associated text amendments, is consistent with the Residential land use designation of the Modesto Urban Area General Plan (as amended), allowing for single-family residential uses.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Village One Specific Plan is hereby amended to change the land use designation of 140 acres from Business Park (BP) to Village Residential (VR), property located east of Claus Road and north of East Briggsmore Avenue, plus associated textual and exhibit amendments to the Specific Plan document, and to change the designation of Claus Road between Sylvan Avenue and East Briggsmore Avenue from Class A Expressway to four-lane Principal Arterial Street, and to change the designation of East Briggsmore Avenue between Claus Road and the BNSF Railroad from Class C Expressway to four-lane Principal Arterial Street, together with associated text amendments, as shown on **Exhibit "A", Exhibit "B" and Exhibit "C" attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the Village One Specific Plan to the Board of Supervisors of the County of Stanislaus.


BE IT FURTHER RESOLVED that the property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

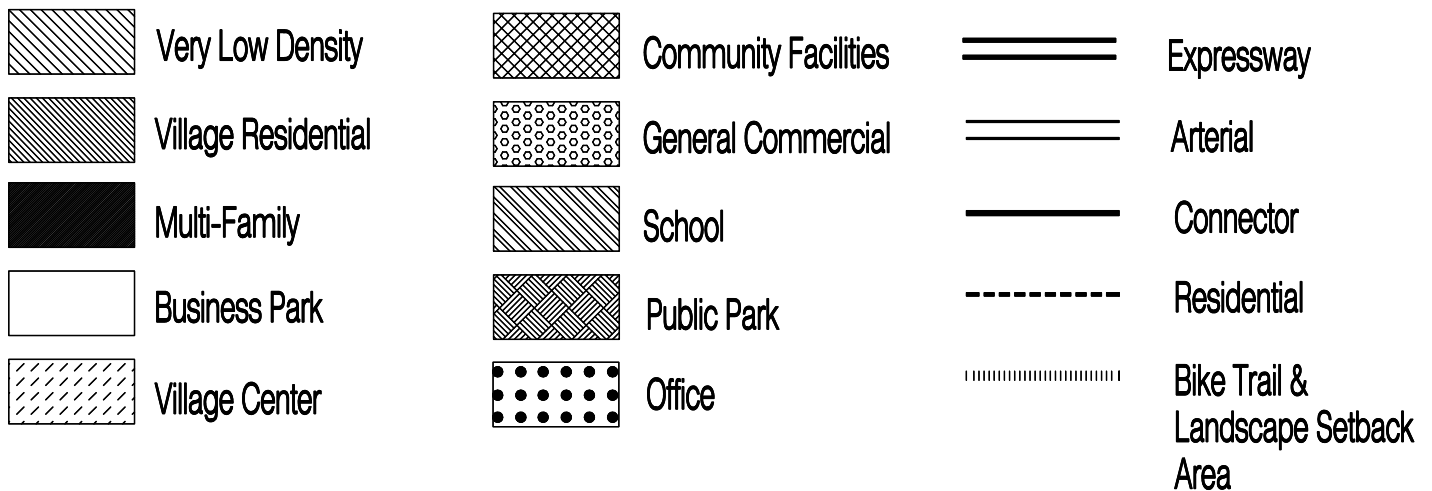
EXHIBIT "A"



Figure II-1

LAND USE DIAGRAM

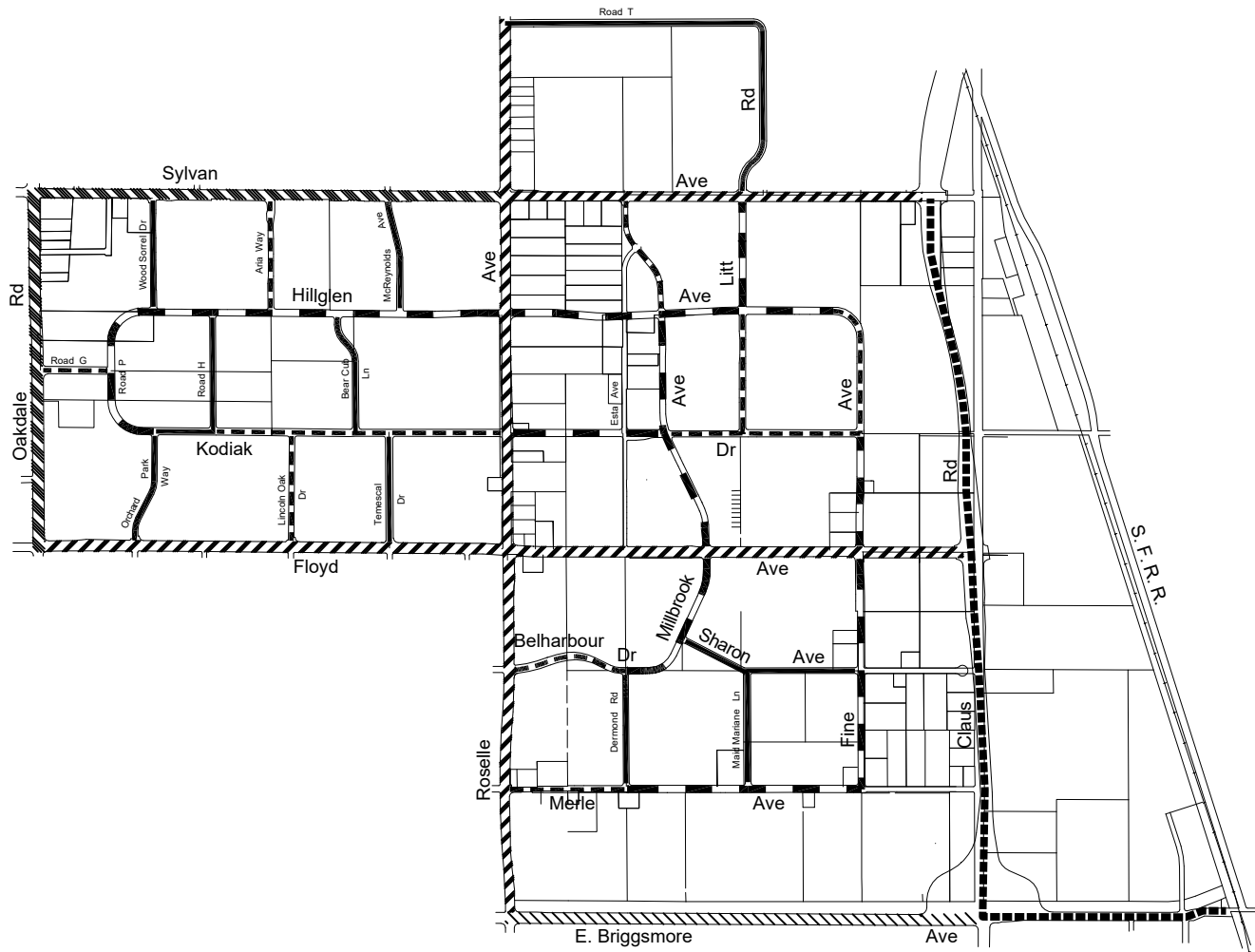
AS AMENDED (SPA-22-003)












Note : School/Park sites are illustrative and may be reconfigured.

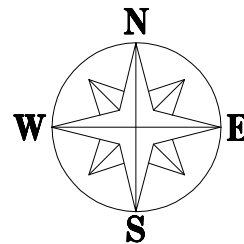
Figure II-2

VILLAGE ONE CIRCULATION DIAGRAM (PROPOSED AMENDMENT SPA-22-003)



LEGEND

-  CLASS A EXPRESSWAY
-  CLASS B EXPRESSWAY
-  CLASS C EXPRESSWAY
-  PRINCIPAL ARTERIAL
-  PRINCIPAL ARTERIAL (4-LANE)
-  MINOR ARTERIAL
-  CONNECTOR STREET 70FT R.O.W.
-  CONNECTOR STREET 64FT R.O.W.
-  CONNECTOR STREET 56FT R.O.W.



c) Neighborhood Connector Streets (Figures II-8, II-9, and II-10)

This classification defines low-volume streets, which provide a link between the major activity centers within the Village. The Neighborhood Connector is a two-lane facility with an expanded cross-section to provide for bike lanes, on street parking in some cases, and a landscaped buffer between the curb and sidewalk.

There are ~~four~~ three right-of-way widths and associated cross-sections for Neighborhood Connectors. Figure II-2 designates which Neighborhood Connectors have the following ~~four~~ three rights of way: 70 feet, 56 feet, ~~and 64 feet,~~ and 69 feet.

Neighborhood Connectors with a 70-foot right-of-way allow direct vehicular access from adjacent single-family lots and on street parking. Figure II-8 presents the cross section for 70-foot Neighborhood Connectors. Neighborhood Connectors with a 56-foot right-of-way do not allow direct vehicular access from adjacent single-family lots, and do not allow on street parking. Figure II-9 presents the cross-section for Neighborhood Connectors with a right-of-way 56 feet.

Neighborhood Connectors with a 64-foot right-of-way also do not allow direct vehicular access from single-family lots or on-street parking. The difference in right-of-way width between 56-foot Neighborhood Connectors and 64-foot Neighborhood Connectors is to allow the latter to accommodate major sewer, storm drain, and water trunk lines. Figure II-10 presents the cross section for Neighborhood Connectors with a 64-foot right-of-way.

d) Residential Streets (Figures II-11, II-12, and II-13)

This classification applies to low-volume streets, two-lane roadways which connect the majority of residential uses to the Neighborhood Connectors.

There are ~~four~~ five alternative cross-sections allowed for Residential Streets, with right-of-way widths of 48 feet, 53 feet, 58 feet, ~~and 60 feet~~ and 69 feet incorporating curb-to-curb widths of ~~27,~~ 29, or 34 feet. Any of the three cross-sections can be used, at the developer's option. The cross-sections are presented in Figure II-11.

Where homes are not served off of an alley, where the street does not connect to a Neighborhood Connector, and where the street is not over 1,200 feet in length, a Residential Street can have a right-of-way width of 52 feet, with a curb to curb width of 22 feet, to give a stronger sense of hierarchy. Parking for this street type is in alternating parking bays. Figure II-12 presents the cross-section and design for this street type.

While cul-de-sacs are permitted only on a case-by-case basis because they do not enhance a sense of orientation and linkage, there are a variety of alternative approaches that should be encouraged to limit through-traffic movement on Residential Streets. These include reducing the perceived size of the street by

b) Claus Road / Floyd Avenue interchange and Claus Road / Sylvan Avenue Interchange

General Commercial uses shall be permitted at the following specific locations: APN Nos. 52-23-54, and 55 and 52-20-26.

Commercial uses consistent with the City's C-2 Zone shall be permitted on these parcels, provided that the uses do not compete with the Village Center commercial program, nor undermine the Specific Plan's Village Center objectives. The vehicular orientation of the proposed Claus Road Expressway and the two anticipated interchanges located at Floyd and Sylvan Avenues may generate a need for auto-oriented commercial activities, such as a small convenience store, a gas station, and fast food establishments. The larger of these two general commercial uses would be at the Floyd interchange, with the Sylvan location half its size.

8. Industrial / Business Park Overview

A major new employment center shall be established in Village One comprised of commercial, office and industrial uses. The development of these employment uses adjacent to Village residential neighborhoods would create a base of employees with the potential to live close to their places of work. By achieving a better jobs/housing balance, the Plan sets the framework for a more viable, self-sufficient community.

Potentially conflicting uses are separated from each other by establishing the Business Park between the Village residential uses and the railroad tracks, adjacent agricultural areas, and the Mosquito Abatement District's airstrip. The railroad tracks are a source of very high noise levels, and agricultural operations and the adjoining airstrip may be disruptive to residential areas as well. Industry / business uses are well suited to this location, and create an appropriate transition to residential uses to the west of Claus Road.

9. Industrial / Business Park – Land Use Policies

a) Development in the Industrial / Business Park shall be allowed at a maximum intensity of 0.25 Floor Area Ratio (FAR). It is anticipated that the overall development intensity would be relatively low in this area, however, it would allow a higher intensity, associated more with office business parks (0.25 FAR), for greater flexibility.

b) A variety of office and industrial uses shall be allowed.

To take best advantage of future opportunities and to allow flexibility to respond to potentially market changes over time, designations of specific commercial office and industrial uses are not set forth. Certain institutional (or public/semi-public) uses, such as a city corporation yard may be permitted in the area; ~~however, residential uses would be specifically prohibited.~~ Multi-Family residential uses would be allowed, subject to a Final Development Plan approved by the Planning Commission.

a) Site Design Policies

1. Single-family residential parcels should be encouraged to be 'rear-loaded' (e.g., access is taken from an alley which is 20 feet in width) to create a more attractive, continuous street space that is oriented to the pedestrian. Where front-loaded, a minimum of 50-foot lot width should be required, and the garage should be set back a minimum of 20 feet from the front property line. Where the garage is rear-loaded, the garage shall be set back four feet from the edge of the alley, such that a 24-foot backup distance is maintained.
2. Multi-family parcels should be organized around common amenities internal to the project, with parking located primarily in the interior of the site. Tuck-under parking should be encouraged.
3. The minimum single-family residential lot area within the Village should be 2,750 square feet.
4. Setbacks for single-family lots vary depending upon the lot size; however, in all cases, a usable rear yard should be provided for greater private enjoyment. The 'usable rear yard space' shall be defined as follows: 300 square feet minimum, with no dimension smaller than 10+5 feet to meet this minimum. [Deviations from these standards shall be reviewed by the Planning Commission through a Final Development Plan.](#)

A minimum ten-foot front yard setback should be required, and staggered, front building facades should be encouraged on small lots within the Village. All setbacks should allow for windows in front and in back on both floors.

5. A variety of densities and house sizes within residential blocks should be encouraged; however, careful transitions should be planned between detached and attached housing types. In particular, where larger lots (greater than 7,500 square feet) back up to those of a smaller size, the smaller lots should be no smaller than half the size of the larger lots.
6. Transitions in extremes between small and large lot sizes should not occur side-by-side along a street within a block, but rather back-to-back, with landscaped easements, alleys and walls or fences buffering them from each other. Housing on smaller and larger lots, which adjoin one another, should be generally of the same height or screened by vegetation to avoid visual intrusion.
7. On a case-by-case basis, gated subdivision may be permitted where the following criteria can be met:

1. There are three options for siting garages:

- The alley option for lots with less than 50 feet of frontage.

The alley-served lots do not have sufficient aprons to park cars, but the street frontage can accommodate parked cars.

- The side drives option for lots with at least a 50-foot frontage. The required features:

- 1) Garage setback a minimum of 20 feet
- 2) House setback between 15 feet and 40 feet
- 3) Garage width no more than one-half the width of the house

- The front facing option requirements are as follows:

4) Garage setback a minimum of 18 feet

5) House setback a minimum of 10 feet.

4)6) These setbacks would be considered by the Planning Commission through a Final Development Plan and would need to demonstrate that the total length of the driveway is 20 feet measured to the back of sidewalk.

2. Where three-car garages are used:

- The three-car garage may constitute up to 60% of the front building elevation
- The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.
- Total garage frontage shall not exceed 31 feet.
- The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.
- The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.

3. Over a three-car garage sited to the rear of a lot, an additional unit should be encouraged, without adding additional parking spaces, to provide greater flexibility in meeting family or life cycle needs, or to make housing

Precise Plan Area #34
(Figure III-35)

1. Acreage: 27 Acres (of which 2.6 Acres are devoted to noise setback area)
2. Land Use Intensity
 - a. Village Residential 27 Acres (of which 2.6 Acres are devoted to noise setback area)
3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within the Precise Plan Area, only single-family residential uses shall be allowed.
 1. The average number of dwelling units is 135.
 - b. Parcels fronting on Claus Expressway shall provide a 95-foot-wide traffic noise mitigation setback (from the edge of public right-of-way) where no habitable dwellings shall be placed, for all residential units as well as a seven-foot-high soundwall. Setback areas for landscaping and trails shall also be provided in accordance with the standards in Chapter II.
 - c. Those parcels abutting MID Lateral No. 3 shall provide a twenty-foot setback area along the north side of the lateral. This setback area shall be landscaped and include a bike trail that connects to the Claus Road bike trail, and a seven-foot soundwall along the north line of the setback area.
4. Principal Underlying Zone(s)
 - a. R-1, Low-Density Residential

Precise Plan Area #35
(Figure III-36)

1. Total Acreage: 306 Acres
 - a. Area 35 North: 81.06 Acres
 - b. Area 35 South: 224.94 Acres

2. Land Use Intensity of Area 35 South
 - a. Industrial/Business Park 10.65 Acres
 - b. Community Facilities 27.39 Acres (Amtrak = 5.83)
 - c. Village Residential 127.51Acres
 - d. Multi-Family Residential 30.72 Acres
 - e. General Commercial 26.67 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. Within Sub-area "A", only Residential, General Commercial, Industrial/Business Park uses in accordance with Section B.2 (d),(g),(k) outlined in Chapter II and with Sections II(G)(8), (9) and (10) in Chapter II shall be allowed. A minimum of 1.4 million square feet and a maximum of 2.3 million square feet of Residential, General Commercial, and Mixed Industrial/Business Park uses and a storm drainage basin shall be provided for each development within the Precise Plan Area.
- b. Within Sub-area "B", only Public Facilities uses, specifically an MID substation in accordance with Sections II(D)(7) and (9) in Chapter II shall be allowed.
- c. Plans for development and development sites within the Precise Plan Area shall be consistent with Section B.2 (d),(g),(k) outlined in Chapter II and Sections II(G) (10) (a) through (i) in Chapter II. The Precise Plan shall include a Circulation Plan for each development
- d. This plan shall provide a Connector level street system including entry treatment of the intersection with Floyd Avenue. Linkage of the internal street network to East/West circulation via connections to Floyd Avenue and Milnes Road shall also be addressed in the Circulation Plan.
- e. The Precise Plan shall include revised orientation to accommodate the future Claus/Sylvan interchange realignment as well as revised egress for business park parcels.
- f. The Precise Plan shall include plans for improving the at-grade Milnes Road/Santa Fe Railroad crossing.

- g. The Precise Plan shall address the integration of the Santa Fe Railroad rail spurs and access.
- h. The Precise Plan shall address the integration of the Amtrak station into the surrounding land use and circulation plans, in accordance with Section II (c)(7)(c) in Chapter II.
- i. The Precise Plan shall analyze the potential for an additional street access point along Parker Road (immediately east of MID substation).

- j. The Precise Plan shall provide Public Facilities and Infrastructure to serve the area consistent with Section II(D) in Chapter II
- k. Development plans for the area north of Milnes Road shall address required EIR mitigation measures including:
 - 1. The Industrial/Business Park Precise Plan application for development of the former "Pure-Gro" site (3348 Claus Road) shall include a Phase I site assessment in accordance with federal, state and local regulations provided by the site developer to determine the existence or extent of contamination.
 - 2. The Precise Plan for the Industrial/Business Park area north of Milnes Road shall contain a determination of jurisdiction and/or agreement between the developers and the Corp of Engineers (COE) on appropriate mitigation, if required, for areas shown as: "Drainage area with wetland vegetation" on Figure 34, Biological Resources/Habitat Types, page 4.9-2 adopted Village One Specific Plan EIR.

Note: This is the area north of Milnes Road.

If no COE classified wetlands are identified, the Precise Plan shall be written to document this finding.

If potential wetlands are classified, then all necessary permits and approvals shall be obtained from the Corps of Engineers prior to issuance of a Grading Permit.

- l. The existing church at the southeast corner of the future Floyd/Claus intersection may remain. However, its principal underlying zone is Residential. Expansion of the church facilities shall require a Conditional Use Permit.
- m. Separate Precise Plan applications may be submitted for those Business Park areas north and south of Floyd Avenue.
- n. Land uses within Sub-areas "A" and "B" may be shifted during Precise Plan Approval.
- o. Precise Plans for the General Commercial and Industrial/Business Park shall contain the following statement:

"Employers located within Village One Specific Plan area will be subject to a Trip Reduction Ordinance (TRO) which will be adopted in compliance with the Stanislaus County Congestion Management Program. This TRO may require, among other things, provision of transit incentives (such as bus passes), limitations on the amount of employee parking, and promotion of ride sharing and alternative modes of transportation."

- p. The Precise Plan for Residential, General Commercial, and the Industrial/Business Park shall contain a breeding season survey by a qualified biologist for the area identified as potential raptor habitat on Figure 34, Biological Resources Habitat Types, page 4.9- 2 adopted Village One, Specific Plan EIR, to determine the presence of active raptor nests.

If no active raptor nests are found, the Precise Plan shall be written to document this finding.

If active raptor nests are found, site development will avoid active raptor nests and surrounding foraging habitat during their breeding cycle. Planning Department staff approval of the above mitigation prior to Building Permit for the site constitutes compliance.

4. Principal Underlying Zone(s)

- a. Sub-Area "A" – Residential, General Commercial, and BP, Business Park
- b. Sub-Area "B" – BP, Business Park

5. Land Assembly Requirements

The Precise Plan shall carry out the following policies in the assembly of the Industrial/Business Park properties for development:

- a) The Precise Plan for the Business Park shall further refine the policies and guidelines in the Specific Plan in the following areas:

Specify the circulation systems; define parcels' refine the community design standards; specify the infrastructure requirements and sequencing; define acceptable light industrial, office, and commercial uses consistent with the objectives of a major employment center; and provide a Financing Plan for the necessary infrastructure.

A market study prepared for the Specific Plan indicated a lack of affordable and suitable land in Modesto available for office and light industrial uses. The market study identified a potential demand for office uses in the Village One site, where access to a qualified labor pool is more important than highway accessibility. The site can also serve as an area for expansion of existing Modesto businesses requiring back up office space or warehousing. This area could also serve as an area for expansion of existing Modesto businesses requiring back up office space or warehousing. This area could also include a corporation yard for the City and the Sylvan Union School District. There is also potential for integrating the future Amtrak Station into the Business Park plans.

- b) The General Commercial and "Industrial/Business Park" land use designation may also allow Regional Commercial uses. Irrespective of the ultimate land use mix within this Precise Plan Area, the overall Traffic Level of Service resulting from this land use mix shall be consistent with the Village One Program EIR (SCH# 90020181).
- c) An infrastructure phasing program shall be prepared that will promote design of the employment center without an excessive burden on undeveloped property.

Based on the detailed study, the City should prepare an infrastructure phasing program to identify how services will be connected with the sewer, water, and storm drainage facilities located west of Claus Road.

The Facilities Master Plan will address how services will be connected. Phasing is dependent on the development proposed.

- d) A high priority shall be assigned to Briggsmore Avenue and Claus Road improvements funded through the City's Capital Facilities Fees.

Accessibility is critical to the development of Precise Planned Area . The City should give high priority of the Claus Road and Briggsmore Avenue improvements. Presently, the traffic improvements funded by the City's Capital Improvements Facilities Fees have not been prioritized.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-024**

**RESOLUTION APPROVING THE VESTING TENTATIVE
SUBDIVISION MAP OF “THE CROSSINGS” (DR HORTON BAY, INC.)**

WHEREAS, on July 14, 2022 an application was filed by DR Horton Bay Inc. for the proposed adoption of a precise plan document for the southerly 257-acre portion of Village One Precise Plan Area No. 35 generally located south of Milnes Road, and for concurrent rezoning from Specific Plan-Holding (SP-H) Zone to Specific Plan (SP) Zone for all that portion of Precise Plan Area No. 35 south of Milnes Road, generally referred to as Precise Plan Area No. 35 South (File No. PP-22-001); and

WHEREAS, said application was made concurrently with a proposed amendment to the Urban Area General Plan (File No. GPA-22-001) to amend the Land Use Element of the General Plan to change 140 acres from Business Park-Commercial-Residential (BCR) uses to Residential Uses (R), property located east of Claus Road, north of East Briggsmore Avenue, within the Village One Specific Plan, to facilitate development of a new 527-lot single-family residential project, “The Crossings”; and

WHEREAS, to facilitate said development the City of Modesto proposes an amendment to the Circulation Element of the General Plan to downgrade the classification of Claus Road between Sylvan Avenue and East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street, and to downgrade East Briggsmore Avenue from Claus Road to the BNSF Railroad crossing from an Expressway to a four-lane Principal Arterial Street, and to amend Section VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, said application was made concurrently with a proposed amendment to the Village One Specific Plan to amend the land use designation of the above 140 acres from Business Park (BP) to Village Residential (VR) with associated text amendments (File No. SPA-22-003) together with a City-initiated amendment to the Circulation Diagram to amend the designation of Claus Road from a Class A Expressway to a four-lane Principal Arterial Street, and to amend the designation of East Briggsmore Avenue east of Claus Road from a Class C Expressway to a four-lane Principal Arterial Street; and

WHEREAS, said application was also made concurrently with a proposed Final Development Plan for the purpose of establishing residential development standards and architectural guidelines for The Crossings development (File No. FDP-22-003); and

WHEREAS, DR Horton Bay Inc. has filed an application for a Vesting Tentative Subdivision Map, The Crossings, to divide 84.1 acres located east of Claus Road and north of E. Briggsmore Avenue into 527 single family residential lots, five landscape lots and one park lot; and

WHEREAS, said Vesting Tentative Map was received in the office of the Secretary of the Planning Commission on July 14, 2022, and was accepted for filing and deemed complete on November 9, 2023, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code; and

WHEREAS, copies of said vesting tentative map have been sent to the Sylvan Elementary School and Modesto High School Districts, Modesto Irrigation District, the local utility companies, and the City Engineering and Transportation Department; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, the area can be served by elementary schools in the Sylvan School District and by Fire Station No. 9 at 4025 Fara Biundo Drive, 0.50 miles distant; and

WHEREAS, an Initial Study, EA/C&ED No. 2023-26 has been prepared by staff, as required by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level, and a Mitigated Negative Declaration was prepared; and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on November 14, 2023 and concluded on December 14, 2023; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring and Reporting Program (MMRP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on December 18, 2023, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2023-34, recommended to the City Council approval of the Vesting Tentative Subdivision Map of The Crossings, subject to the Conditions of Approval in said Resolution, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 23, 2024, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held. .NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. The proposed vesting tentative subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan of the City of Modesto (as amended), the Village One Specific Plan (as amended), Precise Plan Area No. 35 South (as adopted) and the Subdivision Map Act of the State of California.
2. The discharge of waste as a result of the proposed vesting tentative subdivision map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2023-26, has been prepared by the City of Modesto that analyzed the proposed Specific Plan Amendment, and the Council of the City of Modesto has determined that, on the basis of the whole record before it, that while the project may have a potentially significant effect on the environment, the incorporation of project-specific mitigation measures would reduce the impact to a less than significant level.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the Vesting Tentative Map of The Crossings, accepted for filing in the office of the Secretary of the Planning Commission on November 9, 2023, as submitted and as shown in red on the face of the map and subject to the following conditions:

1. The Crossings Final Map cannot be recorded unless and until the City Council approves the proposed amendment to the General Plan Land Use Element and Circulation Element (Project No. GPA-22-001) and proposed amendment to the Village One Specific Plan land use diagram and circulation diagram (Project No. SPA-22-003) to allow for development of the 527-lot single-family residential subdivision as proposed. Said approval shall be noted on the Final Map.

2. The Crossings Final Map cannot be recorded unless and until the City Council approves the Precise Plan No. 35 South document by Ordinance and said Ordinance is adopted and in effect. Said approval shall be noted on the Final Map.
3. Prior to recordation of a Final Map, new street names for all lettered streets and cul-de-sac courts of the subdivision shall be proposed and approved by both the City and the County.
4. Prior to recordation of a Final Map, Merle Avenue as shown on the tentative subdivision map shall be identified as “East Merle Avenue” from the intersection of Claus Road to the intersection of “Street F” of the tentative subdivision map, and the continuation of said street eastward from Street F shall be identified as “Held Drive”.
5. Prior to issuance of a building permit for lots that back up to Claus Road, plot plans for said lots shall demonstrate that all rear yard setbacks be at least fifteen (15) feet, in accordance to the setback standards outlined in Section 10-408(c) of the City’s Zoning Code.
6. Prior to Certificate of Occupancy of any structure adjacent to required fences and walls, such fences and walls shall be installed in accordance to the Wall Plan of Precise Plan Area No. 35 South as adopted by the City Council, and the Village One Specific Plan, Section II.G.13, Residential—Community Design Policies, including but not limited to the following standards:
 - a. A minimum seven (7) foot high decorative concrete masonry sound wall with cap treatment along the Claus Road frontage at the rear of Lots 148 and 316-330 (excepting entry Lots A and B at Merle Avenue), and along the East Briggsmore Avenue frontage at the rear of Lots 1-12. Said wall should be designed with two-foot offsets at every other property line.
 - b. A minimum nine (9) foot high CMU or pre-cast concrete masonry sound wall along the BNSF rail alignment at the rear of lots 204-231 and 285-305. Such CMU or pre-cast concrete masonry wall may step down to seven (7) feet in height beyond the 200-foot distance from the center of the mainline of the railroad.
 - c. Walls and fences along the collector streets shall be provided as required by Section II.G.13.a.8 of the Specific Plan.
7. Prior to issuance of a building permit for any lot within 200-feet of the center of the near mainline of the adjacent BNSF Railroad along the easternmost boundaries of the subdivision, and any lot that backs up to Claus Road, building plans shall demonstrate the provision of acoustical treatments to reduce exterior noise impacts to an interior decibel level of

45Ldn or less, to the satisfaction of the Chief Building Official and the Director of Community and Economic Development.

In addition, for those lots within 200-feet of the center of the near mainline of the adjacent BNSF Railroad along the easternmost boundaries of the subdivision, building plans shall demonstrate structural improvements to mitigate vibration levels generated by passing train traffic, to the satisfaction of the Chief Building Official and the Director of Community and Economic Development.

LAND DEVELOPMENT ENGINEERING

8. Prior to recordation of a Final Map, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee.

The improvement plans shall include but not be limited to the following:

- a. Dedication of Claus Road to a four-lane Principal Arterial Street per the Circulation Plan of Precise Plan No. 35 South, with installation of roadway and frontage improvements as demonstrated on the Wall Plan of the Precise Plan, consisting of a separated sidewalk between landscaped areas along the entirety of the tentative map frontage of Claus Road. Dedication and design of improvements shall be to the satisfaction of the City Engineer or designee.
- b. Dedication and installation of a two-lane bypass roundabout at the intersection of Claus Road and Merle Avenue. Final design shall consider if two-lane bypass roundabout design and right in/right out access is appropriate. Said roundabout shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.

Dedication and installation of the two-lane roundabout at the intersection of Claus Road and Merle Avenue shall include an enhanced high-visibility crosswalk and a pedestrian HAWK signal system for the Class 1 Bike Path crossing.

Dedication and installation of the roundabout may require the reconfiguration or removal of the following Lots: Entry Lots A and B, and Lots 149, 148, 157, 316 and 317. Said reconfiguration shall be reflected in the improvement plans and Final Map.

- c. Dedication and installation of a two-lane roundabout at the intersection of East Briggsmore Avenue and Held Drive. Said roundabout shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.

- d. Dedication and installation of Tivoli Specific Plan standard roundabouts at the intersections of Held Drive/Street M and East Merle Avenue/Street F. Said roundabouts shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.

Dedication and installation of the roundabouts may require the reconfiguration or removal of the following Lots: 77, 78, 93, 94, 102, 103, 175, 176, 254, 255, 304 and 305. Said reconfiguration shall be reflected in the improvement plans and Final Map.

Interior 60-foot and 69-foot street cross-sections, including but not limited to roadways, curb, gutter, sidewalks, landscape, Class 1 Bike Lanes, bike path crossings and ADA curb ramps, shall be designed to the satisfaction of the City Engineer or designee.

- e. Roundabout truck aprons shall be constructed with roll-over curbs to facilitate bus travel.
- 9. For adequate water system distribution capacity, the project must either:
 - a. Tie into the 16-inch Claus Road transmission line, and loop into the 12-inch main off of Held Drive; or
 - b. Extend and loop the 12-inch main located at Merle Avenue to 12-inch main on Held Drive.
 - c. Further comments regarding water utility needs will be provided at the improvement plan stage, and the developer shall work with City Staff on requirements for water system connectivity, looping, and offsite CIPs.
 - 10. Per the City's Wastewater Master Plan and the Village One Facilities Master Plan, it is recommended that the development area tie into the 18-inch main located off of Merle Avenue. This service main is sized to have adequate capacity for development of this scale. Further comments will be provided at the improvement plan stage regarding the viability of using the existing eight-inch main on Held Drive for some additional flow demand. The developer shall work with City staff on sewer alignment and connectivity issues for this development.
 - 11. All storm drainage must be retained within the development area per City Standards for conveyance, storage and water quality. This project may not discharge any stored storm water without the approval of the City Engineer. Such approval will only be granted if additional interconnectivity and other improvements are constructed in the future
 - 12. Prior to recordation of a Final Map, calculations must be submitted confirming proposed park/basin, and any other proposed storm drainage management measures, which may or may not be shown, are adequately

sized for the 6-day 100-year Storm (R=5.6”) per the 2014 Modesto City Standards, and the 2011 Revised Guidance Manual for Development of Stormwater Quality Measures.

13. Improvement plans shall clearly indicate that adequate space is being designated for storm drainage requirements to the satisfaction of Parks Planning and Development and the City Engineer or designee. Further comments will be provided at the improvement plan stage in regard to meeting required City Standards.
14. Improvement plans shall demonstrate placement of fire hydrants no more than 500-feet apart as measured along the curb.
15. Any public improvements that are missing, damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

PARKS PLANNING

16. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City’s Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
17. Applicant shall install street trees every thirty-five (35) to forty (40) feet on center along all proposed streets.
18. Applicant shall install one (1) street tree per residential lot unless on a corner lot which requires street trees every thirty-five (35) to forty (40) feet on center of the parcel’s length.
19. Applicant shall install climbing vines on all walls along the Claus Road frontage, in a landscape planter, to discourage tagging.
20. Applicant shall provide signage with appropriate landscaping for Clear Vision Triangles at entrances. Within the triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
21. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to

address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.

22. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code at all landscape lots with park amenities and park site.
23. All landscape and improvement plans shall be reviewed and accepted by Parks Planning and Development or designee prior to recordation of a Final Map. All Landscape Lot and Park Design Plans shall demonstrate but not be limited to the following:
 - a. Provision of underground storm water tank systems on all Landscape Lots.
 - b. Selection of trees with root systems that will not affect underground storm tank systems.
 - c. Lower Tier Park Land shall hold nuisance water.
 - d. Provision of design feature to dissipate storm and/or nuisance water fallout.
 - e. Planters along the Claus Road frontage shall be at minimum seven (7) feet in width. Planters along internal streets of the project shall be at a minimum width to accommodate landscaping including trees, to the satisfaction of the Parks Planning and Development Manager and the Director of Community and Economic Development or designee.

INFRASTRUCTURE FINANCE

24. Prior to recordation of a Final Map, the developer shall take all actions to secure and establish a mechanism for the funding of the installation of some or all of the site's facilities, through the creation of a new Mello-Roos Community Facilities District (CFD) for the Village One Triangle, and ongoing maintenance of these items and/or facilities. The developer and City will work toward a comprehensive list of facilities and improvements, and ongoing maintenance will be determined during the CFD formation process and listed in the CFD's Public Report.

UTILITY COMPANIES

25. The Pacific Gas and Electric (PG&E) company operates an 8.625-inch high-pressure gas transmission main within the boundaries of Claus Road that will be impacted by the proposed Claus Road extended right-of-way. Prior to the issuance of a grading or building permit, whichever occurs first, developer shall submit a full grading plan for review and approval by PG&E.
26. A PG&E Gas Transmission Standby Inspector shall be present during any demolition or construction activity that comes within ten (10) feet of the

gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection shall be coordinated through the Underground Service Alert (USA) service at 811.

27. The Modesto Irrigation District (MID) Ralston Drain (Ralston Drain ID – ID No. 3D) that lies within the project site must be replaced with rubber-gasketed reinforced concrete pipe (RGRCP), unless all parcels within the project site submit a Sign-Off of Drainage Facilities form to MID’s Civil Engineering Department.
28. All privately-owned irrigation facilities that will have alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to the downstream landowner(s) that are served by the existing private infrastructure and must be shown on the subdivision map.
29. Ten-foot-wide public utility easements and six-foot-wide planting easements located within the ten-foot-wide public utility easements shall be dedicated along all street frontages as required by the City Engineer or designee.
30. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.

GENERAL CONDITIONS

31. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee. All improvements shall be constructed in accordance with the approved plans.
32. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural operations. Such notice shall be placed on the final deeds for the individual lots.
33. Future home buyers and prospective residents of the Precise Plan Area No. 35 South that are within 200-feet of the right-of-way of the Burlington Northern Santa Fe railroad shall be provided disclosure that they are subject to noise, vibration and other impacts from rail operations. final deeds for the individual lots.
34. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, vibration and other impacts from aircraft operations of the East Side Mosquito Abatement District facility located on Santa Fe Avenue to the

east of the project. Such notice shall be placed on the final deeds for the individual lots.

35. All fire hydrants and fire apparatus access roads meeting the requirement for “all weather” shall be installed prior to combustible construction materials being brought into the site.
36. Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
37. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development and the Fire Department.
38. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
39. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
40. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
41. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following Conditions of Approval are Mitigation Measures from the Mitigation Monitoring and Reporting Program (MMRP) of the Mitigated Negative Declaration, EA C&ED No. 2023-26, that are applicable to the project:

Transportation and Circulation:

42. Claus Road at Merle Avenue: The project developers shall install a two-lane roundabout with an enhanced high-visibility crosswalk and a pedestrian HAWK signal system for the class 1 bike path crossing. Final Design shall consider if tw-lane bypass roundabout design and right in/right out access is appropriate. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry and to the satisfaction of the City Engineer.
43. East Briggsmore Avenue at Held Drive: The project developers shall construct a 2-lane roundabout with an enhanced high-visibility crosswalk. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry, to the satisfaction of the City Engineer.
44. East Merle Avenue at Street F: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard, to the satisfaction of the City Engineer.
45. Held Drive at Street M: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard and to the satisfaction of the City Engineer.
46. Claus Road between Sylvan Avenue and Briggsmore Avenue: Developer shall dedicate sufficient right-of-way along the project frontage to allow for four-lane Principal Arterial Street alignment. Developer shall install improvements along project frontage that shall include but not be limited to:
 - a. Median, curb, gutter and sidewalk along Claus Road frontage;
 - b. Landscape planter between concrete masonry wall and sidewalk per approved street cross-sections;
 - c. Landscape planter between sidewalk and northbound travel lanes per approved street cross-sections.
47. Interior 60-ft and 69-ft street cross-sections: The interior streets shall be designed to the satisfaction of the City Engineer. Current plans submitted only show renderings. Revisions to the proposed Class 1 bike path that runs throughout the neighborhood may be required, specifically design for intersection bike/pedestrian crossings.

Noise:

48. Sound Walls: Developer shall install CMU or pre-cast concrete masonry walls per the Wall Plan of the Precise Plan, as follows:
 - a. A nine-foot high sound wall along the BNSF rail alignment at the rear of Lots 204-231 and 285-305, and along the East Briggsmore Avenue frontage at the rear of Lots 1-12.

- b. A seven-foot high sound wall along the Claus Road frontage at the rear of Lots 148 and 316-330 (excepting entry Lots A and B at Merle Avenue)
- 49. General Plan Master EIR Mitigation Measure Noise-7: Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)
 - a. All homes within 200-feet of the BNSF railway
 - b. All homes within 90 feet of Claus Road
 - c. All homes within 90 feet of East Briggsmore Avenue
- 50. GP MEIR Noise-14: For new residential development proposed in areas within 200 feet of the center of the near mainline of active rail lines where single-event noise from trains is of concern, demonstrate that the proposed development will incorporate measures to reduce maximum noise levels generated during train passbys to 50 dBA Lmax or less inside bedrooms and to 55 dBA Lmax or less inside other noise sensitive occupied areas. (Policy VII-G.3.1)
- 51. GP MEIR Noise-15: For new residential and vibration sensitive commercial development (including but not limited to lodging facilities, hospitals and similar uses) located within 200 feet of the center of the near mainline of active rail lines, demonstrate that the proposed development will incorporate measures to reduce vibration levels generated during train passby events to meet the FTA vibration criteria as shown in Master EIR Table V-3-6. (Policy VII-G.3.m)

Air Quality:

- 52. GP MEIR AQ-100: Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)
- 53. GP MEIR AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

54. GP MEIR AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)
55. GP MEIR AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)
56. GP MEIR AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)
57. GP MEIR AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)
58. GP MEIR AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)
59. GP MEIR Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)
60. GP MEIR AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
61. GP MEIR AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)
62. GP MEIR AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)
63. GP MEIR AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
64. GP MEIR AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
65. GP MEIR AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

66. GP MEIR AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Increased Demand for Storm Drainage/Flooding and Water Quality:

67. SD-10/FWQ-11. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)
68. SD-12/FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)
69. SD-13/FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)
70. SD-15/FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Generation of Hazardous Materials:

71. HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.
72. HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

Loss of Sensitive Wildlife and Plant Habitat:

73. SWPH-12: For proposed development consistent with the adopted Urban Area General Plan on lands within the Baseline Developed Area and Downtown, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, an assessment of whether any potential habitat for special-status species is present within proposed development areas shall be made. No further biological study is warranted unless habitat is present or if specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources (Policy VII-E.2[a]).
74. SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the General Plan MEIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the Vesting Tentative Subdivision Map for The Crossings, as described in **Exhibit “A”, attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

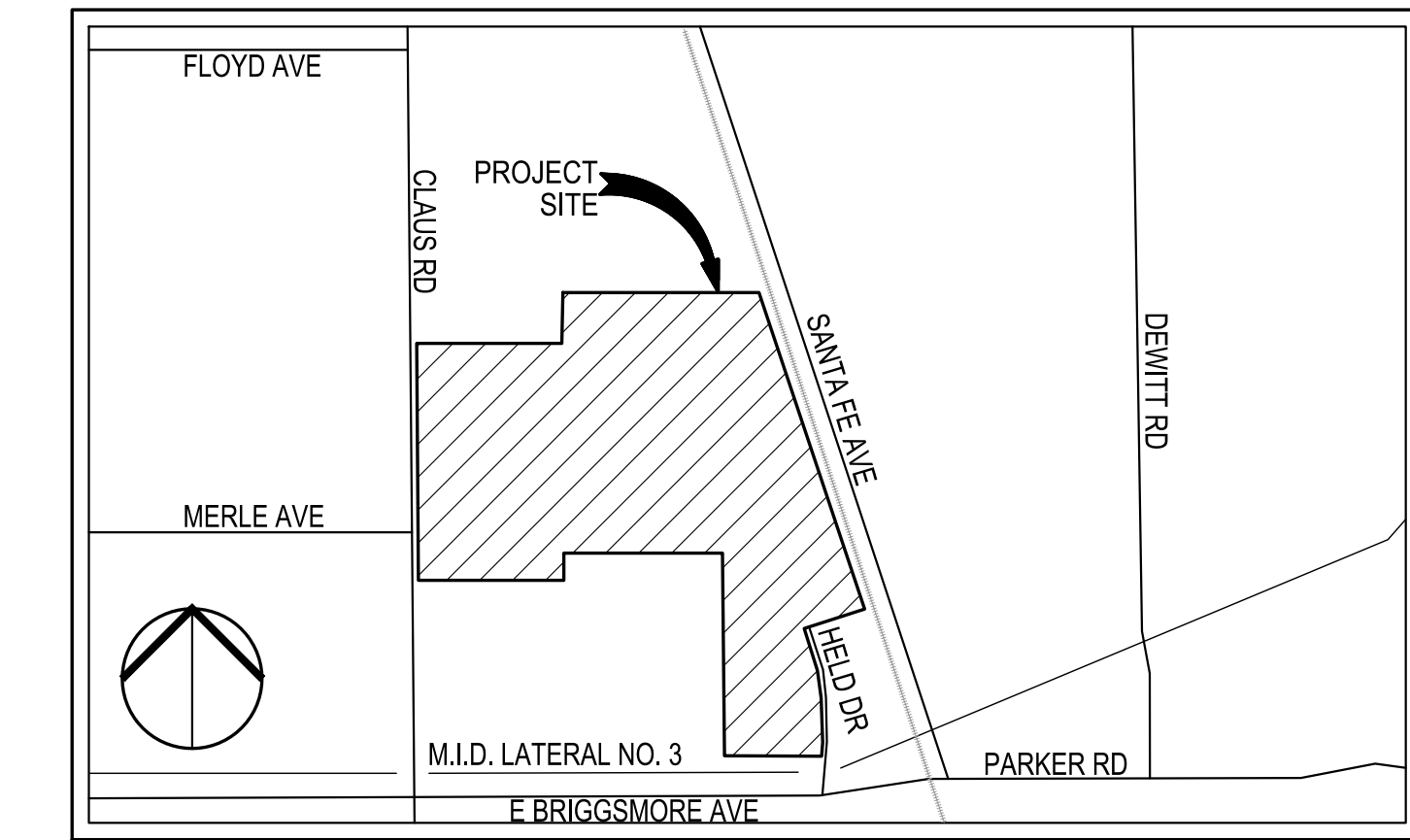
ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

THE CROSSINGS
TRACT NO. XXXXX
VESTING TENTATIVE PARCEL MAP



LOCATION MAP
NOT TO SCALE

GENERAL NOTES:

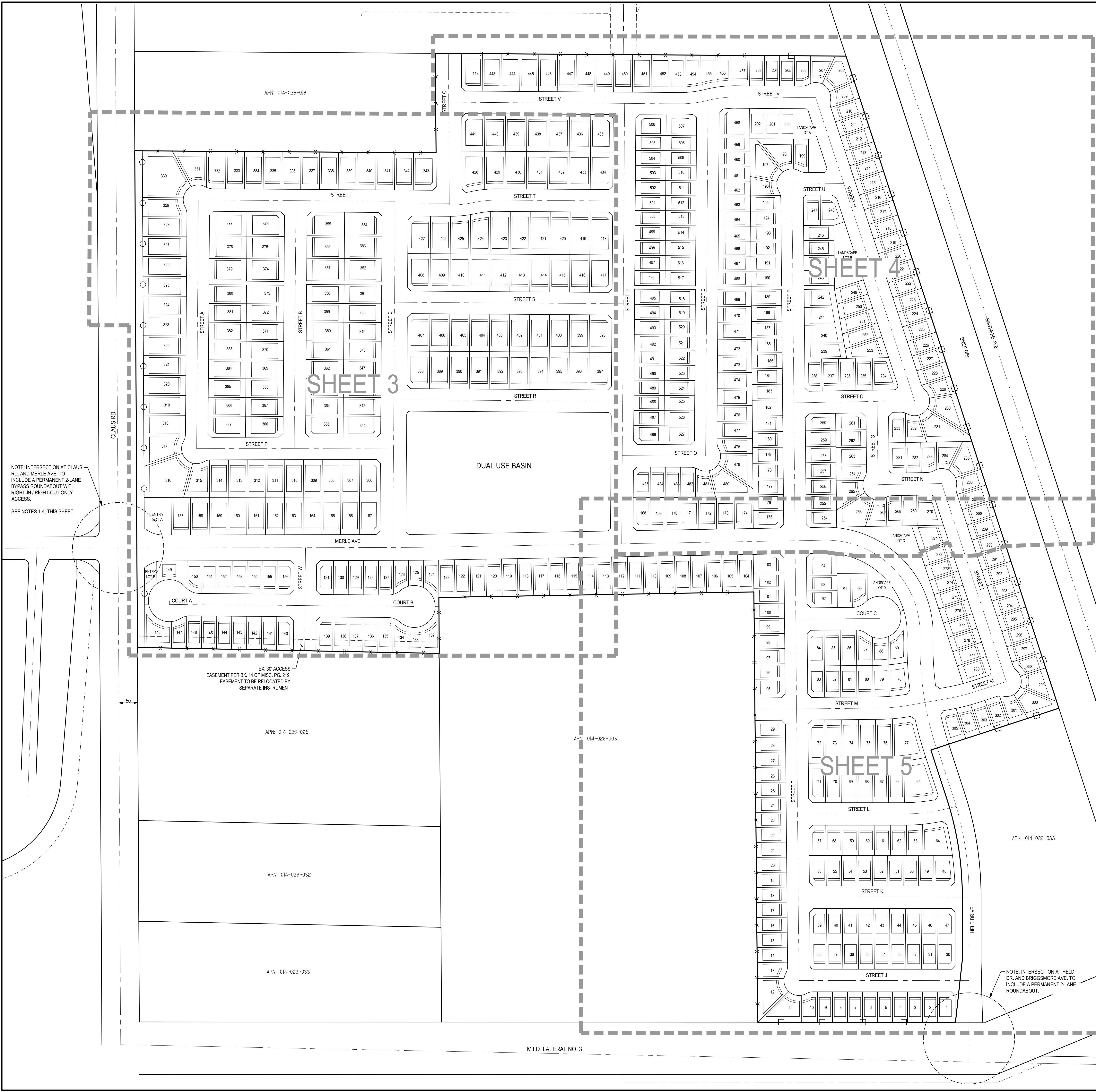
TRACT NAME	THE CROSSINGS
A.P.N. OF PROJECT	014-026-017 & 014-026-034
LAND USE	SP-4 (CITY OF MODESTO)
WATER SERVICE	CITY OF MODESTO
SEWER SERVICE	CITY OF MODESTO
STORM DRAINAGE	CITY OF MODESTO
FLOOD ZONE INFORMATION	ZONE X- FEMA FIRMETTE 06099C0345F
TELEPHONE	AT&T
ELECTRICITY	M.I.D.
TOTAL ACREAGE	84.01 ±
PROPERTY OWNERS	FRANK BAVARO FRANK CARONE MARY J. CARONE JENNIFER L. SHIN D.R. HORTON BAY
PROPERTY SUBDIVIDER	
EXISTING ZONING	SP-4 (CITY OF MODESTO)
PROPOSED ZONING	R-1
PROPERTY ADDRESS	1740 CLAUS ROAD, MODESTO
PROPOSED PARCELIZATION	XXXXX
PREPARED FOR	D.R. HORTON BAY 3000 EXECUTIVE PARKWAY, SUITE 100 SAN RAMON, CA 94583
PREPARED BY	SIEGFRIED ENGINEERING, INC. 100 SYCAMORE AVE SUITE 100 MODESTO, CA 95354 (209) 943-2021

LEGEND

	EXISTING EASEMENT
	BOUNDARY LINE (TYPICAL)
	PROPOSED PARCEL LINE
	PROPOSED PRECAST SOUND WALL (9' HEIGHT)
	PROPOSED PRECAST SOUND WALL (7' HEIGHT)
	PROPOSED WOOD FENCE (6' HEIGHT)

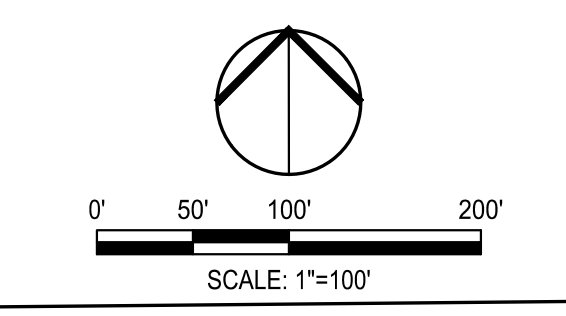
NOTES:


- CLAUS ROAD IS CURRENTLY DESIGNATED AS AN EXPRESSWAY. THE CURRENT DESIGN IS BASED ON CLAUS ROAD BEING RE-DESIGNATED TO A PRINCIPLE ARTERIAL STREET, ALLOWING DIRECT ACCESS. SHOULD CLAUS ROAD CONTINUE TO REMAIN DESIGNATED AS AN EXPRESSWAY, NO ACCESS WILL BE ALLOWED INTO THE PROPOSED RESIDENTIAL DEVELOPMENT FROM CLAUS ROAD TO FLOYD AVENUE, AND THE CURRENT EAST-WEST STREET OPPOSITE OF THE EXISTING MERLE AVENUE WEST OF CLAUS IS TO BE TERMINATED AS A CUL-DE-SAC STREET.
- PROPOSED ROUNDABOUT AT CLAUS ROAD AND MERLE AVENUE SHALL BE A PERMANENT ROUNDABOUT ONLY UPON THE DOWNGRADE OF CLAUS ROAD FROM AN EXPRESSWAY TO A PRINCIPAL ARTERIAL STREET (BY SEPARATE ACTION).
- SEE PRECISE PLAN FOR EXHIBITS THAT DEMONSTRATE BOTH THE POTENTIAL PERMANENT 2-LANE ROUNDABOUT AS WELL AS THE ALTERNATIVE CUL-DE-SAC.
- FINAL ROUNDABOUT DESIGN MAY RESULT IN THE NEED FOR THE PROJECT ENTRY LOTS AND LOTS 317, 316, 157, 148, AND 148 BEING UTILIZED TO ACCOMMODATE FINAL ROUNDABOUT LAYOUT.



NOTE: INTERSECTION AT CLAUS RD. AND MERLE AVE. TO INCLUDE A PERMANENT 2-LANE BYPASS ROUNDABOUT WITH RIGHT-IN / RIGHT-OUT ONLY ACCESS.
SEE NOTES 1-4, THIS SHEET.

NOTE: INTERSECTION AT HELD DR. AND BRIGGSMORE AVE. TO INCLUDE A PERMANENT 2-LANE ROUNDABOUT.





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- LANDSCAPE ARCHITECTURE
- SURVEYING
- PLANNING
- ATHLETIC FACILITY DESIGN

REVISIONS

No.	Date	Description

PROJECT

**THE CROSSINGS
TRACT NO. XXXXX
VESTING TENTATIVE
MAP**

1740 CLAUS ROAD,
MODESTO, CA

SHEET TITLE

**LOT LAYOUT -
OVERALL**

Proj Mgr	KJG
Drawn by	SRS
Date	11/22/2023
Job No.	22020
Sheet:	TSM1.0

of: 7

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- LANDSCAPE ARCHITECTURE
- SURVEYING
- PLANNING
- ATHLETIC FACILITY DESIGN

REVISIONS

No. Date Description

PROJECT

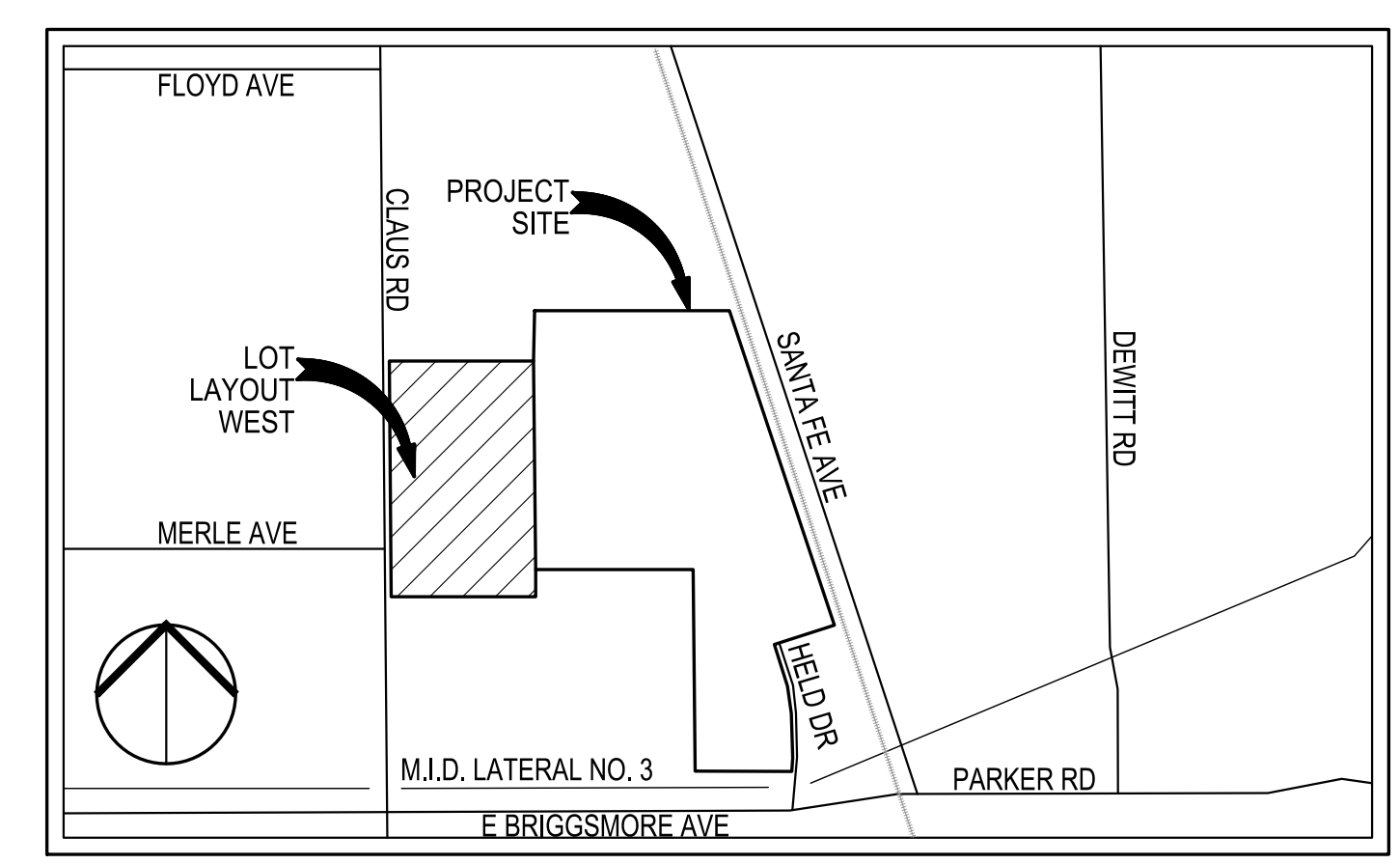
THE CROSSINGS
TRACT NO. XXXXX
VESTING TENTATIVE MAP

1740 CLAUS ROAD,
 MODESTO, CA

SHEET TITLE
LOT LAYOUT - WEST

Proj Mgr KJG
 Drawn by SRS
 Date 11/22/2023
 Job No. 22020
 Sheet:

TSM2.0
 of: 7

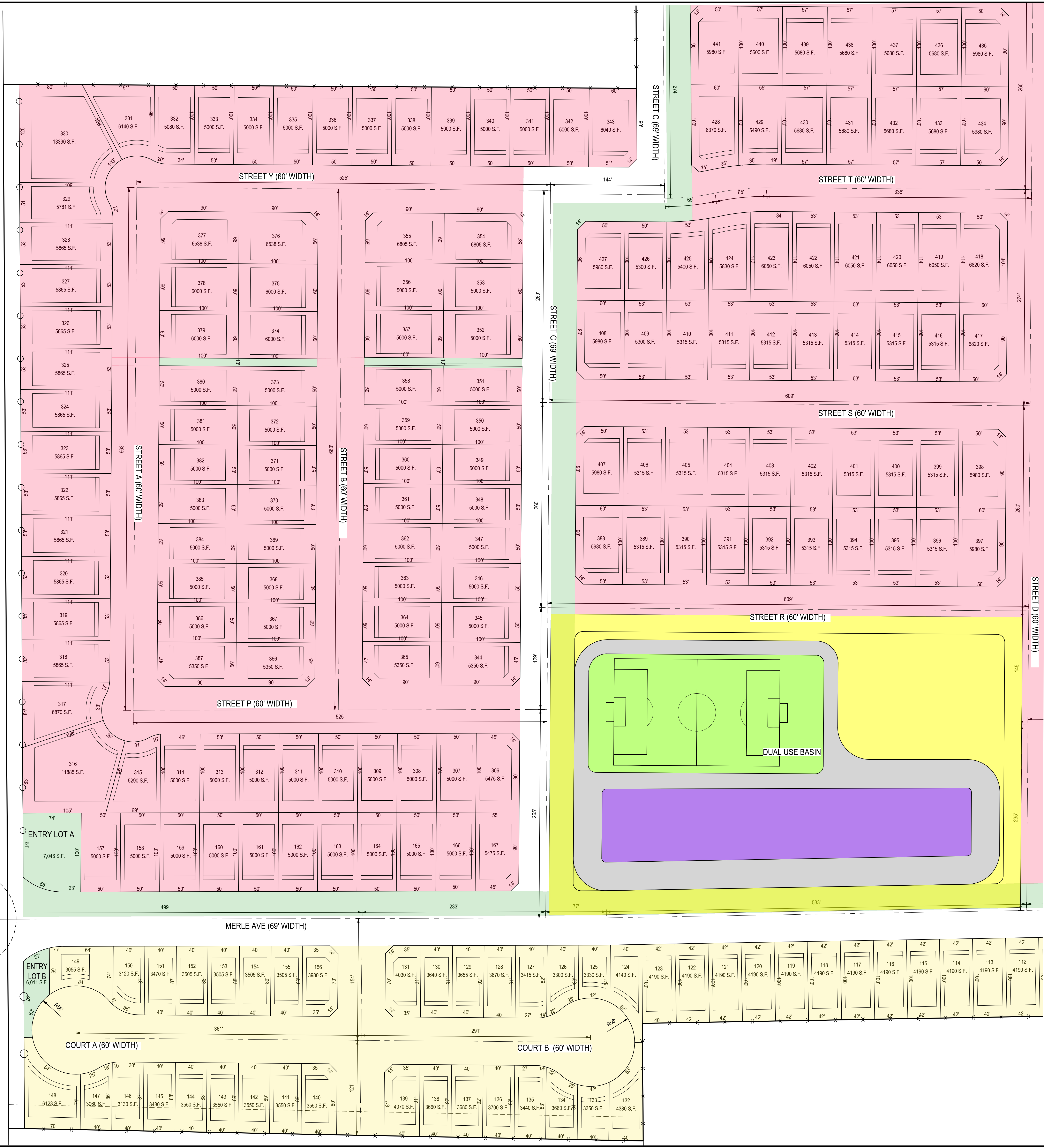


LOT SUMMARY:

50' STYLE A	158
40' STYLE B	213
40' STYLE C	156
TOTAL LOTS	527

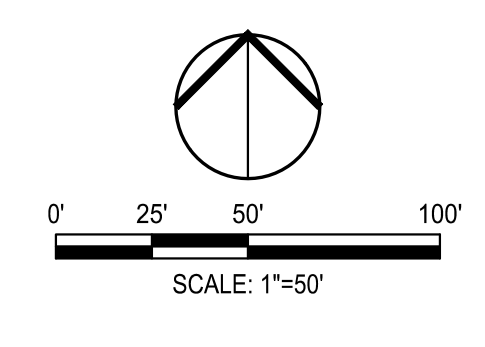
NOTES:

1. CLAUS ROAD IS CURRENTLY DESIGNATED AS AN EXPRESSWAY. THE CURRENT DESIGN IS BASED ON CLAUS ROAD BEING REDESIGNATED TO A PRINCIPLE ARTERIAL STREET, ALLOWING DIRECT ACCESS. SHOULD CLAUS ROAD CONTINUE TO REMAIN DESIGNATED AS AN EXPRESSWAY, NO ACCESS WILL BE ALLOWED INTO THE PROPOSED RESIDENTIAL DEVELOPMENT FROM CLAUS ROAD TO FLOYD AVENUE, AND THE CURRENT EAST-WEST STREET OPPOSITE OF THE EXISTING MERLE AVENUE WEST OF CLAUS IS TO BE TERMINATED AS A CUL-DE-SAC STREET.
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3. SEE PRECISE PLAN FOR EXHIBITS THAT DEMONSTRATE BOTH THE POTENTIAL PERMANENT 2-LANE ROUNDABOUT AS WELL AS THE ALTERNATIVE CUL-DE-SAC.
4. FINAL ROUNDABOUT DESIGN MAY RESULT IN THE NEED FOR THE PROJECT ENTRY LOTS AND LOTS 317, 316, 157, 148, AND 148 BEING UTILIZED TO ACCOMMODATE FINAL ROUNDABOUT LAYOUT.



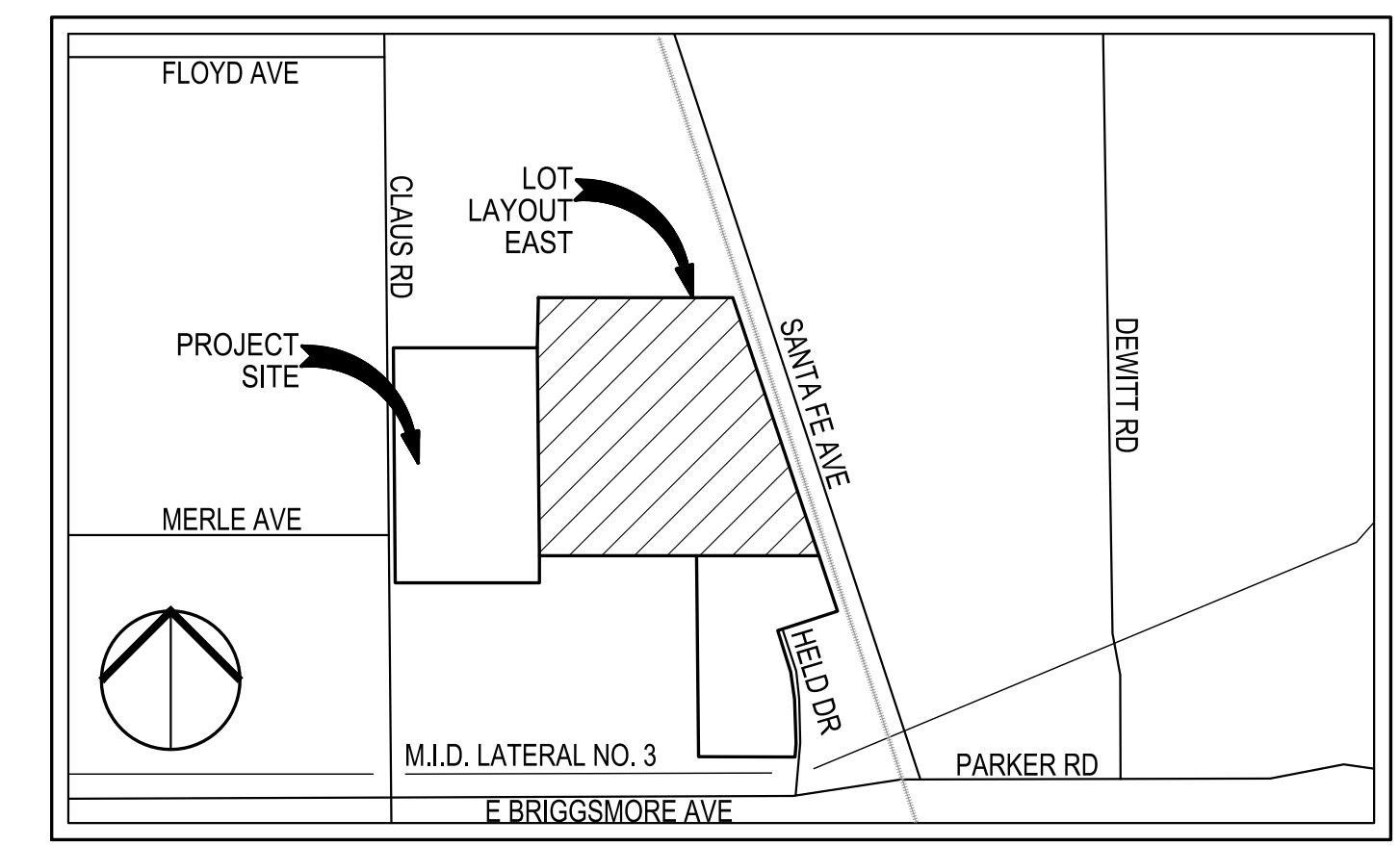
LEGEND

- - - EXISTING EASEMENT
- BOUNDARY LINE (TYPICAL)
- PROPOSED PARCEL LINE
- PROPOSED PRECAST SOUND WALL (9' HEIGHT)
- PROPOSED PRECAST SOUND WALL (7' HEIGHT)
- PROPOSED WOOD FENCE (6' HEIGHT)



NOTE: INTERSECTION AT CLAUS RD. AND MERLE AVE. TO INCLUDE A PERMANENT 2-LANE BYPASS ROUNDABOUT WITH RIGHT-IN / RIGHT-OUT ONLY ACCESS.
 SEE NOTES 1-4, THIS SHEET.

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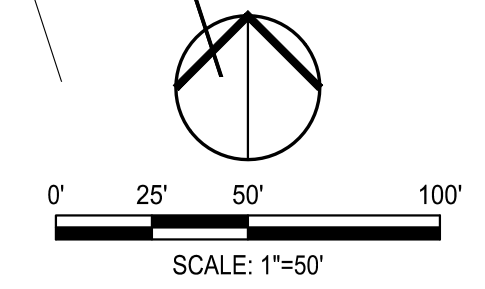


LOT SUMMARY:

50' STYLE A	158
40' STYLE B	213
40' STYLE C	156
TOTAL LOTS	527

LEGEND

- EXISTING EASEMENT
- BOUNDARY LINE (TYPICAL)
- - - PROPOSED PARCEL LINE
- PROPOSED PRECAST SOUND WALL (9' HEIGHT)
- PROPOSED PRECAST SOUND WALL (7' HEIGHT)
- x-x-x PROPOSED WOOD FENCE (6' HEIGHT)



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REVISIONS

No. Date Description

PROJECT

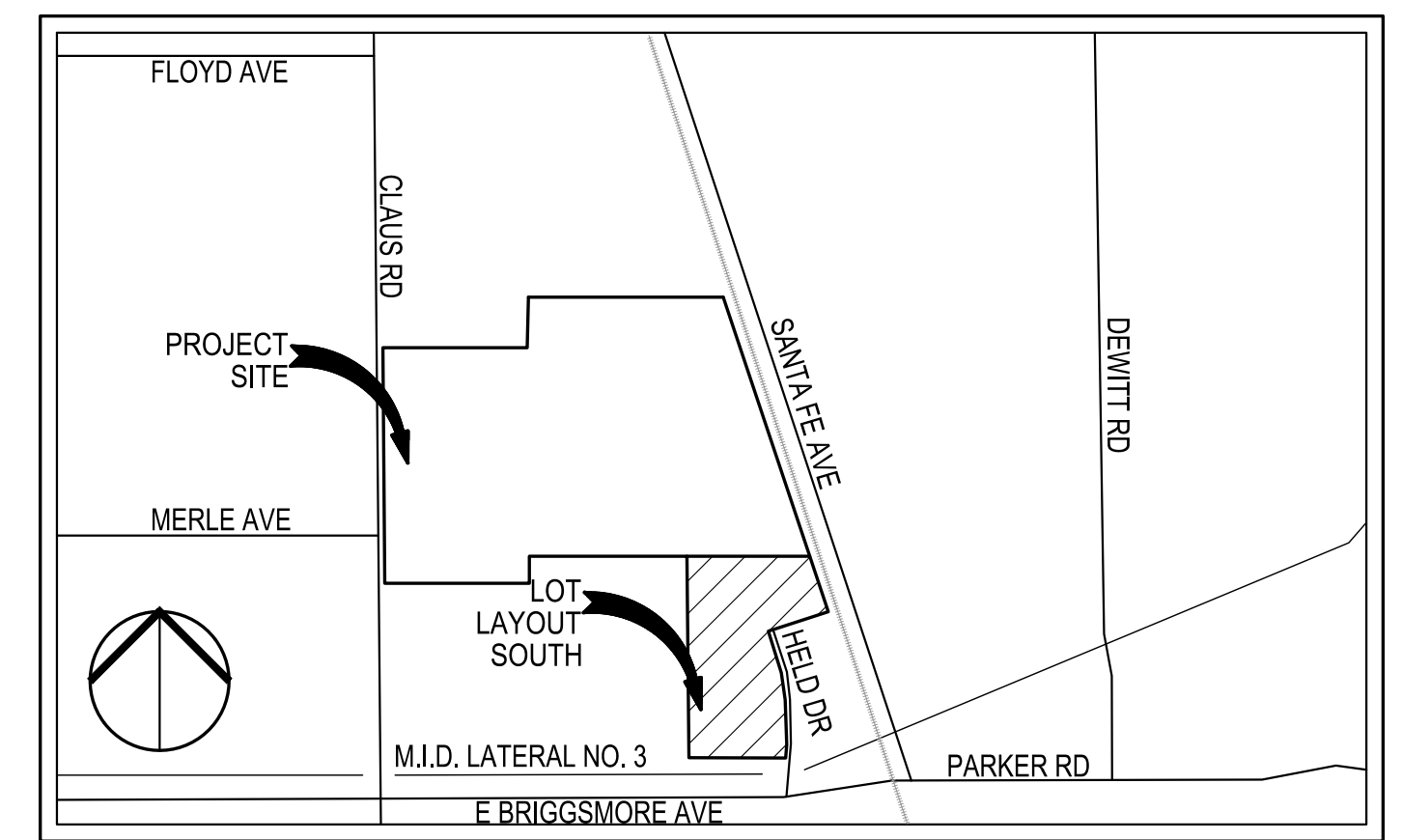
THE CROSSINGS
TRACT NO. XXXX
VESTING TENTATIVE MAP

1740 CLAUS ROAD,
MODESTO, CA

SHEET TITLE

LOT LAYOUT - SOUTH

Proj Mgr: KJG
Drawn by: SRS
Date: 11/22/2023
Job No.: 22020
Sheet: TSM4.0



LOCATION MAP

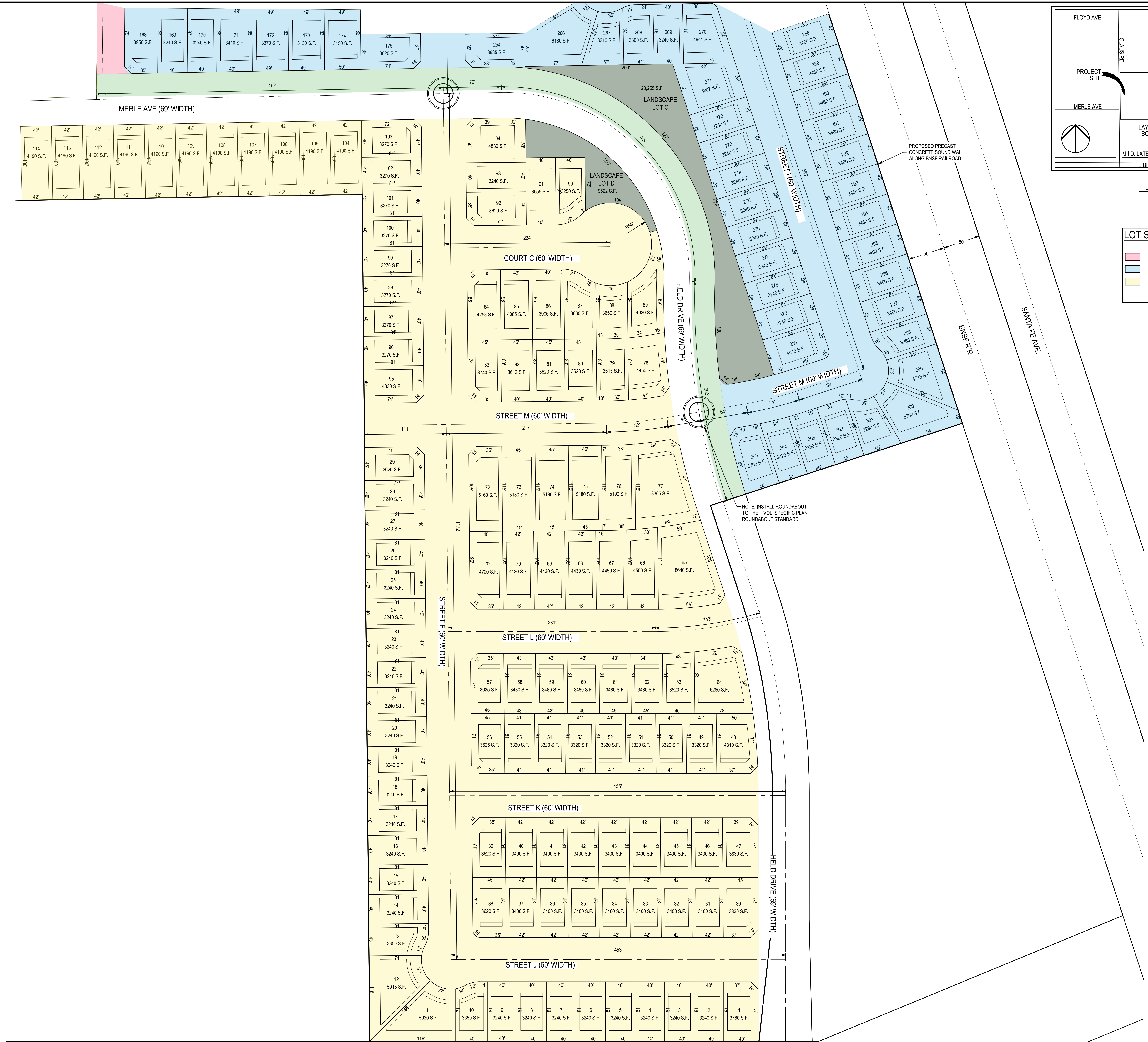
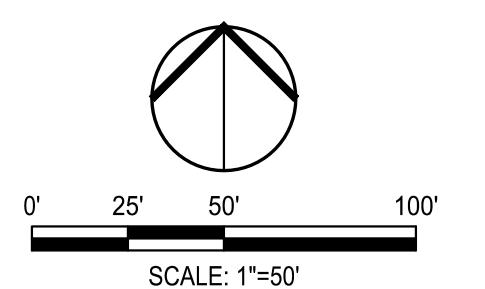
NOT TO SCALE

LOT SUMMARY:

50' STYLE A	158
40' STYLE B	213
40' STYLE C	156
TOTAL LOTS	527

LEGEND

- - - - - EXISTING EASEMENT
- BOUNDARY LINE (TYPICAL)
- PROPOSED PARCEL LINE
- PROPOSED PRECAST SOUND WALL (8' HEIGHT)
- PROPOSED PRECAST SOUND WALL (7' HEIGHT)
- x-x-x-x-x PROPOSED WOOD FENCE (6' HEIGHT)



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THE CROSSINGS
TRACT NO. XXXXX
VESTING TENTATIVE PARCEL MAP



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REVISIONS

No. Date Description

PROJECT

THE
CROSSINGS
TRACT NO.
XXXXX
VESTING
TENTATIVE
MAP

1740 CLAUS ROAD,
MODESTO, CA

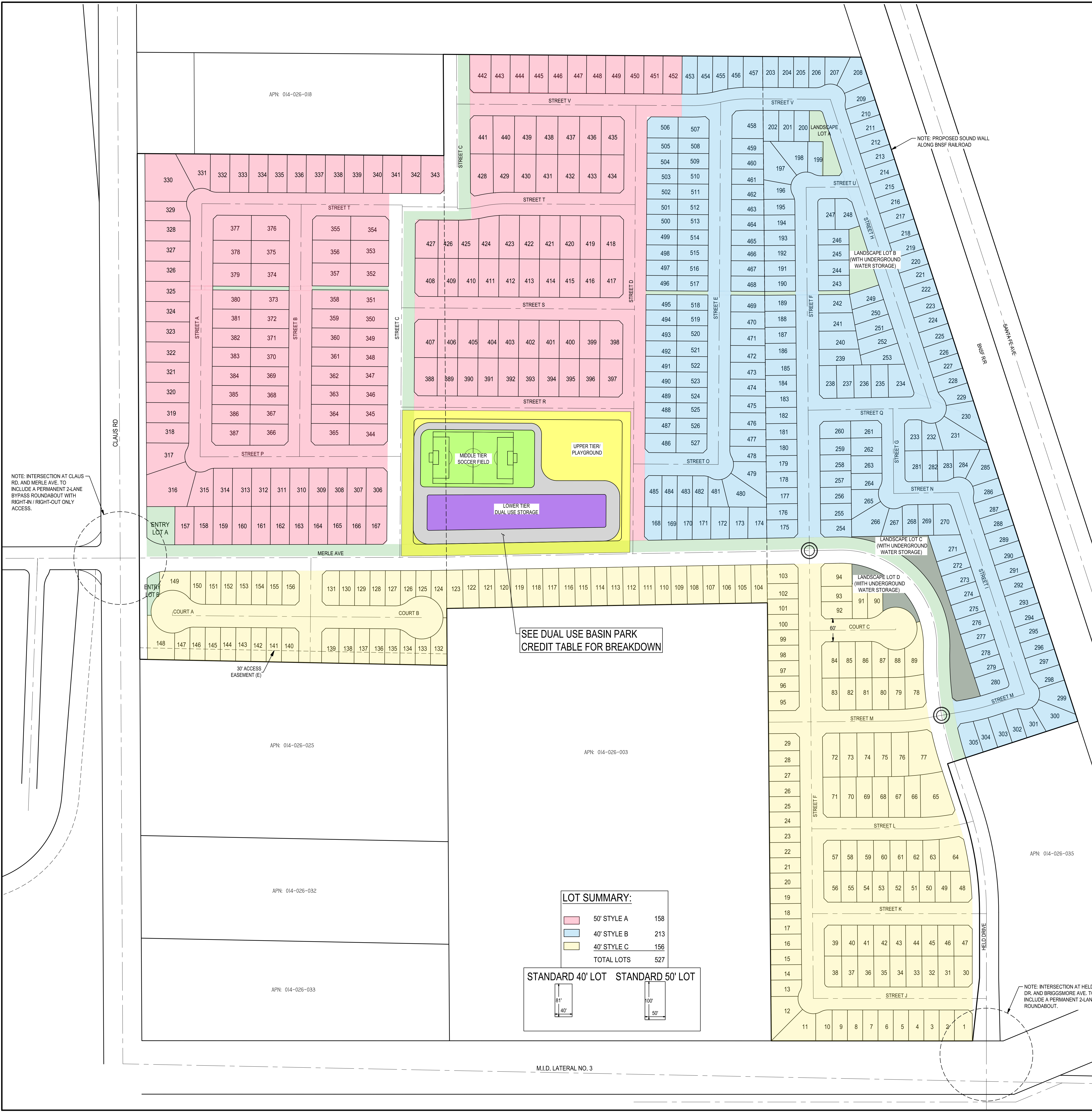
SHEET TITLE

PARK CONCEPT
& LOT STYLE

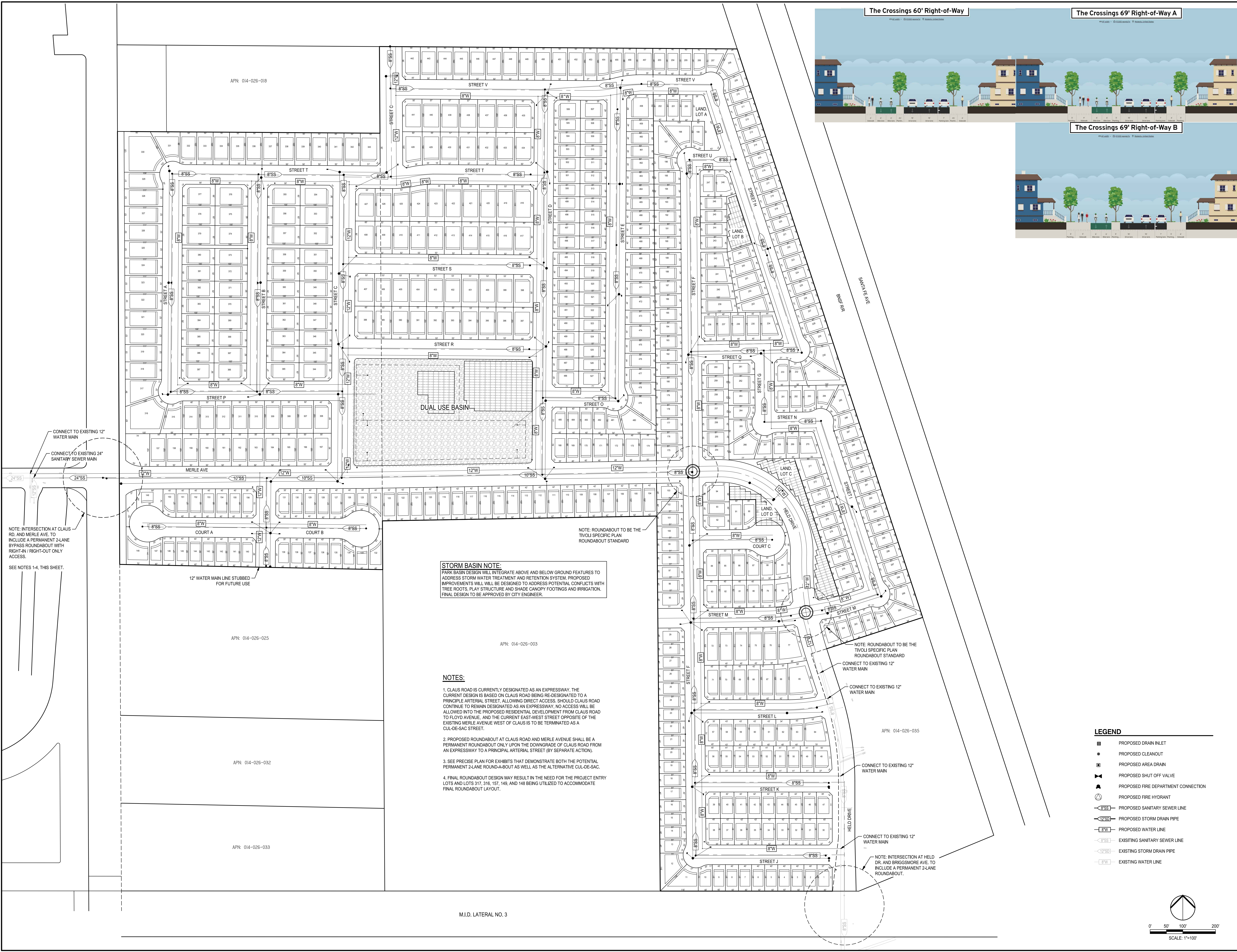
Proj Mgr: KJG
Drawn by: SRS
Date: 11/22/2023
Job No.: 22020
Sheet: TSM5.0
of: 7

DUAL USE BASIN PARK CREDIT				
	LEVEL	AREA (AC)	PARK CREDIT (%)	PARK CREDIT (AC)
	UPPER TIER	1.93	100	1.93
	MIDDLE TIER	1.02	50	0.51
	LOWER TIER	0.96	50	0.48
	SLOPED	1.16	50	0.58
	TOTAL	5.07		3.50

TOTAL LANDSCAPE AREAS:	
UPPER TIER/PLAYGROUND:	1.93 ACRES
MIDDLE TIER FIELD:	1.02 ACRES
LOWER TIER STORAGE:	0.96 ACRES
SLOPED AREA:	1.16 ACRES
PATH/PASEO:	2.29 ACRES
PERIMETER WALKING/ BIKING FACILITY:	0.77 ACRES
LANDSCAPE LOT A:	0.16 ACRES
LANDSCAPE LOT B:	0.20 ACRES
LANDSCAPE LOT C*:	0.53 ACRES
LANDSCAPE LOT D*:	0.22 ACRES
TOTAL:	8.49 ACRES
*NOT INCLUDED IN TOTAL ACREAGE	



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APN: 014-026-018

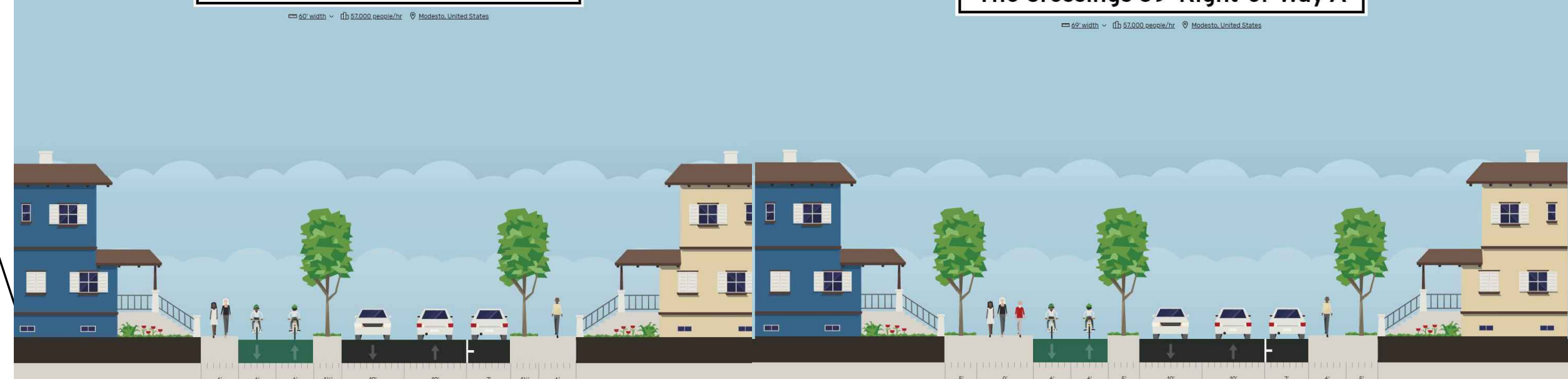
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APN: 014-026-003

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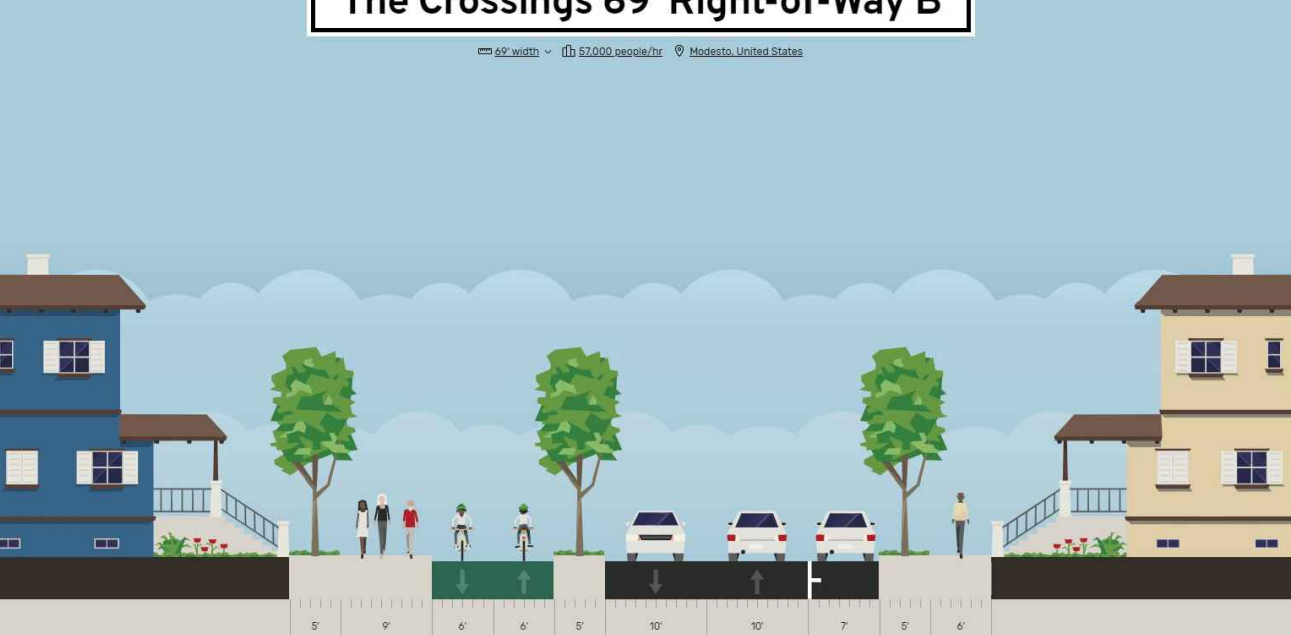
The Crossings 60' Right-of-Way



The Crossings 69' Right-of-Way A



The Crossings 69' Right-of-Way B



CONNECT TO EXISTING 12" WATER MAIN
 CONNECT TO EXISTING 24" SANITARY SEWER MAIN
 NOTE: INTERSECTION AT CLAUD RD. AND MERLE AVE. TO INCLUDE A PERMANENT 2-LANE BYPASS ROUNDABOUT WITH RIGHT-IN / RIGHT-OUT ONLY ACCESS.
 SEE NOTES 1-4, THIS SHEET.

STORM BASIN NOTE:
 PARK BASIN DESIGN WILL INTEGRATE ABOVE AND BELOW GROUND FEATURES TO ADDRESS STORM WATER TREATMENT AND RETENTION SYSTEM. PROPOSED IMPROVEMENTS WILL BE DESIGNED TO ADDRESS POTENTIAL CONFLICTS WITH TREE ROOTS, PLAY STRUCTURE AND SHADE CANOPY FOOTINGS AND IRRIGATION. FINAL DESIGN TO BE APPROVED BY CITY ENGINEER.

NOTES:
 1. CLAUD ROAD IS CURRENTLY DESIGNATED AS AN EXPRESSWAY. THE CURRENT DESIGN IS BASED ON CLAUD ROAD BEING RE-DESIGNATED TO A PRINCIPLE ARTERIAL STREET, ALLOWING DIRECT ACCESS. SHOULD CLAUD ROAD CONTINUE TO REMAIN DESIGNATED AS AN EXPRESSWAY, NO ACCESS WILL BE ALLOWED INTO THE PROPOSED RESIDENTIAL DEVELOPMENT FROM CLAUD ROAD TO FLOYD AVENUE, AND THE CURRENT EAST-WEST STREET OPPOSITE OF THE EXISTING MERLE AVENUE WEST OF CLAUD IS TO BE TERMINATED AS A CUL-DE-SAC STREET.
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NOTE: ROUNDABOUT TO BE THE TIVOLI SPECIFIC PLAN ROUNDABOUT STANDARD

NOTE: ROUNDABOUT TO BE THE TIVOLI SPECIFIC PLAN ROUNDABOUT STANDARD

CONNECT TO EXISTING 12" WATER MAIN

CONNECT TO EXISTING 12" WATER MAIN

CONNECT TO EXISTING 12" WATER MAIN

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CONNECT TO EXISTING 12" WATER MAIN

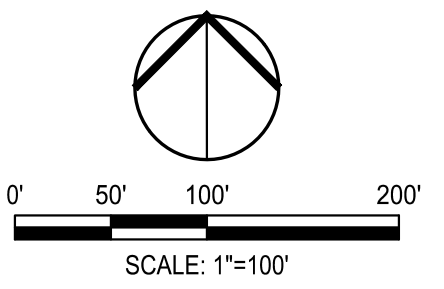
CONNECT TO EXISTING 12" WATER MAIN

CONNECT TO EXISTING 12" WATER MAIN


CONNECT TO EXISTING 12" WATER MAIN

NOTE: INTERSECTION AT HELD DR. AND BRIGGSMORE AVE. TO INCLUDE A PERMANENT 2-LANE ROUNDABOUT.

- LEGEND**
- PROPOSED DRAIN INLET
 - PROPOSED CLEANOUT
 - PROPOSED AREA DRAIN
 - ▲ PROPOSED SHUT OFF VALVE
 - ▲ PROPOSED FIRE DEPARTMENT CONNECTION
 - PROPOSED FIRE HYDRANT
 - 8"SS— PROPOSED SANITARY SEWER LINE
 - 12"SD— PROPOSED STORM DRAIN PIPE
 - 8"W— PROPOSED WATER LINE
 - 8"SS— EXISTING SANITARY SEWER LINE
 - 12"SD— EXISTING STORM DRAIN PIPE
 - 8"W— EXISTING WATER LINE



M.I.D. LATERAL NO. 3



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 ■ PLANNING
 ■ ATHLETIC FACILITY DESIGN

REVISIONS
 No. Date Description

PROJECT

THE CROSSINGS
TRACT NO. XXXX
VESTING TENTATIVE MAP

1740 CLAUD ROAD,
 MODESTO, CA

SHEET TITLE
INFRASTRUCTURE PLAN

Proj Mgr: KJG
 Drawn by: SRS
 Date: 11/22/2023
 Job No.: 22020
 Sheet: **TSM6.0** of 7

THE CROSSINGS
TRACT NO. XXXXX
VESTING TENTATIVE PARCEL MAP



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- ATHLETIC FACILITY DESIGN

REVISIONS
No. Date Description

No.	Date	Description

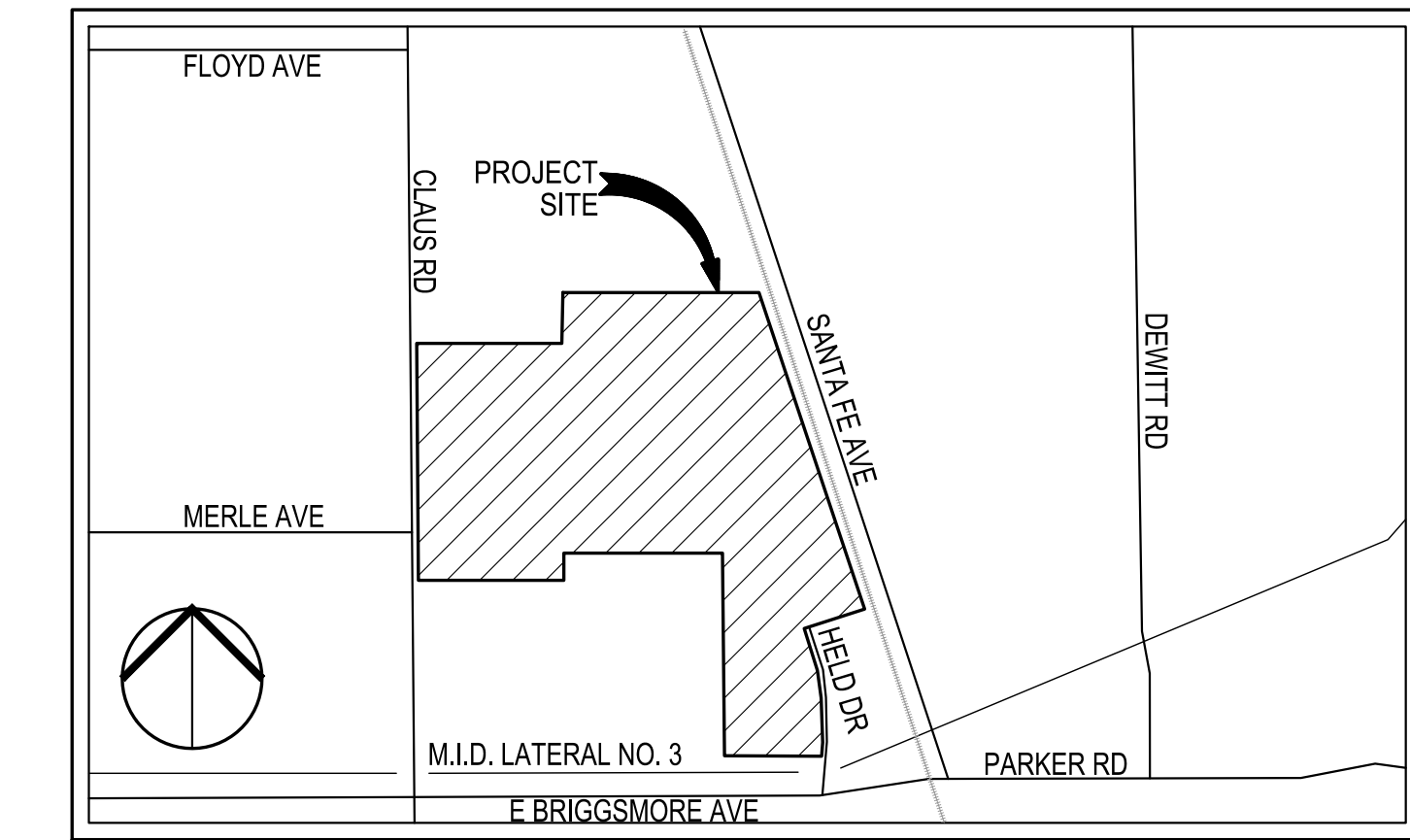
PROJECT

THE CROSSINGS
TRACT NO. XXXXX
VESTING TENTATIVE MAP

1740 CLAUS ROAD,
MODESTO, CA

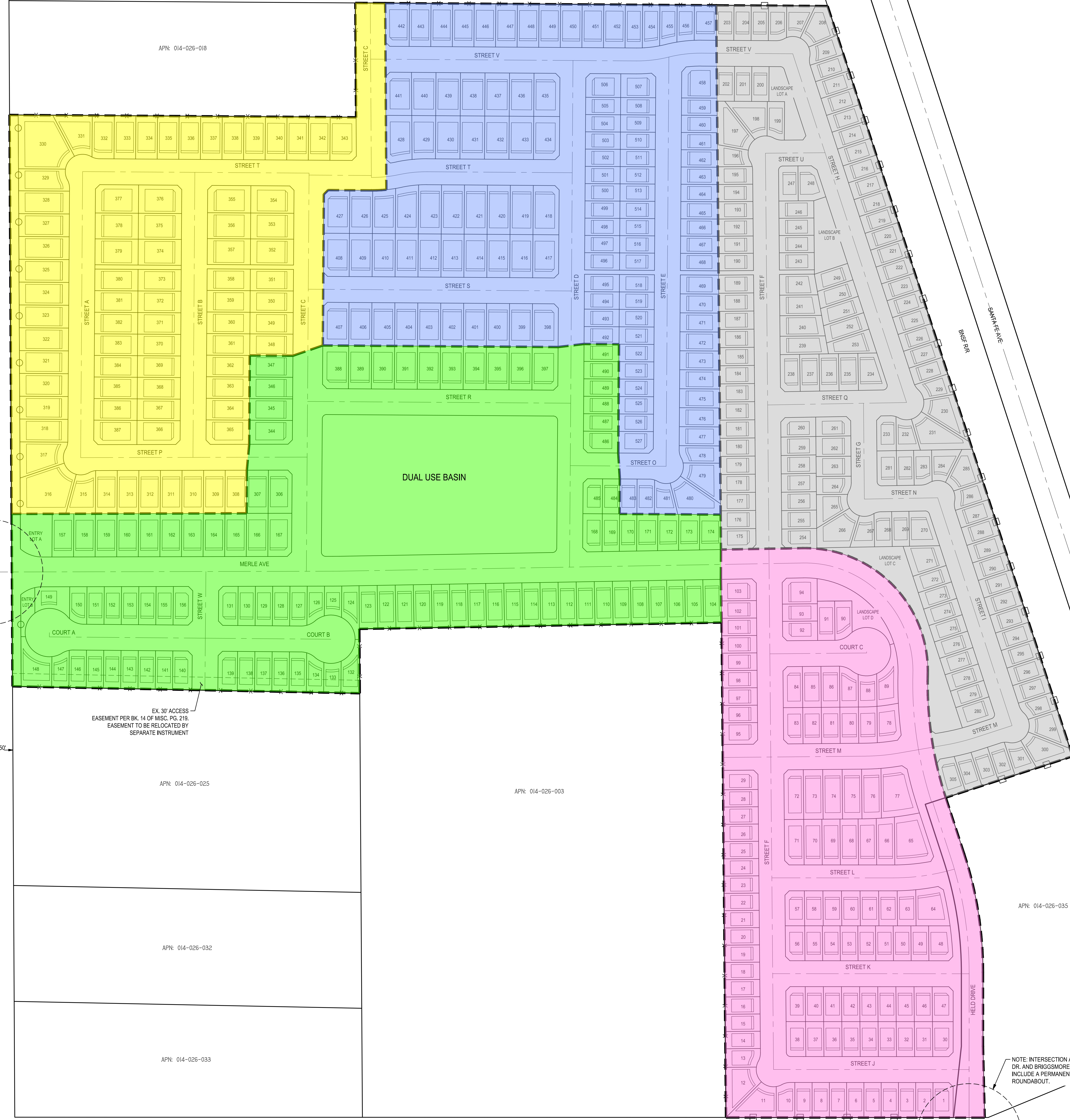
SHEET TITLE
LAND DEVELOPMENT PHASING PLAN

Proj Mgr: KJG
Drawn by: SRS
Date: 12/12/2023
Job No.: 22020
Sheet: TSM7.0
of: 7



LOCATION MAP
NOT TO SCALE

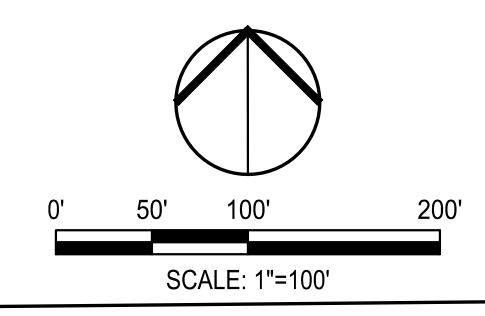
- LOT PHASING:**
- PHASE 1: 95 RESIDENTIAL LOTS (LOTS 104-174, 306-307, 344-347, 388-397, 484-491)
 - PHASE 2: 103 RESIDENTIAL LOTS (LOTS 1-103)
 - PHASE 3: 76 RESIDENTIAL LOTS (LOTS 308-343, 348-387)
 - PHASE 4: 122 RESIDENTIAL LOTS (LOTS 398-483, 492-527)
 - PHASE 5: 131 RESIDENTIAL LOTS (LOTS 175-305)
- 527 TOTAL RESIDENTIAL LOTS (ALL PHASES)



NOTE: INTERSECTION AT CLAUS RD. AND MERLE AVE. TO INCLUDE A PERMANENT 2-LANE ROUNDABOUT.

NOTE: INTERSECTION AT HELD DR. AND BRIGGSMORE AVE. TO INCLUDE A PERMANENT 2-LANE ROUNDABOUT.

EX. 30' ACCESS EASEMENT PER BK. 14 OF M.S.C. PG. 219. EASEMENT TO BE RELOCATED BY SEPARATE INSTRUMENT



E:\Projects\2023 Modesto Crossing Roadside Sta. Plan\2023 Sta. Map\2023 Sta. Map.dwg -- 12/12/23

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-025**

RESOLUTION ADOPTING A FINAL DEVELOPMENT PLAN FOR “THE CROSSINGS”, IN THE VILLAGE ONE SPECIFIC PLAN, FOR 527 SINGLE-FAMILY RESIDENTIAL LOTS, FIVE LANDSCAPE LOTS, AND ONE PARK LOT ON PROPERTY LOCATED EAST OF CLAUS ROAD AND NORTH OF EAST BRIGGSMORE AVENUE (DR HORTON BAY, INC.)

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A, adopted the Village One Specific Plan; and

WHEREAS, the Village One Specific Plan is comprised of 35 Precise Plan areas subject to review and approval by the Planning Commission, each Precise Plan denoted to ensure that the circulation, infrastructure, land use, density, project design and other specific plan provisions are provided for each Area Plan as required by Section IV.D.2 of the Village One Specific Plan; and

WHEREAS, Section IV.D.2 of the Village One Specific Plan requires the Planning Commission’s review and approval of a Final Development Plan for new residential development within the Specific Plan to ensure that the development policies of Chapter II of the Specific Plan are implemented for projects involving residential uses with a tentative map, which may be approved by the Commission after or concurrently with the approval of a tentative map and/or Precise Plan; and

WHEREAS, an application for The Crossings Final Development Plan for 527 single-family residential lots, five landscape lots and one park lot within Precise Plan No. 35, located on 84.1 acres located east of Claus Road and north of E. Briggsmore Avenue was filed by DR Horton Bay Inc. on July 14, 2022 in accordance with Section IV.D.2 of the Village One Specific Plan; and

WHEREAS, said application was made concurrently with an application for the adoption of Precise Plan Area No. 35 South of the Specific Plan (Project PP-22-001), and a Vesting Tentative Subdivision Map (Project TSM-22-002) to divide 84.1 acres into 527 single-family residential lots, five landscape lots and one park lot within Precise Plan Area No. 35, located east of Claus Road and north of E. Briggsmore Avenue; and

WHEREAS, said application was made concurrently with a proposed amendment to the Urban Area General Plan (File No. GPA-22-001) to amend the Land Use Element of the General Plan to change 140 acres from Business Park-Commercial-Residential (BCR) uses to Residential Uses (R), property located east of Claus Road, north of East Briggsmore Avenue, within the Village One Specific Plan, to facilitate development of a new 527-lot single-family residential project, “The Crossings”; and

WHEREAS, to facilitate said development the City of Modesto proposes an amendment to the Circulation Element of the General Plan to downgrade the classification of Claus Road between Sylvan Avenue and East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street, and to downgrade East Briggsmore Avenue from Claus Road to the BNSF Railroad crossing from an Expressway to a four-lane Principal Arterial Street, and to amend Section VI.H.11 and VI.H.12 of the General Plan regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, said application was made concurrently with a proposed amendment to the Village One Specific Plan to amend the land use designation of the above 140 acres from Business Park (BP) to Village Residential (VR) with associated text amendments (File No. SPA-22-003) together with a City-initiated amendment to the Circulation Diagram to amend the designation of Claus Road from a Class A Expressway to a four-

lane Principal Arterial Street, and to amend the designation of East Briggsmore Avenue east of Claus Road from a Class C Expressway to a four-lane Principal Arterial Street; and

WHEREAS, an Initial Study, EA/C&ED No. 2023-26 has been prepared by staff, as required by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level, and a Mitigated Negative Declaration was prepared; and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on November 14, 2023 and concluded on December 14, 2023; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring and Reporting Program (MMRP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on December 18, 2023, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2023-35, recommended to the City Council approval of the Vesting

Tentative Subdivision Map of The Crossings, subject to the Conditions of Approval in said Resolution, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 23, 2024, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2023-26, has been prepared by the City of Modesto that analyzed the proposed Specific Plan Amendment, and the Planning Commission has determined that, on the basis of the whole record before it, that while the project may have a potentially significant effect on the environment, the incorporation of project-specific mitigation measures would reduce the impact to a less than significant level.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves a Final Development Plan for the proposed “The Crossings” project described in Exhibit “A”, attached hereto and incorporated herein by reference, subject to the following conditions:

1. The Crossings Final Development Plan shall not be in full effect unless and until the City Council approves the proposed amendments to the Village One Specific Plan (SPA-22-003) and proposed amendments to the General Plan (GPA-22-001) to facilitate residential development within the project area.
2. The Crossings Final Development Plan shall not be in full effect unless and until the City Council approves the proposed Precise Plan Area No. 35 South (PP-22-001) as required by Section IV.C of the Village One Specific Plan.

3. All development shall be consistent with the Final Development Plan titled “Final Development Plan, The Crossings” submitted on July 14, 2022, and revised on November 8, 2023, as approved by the City Council at a hearing date to be determined.
4. Except as amended herein, or by reference, all development including street and infrastructure improvements, and mitigation measures from the Initial Study/Mitigated Negative Declaration (EA C&ED No. 2023-26), shall be in accordance with the Village One Specific Plan (as amended) Precise Plan No. 35 South, and the Vesting Tentative Subdivision Map of The Crossings (TSM-22-002), as set forth in resolutions and ordinance approved by the City Council at a hearing date to be determined.
5. Siting of residences shall be in accordance to the Development Standards for Residential uses as specified in Chapter II of the Specific Plan (as amended) and Precise Plan Area No. 35 South as adopted by the City Council.
6. Upon development of the residential lots, developer shall provide specific site plans and elevations consistent with the Design Guidelines and Standards of the Village One Specific Plan (as amended) and Precise Plan Area No. 35 South as adopted by the City Council, to the satisfaction of the Director of Community and Economic Development or designee, prior to the issuance of a building permit.
7. Prior to issuance of a building permit for lots that back up to Claus Road, plot plans for said lots shall demonstrate that all rear yard setbacks be at least fifteen (15) feet, in accordance to the setback standards outlined in Section 10-408(c) of the City’s Zoning Code.
8. Prior to issuance of a building permit for any lot, site plan shall demonstrate that driveways are at minimum 18-feet in depth from the front property line and 20-feet in depth to the back of sidewalk.
9. Prior to issuance of a building permit for any lot within 200-feet of the center of the near mainline of the adjacent BNSF Railroad along the easternmost boundaries of the subdivision, and any lot that backs up to Claus Road, building plans shall demonstrate the provision of acoustical treatments to reduce exterior noise impacts to an interior decibel level of 45Ldn or less, to the satisfaction of the Chief Building Official and the Director of Community and Economic Development.

In addition, for those lots within 200-feet of the center of the near mainline of the adjacent BNSF Railroad along the easternmost boundaries of the subdivision, building plans shall demonstrate structural improvements to mitigate vibration levels generated by passing train traffic, to the satisfaction of the Chief Building Official and the Director of Community and Economic Development.

10. Prior to Certificate of Occupancy of any structure adjacent to required fences and walls, such fences and walls shall be installed in accordance to the Wall Plan of Precise Plan Area No. 35 South as adopted by the City Council, and the Village One Specific Plan, Section II.G.13, Residential—Community Design Policies, including but not limited to the following standards:
 - a. A minimum seven (7) foot high decorative concrete masonry sound wall with cap treatment along the Claus Road frontage at the rear of Lots 148 and 316-330 (excepting entry Lots A and B at Merle Avenue), and along the East Briggsmore Avenue frontage at the rear of Lots 1-12. Said wall should be designed with two-foot offsets at every other property line.
 - b. A minimum nine (9) foot high CMU or pre-cast concrete masonry sound wall along the BNSF rail alignment at the rear of lots 204-231 and 285-305. Such CMU or pre-cast concrete masonry wall may step down to seven (7) feet in height beyond the 200-foot distance from the center of the mainline of the railroad.
 - c. Walls and fences along the collector streets shall be provided as required by Section II.G.13.a.8 of the Specific Plan.

LAND DEVELOPMENT ENGINEERING

11. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee. The improvement plans shall include but not be limited to the following:
 - a. Dedication of Claus Road to a four-lane Principal Arterial Street per the Circulation Plan of Precise Plan No. 35 South, with installation of roadway and frontage improvements as demonstrated on the Wall Plan of the Precise Plan, consisting of a separated sidewalk between landscaped areas along the entirety of the tentative map frontage of Claus Road. Dedication and design of improvements shall be to the satisfaction of the City Engineer or designee.
 - b. Dedication and installation of a two-lane roundabout at the intersection of Claus Road and Merle Avenue. Final design shall consider if two-lane bypass roundabout design and right in/right out access is appropriate. Said roundabout shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.

Dedication and installation of the two-lane roundabout at the intersection of Claus Road and Merle Avenue shall include an

enhanced high-visibility crosswalk and a pedestrian HAWK signal system for the Class 1 Bike Path crossing.

Dedication and installation of the roundabout may require the reconfiguration or removal of the following Lots: Entry Lots A and B, and Lots 149, 148, 157, 316 and 317. Said reconfiguration shall be reflected in the improvement plans and Final Map.

- c. Dedication and installation of a two-lane roundabout at the intersection of East Briggsmore Avenue and Held Drive. Said roundabout shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.
- d. Dedication and installation of Tivoli Specific Plan standard roundabouts at the intersections of Held Drive/Street M and East Merle Avenue/Street F. Said roundabouts shall be designed by a registered engineer with specialization in roundabout geometry and be designed to the satisfaction of the City Engineer or designee.

Dedication and installation of the roundabouts may require the reconfiguration or removal of the following Lots: 77, 78, 93, 94, 102, 103, 175, 176, 254, 255, 304 and 305. Said reconfiguration shall be reflected in the improvement plans and Final Map.

- e. Interior 60-foot and 69-foot street cross-sections, including but not limited to roadways, curb, gutter, sidewalks, landscape, Class 1 Bike Lanes, bike path crossings and ADA curb ramps, shall be designed to the satisfaction of the City Engineer or designee.
- f. Roundabout truck aprons shall be constructed with roll-over curbs to facilitate bus travel.

- 12. For adequate water system distribution capacity, the project must either:
 - a. Tie into the 16-inch Claus Road transmission line, and loop into the 12-inch main off of Held Drive; or
 - b. Extend and loop the 12-inch main located at Merle Avenue to 12-inch main on Held Drive.
 - c. Further comments regarding water utility needs will be provided at the improvement plan stage, and the developer shall work with City Staff on requirements for water system connectivity, looping, and offsite CIPs.
- 13. Per the City's Wastewater Master Plan and the Village One Facilities Master Plan, it is recommended that the development area tie into the 18-inch main located off of Merle Avenue. This service main is sized to have adequate capacity for development of this scale. Further comments will

be provided at the improvement plan stage regarding the viability of using the existing eight-inch main on Held Drive for some additional flow demand. The developer shall work with City staff on sewer alignment and connectivity issues for this development.

14. All storm drainage must be retained within the development area per City Standards for conveyance, storage and water quality. This project may not discharge any stored storm water without the approval of the City Engineer. Such approval will only be granted if additional interconnectivity and other improvements are constructed in the future.
15. Prior to recordation of a Final Map, calculations must be submitted confirming proposed park/basin, and any other proposed storm drainage management measures, which may or may not be shown, are adequately sized for the 6-day 100-year Storm (R=5.6”) per the 2014 Modesto City Standards, and the 2011 Revised Guidance Manual for Development of Stormwater Quality Measures.
16. Improvement plans shall clearly indicate that adequate space is being designated for storm drainage requirements to the satisfaction of Parks Planning and Development and the City Engineer or designee. Further comments will be provided at the improvement plan stage in regard to meeting required City Standards.
17. Improvement plans shall demonstrate placement of fire hydrants no more than 500-feet apart as measured along the curb.
18. Any public improvements that are missing, damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

PARKS PLANNING

19. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City’s Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
20. Applicant shall install street trees every thirty-five (35) to forty (40) feet on center along all proposed streets.
21. Applicant shall install one (1) street tree per residential lot unless on a corner lot which requires street trees every thirty-five (35) to forty (40) feet on center of the parcel’s length.

22. Applicant shall install climbing vines on all walls along the Claus Road frontage, in a landscape planter, to discourage tagging.
23. Applicant shall provide signage with appropriate landscaping for Clear Vision Triangles at entrances. Within the triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
24. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.
25. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code at all landscape lots with park amenities and park site.
26. All landscape and improvement plans shall be reviewed and accepted by Parks Planning and Development or designee prior to recordation of a Final Map. All Landscape Lot and Park Design Plans shall demonstrate but not be limited to the following:
 - a. Provision of underground storm water tank systems on all Landscape Lots.
 - b. Selection of trees with root systems that will not affect underground storm tank systems.
 - c. Lower Tier Park Land shall hold nuisance water.
 - d. Provision of design feature to dissipate storm and/or nuisance water fallout.
 - e. Planters along the Claus Road frontage shall be at minimum seven (7) feet in width. Planters along internal streets of the project shall be at a minimum width to accommodate landscaping including trees, to the satisfaction of the Parks Planning and Development Manager and the Director of Community and Economic Development or designee.

INFRASTRUCTURE FINANCE

27. Prior to development up to and including issuance of a Final Map for The Crossings, the developer shall take all actions to secure and establish a mechanism for the funding of the installation of some or all of the site's facilities, through the creation of a new Mello-Roos Community Facilities District (CFD) for the Village One Triangle, and ongoing maintenance of these items and/or facilities. The developer and City will work toward a

comprehensive list of facilities and improvements, and ongoing maintenance will be determined during the CFD formation process and listed in the CFD's Public Report.

UTILITY COMPANIES

28. The Pacific Gas and Electric (PG&E) company operates an 8.625-inch high-pressure gas transmission main within the boundaries of Claus Road that will be impacted by the proposed Claus Road extended right-of-way. Prior to the issuance of a grading or building permit, whichever occurs first, developer shall submit a full grading plan for review and approval by PG&E.
29. A PG&E Gas Transmission Standby Inspector shall be present during any demolition or construction activity that comes within ten (10) feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection shall be coordinated through the Underground Service Alert (USA) service at 811.
30. The Modesto Irrigation District (MID) Ralston Drain (Ralston Drain ID – ID No. 3D) that lies within the project site must be replaced with rubber-gasketed reinforced concrete pipe (RGRCP), unless all parcels within the project site submit a Sign-Off of Drainage Facilities form to MID's Civil Engineering Department.
31. All privately-owned irrigation facilities that will have alignment changed or relocated must be protected by an irrigation easement dedicated by separate instrument to the downstream landowner(s) that are served by the existing private infrastructure and must be shown on the subdivision map.
32. Ten-foot-wide public utility easements and six-foot-wide planting easements located within the ten-foot-wide public utility easements shall be dedicated along all street frontages as required by the City Engineer or designee.
33. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.

GENERAL CONDITIONS

34. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer

or designee. All improvements shall be constructed in accordance with the approved plans.

35. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural operations. Such notice shall be placed on the final deeds for the individual lots.
36. Future home buyers and prospective residents of the Precise Plan Area No. 35 South that are within 200-feet of the right-of-way of the Burlington Northern Santa Fe railroad shall be provided disclosure that they are subject to noise, vibration and other impacts from rail operations. Such notice shall be placed on the final deeds for the individual lots.
37. Future home buyers and prospective residents of the Precise Plan Area No. 35 South shall be provided disclosure that they are subject to noise, vibration and other impacts from aircraft operations of the East Side Mosquito Abatement District facility located on Santa Fe Avenue to the east of the project. Such notice shall be placed on the final deeds for the individual lots.
38. All fire hydrants and fire apparatus access roads meeting the requirement for “all weather” shall be installed prior to combustible construction materials being brought into the site.
39. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
40. Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
41. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
42. All landscaping, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
43. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
44. Prior to start of vertical building construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all

times during construction as required by Director of Community and Economic Development and the Fire Department.

45. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following Conditions of Approval are Mitigation Measures from the Mitigation Monitoring and Reporting Program (MMRP) of the Mitigated Negative Declaration, EA C&ED No. 2023-26, that are applicable to the project:

Transportation and Circulation:

46. Claus Road at Merle Avenue: The project developers shall install a two-lane roundabout with an enhanced high-visibility crosswalk and a pedestrian HAWK signal for the class 1 bike path crossing. Final Design shall consider if two-lane bypass roundabout design and right in/right out access is appropriate. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry and to the satisfaction of the City Engineer.
47. East Briggsmore Avenue at Held Drive: The project developers shall construct a 2-lane roundabout with an enhanced high-visibility crosswalk. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry, to the satisfaction of the City Engineer.
48. East Merle Avenue at Street F: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard, to the satisfaction of the City Engineer.
49. Held Drive at Street M: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard and to the satisfaction of the City Engineer.
50. Claus Road between Sylvan Avenue and Briggsmore Avenue: Developer shall dedicate sufficient right-of-way along the project frontage to allow for four-lane Principal Arterial Street alignment. Developer shall install

improvements along project frontage that shall include but not be limited to:

- a. Median, curb, gutter and sidewalk along Claus Road frontage;
 - b. Landscape planter between concrete masonry wall and sidewalk per approved street cross-sections;
 - c. Landscape planter between sidewalk and northbound travel lanes per approved street cross-sections.
51. Interior 60-ft and 69-ft street cross-sections: The interior streets shall be designed to the satisfaction of the City Engineer. Current plans submitted only show renderings. Revisions to the proposed Class 1 bike path that runs throughout the neighborhood may be required, specifically design for intersection bike/pedestrian crossings.

Noise:

52. Sound Walls: Developer shall install CMU or pre-cast concrete masonry walls per the Wall Plan of the Precise Plan, as follows:
- a. A nine-foot high sound wall along the BNSF rail alignment at the rear of Lots 204-231 and 285-305, and along the East Briggsmore Avenue frontage at the rear of Lots 1-12.
 - b. A seven-foot high sound wall along the Claus Road frontage at the rear of Lots 148 and 316-330 (excepting entry Lots A and B at Merle Avenue)
53. General Plan Master EIR Mitigation Measure Noise-7: Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)
- a. All homes within 200-feet of the BNSF railway
 - b. All homes within 90 feet of Claus Road
 - c. All homes within 90 feet of East Briggsmore Avenue
54. GP MEIR Noise-14: For new residential development proposed in areas within 200 feet of the center of the near mainline of active rail lines where single-event noise from trains is of concern, demonstrate that the proposed development will incorporate measures to reduce maximum noise levels generated during train passbys to 50 dBA Lmax or less inside bedrooms

and to 55 dBA Lmax or less inside other noise sensitive occupied areas.
(Policy VII-G.3.l)

55. GP MEIR Noise-15: For new residential and vibration sensitive commercial development (including but not limited to lodging facilities, hospitals and similar uses) located within 200 feet of the center of the near mainline of active rail lines, demonstrate that the proposed development will incorporate measures to reduce vibration levels generated during train passby events to meet the FTA vibration criteria as shown in Master EIR Table V-3-6. (Policy VII-G.3.m)

Air Quality:

56. GP MEIR AQ-100: Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)
57. GP MEIR AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)
58. GP MEIR AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)
59. GP MEIR AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)
60. GP MEIR AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)
61. GP MEIR AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)
62. GP MEIR AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize

said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

63. GP MEIR Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)
64. GP MEIR AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
65. GP MEIR AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)
66. GP MEIR AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.wv)
67. GP MEIR AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
68. GP MEIR AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
69. GP MEIR AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)
70. GP MEIR AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

Increased Demand for Storm Drainage/Flooding and Water Quality:

71. SD-10/FWQ-11. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)
72. SD-12/FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)
73. SD-13/FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)
74. SD-15/FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered

small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Generation of Hazardous Materials:

75. HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.
76. HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

Loss of Sensitive Wildlife and Plant Habitat:

77. SWPH-12: For proposed development consistent with the adopted Urban Area General Plan on lands within the Baseline Developed Area and Downtown, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, an assessment of whether any potential habitat for special-status species is present within proposed development areas shall be made. No further biological study is warranted unless habitat is present or if specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources (Policy VII-E.2[a]).
78. SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the General Plan MEIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the Final Development Plan for The Crossings, as described in **Exhibits “A” and “B”, attached** hereto and incorporated herein by reference.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney



Renderings are conceptual. Final designs are subject to the City Engineer review and approval.



Renderings are conceptual. Final designs are subject to the City Engineer review and approval.



Renderings are conceptual. Final designs are subject to the City Engineer review and approval.

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- 4. STREET SCENE 2
- 5. STREET SCENE 3
- 6. BIRDS-EYE VIEW

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DESIGN REVIEW AND VESTING TENTATIVE MAP

THE CROSSINGS

TRACT NO. XXXXX

MODESTO, CALIFORNIA



DEVELOPER
D.R. HORTON
3000 EXECUTIVE PARKWAY, SUITE 100
SAN RAMON, CA, 94583

ARCHITECT
WHA ARCHITECTS
5000 EXECUTIVE PARKWAY, SUITE 375
SAN RAMON, CA 94583

CIVIL ENGINEER
SIEGFRIED ENGINEERING, INC.
3428 BROOKSIDE RD.
STOCKTON, CA 95219

LANDSCAPE ARCHITECT
SIEGFRIED ENGINEERING, INC.
3428 BROOKSIDE RD.
STOCKTON, CA 95219

PURSUANT TO GOVERNMENT CODE SECTION 66456.1, THE SUBDIVIDER MAY FILE MULTIPLE FINAL MAPS BASED UPON THE VESTING TENTATIVE SUBDIVISION MAP. THE FILING OF A FINAL MAP ON A PORTION OF THE VESTING TENTATIVE SUBDIVISION MAP SHALL NOT INVALIDATE ANY PART OF THIS VESTING TENTATIVE SUBDIVISION MAP.



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- PLANNING
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REVISIONS

No. Date Description

PROJECT

THE CROSSINGS
TRACT NO. XXXX
VESTING TENTATIVE MAP

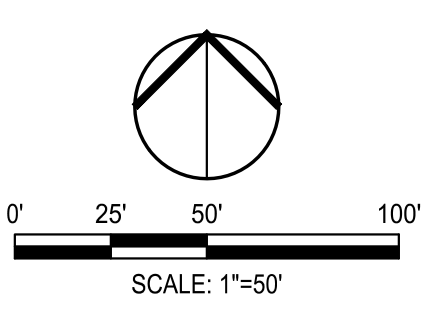
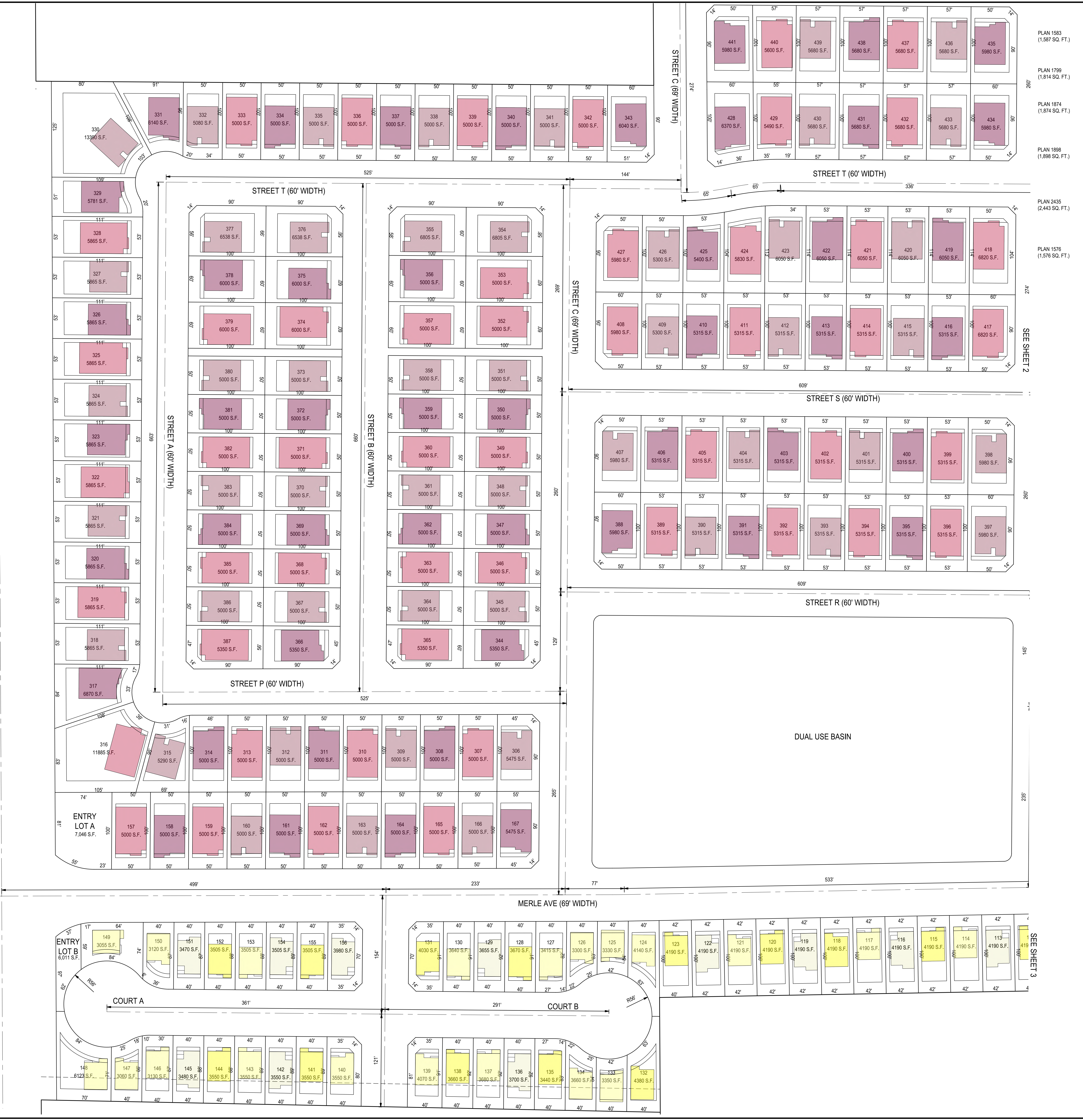
1740 CLAUD ROAD,
MODESTO, CA

SHEET TITLE

DEVELOPMENT PLAN

Proj Mgr: KJG
Drawn by: SRS
Date: 10/06/2023
Job No.: 22020
Sheet: 1

- LEGEND:**
- PLAN 1583 (1,587 SQ. FT.)
 - PLAN 1759 (1,814 SQ. FT.)
 - PLAN 1874 (1,874 SQ. FT.)
 - PLAN 1898 (1,898 SQ. FT.)
 - PLAN 2435 (2,443 SQ. FT.)
 - PLAN 1576 (1,576 SQ. FT.)
- SETBACKS:**
- FRONT:
15' HOUSE
20' GARAGE
- SIDE: 5'
- REAR: 15' SETBACK
- STREET SIDE: 10'
- REAR: 15' SETBACK
- NOTES:**
ALL REAR YARDS ARE 15' DEEP
>300 S.F. (TYPICAL)



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No. Date Description

PROJECT

**THE CROSSINGS
MODESTO**

1740 CLAUD ROAD,
MODESTO, CA

SHEET TITLE

**DEVELOPMENT
PLAN**

Proj Mgr KJG

Drawn by SRS

Date 10/06/2023

Job No. 22020

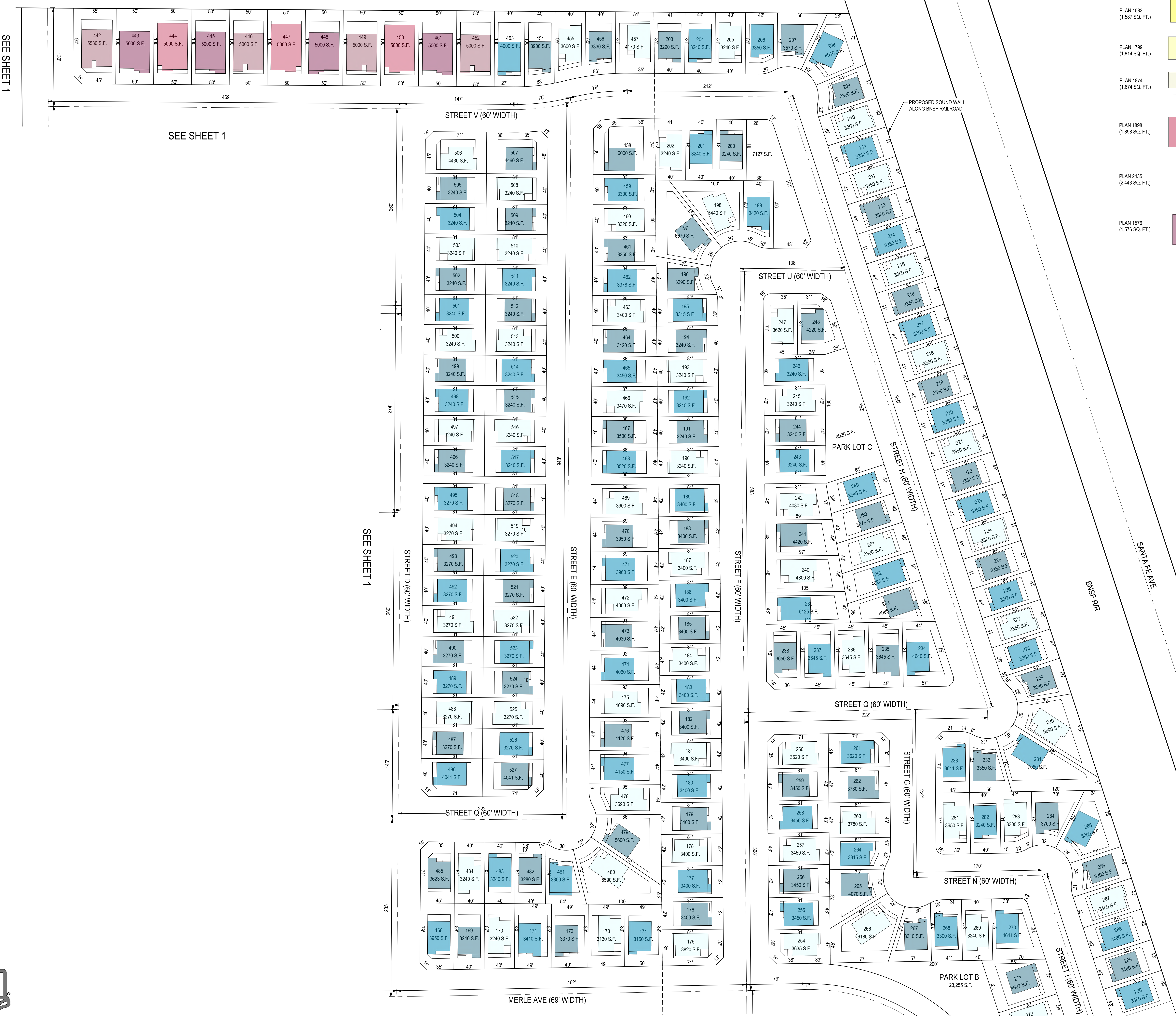
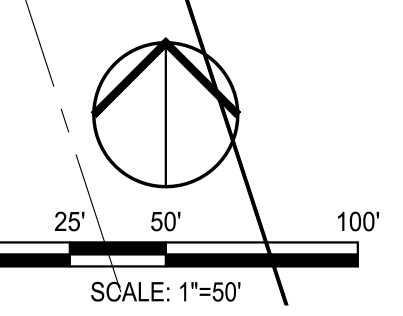
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LEGEND:

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ALL REAR YARDS ARE 15' DEEP
>300 S.F. (TYPICAL)



SEE SHEET 1

SEE SHEET 1

SEE SHEET 1

SEE SHEET 3



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SEE SHEET 2

STREET G (60' WIDTH)

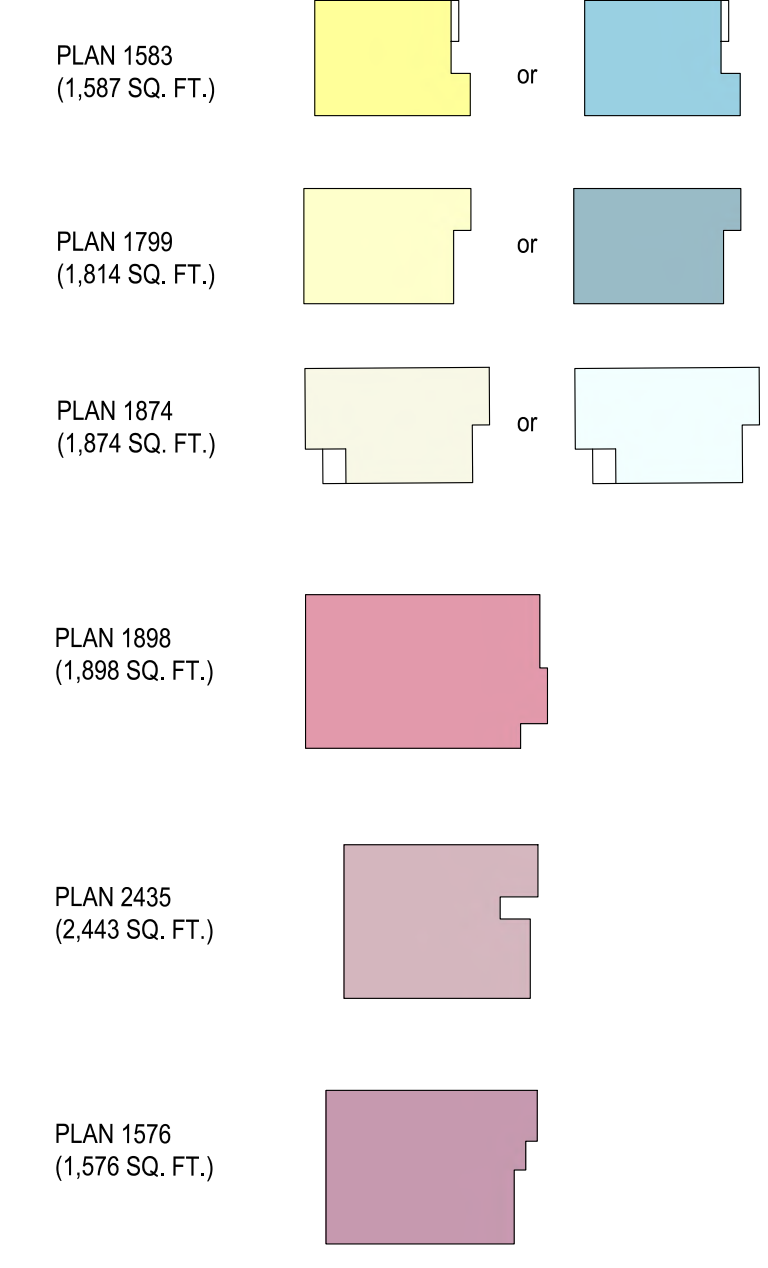
STREET D (60' WIDTH)

HELD DRIVE (60' WIDTH)

SEE SHEET 1



LEGEND:



SETBACKS:

FRONT: 15' HOUSE 20' GARAGE
 SIDE: 5'
 REAR: 15' SETBACK

NOTES:
 ALL REAR YARDS ARE 15' DEEP
 >300 S.F. (TYPICAL)

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REVISIONS

No.	Date	Description

PROJECT

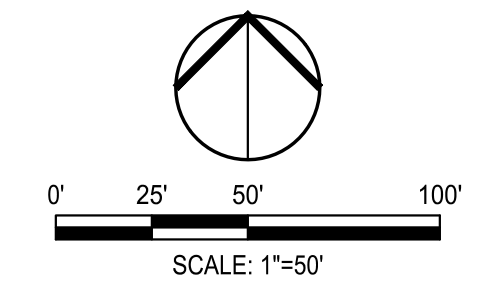
**THE CROSSINGS
 MODESTO**

1740 CLAUD ROAD,
 MODESTO, CA

SHEET TITLE

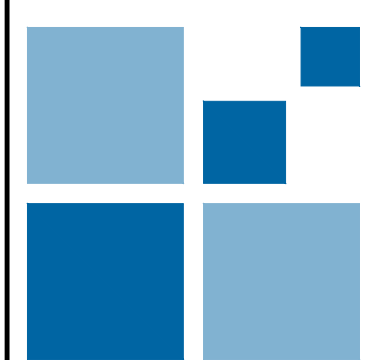
**DEVELOPMENT
 PLAN**

Proj Mgr	KJG
Drawn by	SRS
Date	10/06/2023
Job No.	22020
Sheet:	3



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PROJECT

THE CROSSINGS
TRACT NO. XXXX
VESTING TENTATIVE MAP

1740 CLAUS ROAD,
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SHEET TITLE

ILLUSTRATIVE TREE PLAN

Proj Mgr: KJG
Drawn by: SRS
Date: 9/26/2023
Job No.: 22020
Sheet:

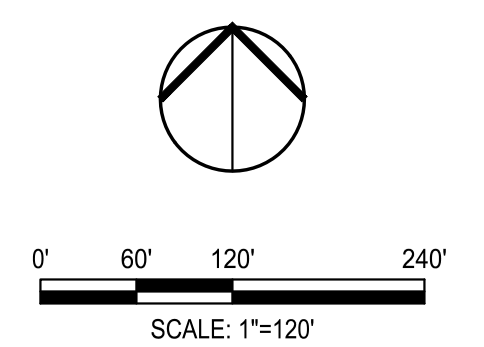
L2.0
of: 7

CONCEPT TREE LEGEND

-  **MAIN ROADWAY TREES**
15 gallon trees. Spacing per plan. Drip bubbler irrigation.
Acer platanoides / Norway Maple
Platanus racemosa / California Sycamore
Zelkova serrata / Japanese Zelkova
-   **INTERIOR MAIN ROAD TREES**
15 gallon trees. Spacing per plan. Drip bubbler irrigation.
Cinnamomum camphora / Camphor Tree
Platanus racemosa / California Sycamore
Ulmus parvifolia / Lacebark Elm
Zelkova serrata / Japanese Zelkova
-    **COLLECTOR ROAD TREES**
15 gallon trees. Low water use plants. Drip bubbler irrigation.
Acer rubrum / Red Maple
Celtis australis / European Hackberry
Pistacia chinensis / Chinese Pistache
Pyrus calleryana 'Bradford' / Bradford Callery Pear
Quercus lobata / Valley Oak
x Chitalpa tashkentensis / Chitalpa
-  **PARK & ENTRANCE TREES**
Trees at parks, passos, and entryways.
15 gallon. Low/medium water use trees.
Drip bubbler irrigation.
Cedrus atlantica / Atlas Cedar
Cedrus deodara / Deodar Cedar
Celtis sinensis / Chinese Hackberry
Ginkgo biloba / Maidenhair Tree
Quercus agrifolia / Coast Live Oak
Quercus lobata / Valley Oak
Quercus suber / Cork Oak
Sequoia sempervirens / Coast Redwood
-  **STREET TREES-CLAUS ROAD**
15 gallon trees. Spacing per plan. Drip bubbler irrigation.
Ginkgo biloba 'Autumn Gold' / Autumn Gold Maidenhair Tree
Pistacia chinensis 'Keith Davy' / Keith Davy Chinese Pistache
Platanus x acerifolia 'Yanwood' / Yanwood London Plane Tree
Quercus lobata / Valley Oak
Quercus suber / Cork Oak
-  **MEDIAN TREES**
15 gallon trees. Spacing per plan. Drip bubbler irrigation.
Arbutus unedo / Strawberry Tree
Cercis occidentalis / Western Redbud
Lagerstroemia indica / Crape Myrtle
Photocarpus gracilior / Fern Pine
Prunus caroliniana 'Krauter Vesuvius' / Krauter Vesuvius Purple-leaf Plum
Vitex agnus-castus / Chaste Tree

WATER CONSERVATION NOTES

1. ALL WORK WILL BE DONE IN ACCORDANCE WITH STATE AND LOCAL STANDARDS AND CODES.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO ENSURE THE EFFICIENT USE OF WATER AND AVOIDANCE OF OVERSPRAY AND OVERWATERING THROUGH THE USE OF DRIP AND SPRAY ROTATORS.
3. AN ISOLATED VALVE SYSTEM WITH DRIP BUBBLERS SHALL BE DESIGNED FOR THE TREES.
4. THE IRRIGATION SYSTEM AND PLANTS SHALL BE GROUPED IN HYDROZONES.
5. LOW WATER USE, NATIVE AND ADAPTIVE PLANTS BASED ON WUCOLS IV SHALL BE SELECTED.



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REVISIONS

No. Date Description

PROJECT

THE CROSSINGS
TRACT NO. XXXX
VESTING TENTATIVE MAP

1740 CLAUS ROAD,
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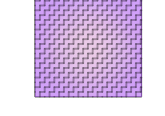
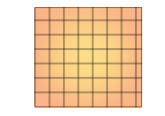
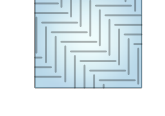
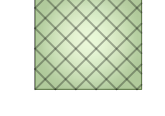
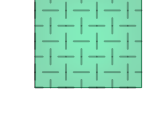
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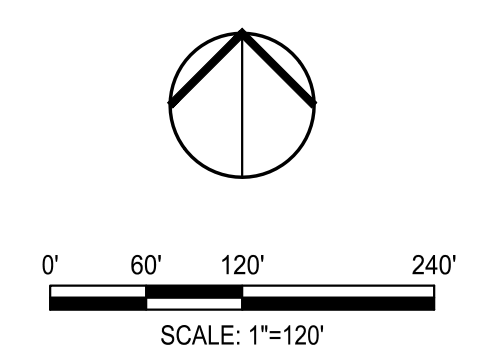
ILLUSTRATIVE SHRUB PLAN

Proj Mgr	KJG
Drawn by	SRS
Date	9/26/2023
Job No.	22020
Sheet:	L3.0

of: 7

SHRUB PLANTING LEGEND

-  **ENTRY ACCENT-SHRUB & GROUNDCOVERS**
Site entry landscape area. Mixed heights of medium and small sized shrubs with bright showy flowers and foliage color year round (18"-4'-0" high, 5 gallon). Evergreen low groundcover planting (6"-18" high, 1 gallon). Low water use plants.
-
-  **STREETSCAPE - SHRUB & GROUNDCOVER**
Plants for use within the interiors of the roads and in medians, roundabouts, and intersections throughout the site. Includes medium and small sized shrubs (18"-4' high, 5 gallon) with evergreen low groundcover planting (6"-18" high, 1 gallon).
-
-  **STREET FRONTAGE - SHRUB & GROUNDCOVER**
Plants for use along sides of the streets. Includes medium and small sized shrubs (18"-4' high, 5 gallon) with evergreen low groundcover planting (6"-18" high, 1 gallon).
-
-  **PARK-SHRUB & GROUNDCOVERS**
Plants for use within park areas throughout project site. Includes medium and small sized shrubs (18"-4' high, 5 gallon) with evergreen low groundcover planting (6"-18" high, 1 gallon).
-
-  **MAJOR STREET (CLAUS ROAD)**
Plants for use along Claus Road. Includes medium and small sized shrubs (18"-4' high, 5 gallon) with evergreen low groundcover planting (6"-18" high, 1 gallon).
-





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PROJECT

THE CROSSINGS
TRACT NO. XXXX
VESTING TENTATIVE MAP

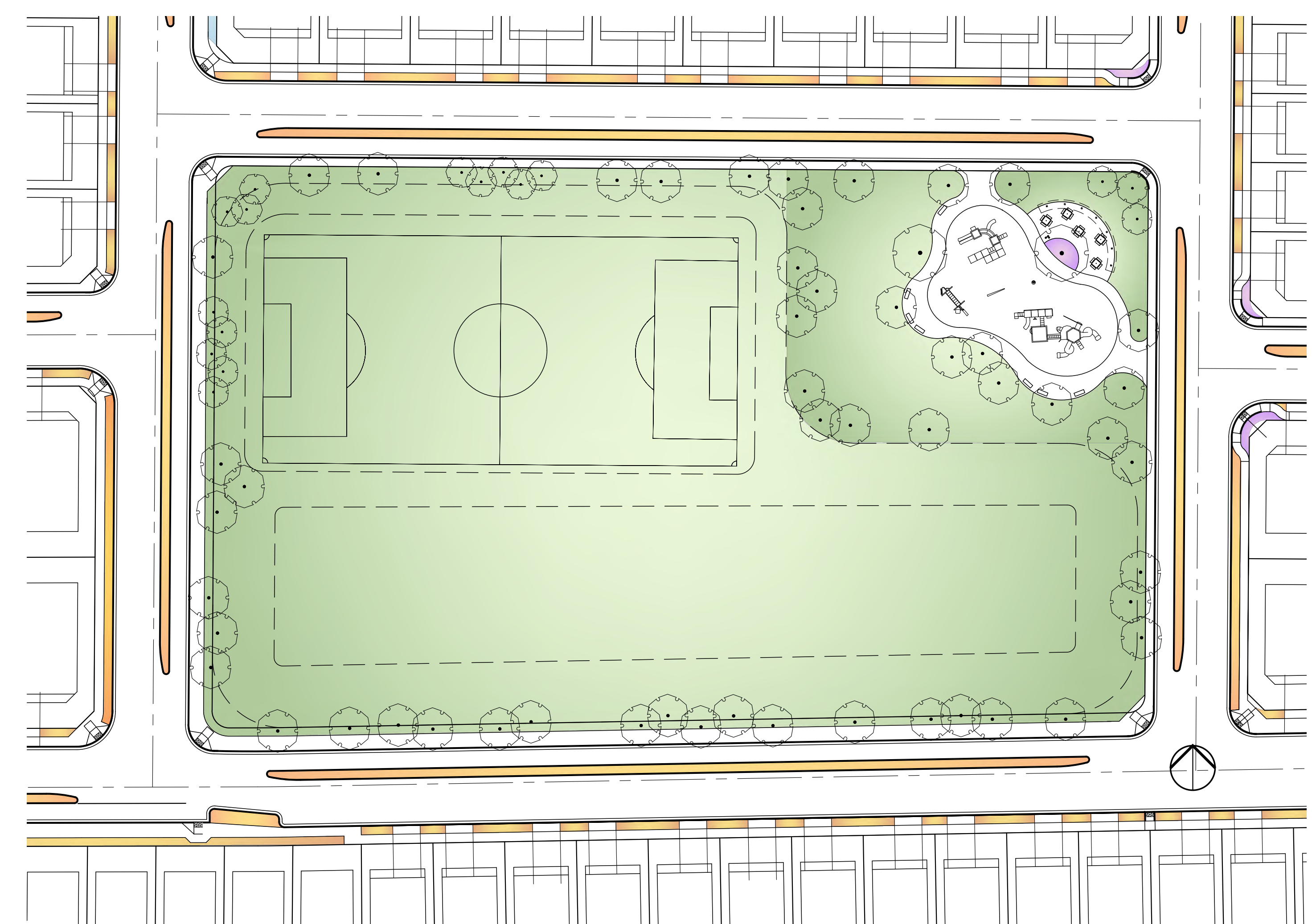
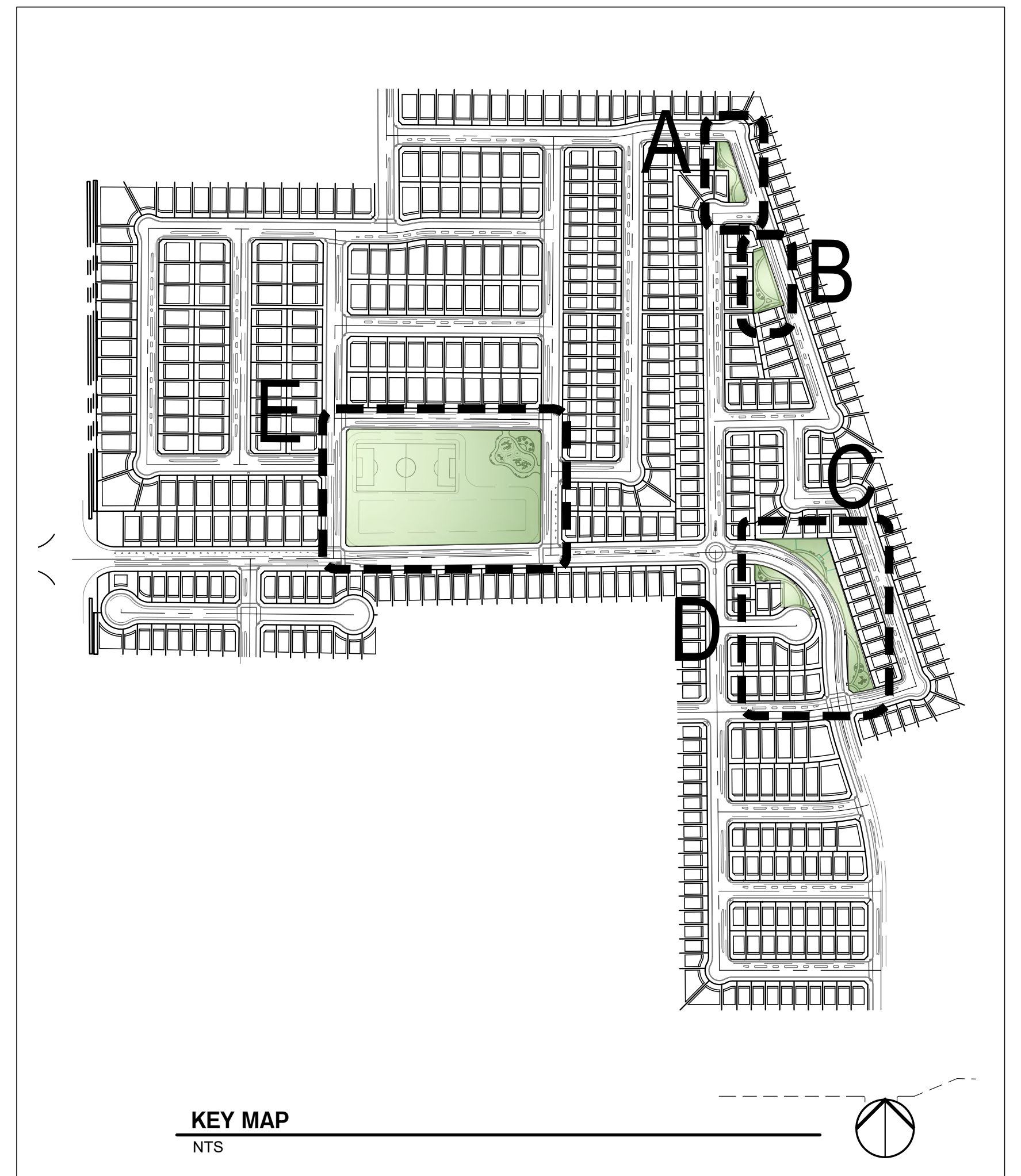
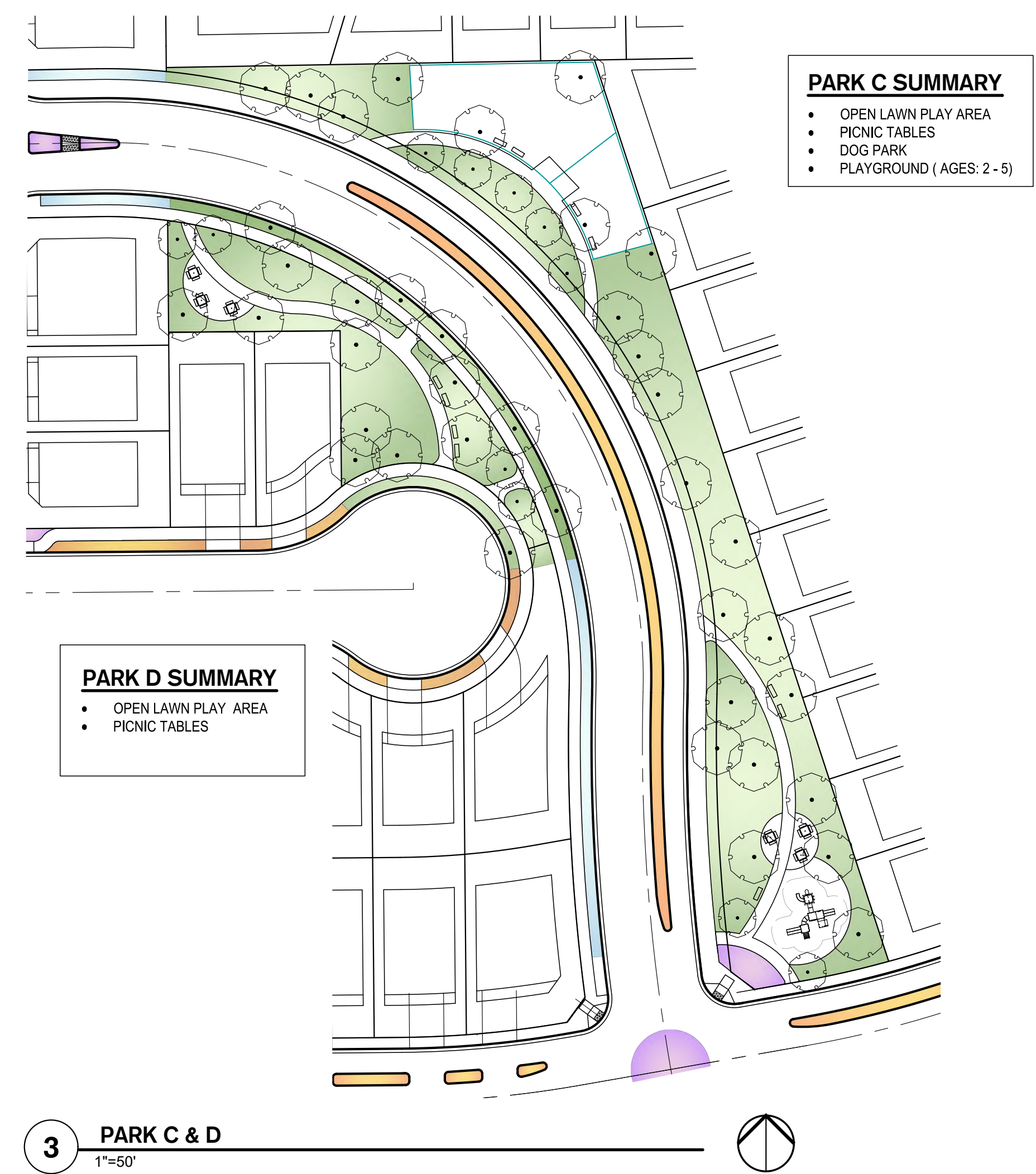
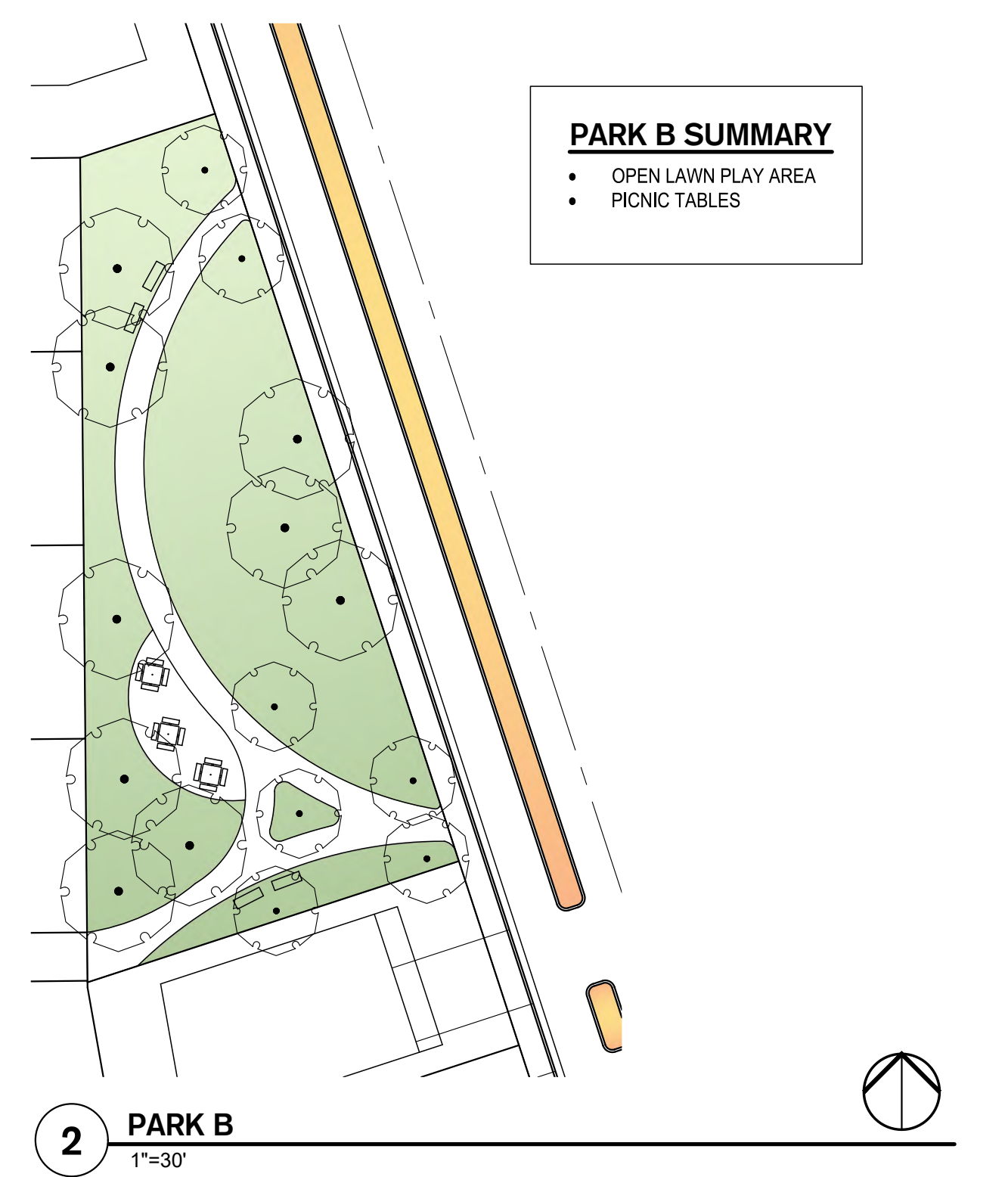
1740 CLAUD ROAD,
MODESTO, CA

SHEET TITLE

PARK CONCEPT LANDSCAPE PLAN

Proj Mgr	KJG
Drawn by	SRS
Date	9/26/2023
Job No.	22020
Sheet:	

L4.0
of: 7



- PARK E (BASIN) SUMMARY**
- FIREFIGHTER THEMED PLAYGROUND
 - OPEN LAWN PLAY AREA
 - PICNIC TABLES SEATING AREA
 - CONCRETE WALKWAYS
 - BENCHES
 - SHADE TRELLIS
 - DRINKING FOUNTAIN
 - SOCCER FIELD
 - SHADE TREES
 - STORM RETENTION AREAS

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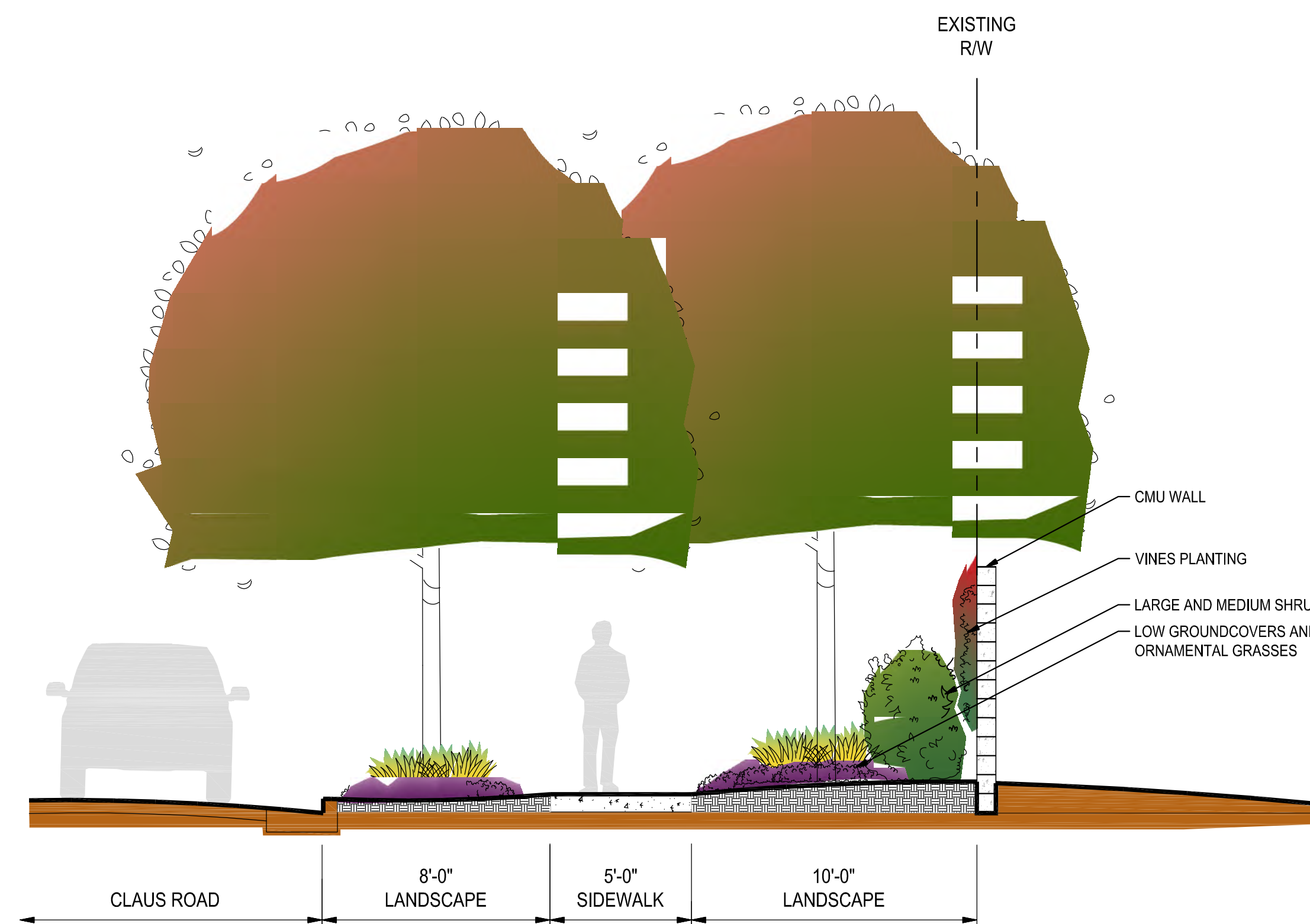
1740 CLAUS ROAD,
MODESTO, CA

SHEET TITLE

CLAUS ROAD LANDSCAPE

Proj Mgr	KJG
Drawn by	SRS
Date	9/26/2023
Job No.	22020
Sheet:	L5.0

of: 7

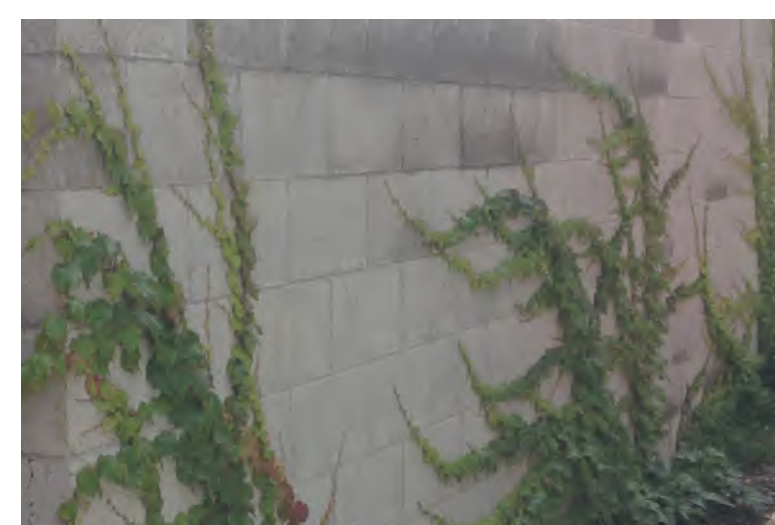
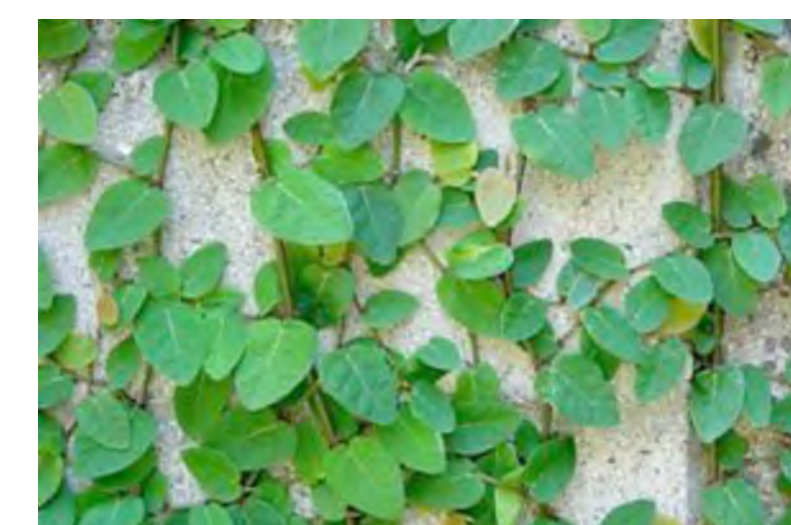
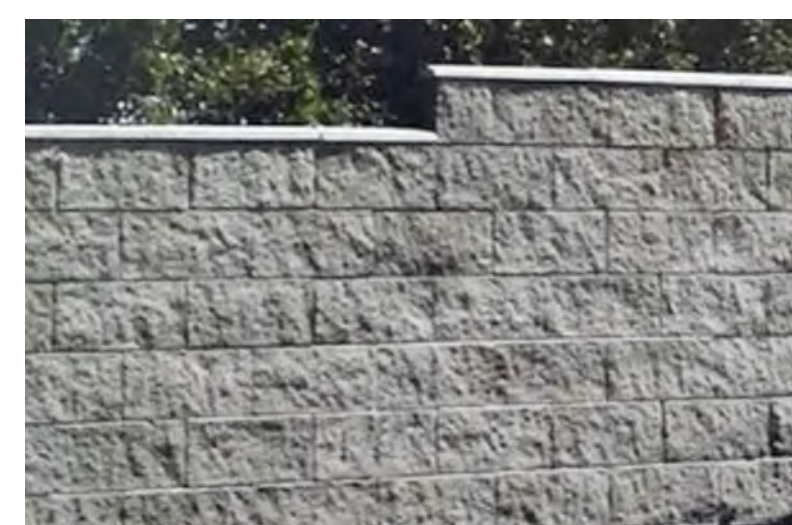


- DESIGN SUMMARY**
- SOUNDWALL**
 - 8' HIGH SPLITFACE CMU BLOCK WALL.
 - 24" SQUARE COLUMNS 16' O.C. TYPICAL.
 - GRAY COLOR.
 - STREET TREES**
 - 20'-30' O.C. TYPICAL
 - LOW AND MEDIUM WATER USE TREES.
 - DRIP BUBBLER IRRIGATION.
 - FINAL TREE SPACING SELECTION SHALL BE APPROVED BY CITY.
 - SHRUBS**
 - COMBINATIONS OF LARGE AND MEDIUM SHRUBS ALONG WALL WITHIN 8'-6" WIDE LANDSCAPE PLANTER.
 - LOW WATER USE PLANTS.
 - DRIP IRRIGATION.
 - GROUNDCOVERS**
 - COMBINATION OF LOW GROUNDCOVERS AND ORNAMENTAL GRASSES ALONG BACK OF SIDEWALK.
 - LOW WATER USE PLANTS.
 - DRIP IRRIGATION.
 - VINES**
 - VINES PLANTED 8' O.C. TYPICAL ALONG WALL.
 - LOW WATER USE PLANTS.
 - DRIP BUBBLER IRRIGATION.

1 CLAUS ROAD SECTION
1" = 4'

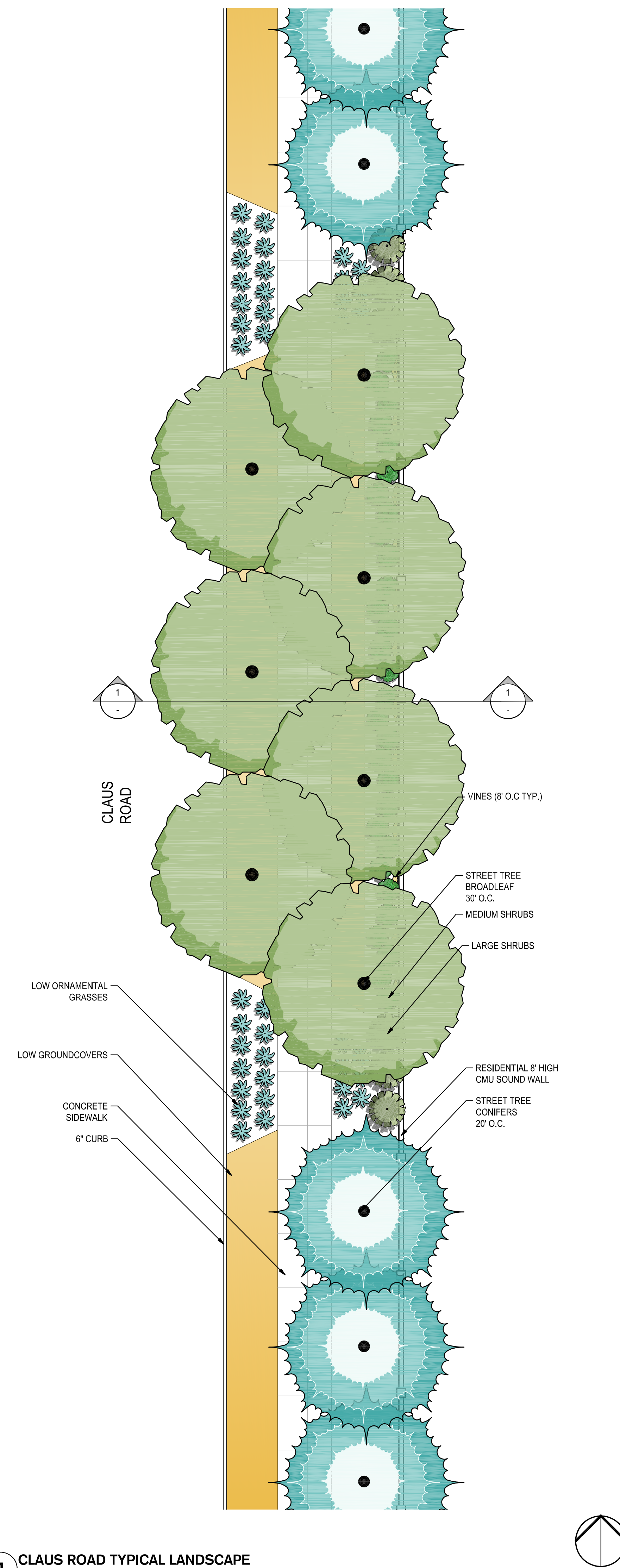


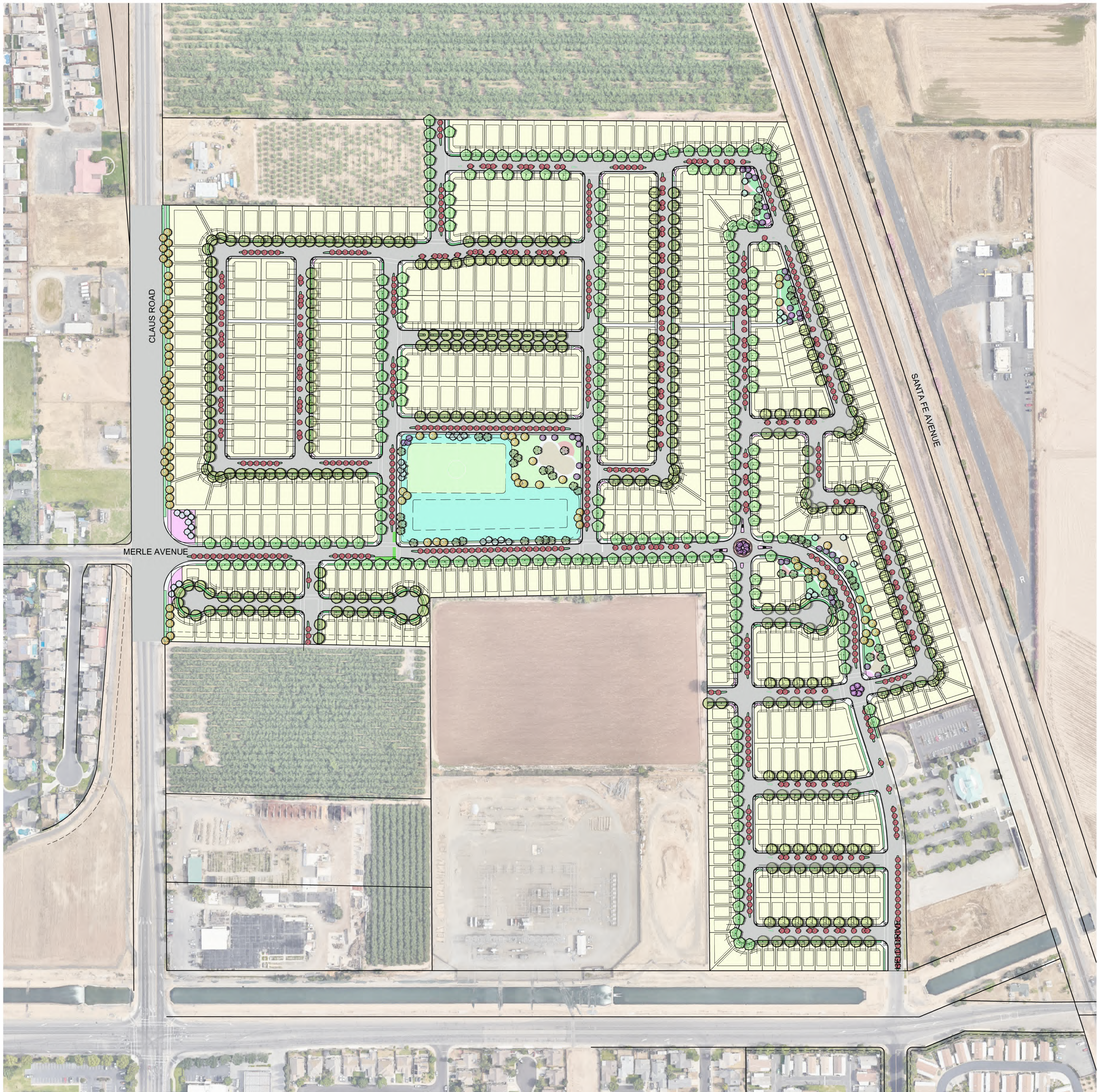
2 STREETScape PERSPECTIVES
NO SCALE



3 SPLITFACE CMU WALL - DESIGN REFERENCE
NO SCALE

4 CLAUS ROAD TYPICAL LANDSCAPE
1" = 10'





NOTES:

1. FINAL ROUNDABOUT DESIGN MAY RESULT IN THE NEED FOR THE PROJECT ENTRY LOTS AND LOTS 317, 316, 157, 149, AND 148 BEING UTILIZED TO ACCOMMODATE FINAL ROUNDABOUT LAYOUT.



SIEGFRIED

3428 Brookside Road
Stockton, California 95219
209-943-2021
Fax: 209-942-0214
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- CIVIL
- STRUCTURAL
- LANDSCAPE ARCHITECTURE
- SURVEYING
- PLANNING
- ATHLETIC FACILITY DESIGN

REVISIONS

No. Date Description

PROJECT

THE CROSSINGS
TRACT NO. XXXX
VESTING TENTATIVE MAP

1740 CLAUS ROAD,
MODESTO, CA

SHEET TITLE

ILLUSTRATIVE SITE PLAN

Proj Mgr: KJG
Drawn by: SRS
Date: 9/26/2023
Job No.: 22020
Sheet:

L1.0
of 7



0' 60' 120' 240'
SCALE: 1"=120'



Renderings are conceptual. Final designs are subject to the City Engineer review and approval.



NOTE: BUILDING COLORS SHOWN ARE ARTIST CONCEPTION. PLEASE REFER TO COLOR MATERIAL BOARDS, MANUFACTURE'S SPECIFICATIONS AND COLOR AND LOCATION PACKAGE FOR EXACT LOCATION AND SAMPLES FOR MORE ACCURATE COLORS.

THE CROSSINGS MODESTO, CA

STREET SCENE 1

2022089 | 7-05-23

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ARCHITECTS . PLANNERS . DESIGNERS



ORANGE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO



Renderings are conceptual. Final designs are subject to the City Engineer review and approval.



NOTE: BUILDING COLORS SHOWN ARE ARTIST CONCEPTION. PLEASE REFER TO COLOR MATERIAL BOARDS, MANUFACTURE'S SPECIFICATIONS AND COLOR AND LOCATION PACKAGE FOR EXACT LOCATION AND SAMPLES FOR MORE ACCURATE COLORS.

THE CROSSINGS MODESTO, CA

STREET SCENE 2

2022089 | 7-05-23

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THE CROSSINGS MODESTO, CA

STREET SCENE 3

2022089 | 7-05-23

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D·R·HORTON
America's Builder

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THE CROSSINGS MODESTO, CA

STREET SCENE 4

2022089 | 10-24-23

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ARCHITECTS . PLANNERS . DESIGNERS

WHA

ORANGE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO

EXHIBIT "B"



PLAN 1799
Elevation 'E' Traditional
Color Scheme 8B

PLAN 1898
Elevation 'A' Spanish
Color Scheme 9A

PLAN 1583
Elevation 'F' Farmhouse
Color Scheme 17B

PLAN 1576
Elevation 'E' Traditional
Color Scheme 8B

PLAN 1799
Elevation 'F' Farmhouse
Color Scheme 12B

THE CROSSINGS

Modesto, California

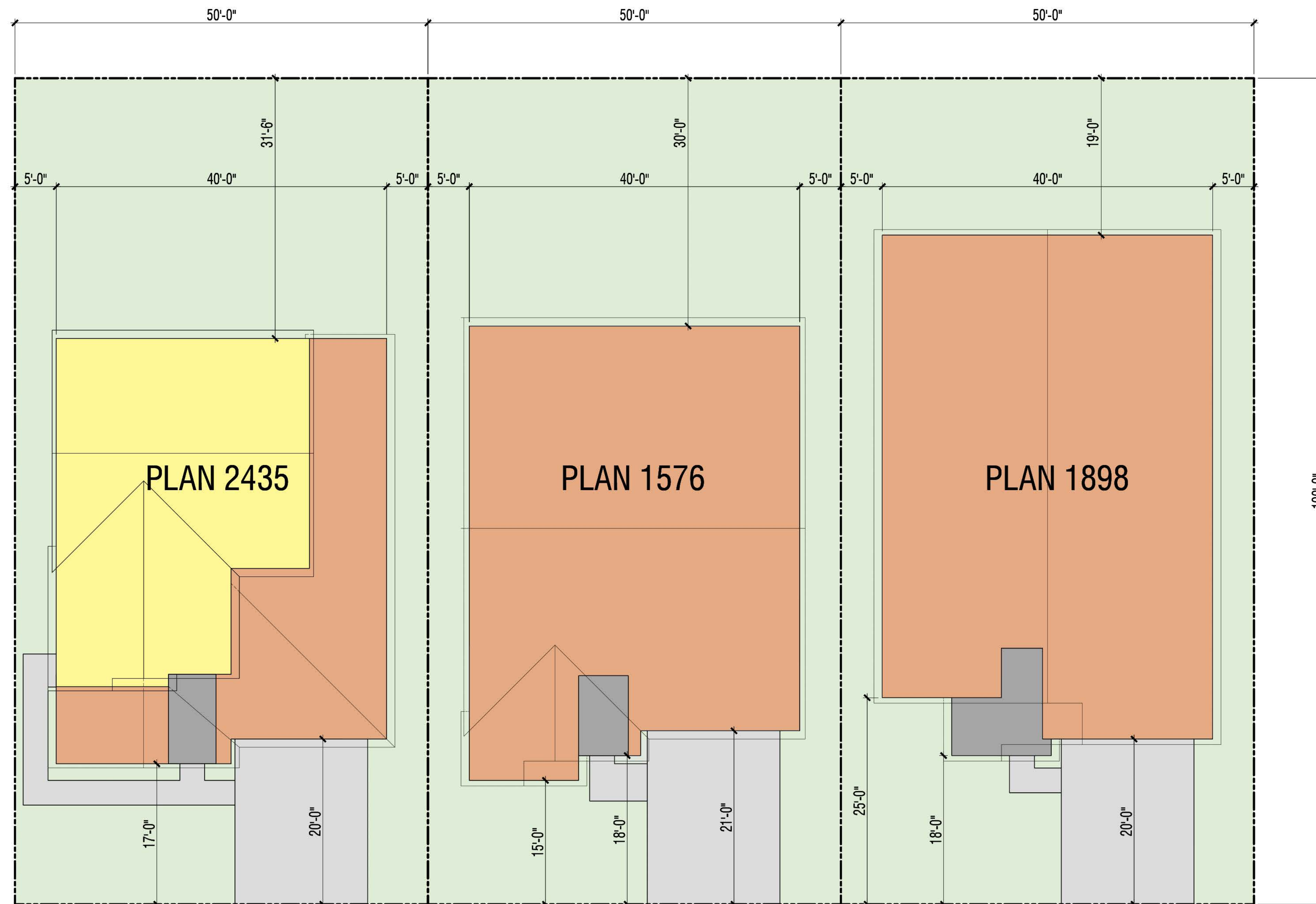
October 12, 2023

Project Information

Single Family Detached
Building Type: V-B
Occupancy: R3
Plans: 1576, 1898, 2435, 1583, 1799, 1874
Elevation Styles: Spanish, Traditional, Farmhouse

Sheet Index

Cover Sheet.....	CS	Plan 1898 Elevation 'E' Traditional.....	A2.5	Plan 1799 Roof Plans.....	A5.2
50'x100' Setback Exhibit.....	SB.1	Plan 1898 Elevation 'F' Farmhouse.....	A2.6	Plan 1799 Front Elevations.....	A5.3
40'x81' Setback Exhibit.....	SB.2	Plan 2435 Floor Plans.....	A3.1	Plan 1799 Elevation 'A' Spanish.....	A5.4
Streetscene Exhibit.....	SS.1	Plan 2435 Roof Plans.....	A3.2	Plan 1799 Elevation 'E' Traditional.....	A5.5
Sheetscene Exhibit.....	SS.2	Plan 2435 Front Elevations.....	A3.3	Plan 1799 Elevation 'F' Farmhouse.....	A5.6
Plan 1576 Floor Plan.....	A1.1	Plan 2435 Elevation 'A' Spanish.....	A3.4	Plan 1874 Floor Plans.....	A6.1
Plan 1576 Roof Plans.....	A1.2	Plan 2435 Elevation 'E' Traditional.....	A3.5	Plan 1874 Roof Plans.....	A6.2
Plan 1576 Front Elevations.....	A1.3	Plan 2435 Elevation 'F' Farmhouse.....	A3.6	Plan 1874 Front Elevations.....	A6.3
Plan 1576 Elevation 'A' Spanish.....	A1.4	Plan 1583 Floor Plans.....	A4.1	Plan 1874 Elevation 'A' Spanish.....	A6.4
Plan 1576 Elevation 'E' Traditional.....	A1.5	Plan 1583 Roof Plans.....	A4.2	Plan 1874 Elevation 'E' Traditional.....	A6.5
Plan 1576 Elevation 'F' Farmhouse.....	A1.6	Plan 1583 Front Elevations.....	A4.3	Plan 1874 Elevation 'F' Farmhouse.....	A6.6
Plan 1898 Floor Plan.....	A2.1	Plan 1583 Elevation 'A' Spanish.....	A4.4	Exterior Color & Materials.....	CM.1
Plan 1898 Roof Plans.....	A2.2	Plan 1583 Elevation 'E' Traditional.....	A4.5	Exterior Color & Materials.....	CM.2
Plan 1898 Front Elevations.....	A2.3	Plan 1583 Elevation 'F' Farmhouse.....	A4.6	Exterior Color & Materials.....	CM.3
Plan 1898 Elevation 'A' Spanish.....	A2.4	Plan 1799 Floor Plans.....	A5.1		



Site Plan Key

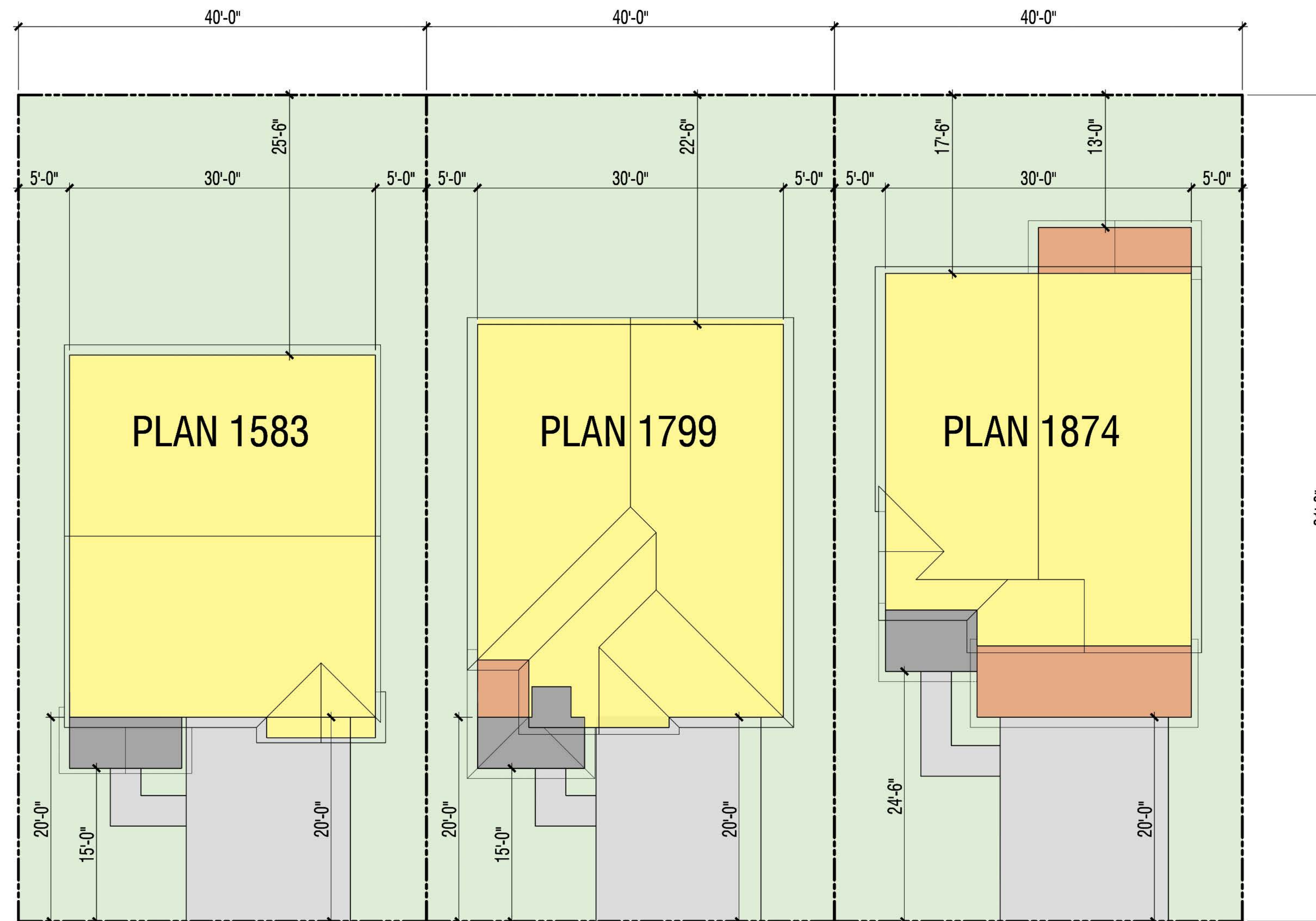
- Second Story Massing
- First Story Massing
- Covered Porch
- Paved Driveway & Entry

LOT COVERAGE - PLAN 2435	
	Area
Building Footprint	2004
Lot Sq. Ft.	5000
Lot Coverage	40.1%

LOT COVERAGE - PLAN 1576	
	Area
Building Footprint	2062
Lot Sq. Ft.	5000
Lot Coverage	41.2%

LOT COVERAGE - PLAN 1898	
	Area
Building Footprint	2422
Lot Sq. Ft.	5000
Lot Coverage	48.4%

50' x 100' Lot Setback Exhibit



Site Plan Key

- Second Story Massing
- First Story Massing
- Covered Porch
- Paved Driveway & Entry

LOT COVERAGE - PLAN 1583	
	Area
Building Footprint	1141
Lot Sq. Ft.	3240
Lot Coverage	35.2%

LOT COVERAGE - PLAN 1799	
	Area
Building Footprint	1216
Lot Sq. Ft.	3240
Lot Coverage	37.5%

LOT COVERAGE - PLAN 1874	
	Area
Building Footprint	1332
Lot Sq. Ft.	3240
Lot Coverage	41.1%

40' x 81' Lot Setback Exhibit



PLAN 1874
Elevation 'F' Farmhouse
Color Scheme 6B-2

PLAN 2435
Elevation 'A' Spanish
Color Scheme 4A

PLAN 1576
Elevation 'F' Farmhouse
Color Scheme 12B

PLAN 1874
Elevation 'E' Traditional
Color Scheme 1B-2

PLAN 1576
Elevation 'A' Spanish
Color Scheme 10A



PLAN 1799
Elevation 'E' Traditional
Color Scheme 8B

PLAN 1898
Elevation 'A' Spanish
Color Scheme 9A

PLAN 1583
Elevation 'F' Farmhouse
Color Scheme 17B

PLAN 1576
Elevation 'E' Traditional
Color Scheme 8B

PLAN 1799
Elevation 'F' Farmhouse
Color Scheme 12B

Streetscene Exhibit



PLAN 1898
Elevation 'E' Traditional
Color Scheme 1B-2

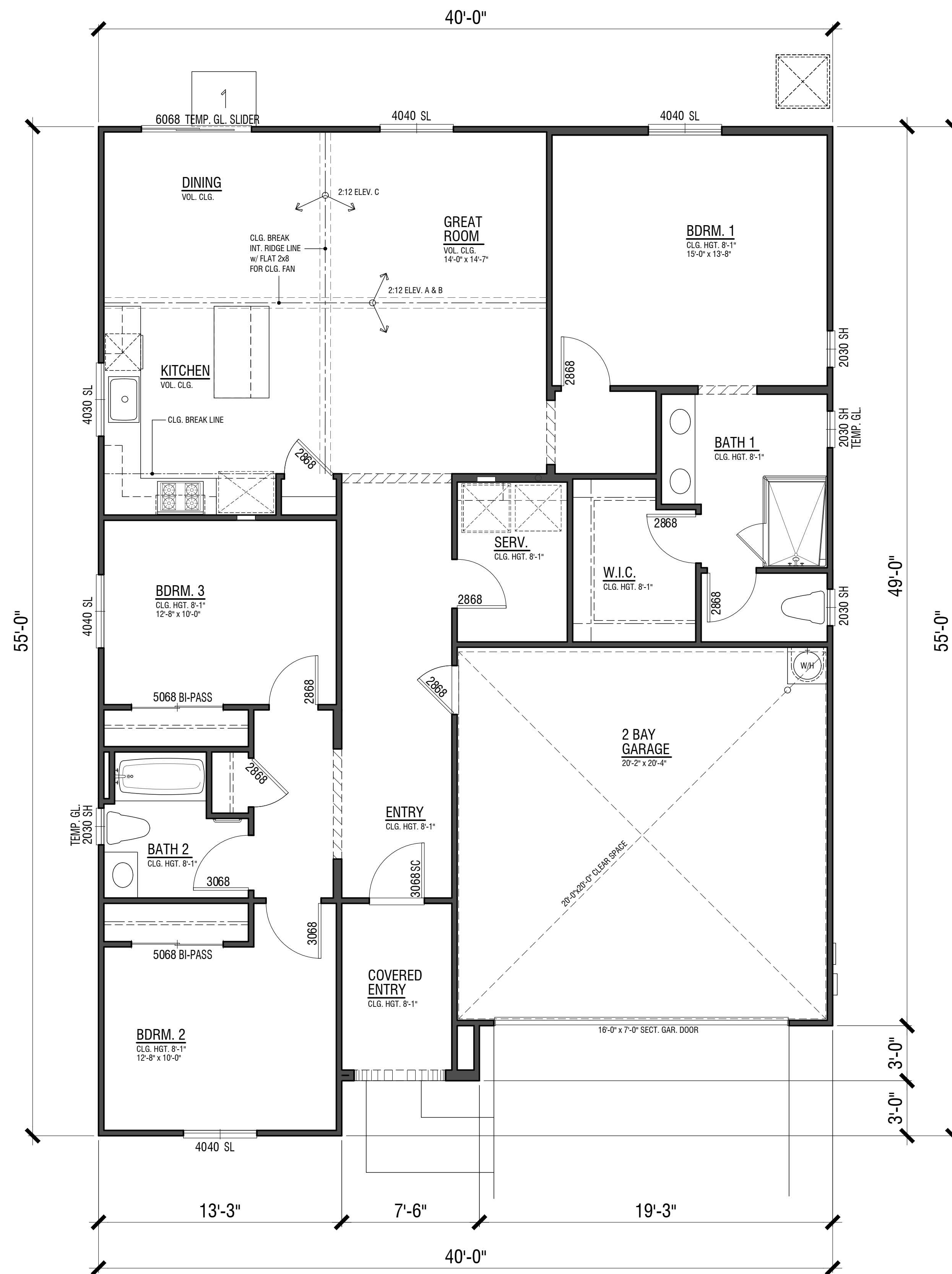
PLAN 1799
Elevation 'A' Spanish
Color Scheme 10A

PLAN 1898
Elevation 'F' Farmhouse
Color Scheme 6B-2

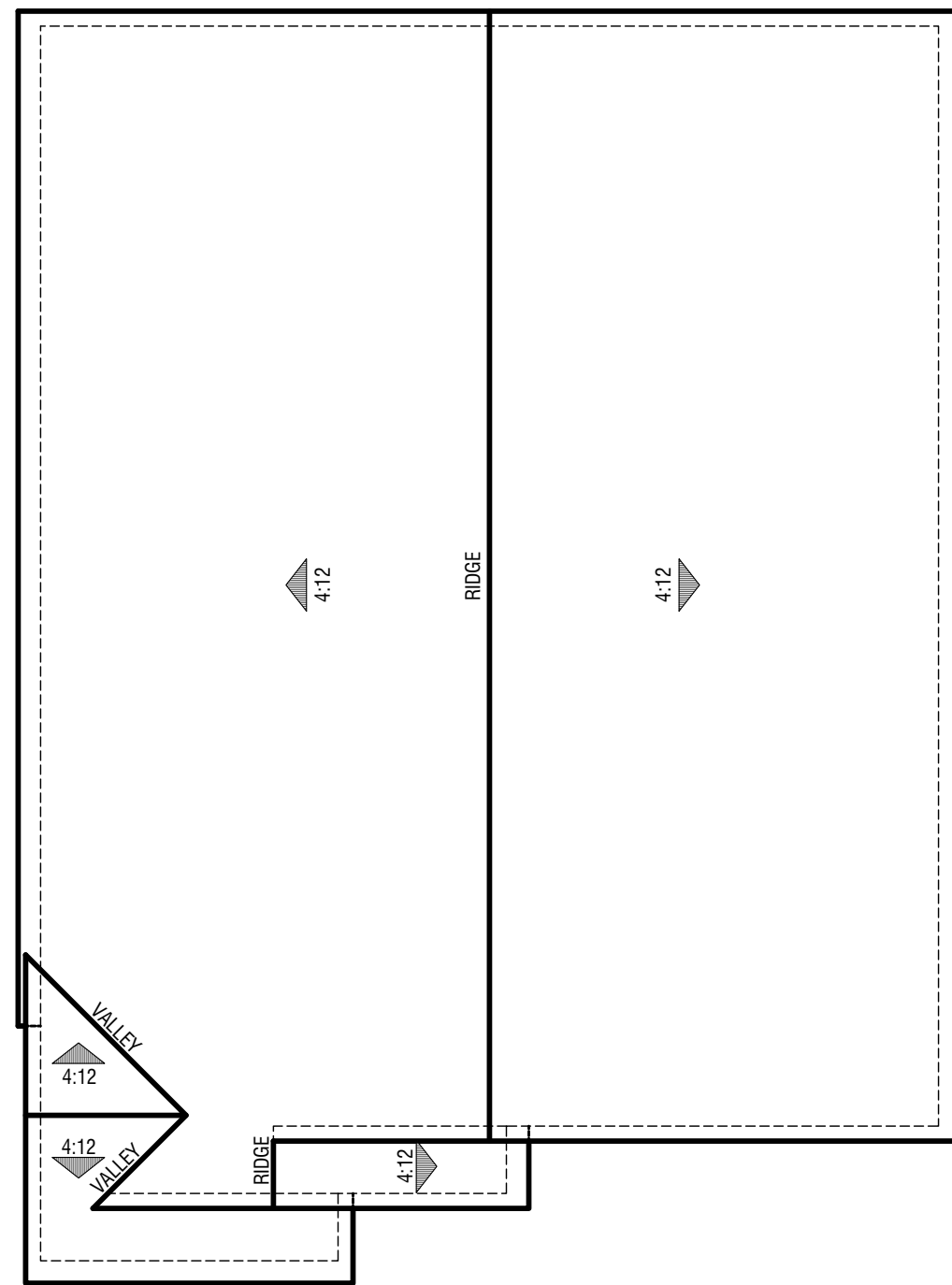
PLAN 1799
Elevation 'E' Traditional
Color Scheme 8B

PLAN 1898
Elevation 'A' Spanish
Color Scheme 9A

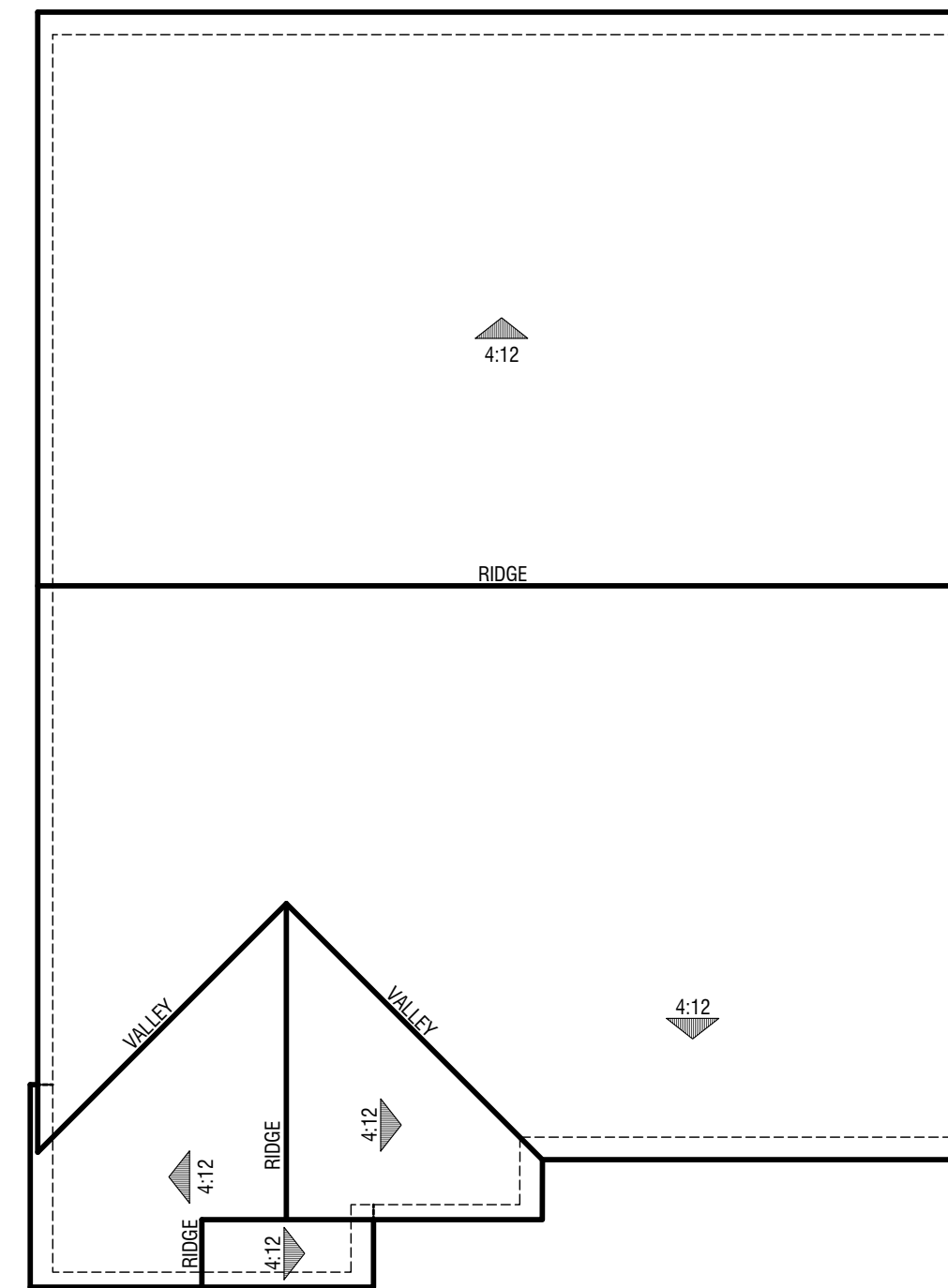
Streetscene Exhibit



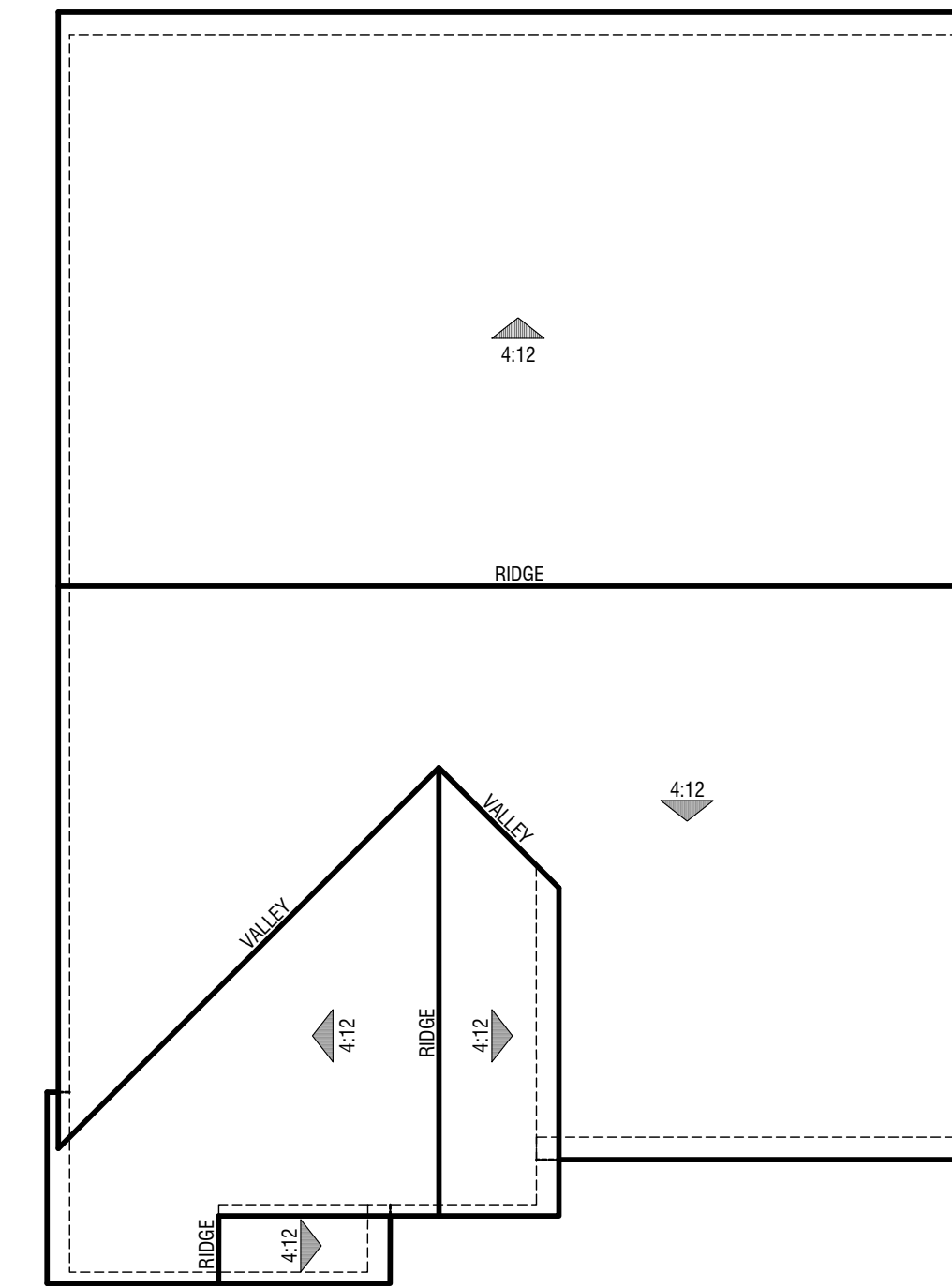
PLAN 1576
 1,576 S.F.
 3 Bdrm | 2 Bath
 2-Car Garage



Elevation F - Farmhouse



Elevation E - Traditional



Elevation A - Spanish

PLAN 1576
Roof Plans



Elevation A - Spanish
Color Scheme 10A

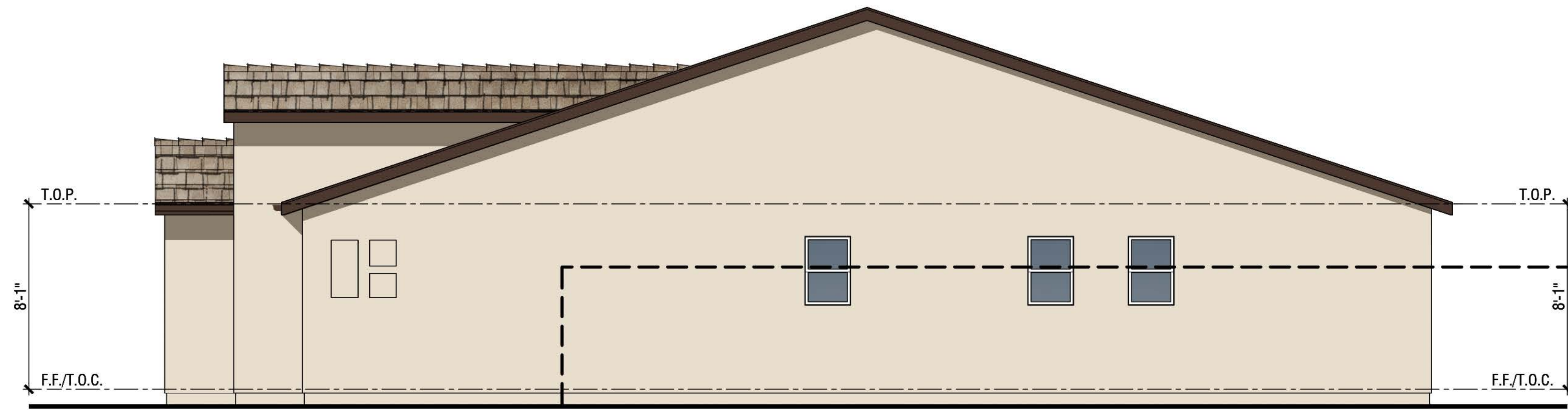


Elevation F - Farmhouse
Color Scheme 12B



Elevation E - Traditional
Color Scheme 8B

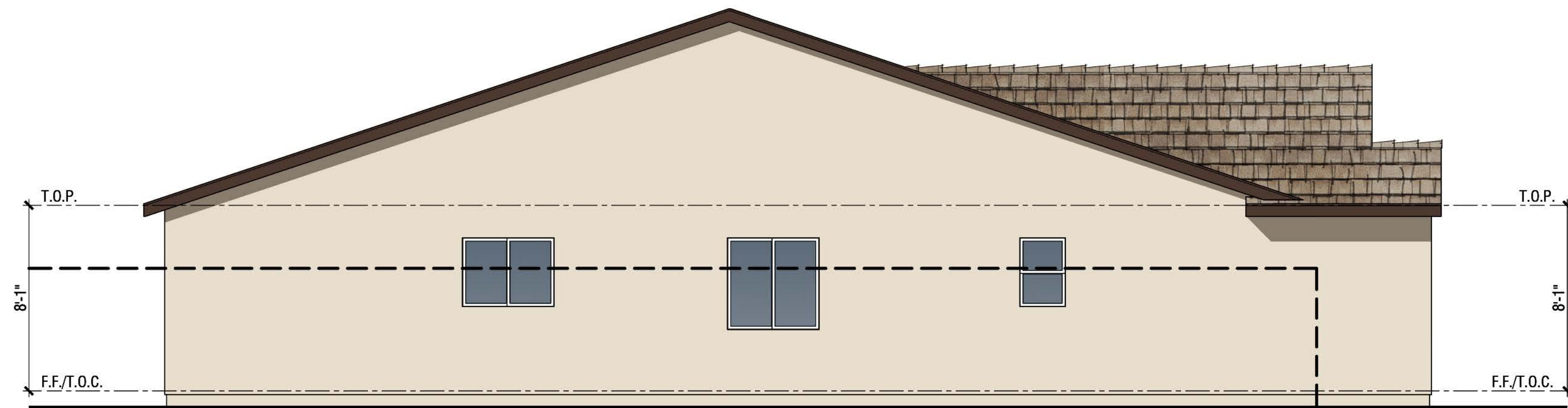
PLAN 1576
Front Elevations



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

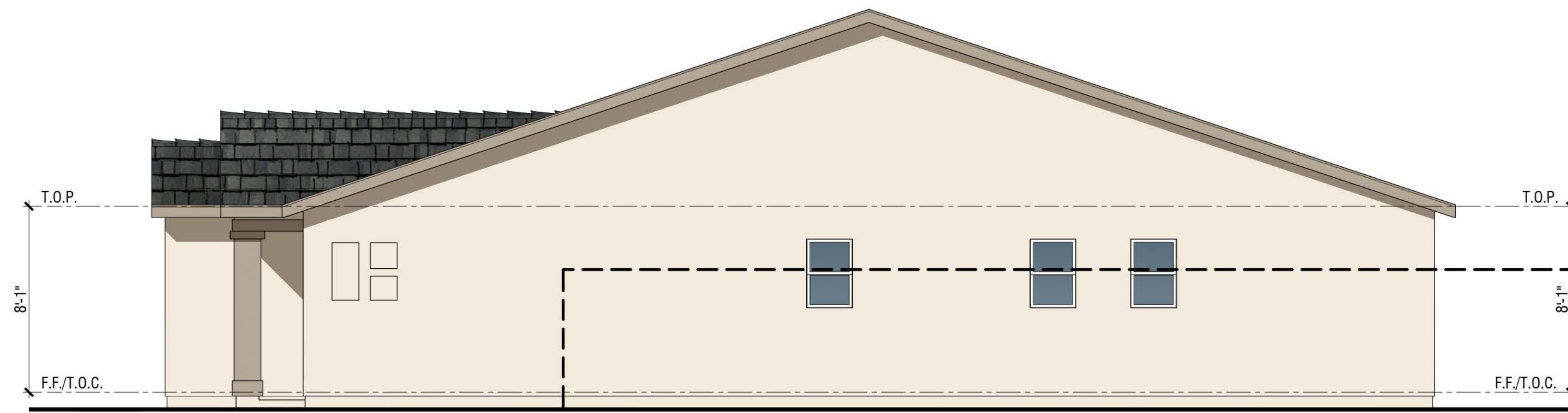
Elevation A - Spanish

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Prefab Pipes: Decorative Foam
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Shutters: Decorative Foam
- 7 Entry Door: Fiberglass
- 8 Light Fixture
- 9 Address Light

PLAN 1576

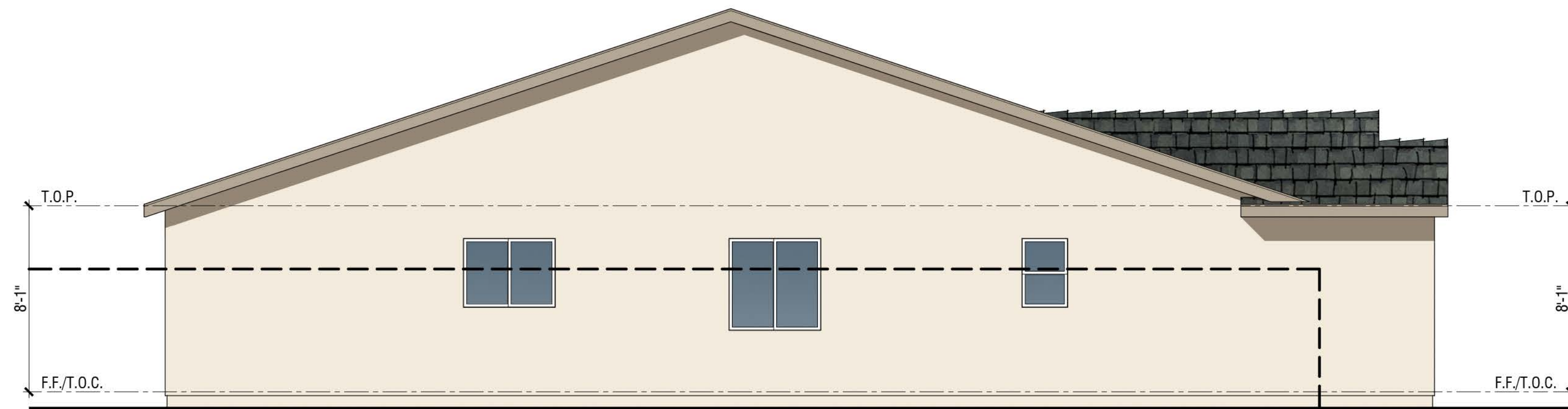
Elevation A - Spanish
Color Scheme 10A



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation E - Traditional

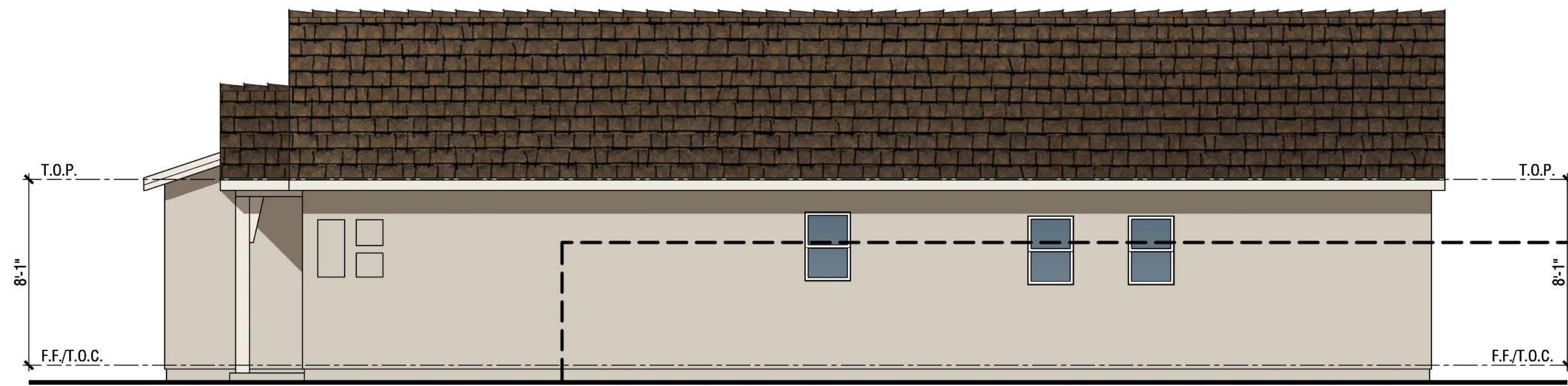
- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Shutters: Decorative Foam
- 8 Light Fixture
- 9 Address Light

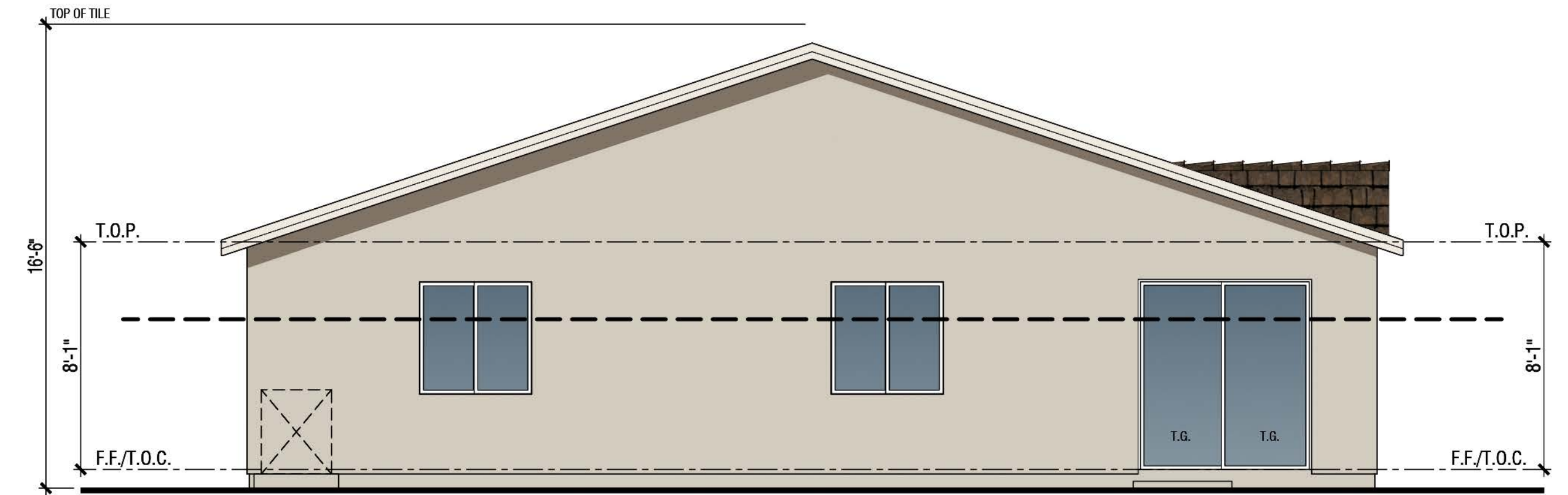
PLAN 1576

Elevation E - Traditional

Color Scheme 8B



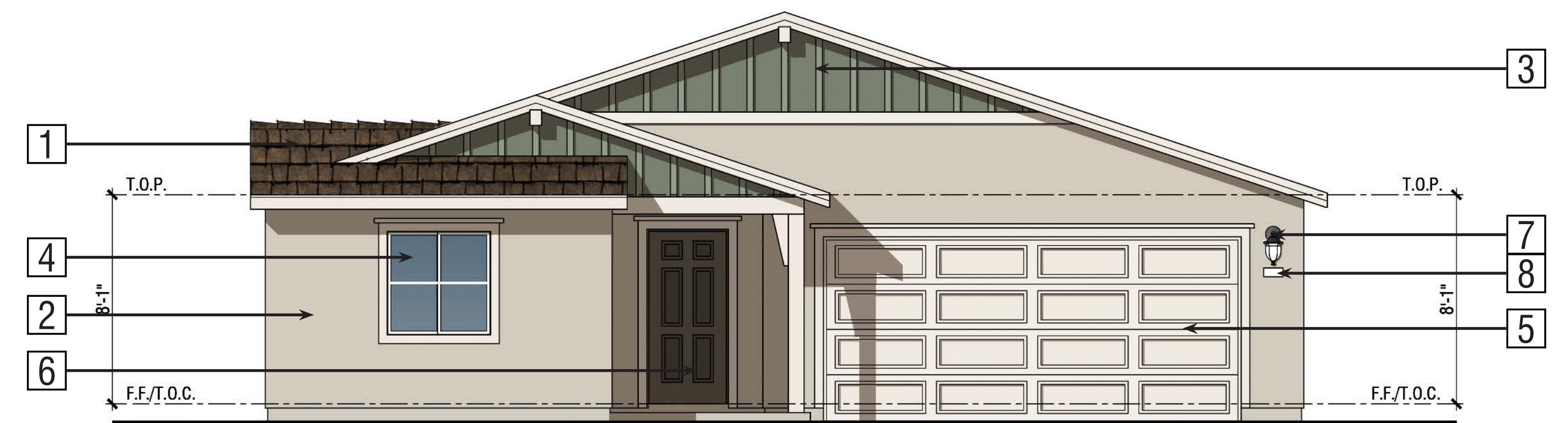
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation F - Farmhouse

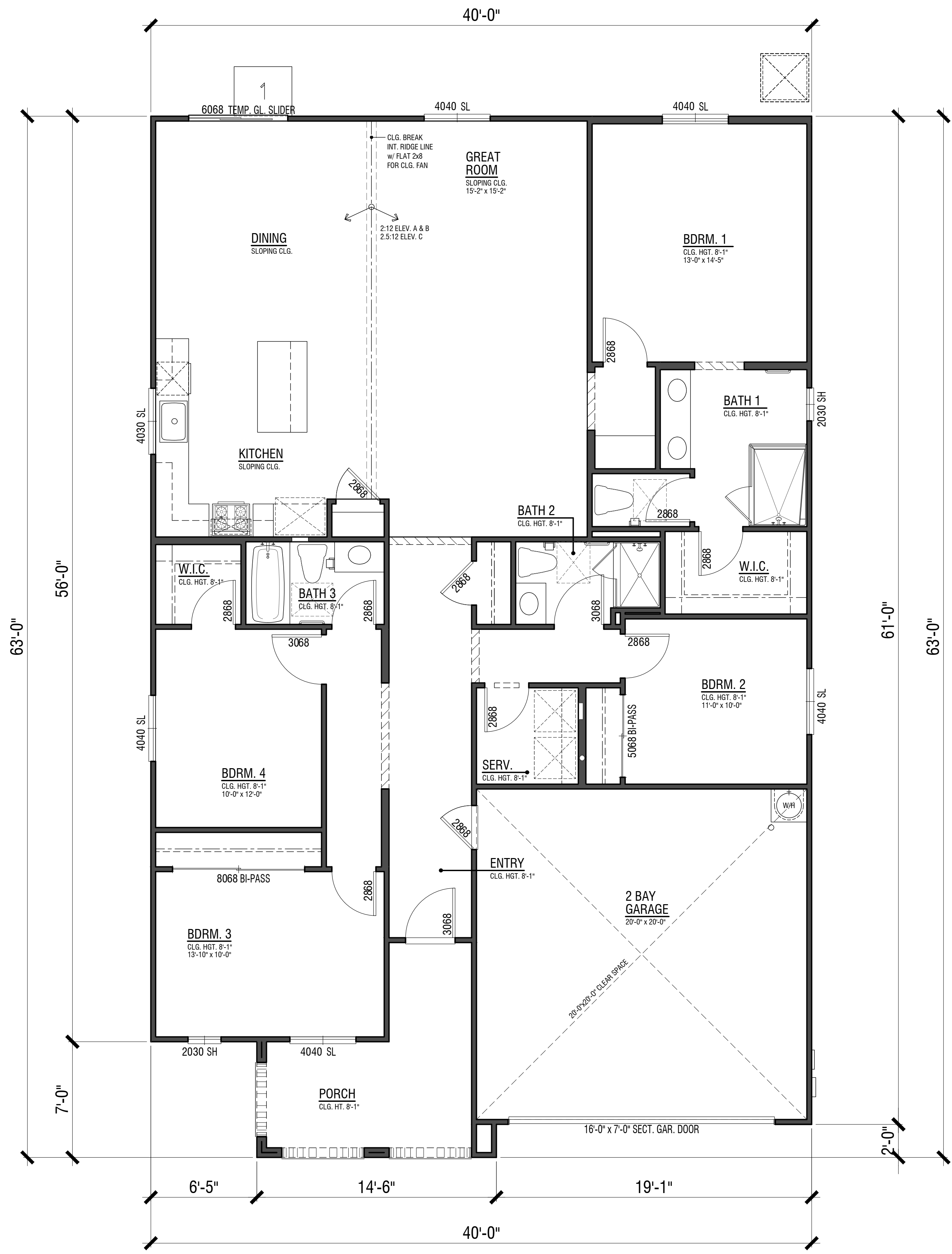
- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Board & Battens: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

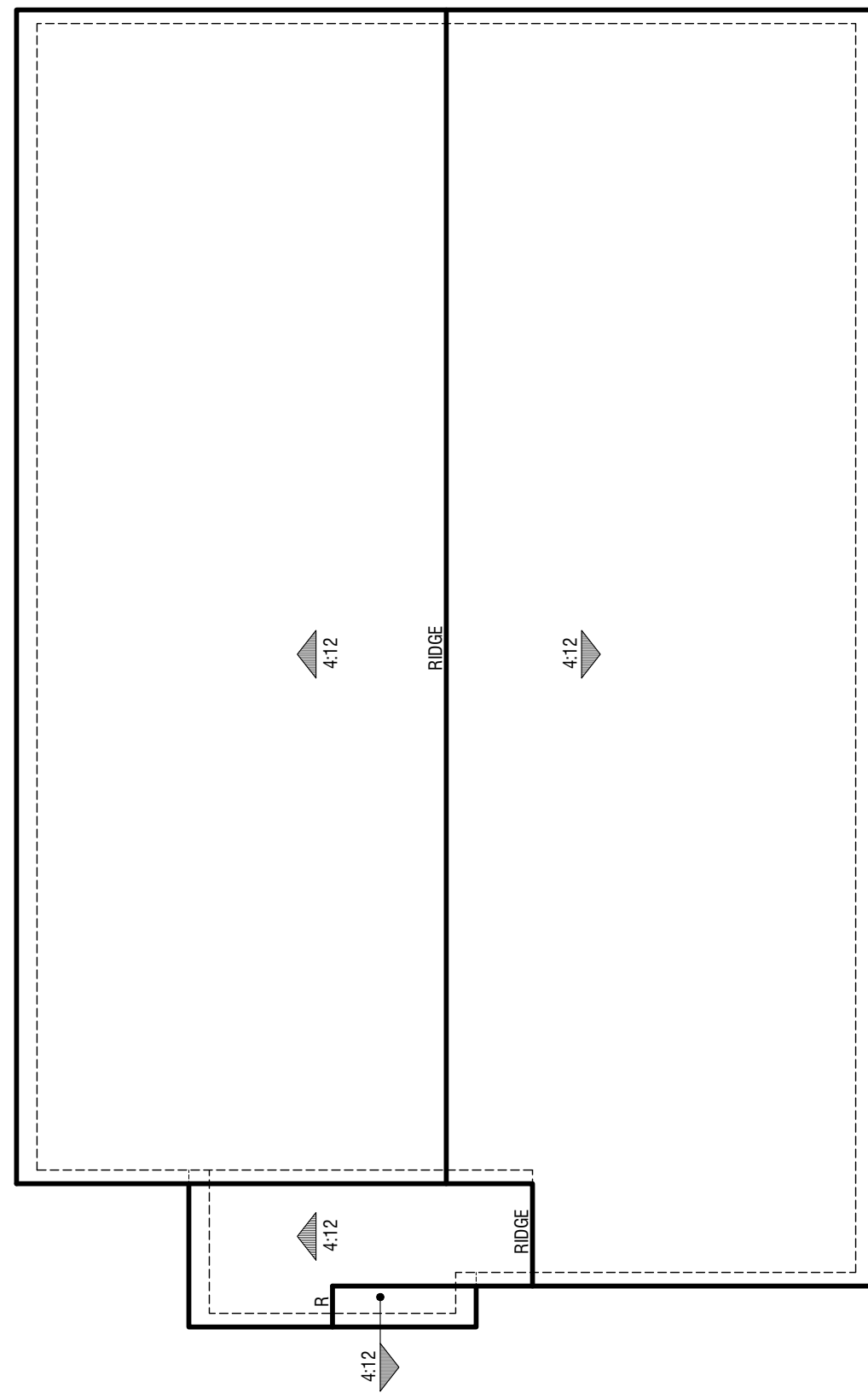
PLAN 1576

Elevation F - Farmhouse

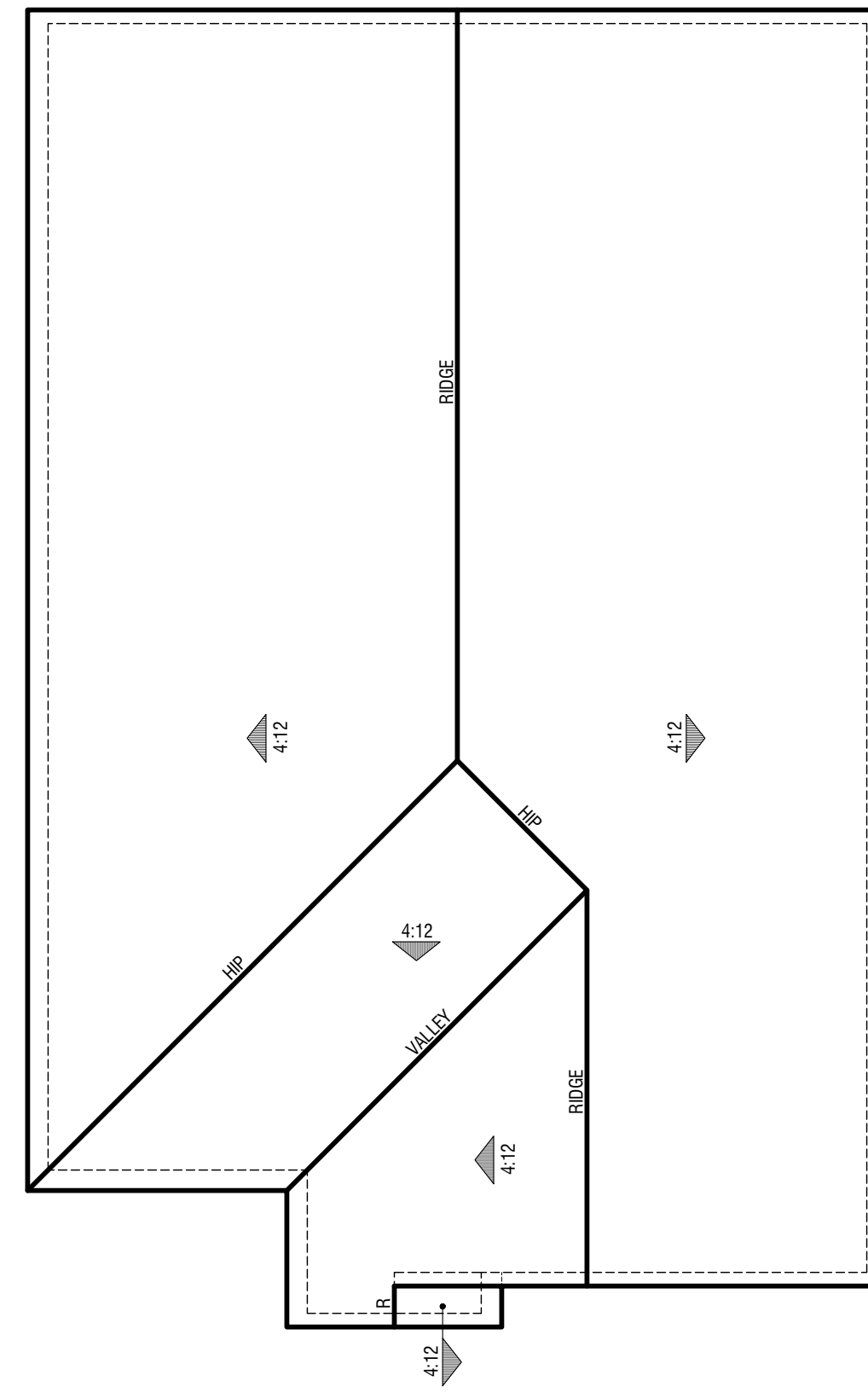
Color Scheme 12B



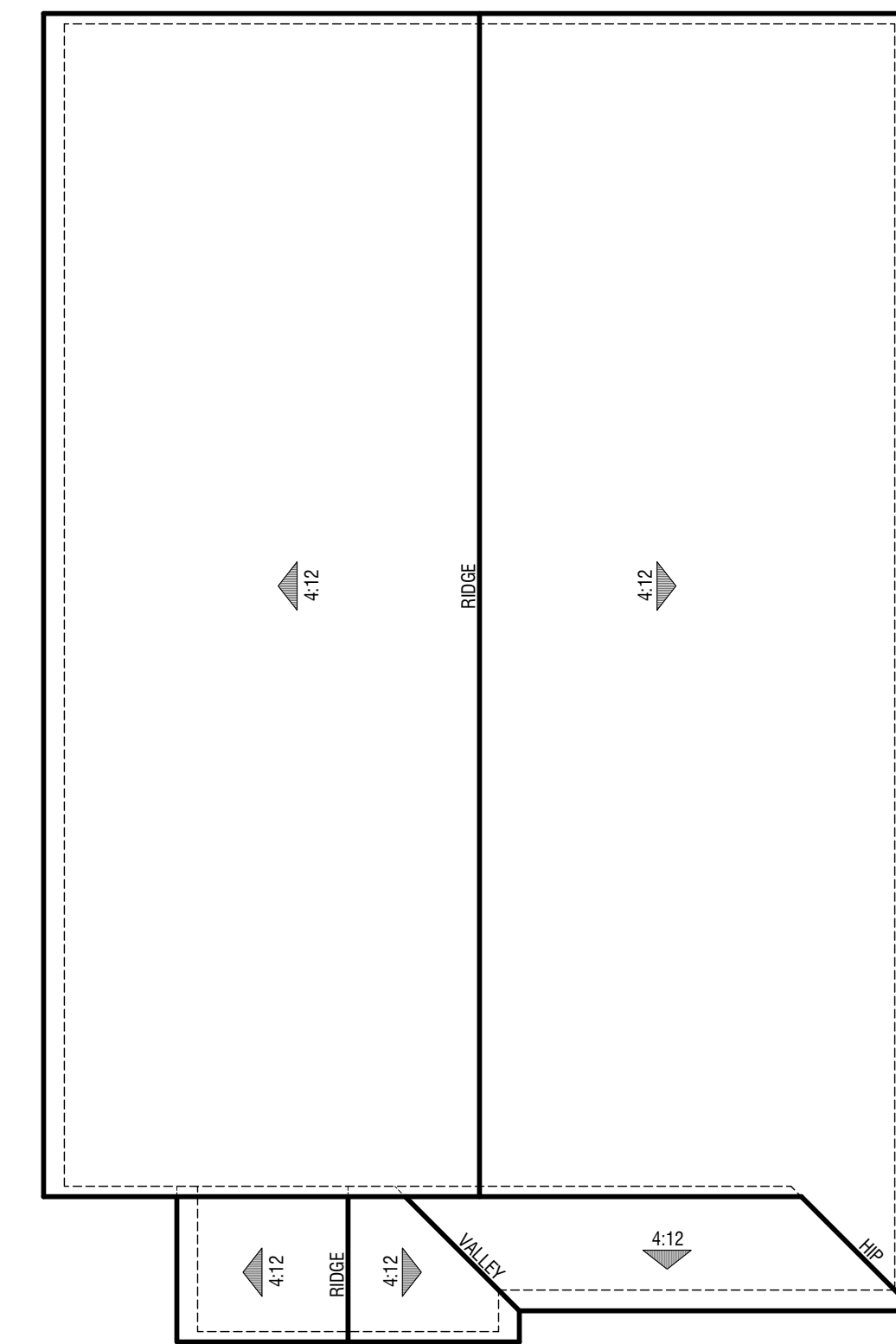
PLAN 1898
 1,898 S.F.
 4 Bdrm | 3 Bath
 2-Car Garage



Elevation F - Farmhouse



Elevation E - Traditional



Elevation A - Spanish

PLAN 1898
Roof Plans



Elevation A - Spanish
Color Scheme 9A



Elevation F - Farmhouse
Color Scheme 6B-2

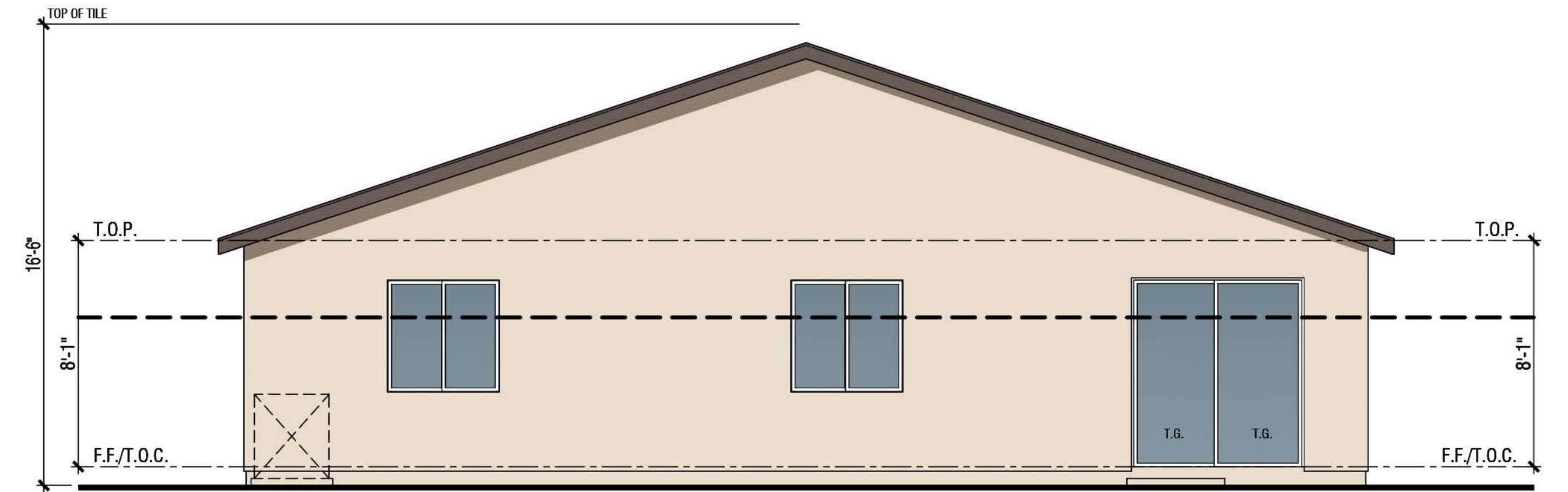


Elevation E - Traditional
Color Scheme 1B-2

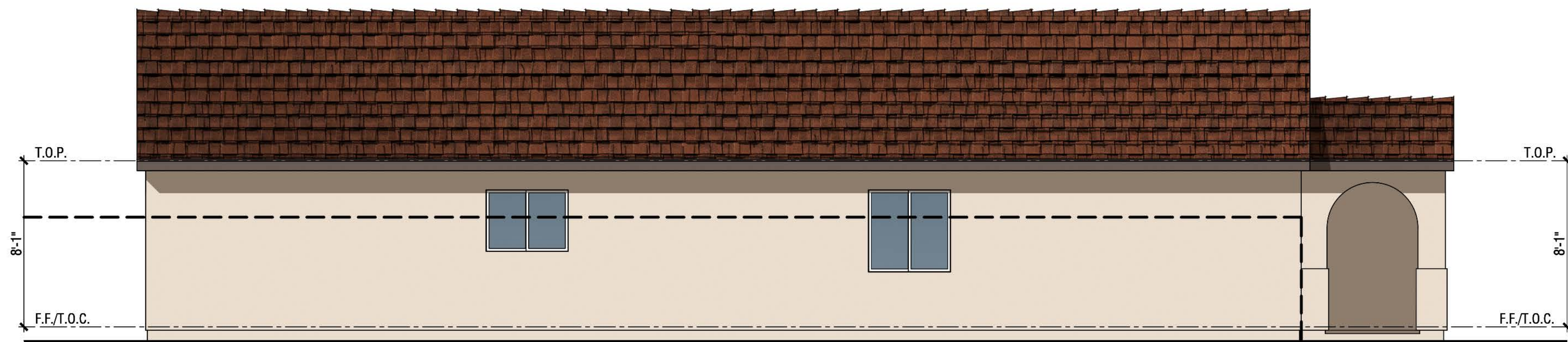
PLAN 1898
Front Elevations



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation A - Spanish

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Prefab Pipes: Decorative Foam
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

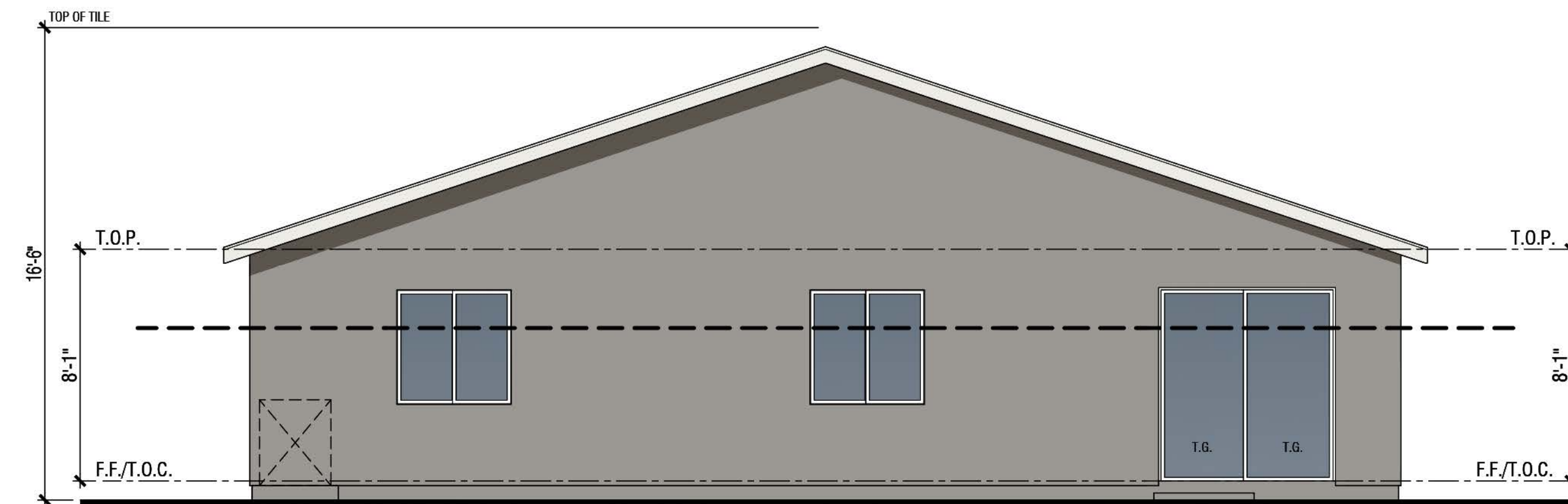
- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

PLAN 1898

Elevation A - Spanish
Color Scheme 9A



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation E - Traditional

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Shutters: Decorative Foam
- 8 Light Fixture
- 9 Address Light

PLAN 1898

Elevation E - Traditional

Color Scheme 1B-2

GSD2 LLC

THE CROSSINGS

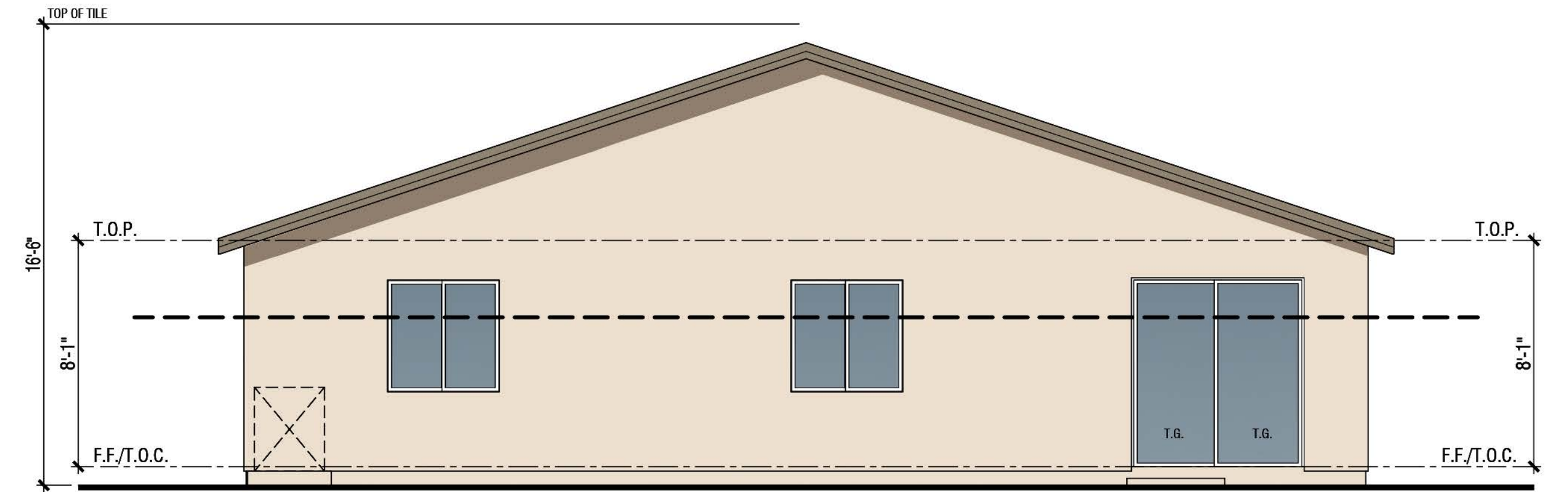
MODESTO, CA

Note: Artist's Conception; Colors, Materials
And Application May Vary.

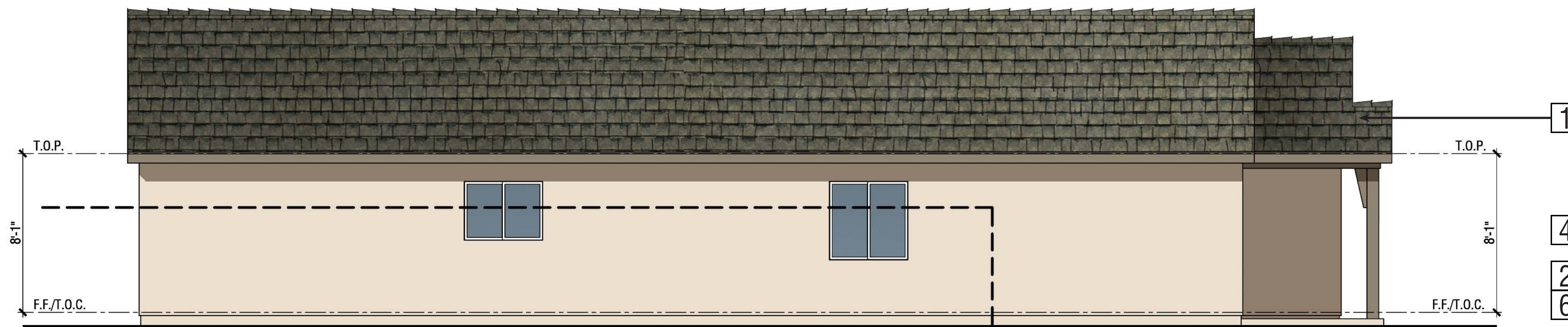
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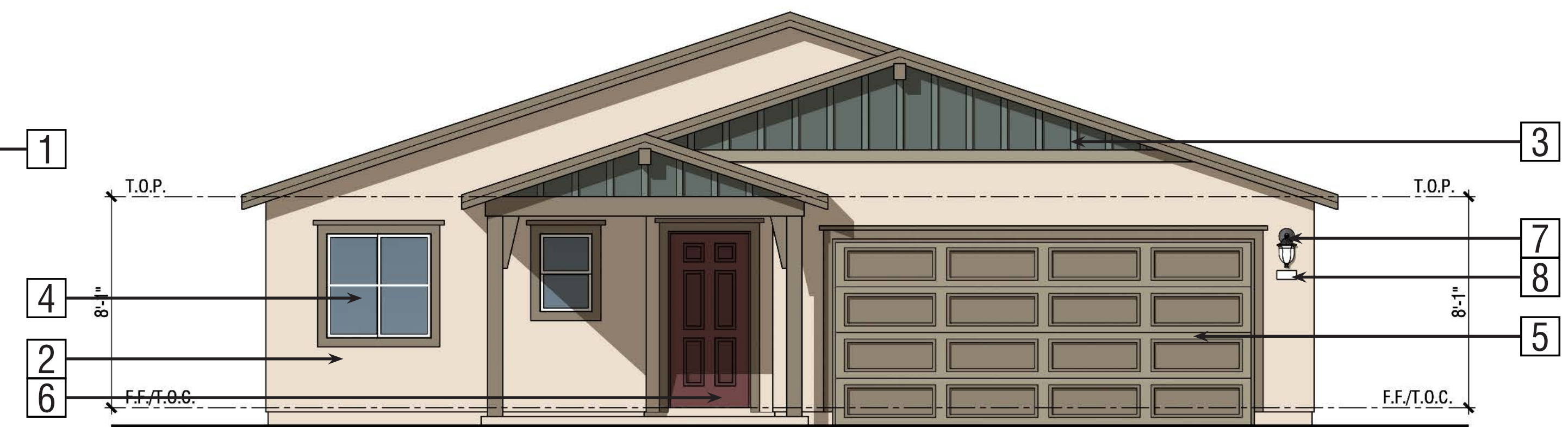
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation F - Farmhouse

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Board & Battens: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

PLAN 1898

Elevation F - Farmhouse

Color Scheme 6B-2

GSD2 LLC

THE CROSSINGS

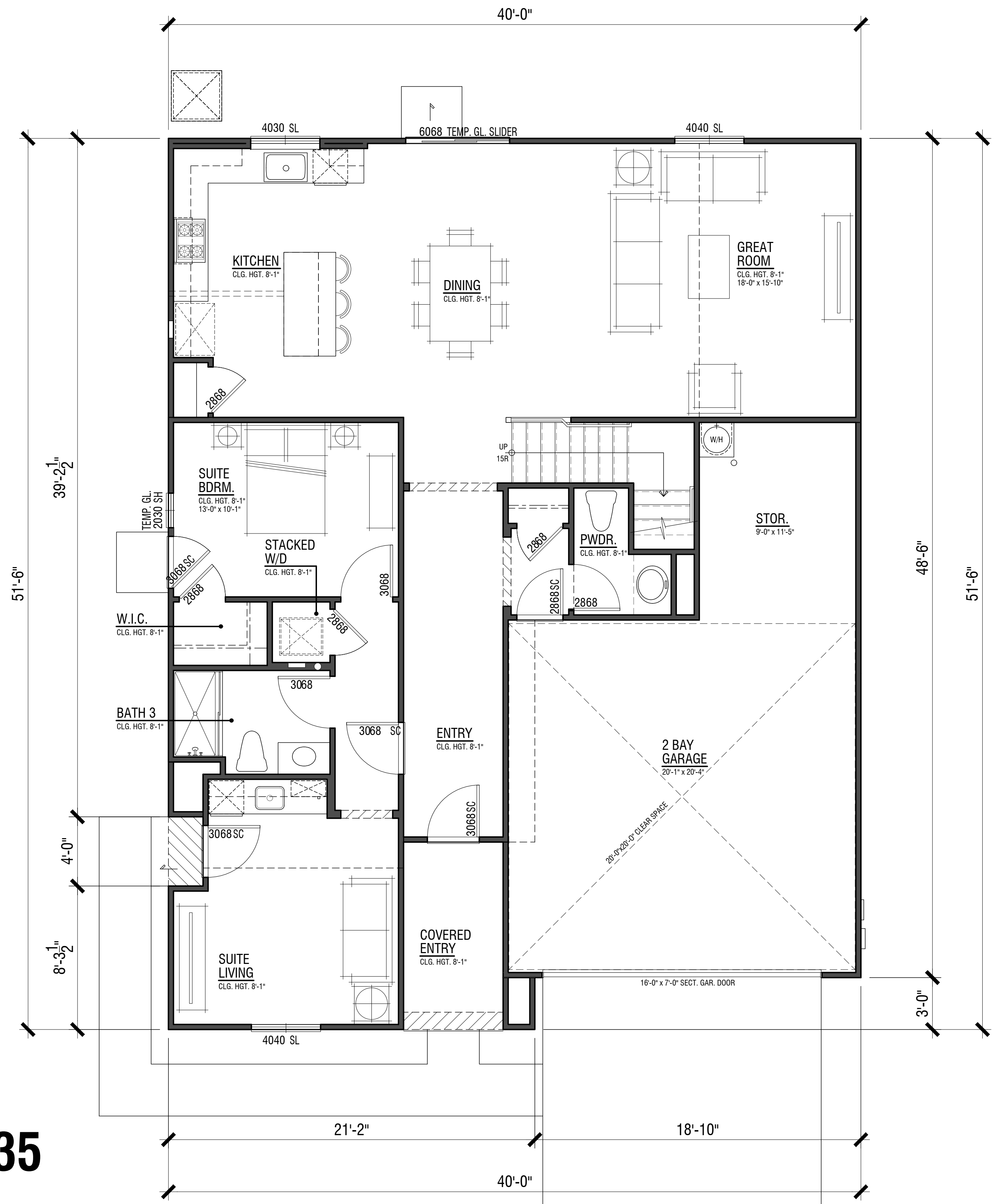
MODESTO, CA

Note: Artist's Conception; Colors, Materials
And Application May Vary.

A2.6
0 2 4 8



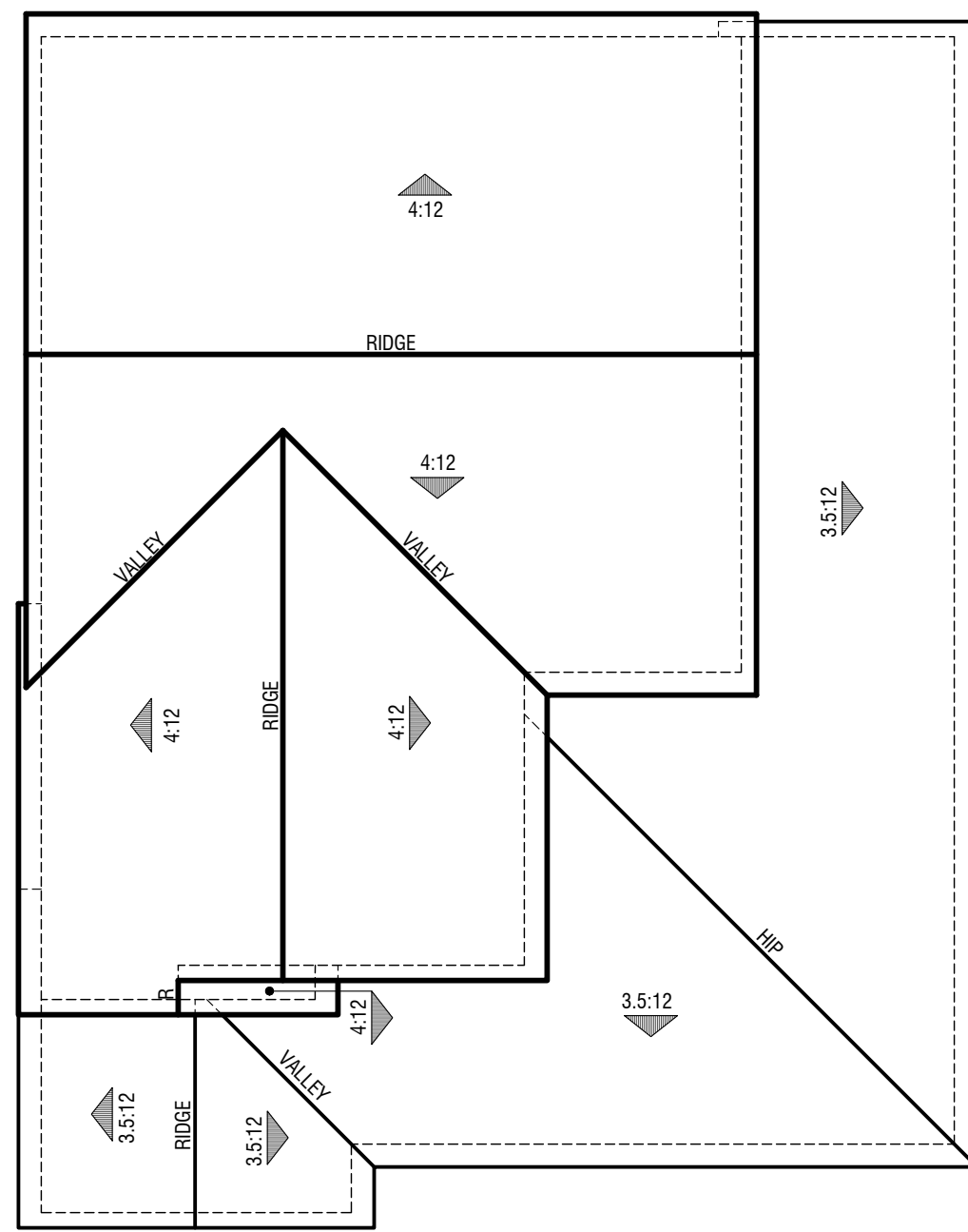
Second Floor 1,079 SF



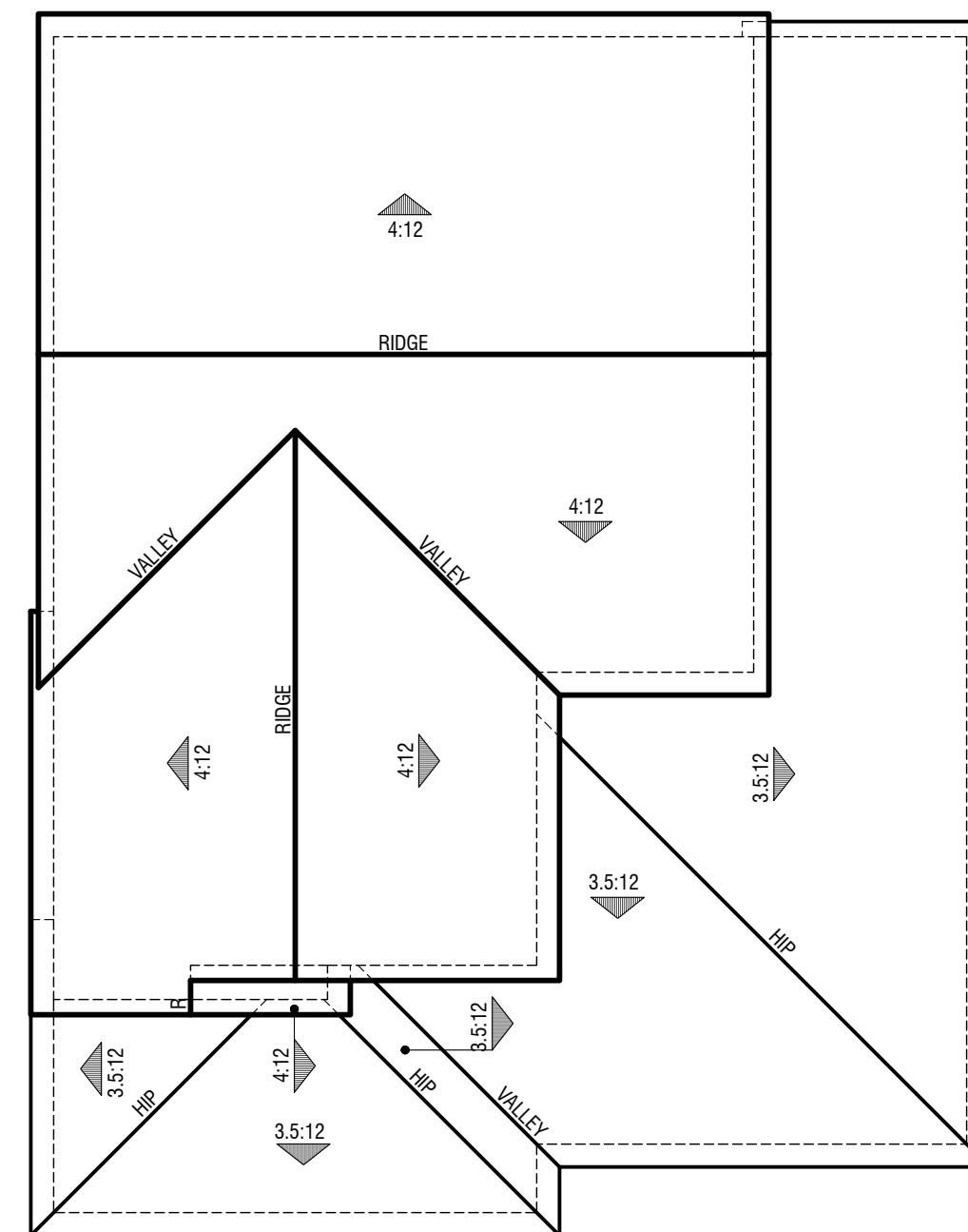
First Floor 1,391 SF

PLAN 2435

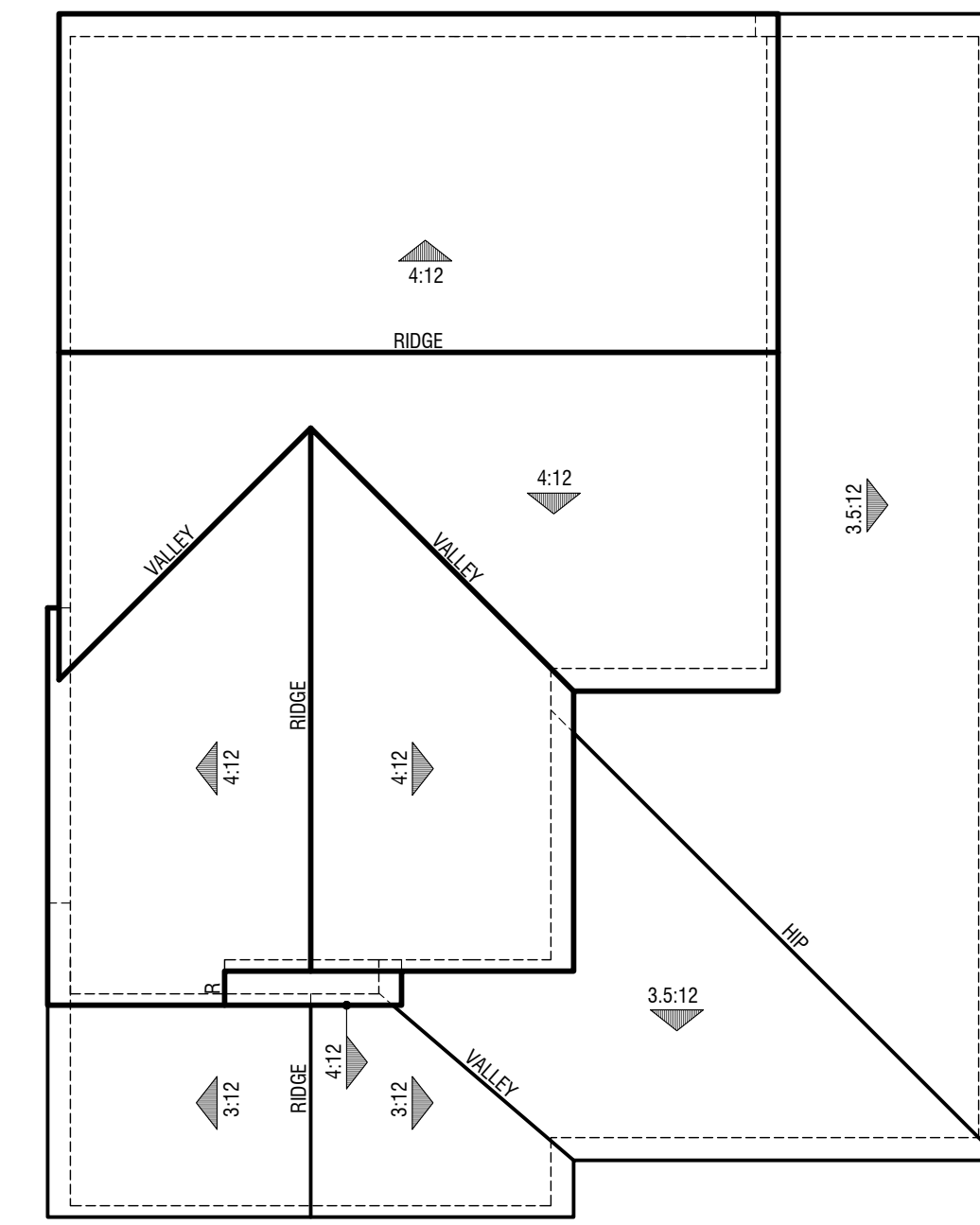
2,470 S.F.
4 Bdrm | 3.5 Bath | Suite Living
2-Car Garage



Elevation F - Farmhouse



Elevation E - Traditional



Elevation A - Spanish

PLAN 2435

Roof Plans



Elevation A - Spanish
Color Scheme 4A

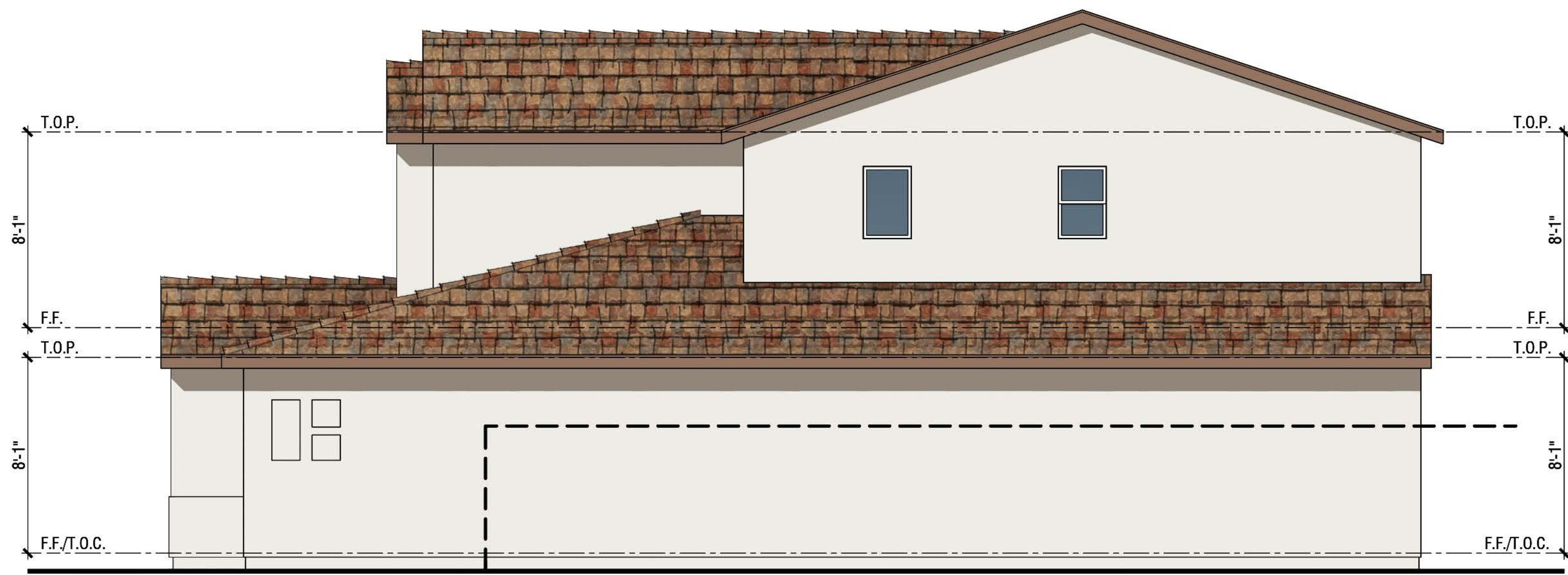


Elevation F - Farmhouse
Color Scheme 3B

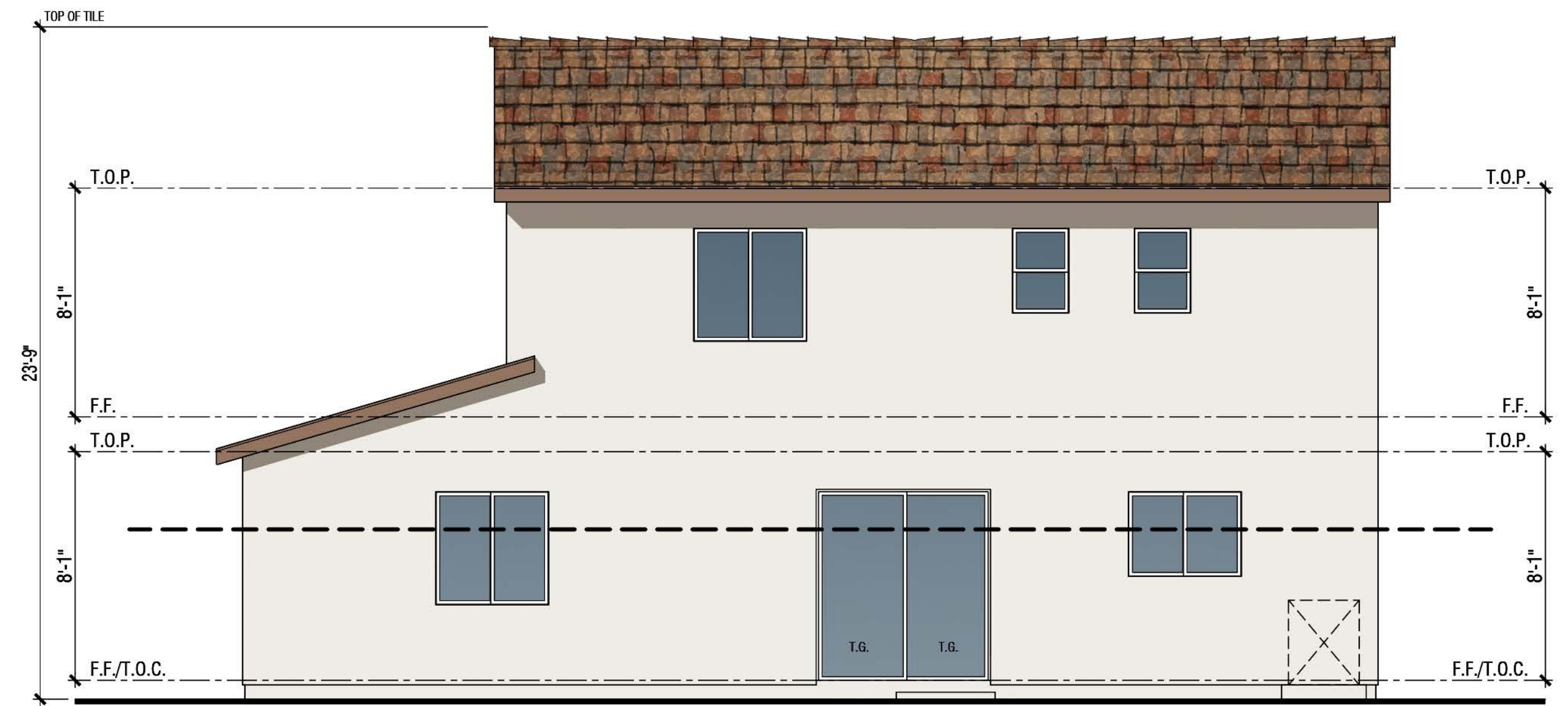


Elevation E - Traditional
Color Scheme 16B

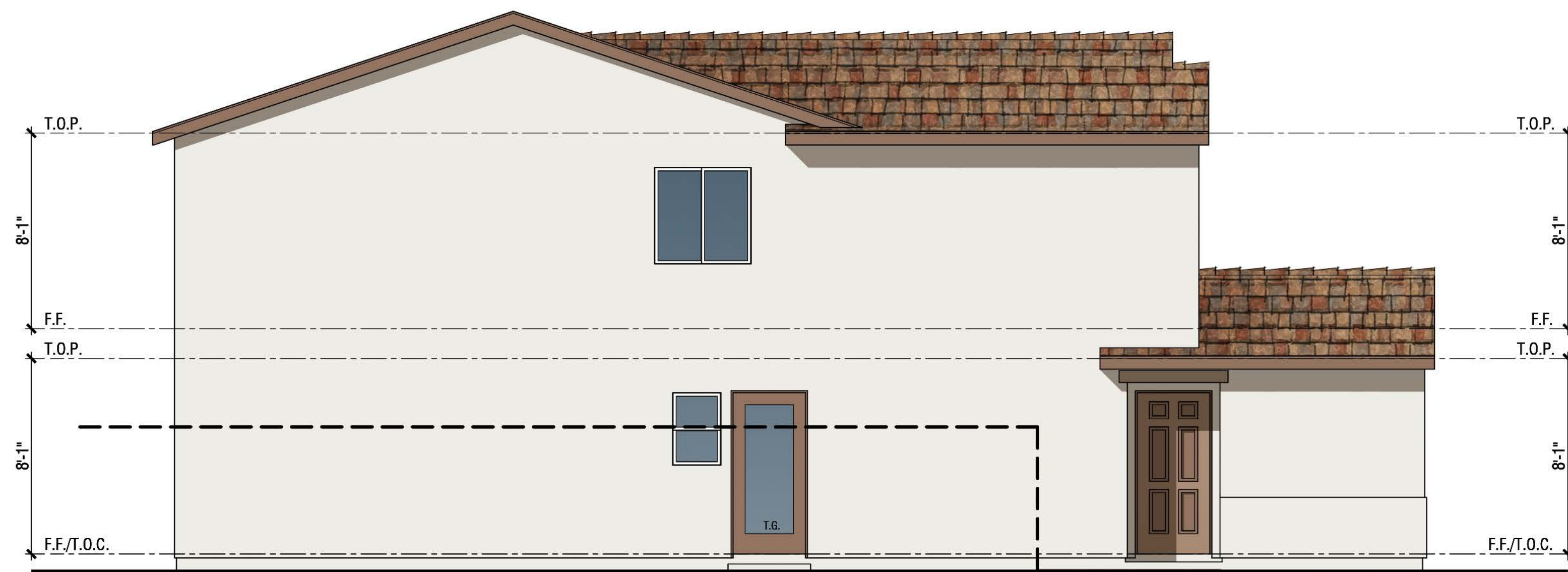
PLAN 2435
Front Elevations



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation A - Spanish

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Prefab Pipes: Decorative Foam
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Shutters: Decorative Foam
- 7 Entry Door: Fiberglass
- 8 Light Fixture
- 9 Address Light

PLAN 2435

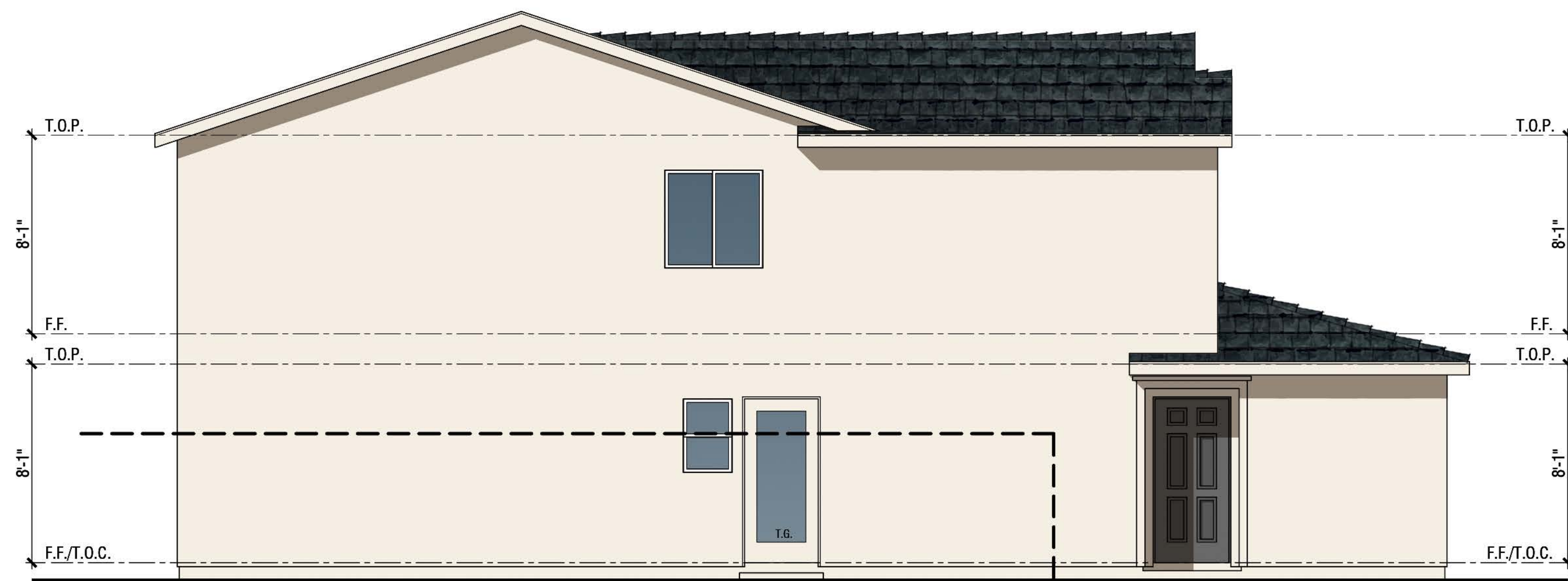
Elevation A - Spanish
Color Scheme 4A



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation E - Traditional

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Shutters: Decorative Foam
- 8 Light Fixture
- 9 Address Light

PLAN 2435

Elevation E - Traditional

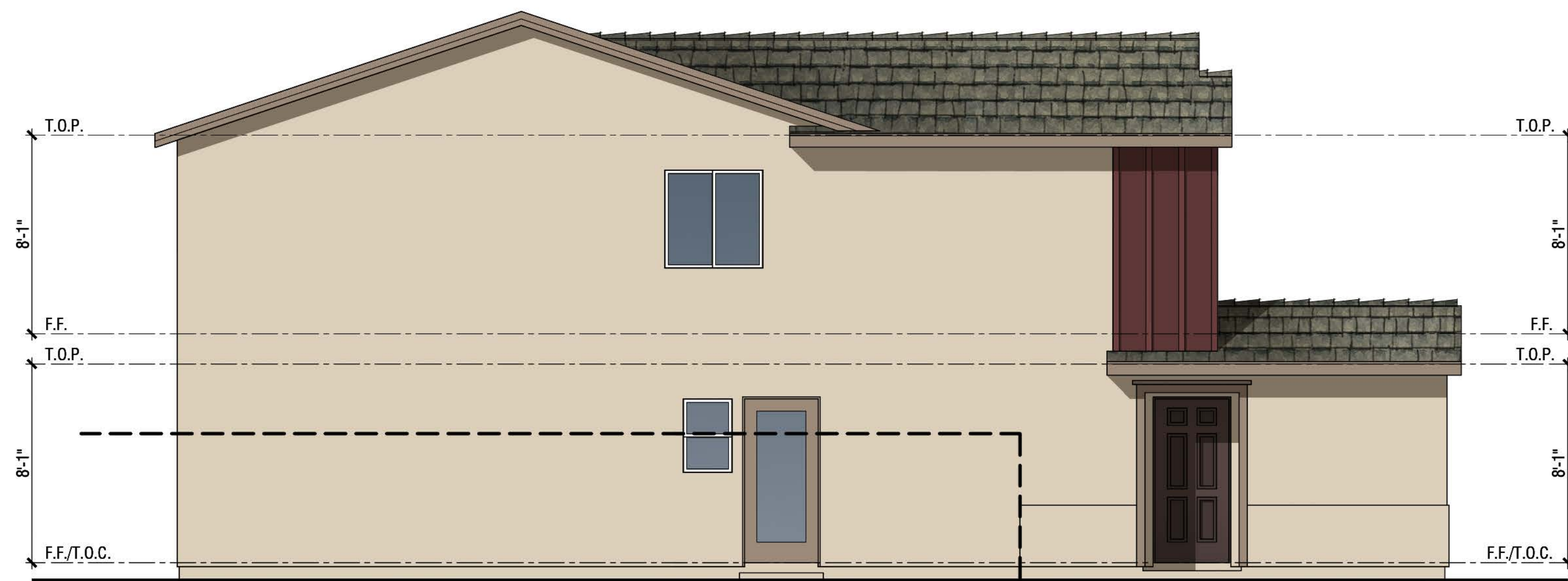
Color Scheme 16B



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation F - Farmhouse

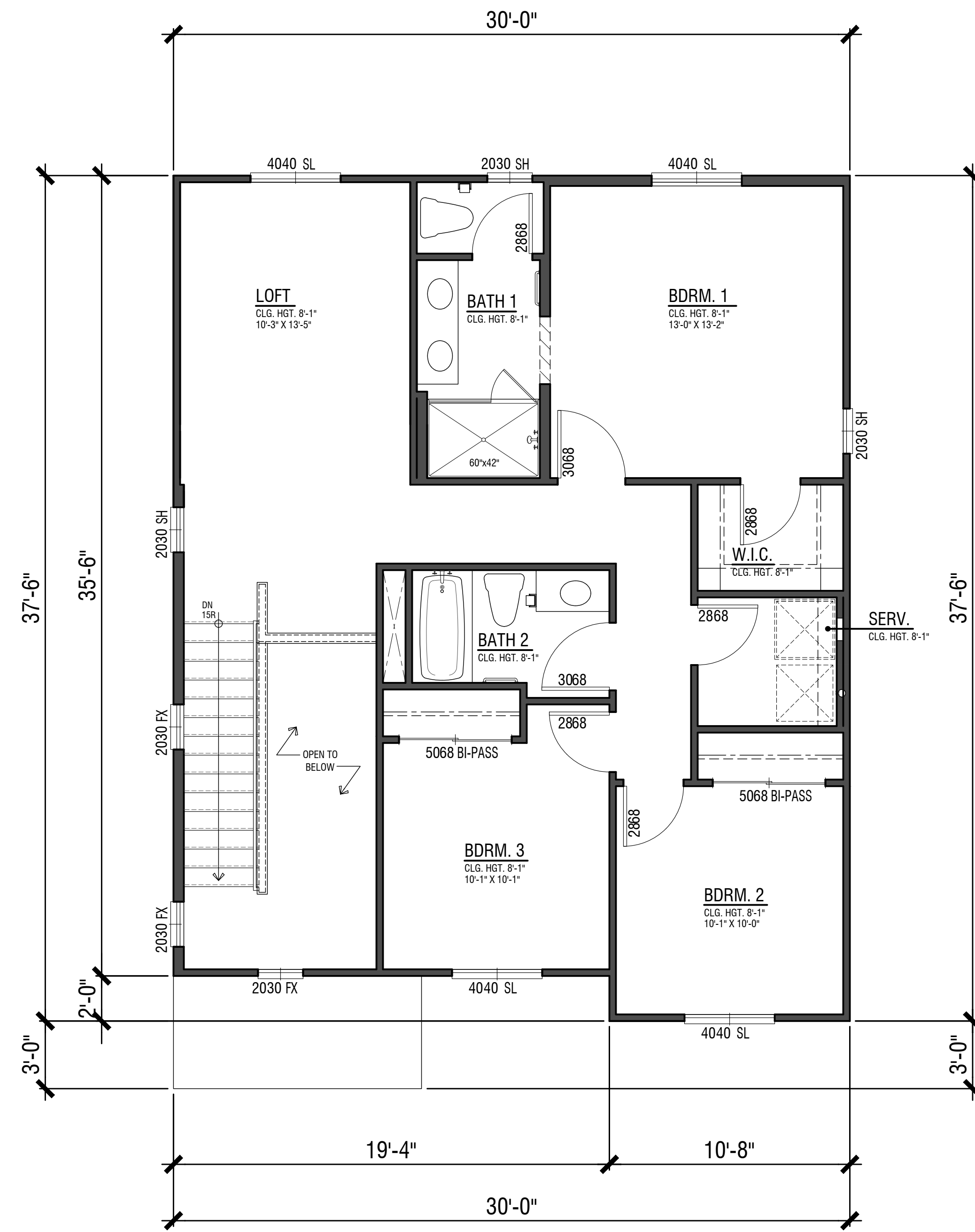
- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Board & Battens: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

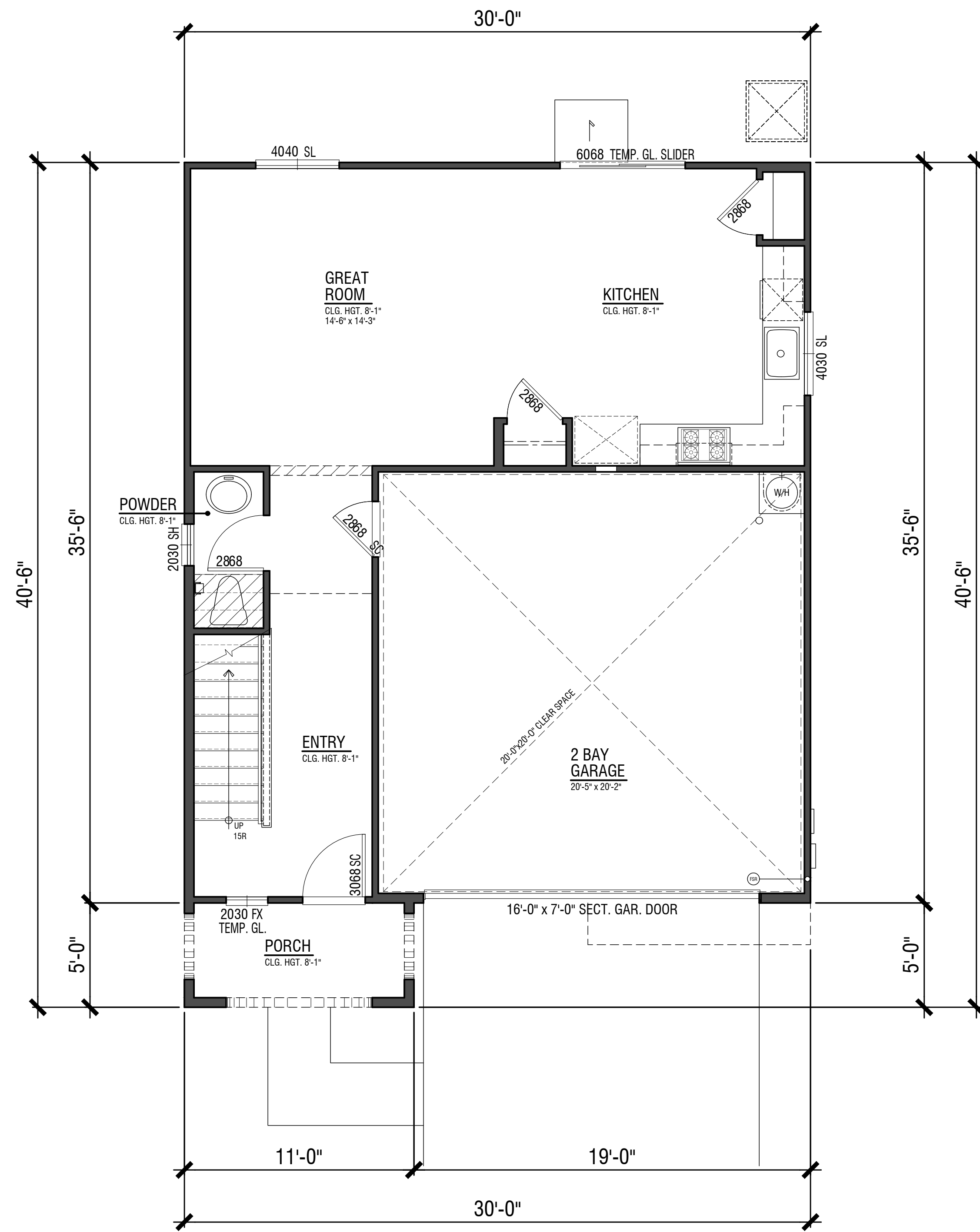
PLAN 2435

Elevation F - Farmhouse

Color Scheme 3B



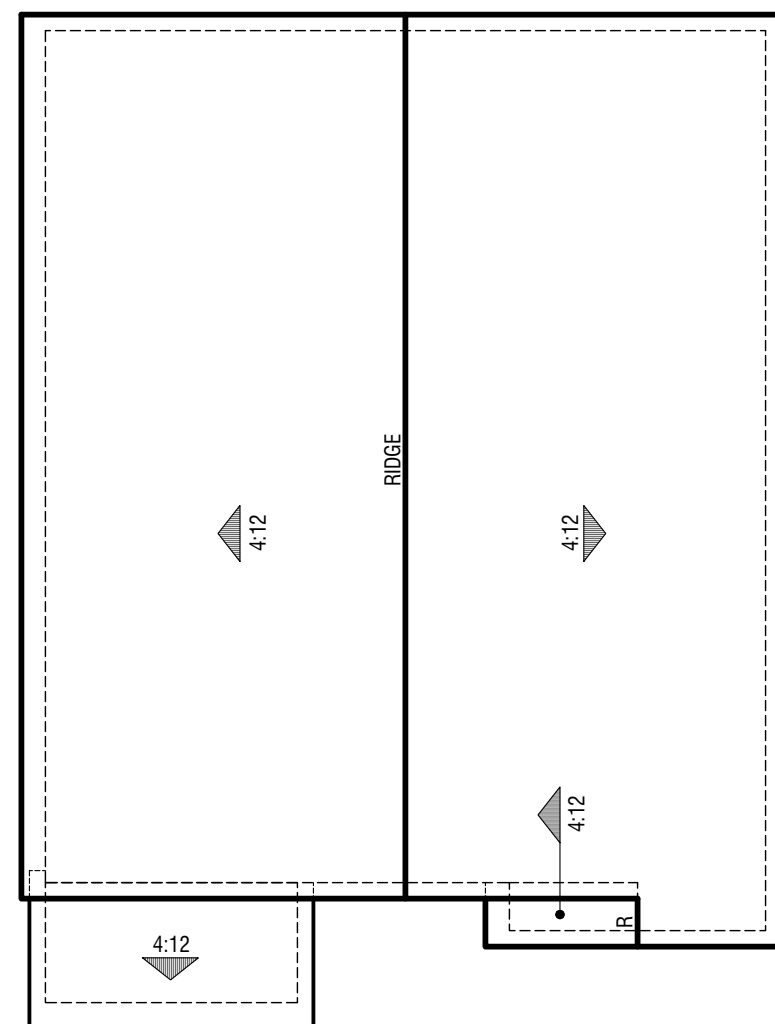
Second Floor 950 SF



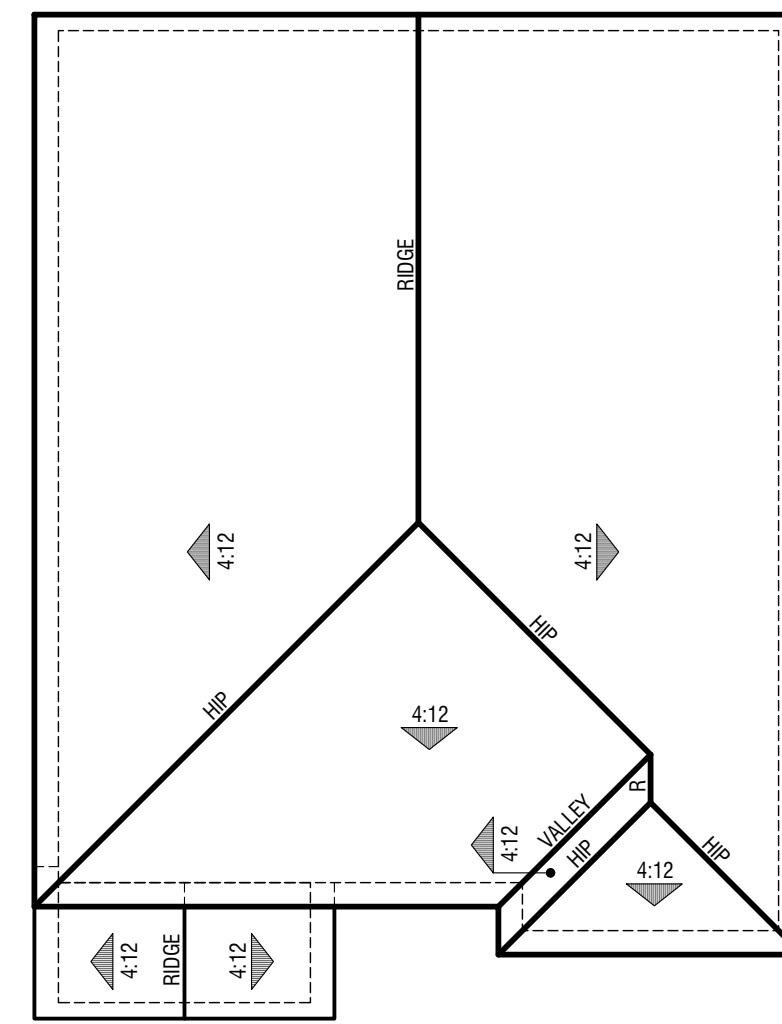
First Floor 637 SF

PLAN 1583

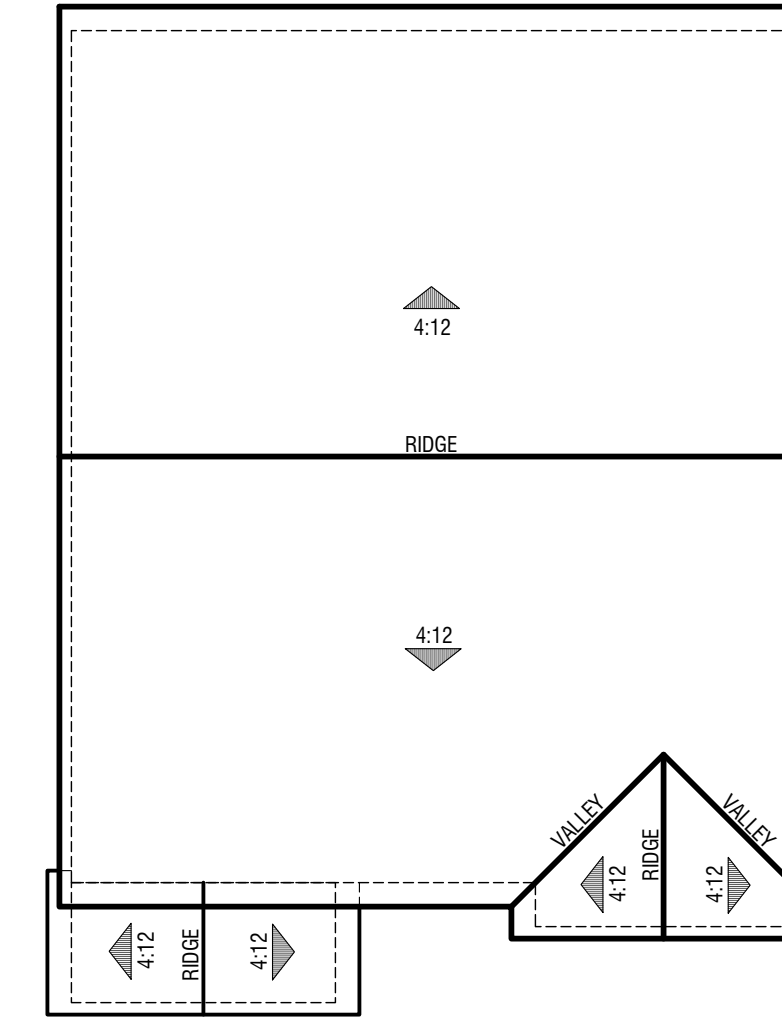
1,587 S.F.
 3 Bdrm | 2.5 Bath | Loft
 2-Car Garage



Elevation F - Farmhouse



Elevation E - Traditional



Elevation A - Spanish

PLAN 1583
Roof Plans



Elevation A - Spanish
Color Scheme 8A

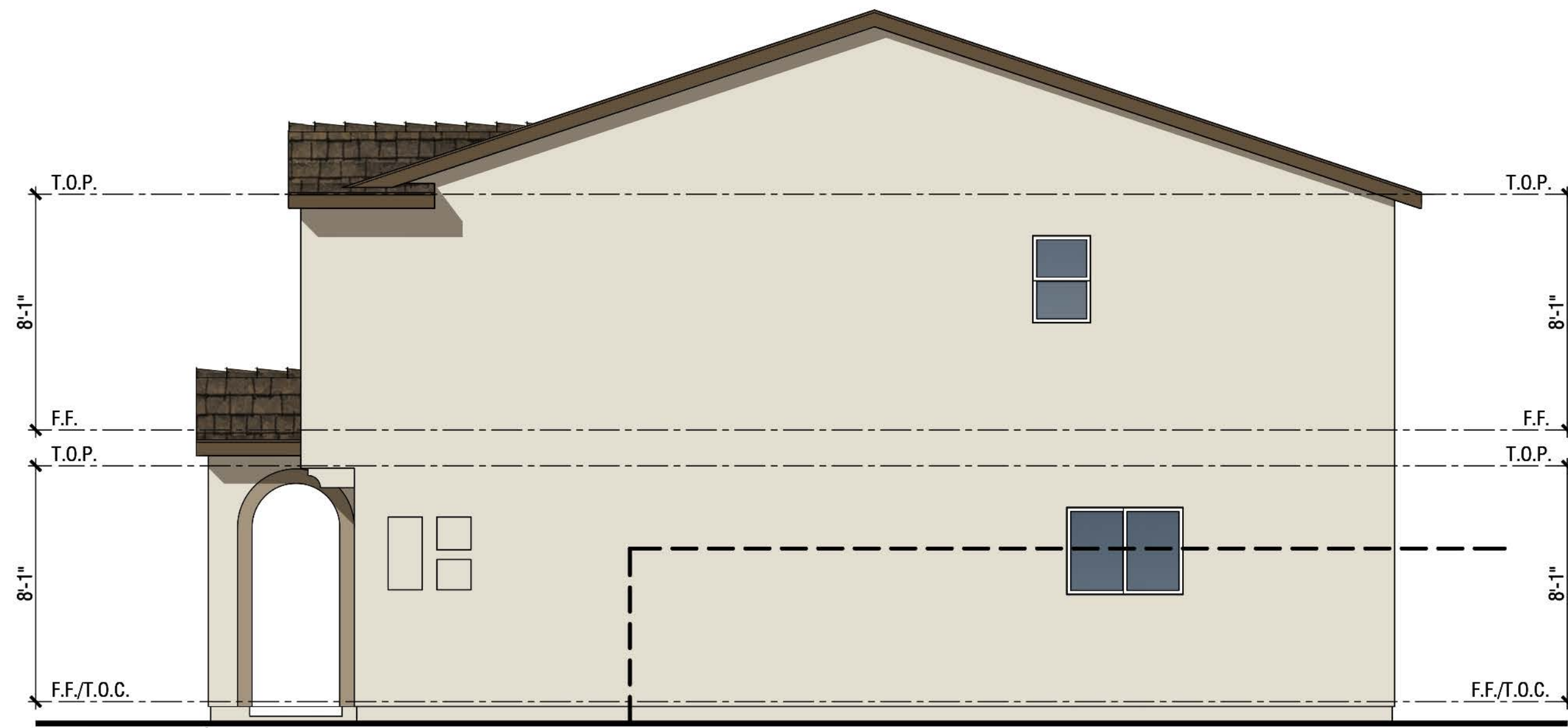


Elevation F - Farmhouse
Color Scheme 17B



Elevation E - Traditional
Color Scheme 5B-1

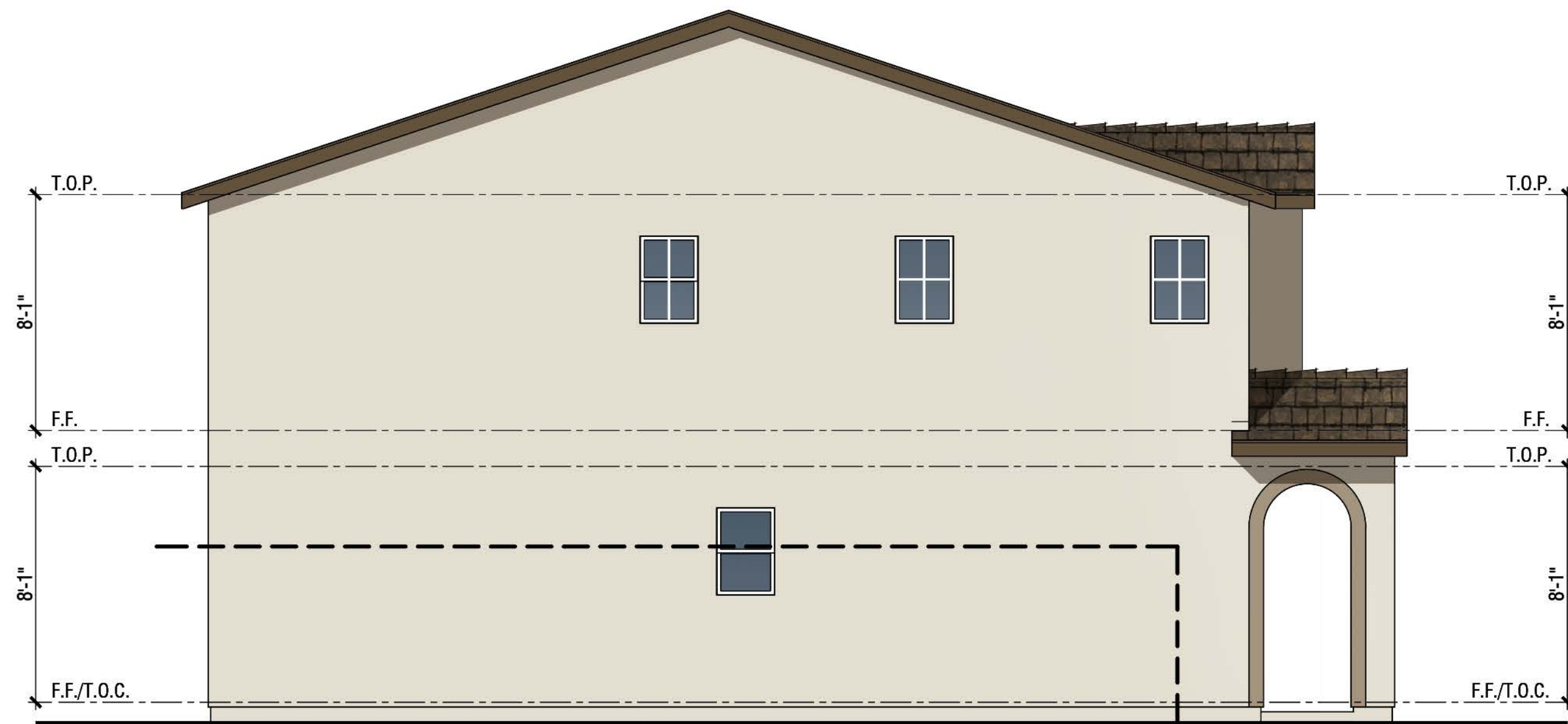
PLAN 1583
Front Elevations



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation A - Spanish

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Prefab Pipes: Decorative Foam
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

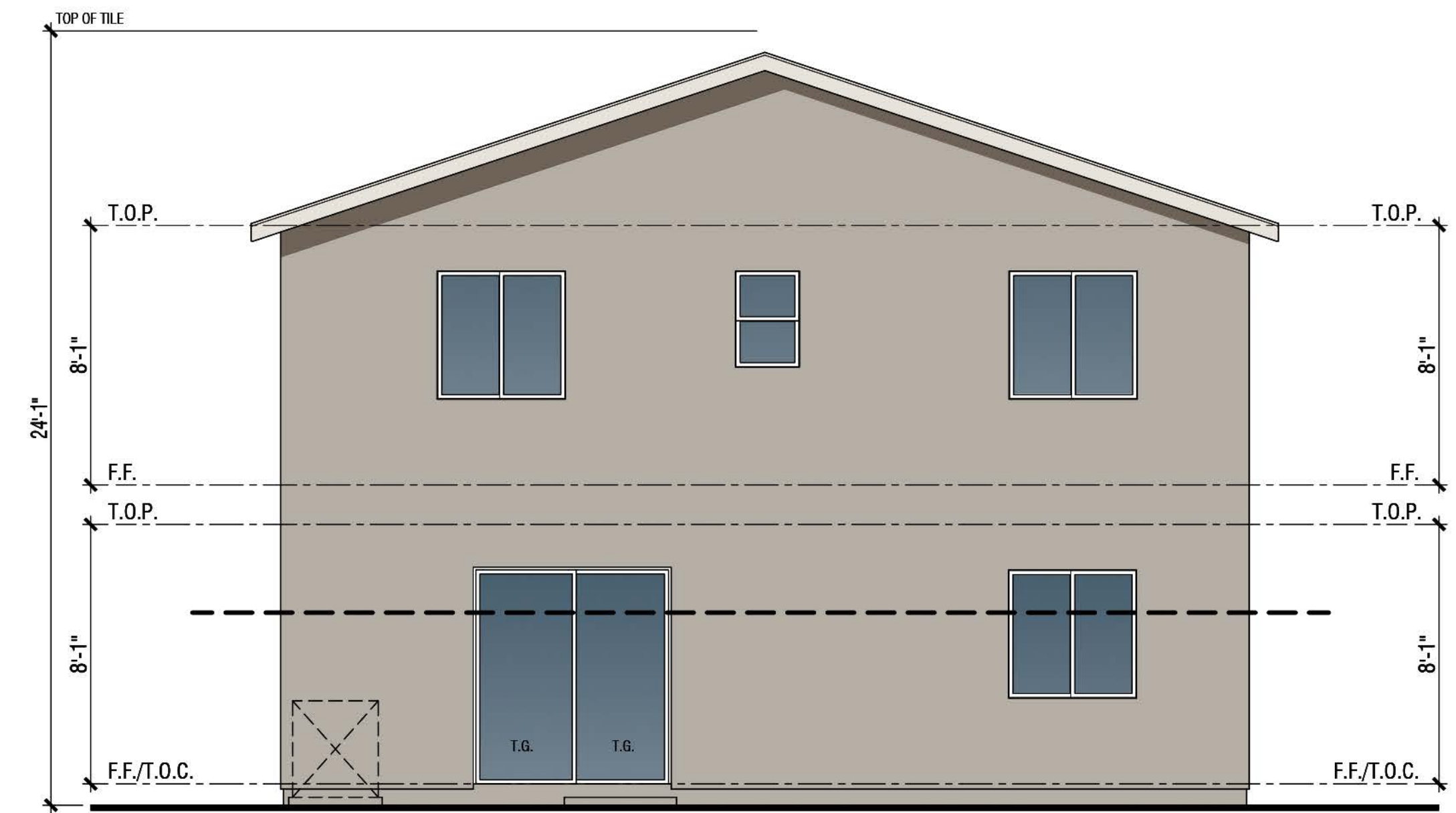
- 6 Potshelves: Decorative Foam
- 7 Shutters: Decorative Foam
- 8 Entry Door: Fiberglass
- 9 Light Fixture
- 10 Address Light

PLAN 1583

Elevation A - Spanish
Color Scheme 8A



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation E - Traditional

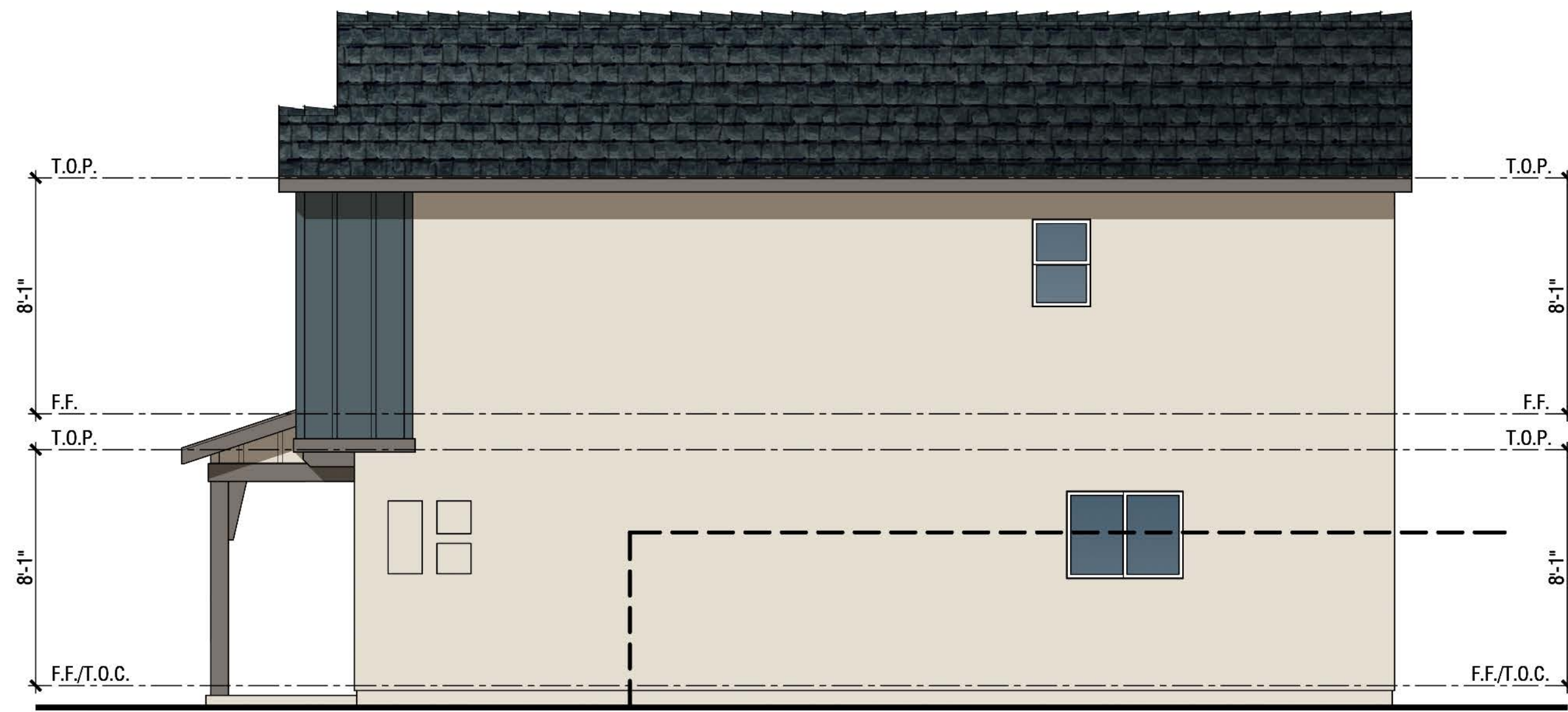
- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

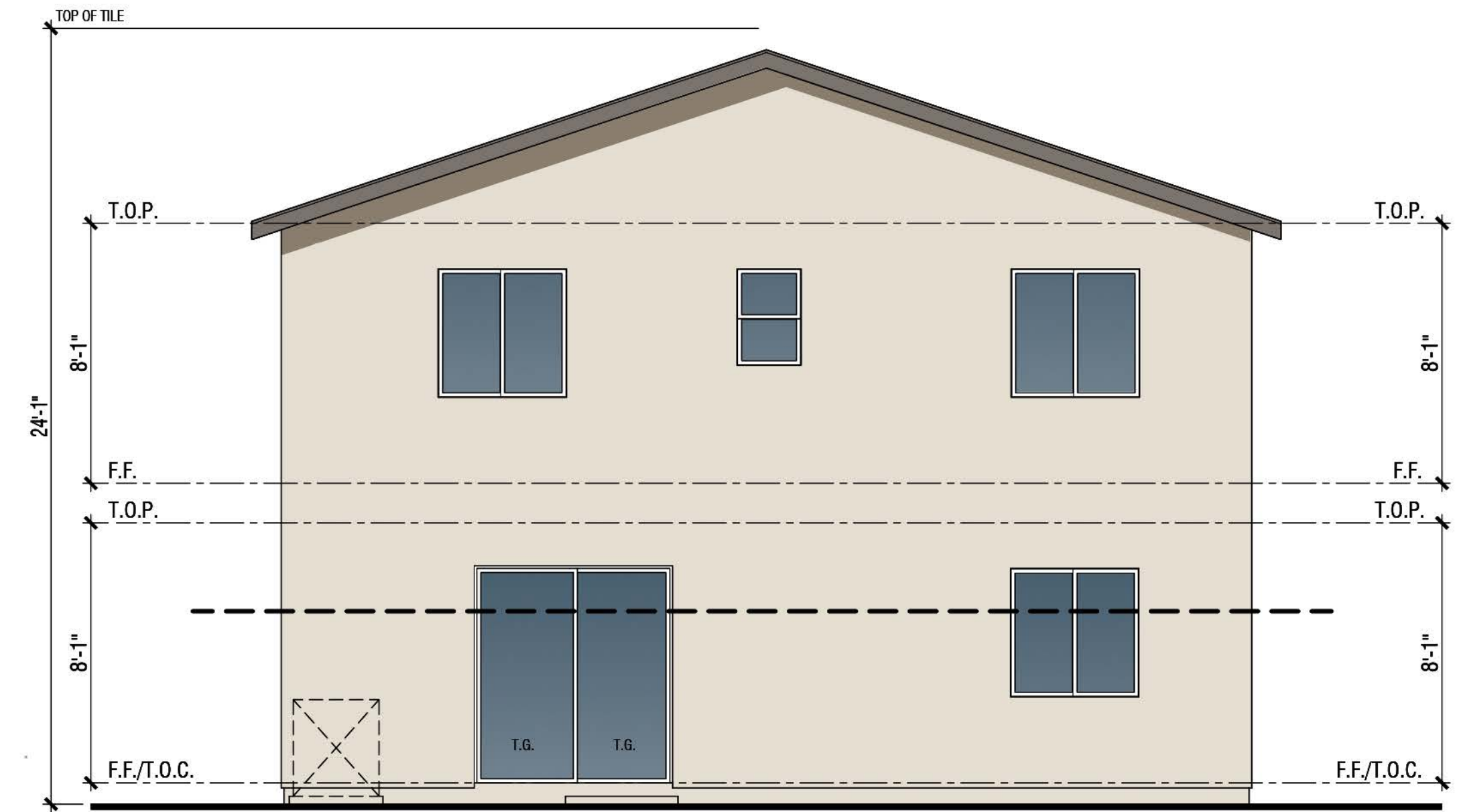
PLAN 1583

Elevation E - Traditional

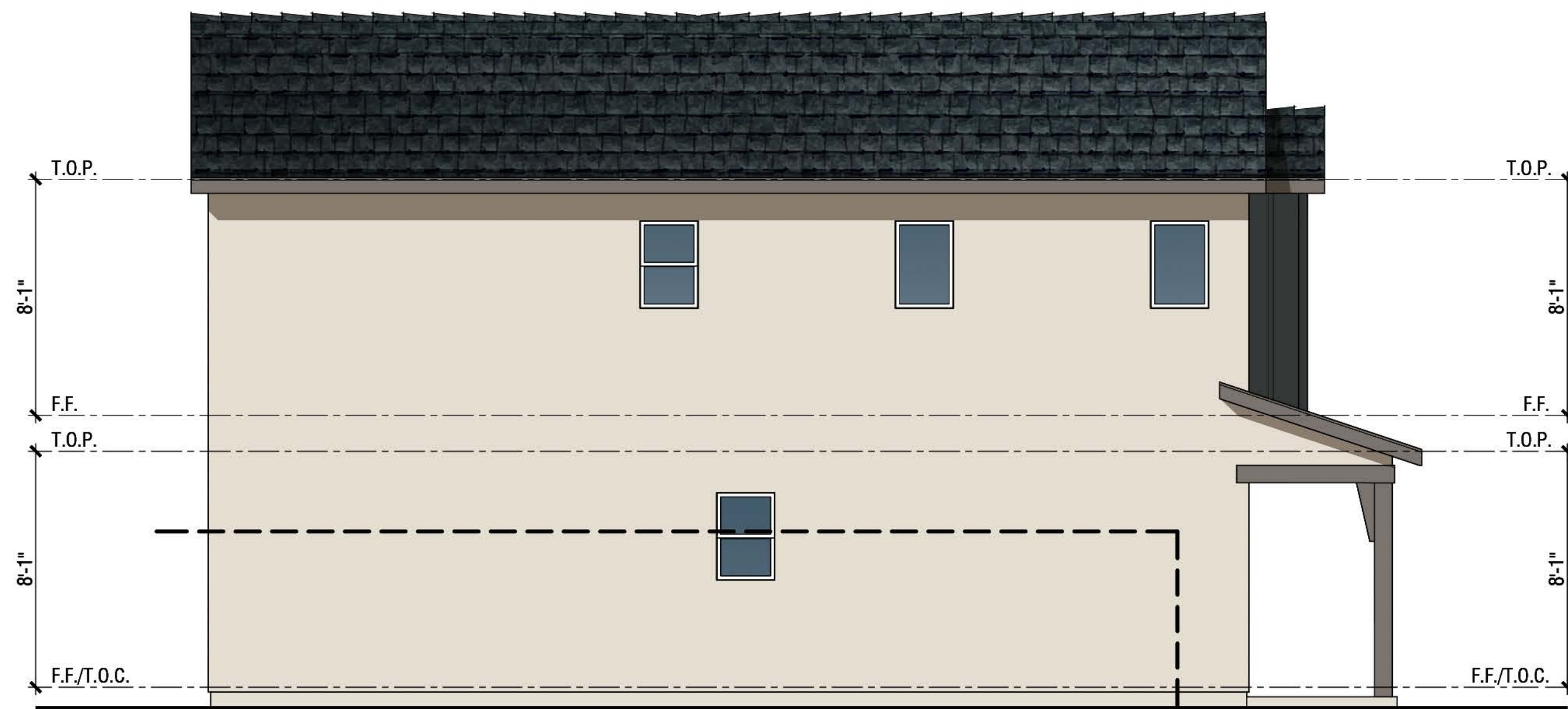
Color Scheme 5B-1



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation F - Farmhouse

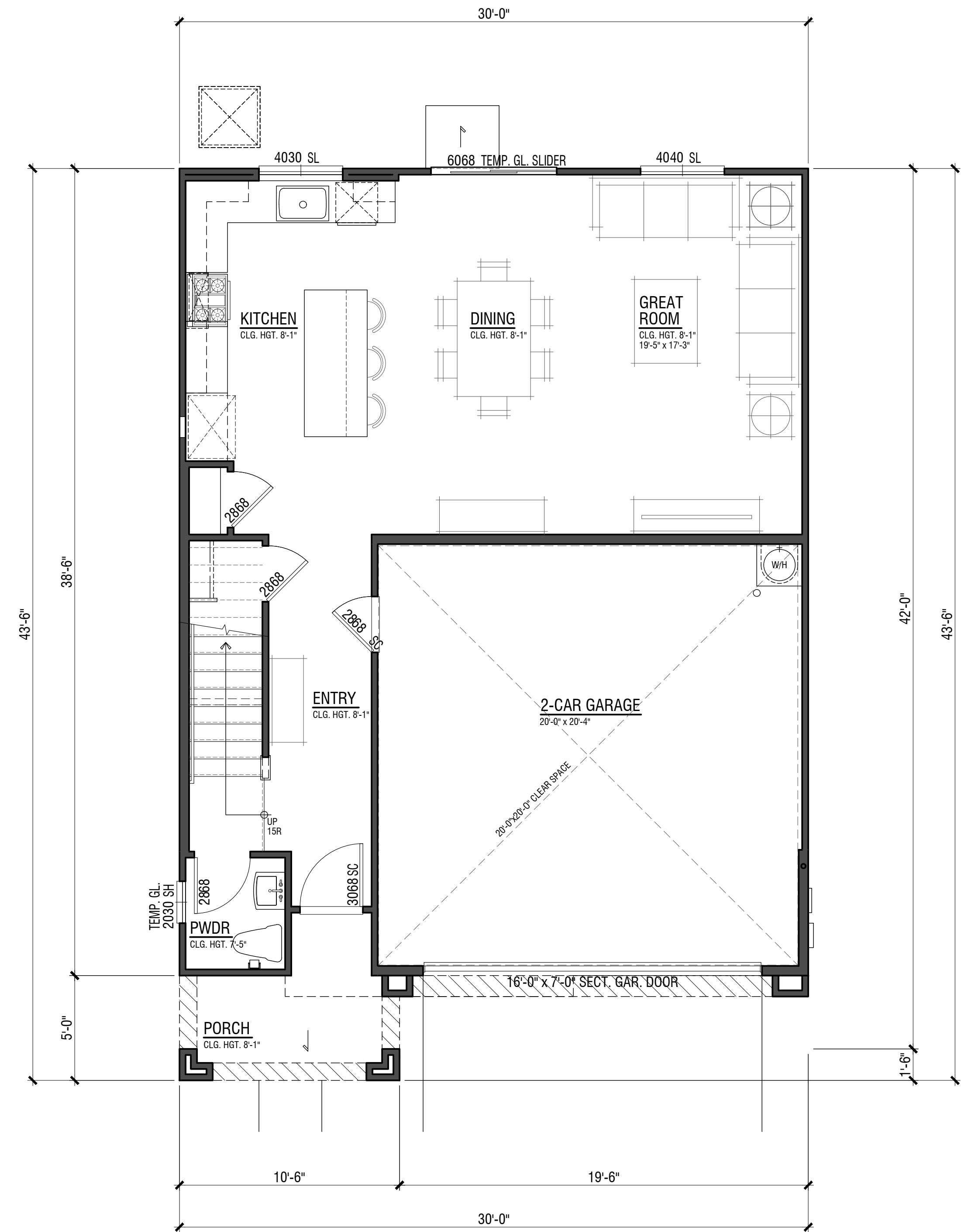
- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Board & Battens: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

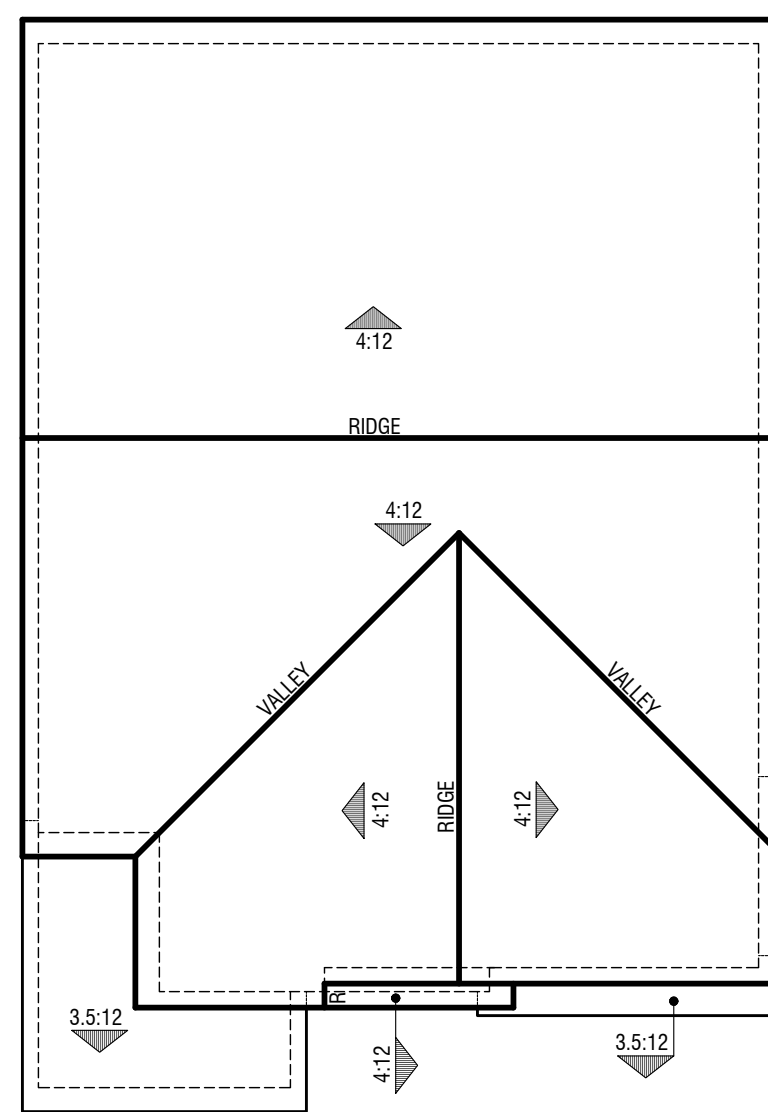
PLAN 1583

Elevation F - Farmhouse

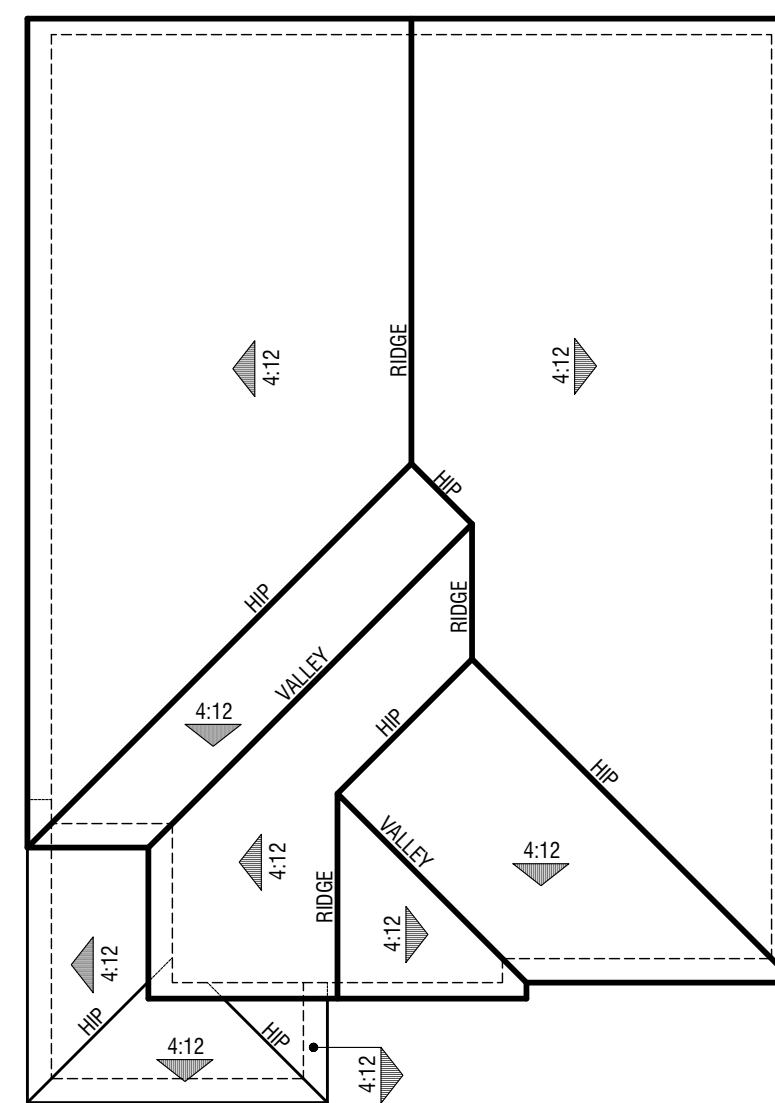
Color Scheme 17B



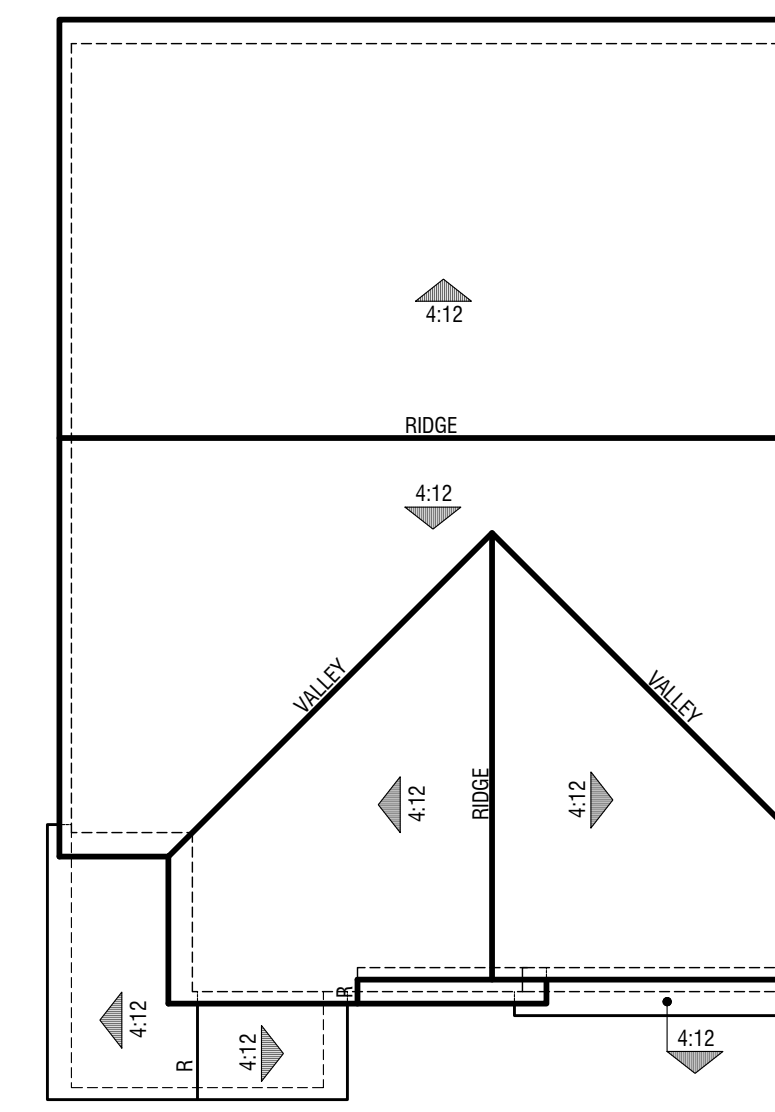
PLAN 1799
 1,797F.
 4 Bdrm | 2.5 Bath | Loft
 2-Car Garage



Elevation F - Farmhouse



Elevation E - Traditional



Elevation A - Spanish

PLAN 1799

Roof Plans



Elevation A - Spanish
Color Scheme 10A

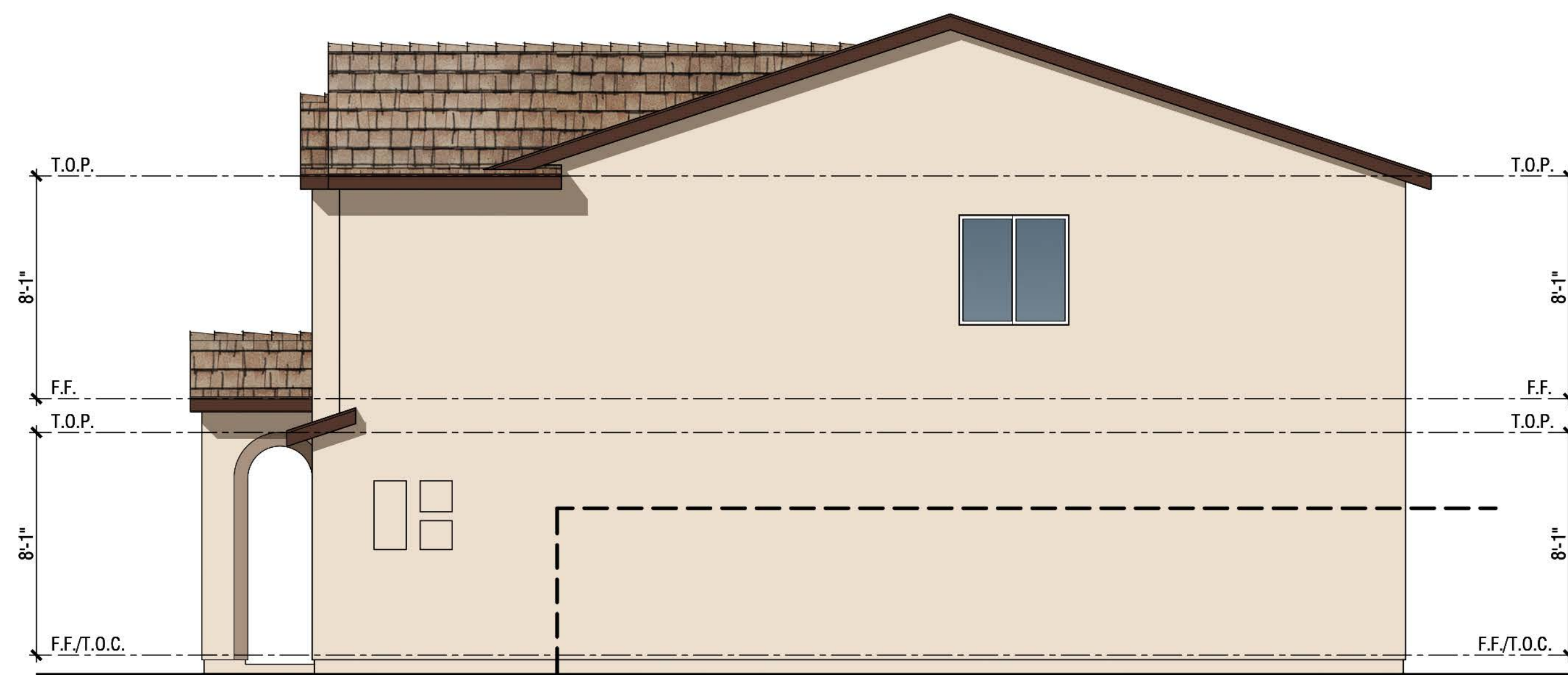


Elevation F - Farmhouse
Color Scheme 12B

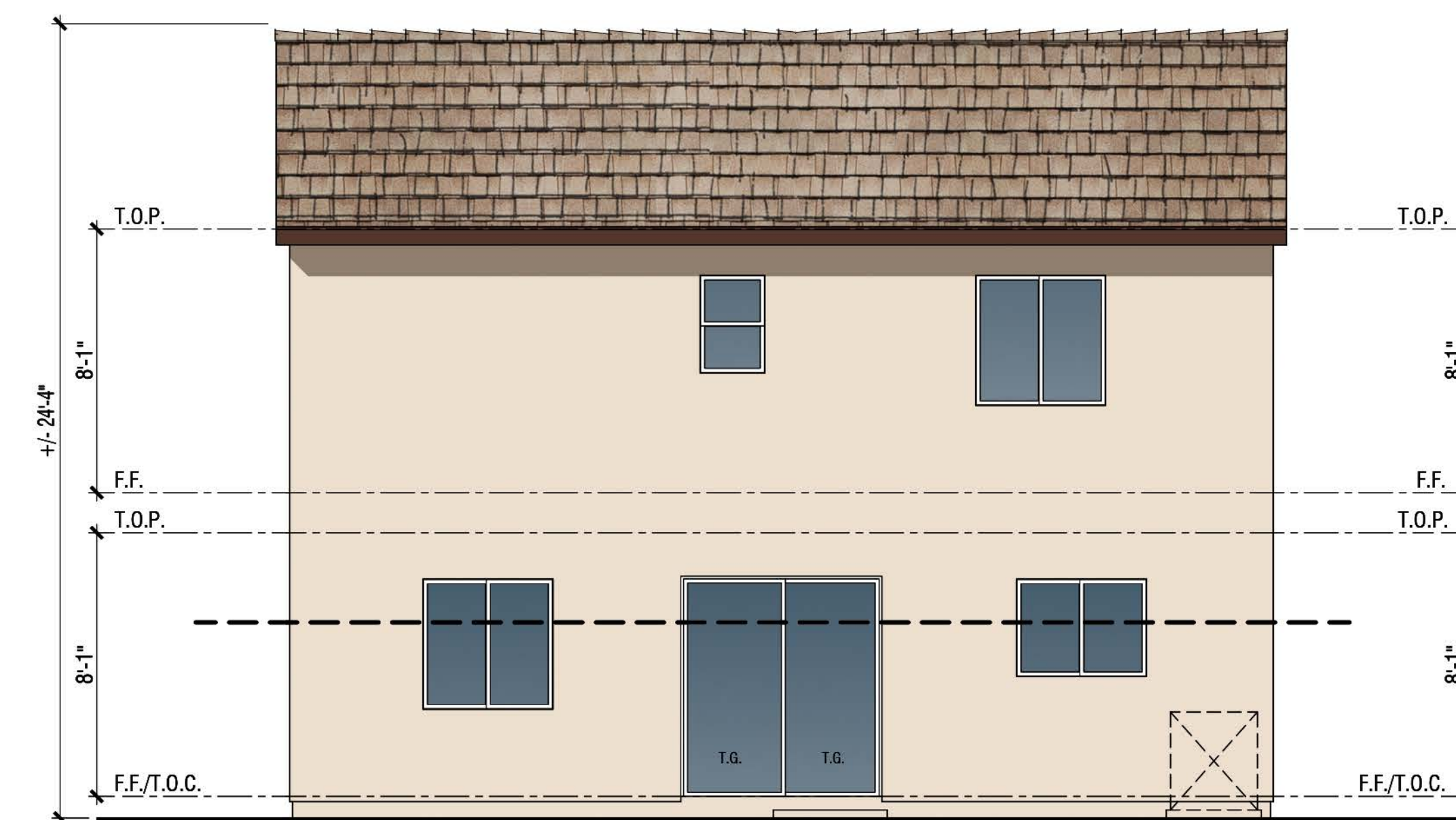


Elevation E - Traditional
Color Scheme 8B

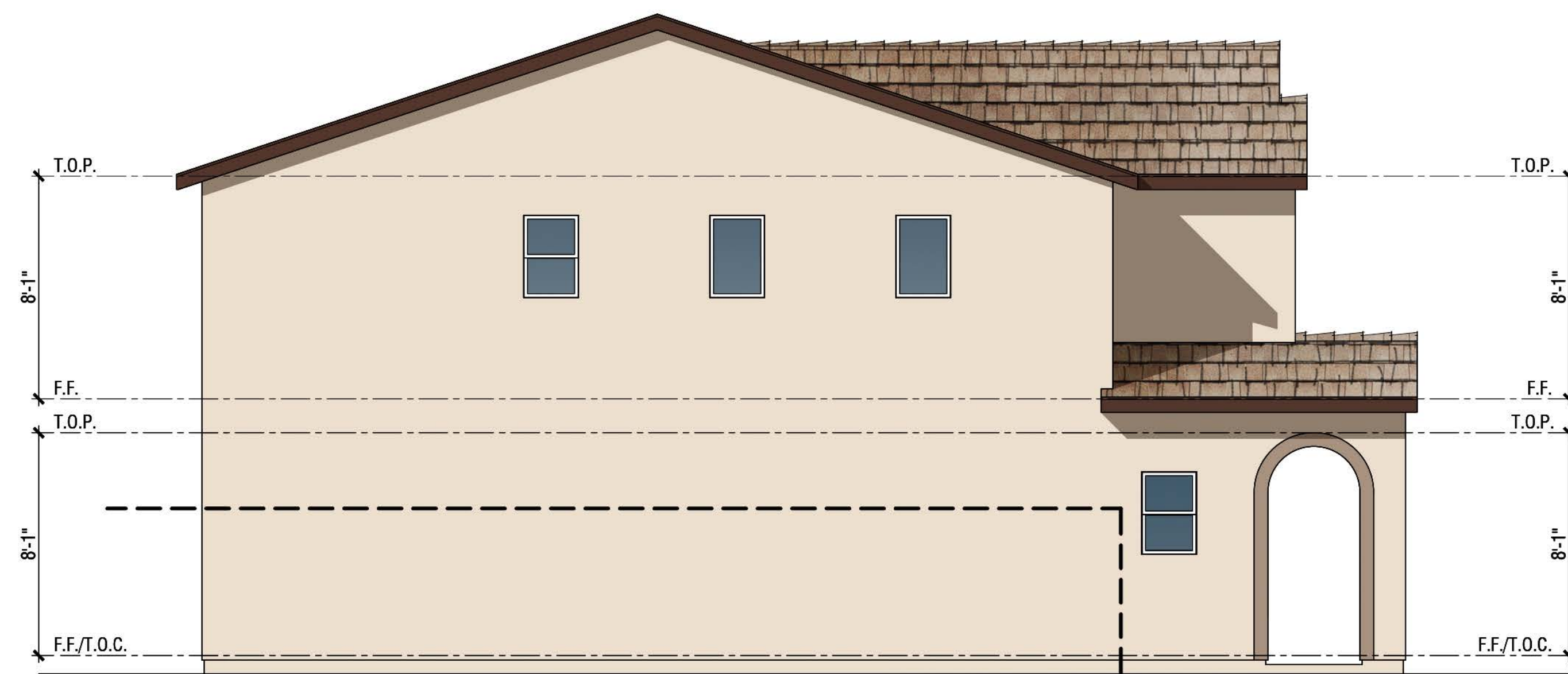
PLAN 1799
Front Elevations



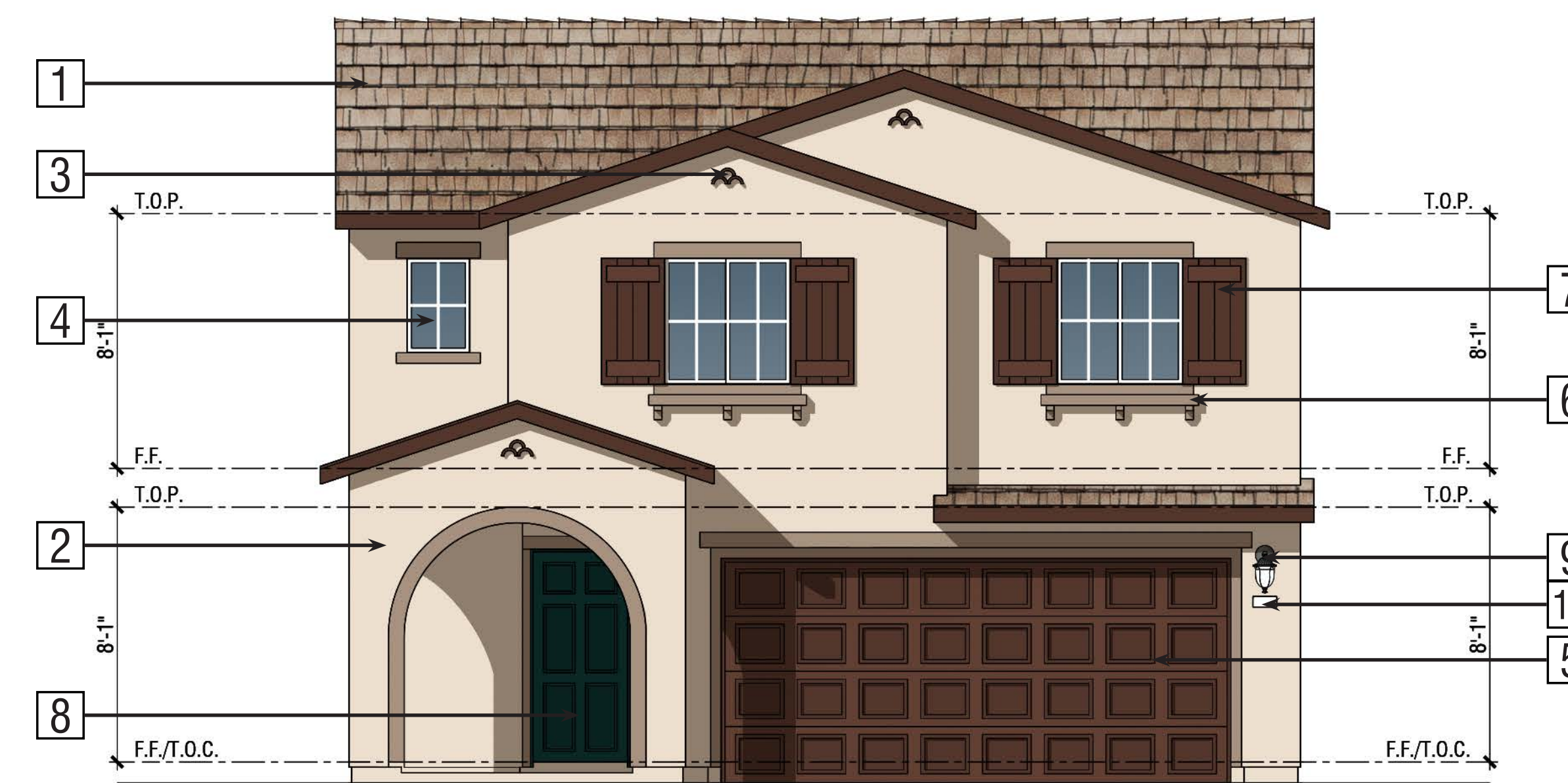
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation A - Spanish

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Prefab Pipes: Decorative Foam
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Potshelves: Decorative Foam
- 7 Shutters: Decorative Foam
- 8 Entry Door: Fiberglass
- 9 Light Fixture
- 10 Address Light

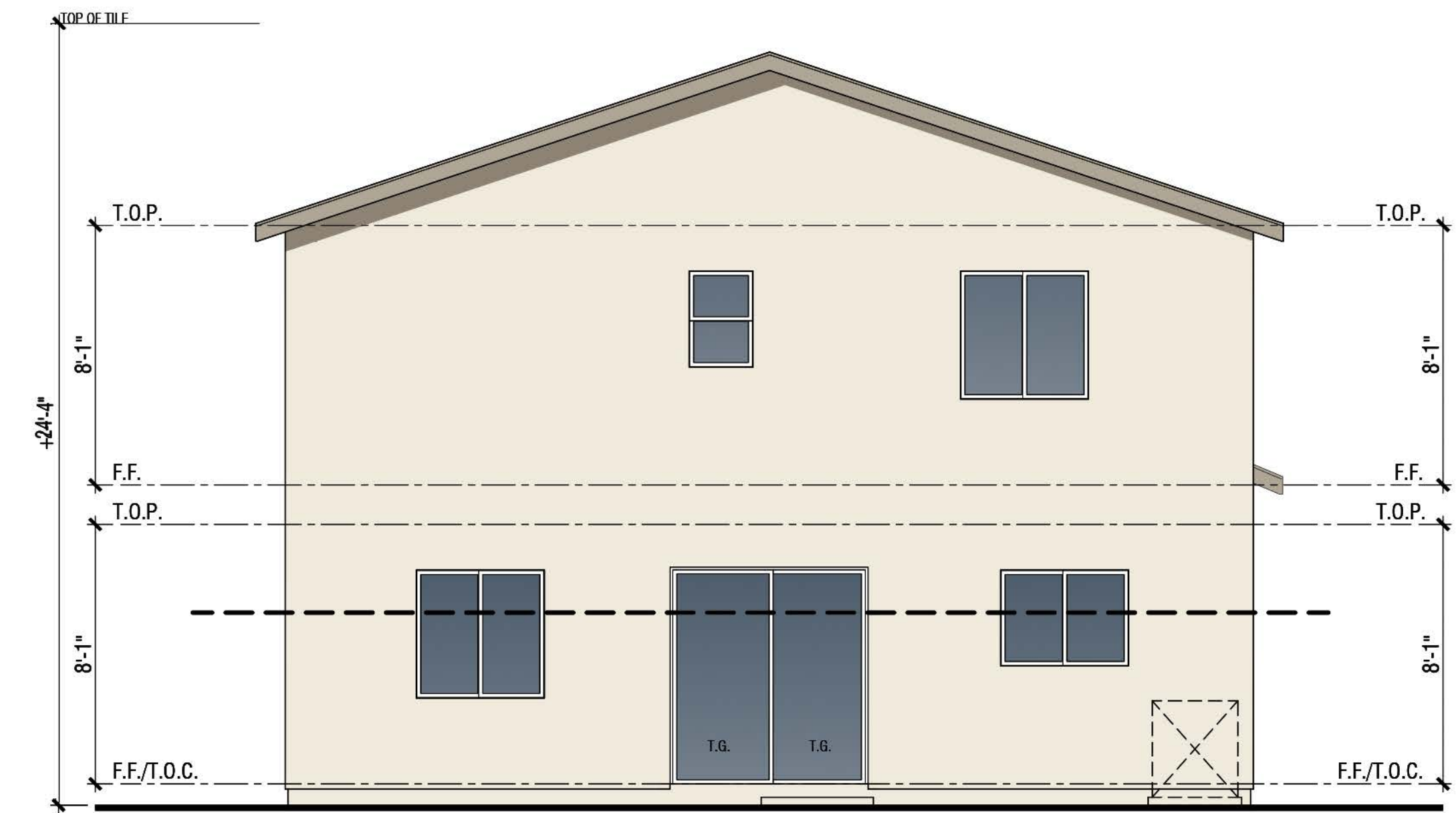
PLAN 1799

Elevation A - Spanish

Color Scheme 10A



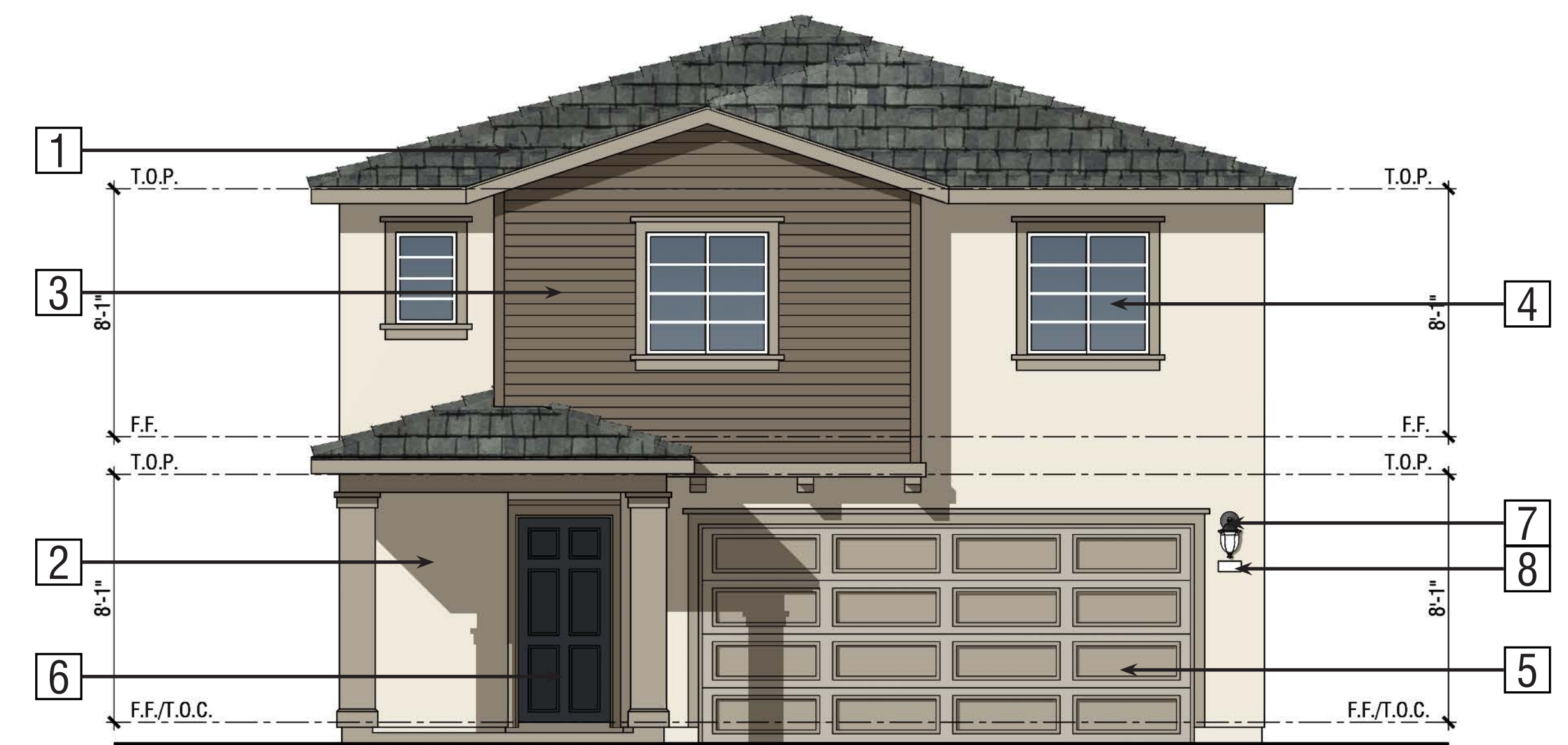
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation E - Traditional

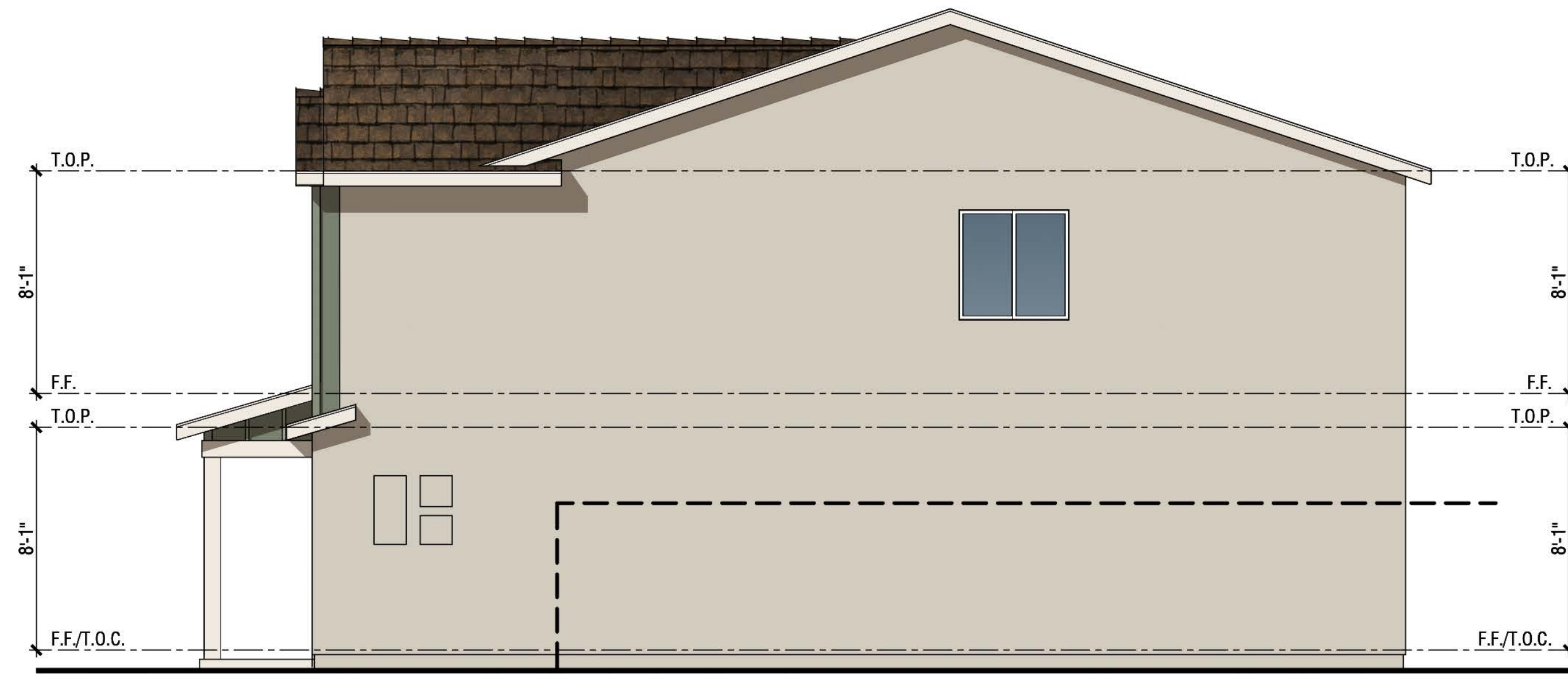
- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

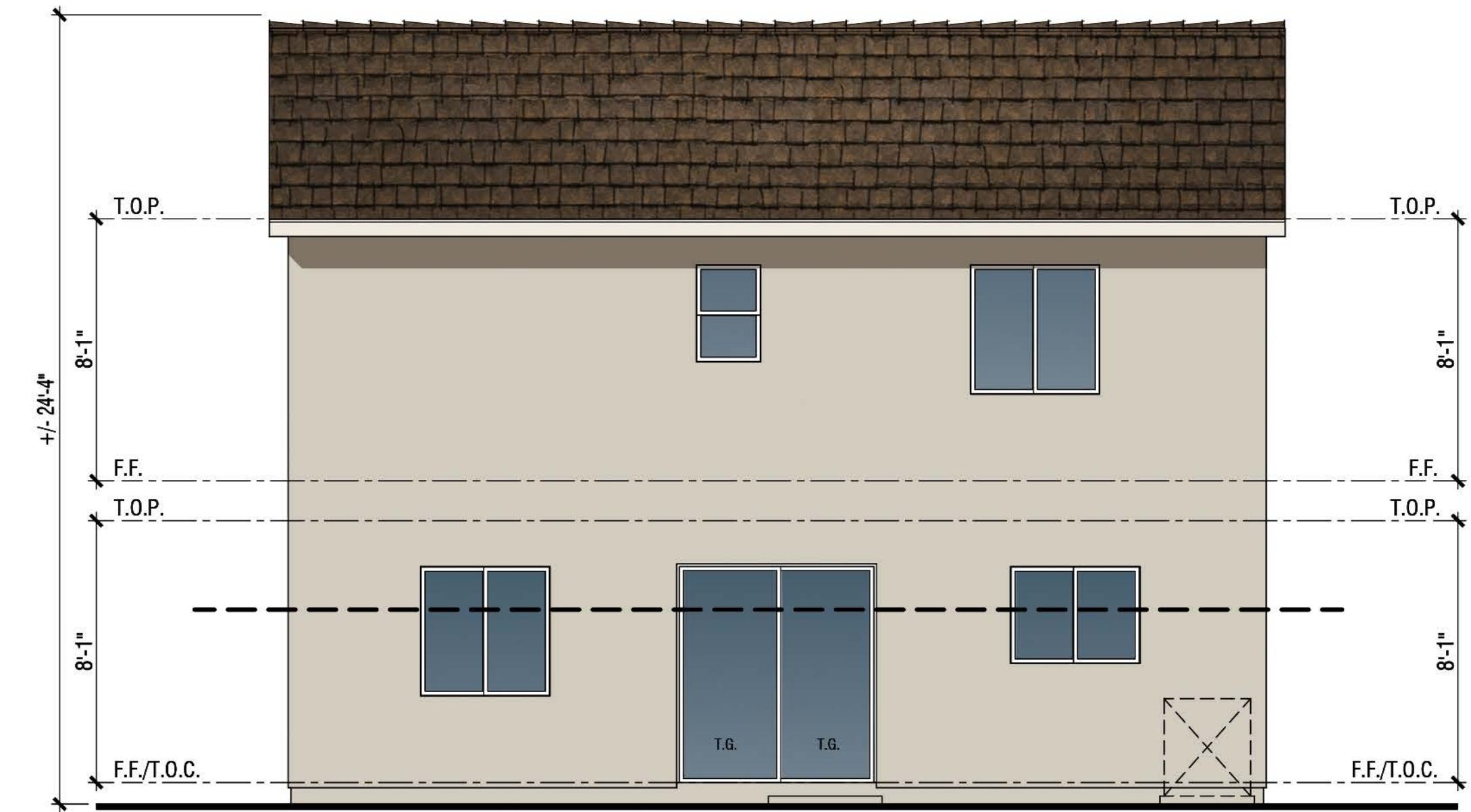
PLAN 1799

Elevation E - Traditional

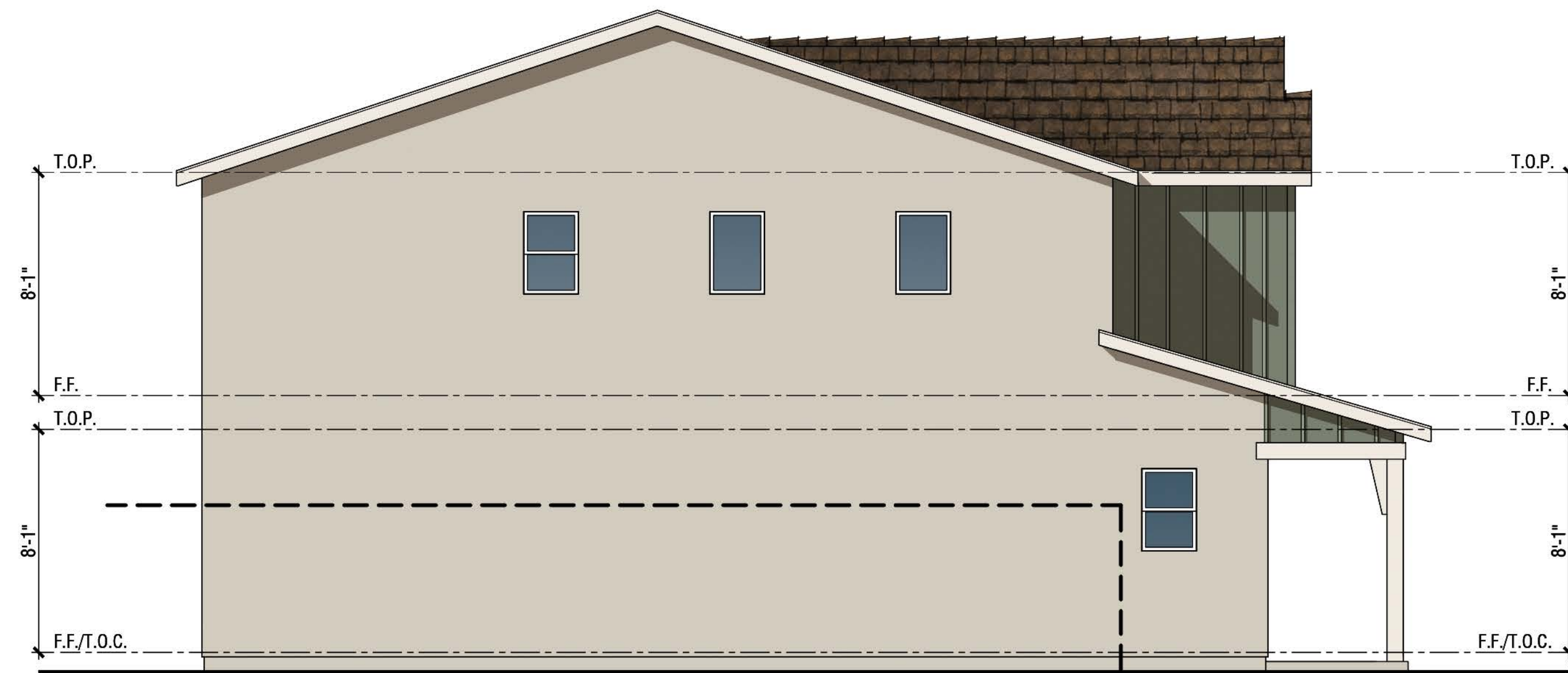
Color Scheme 8B



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation F - Farmhouse

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Board & Battens: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

PLAN 1799

Elevation F - Farmhouse

Color Scheme 12B

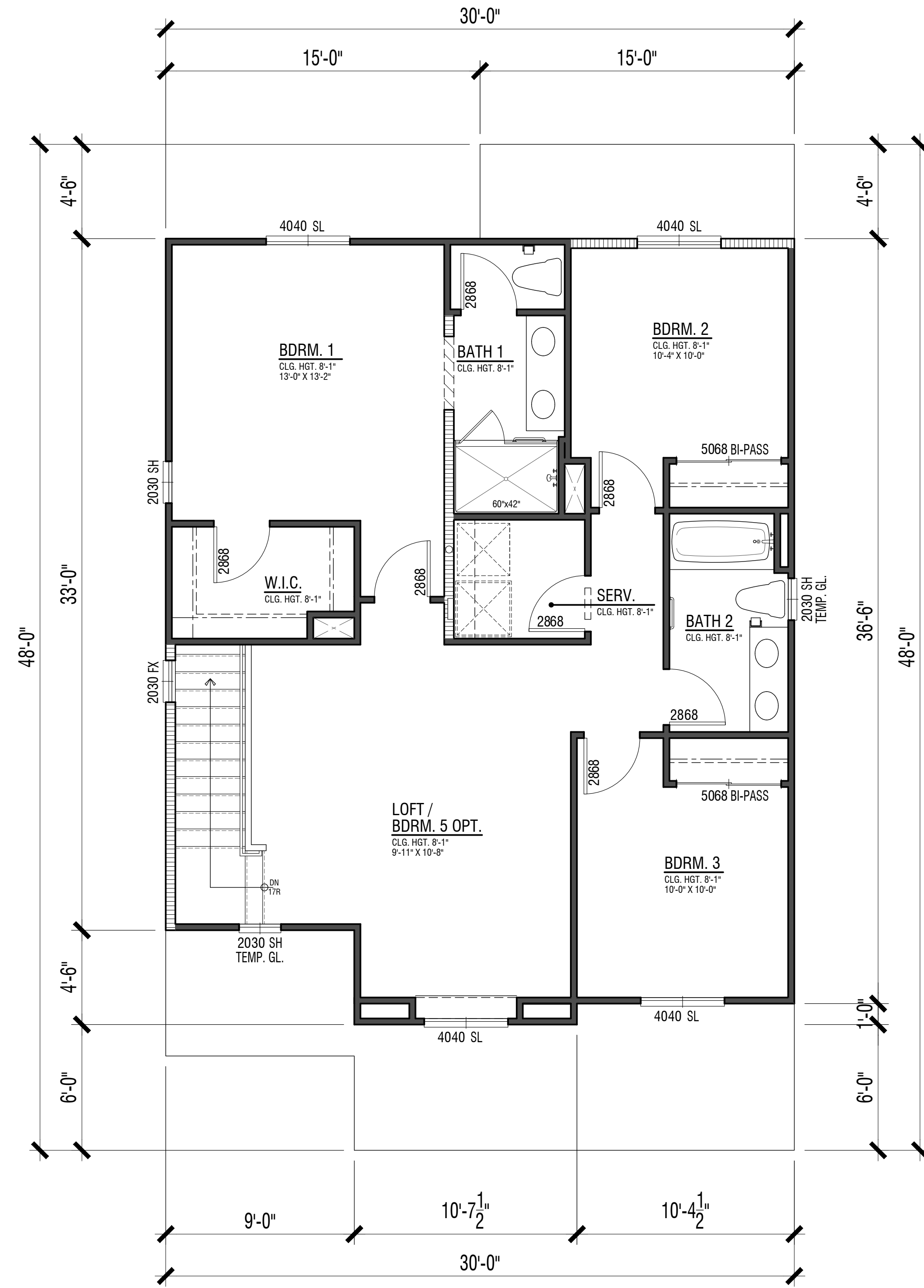
GSD2 LLC

THE CROSSINGS

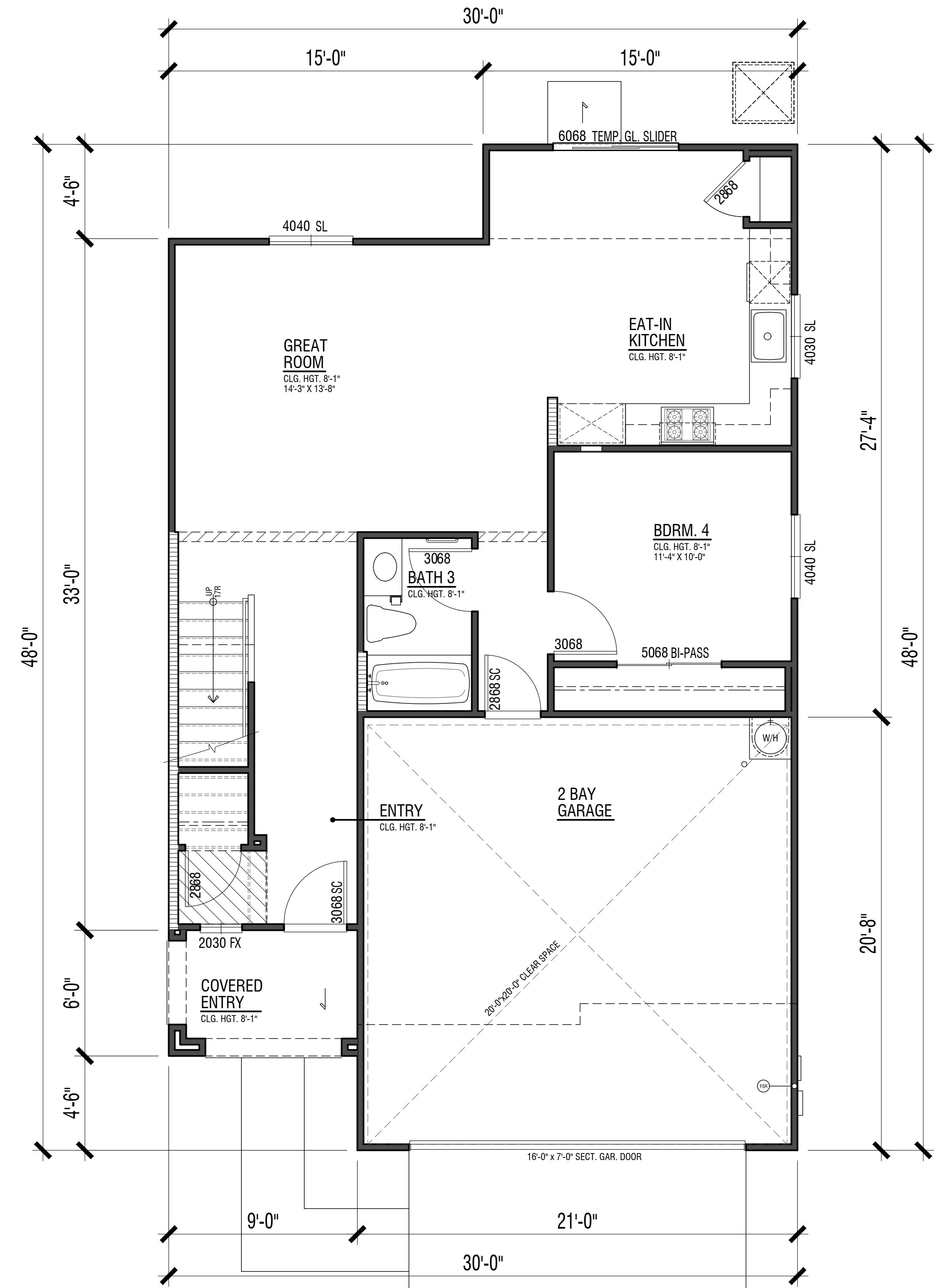
MODESTO, CA

Note: Artist's Conception; Colors, Materials
And Application May Vary.

A5.6
0 2 4 8

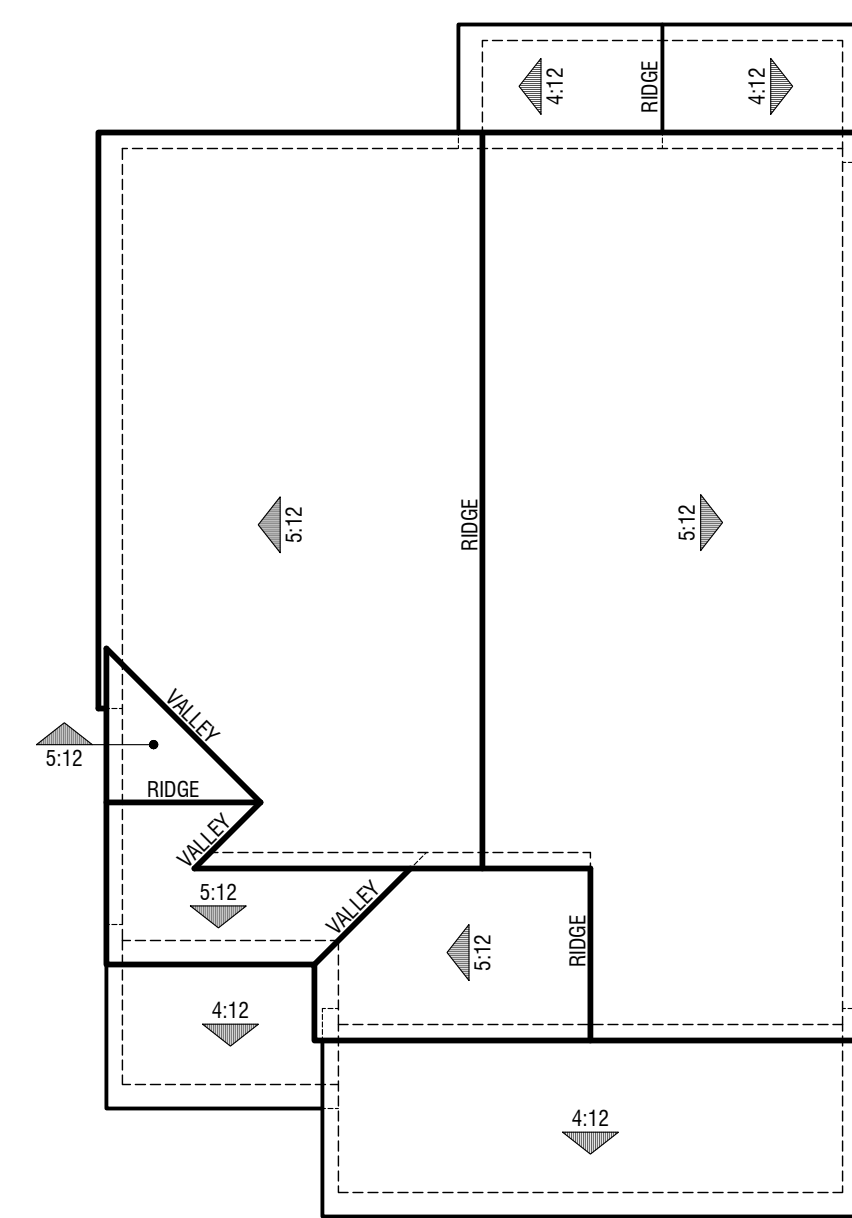


Second Floor 1,005 SF

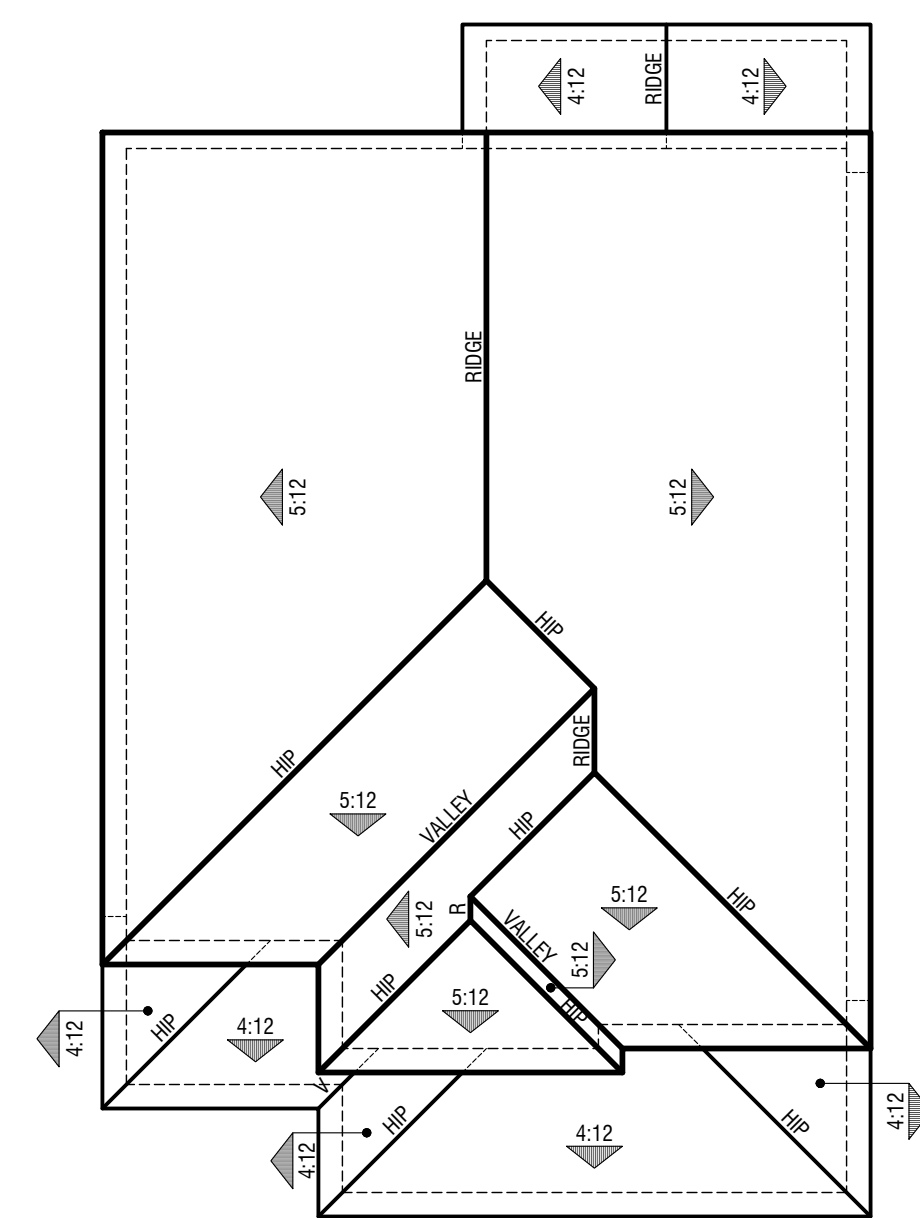


First Floor 847 SF

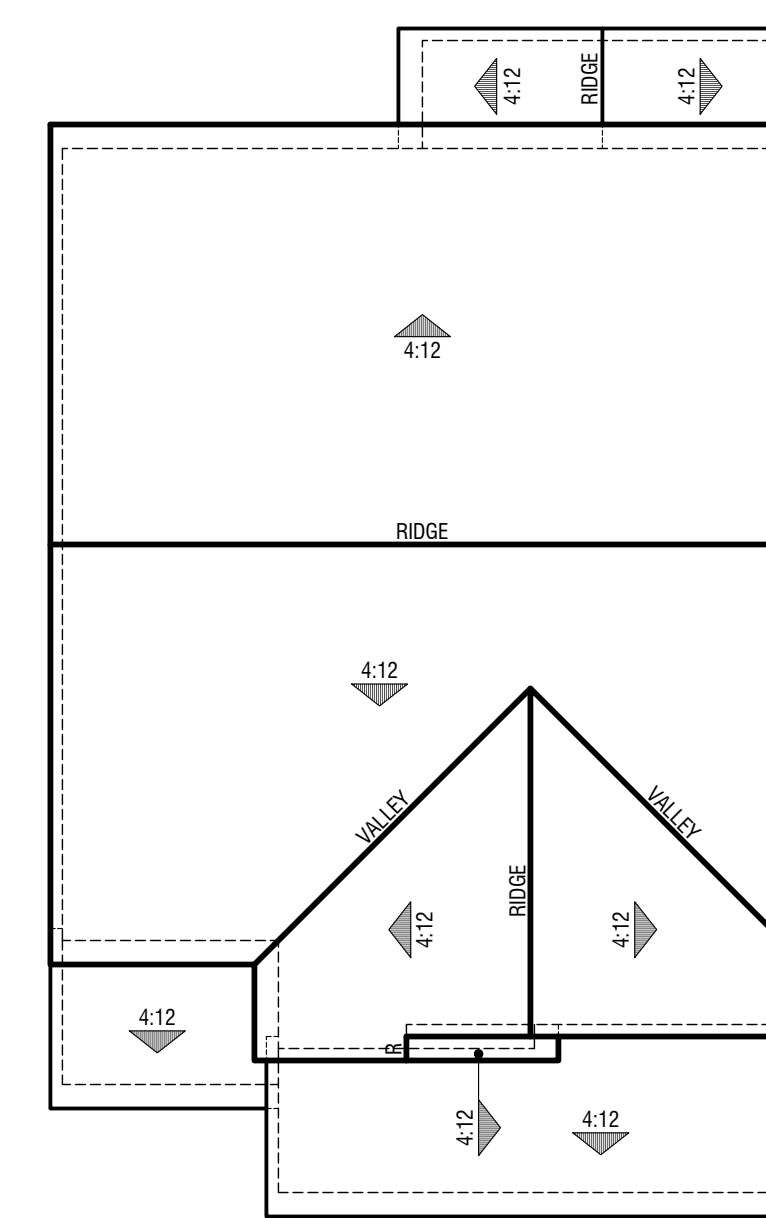
PLAN 1874
 1,855 S.F.
 4 Bdrm | 3 Bath | Loft
 2-Car Garage



Elevation F - Farmhouse



Elevation E - Traditional



Elevation A - Spanish

PLAN 1874

Roof Plans



Elevation A - Spanish
Color Scheme 9A

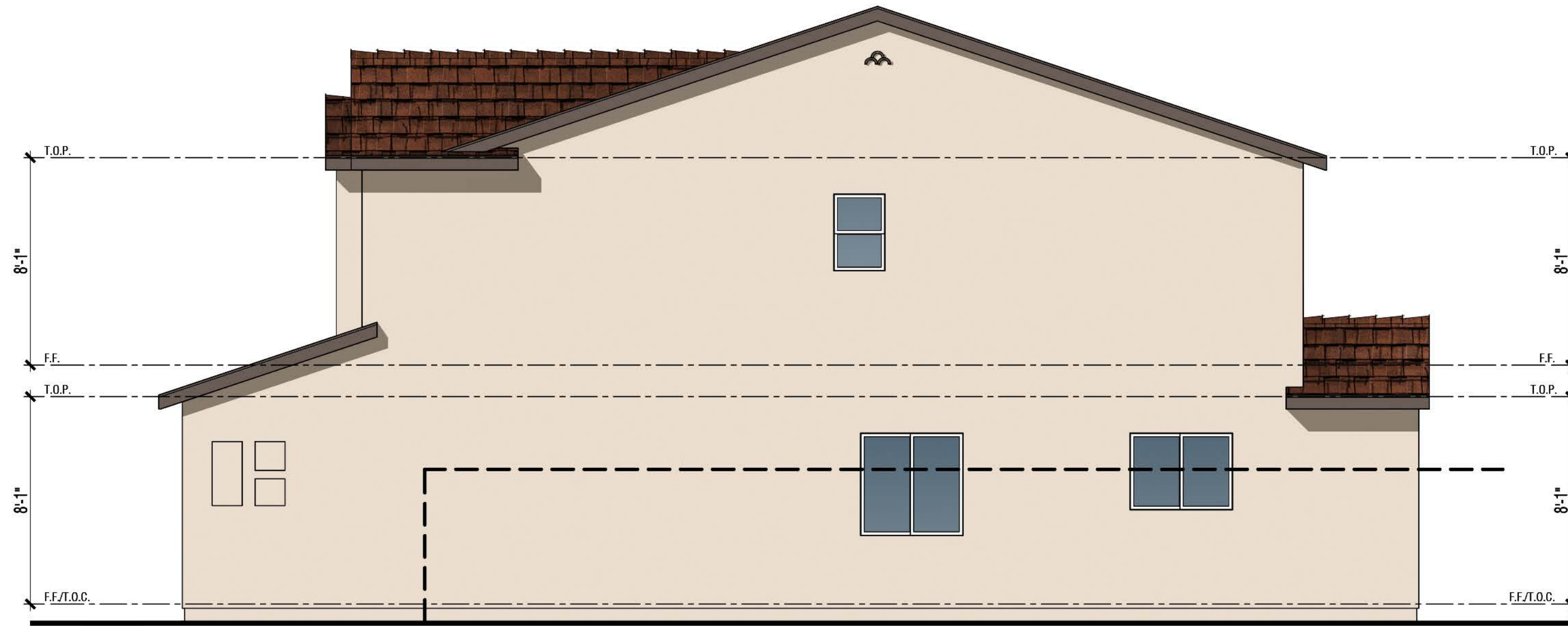


Elevation F - Farmhouse
Color Scheme 6B-2



Elevation E - Traditional
Color Scheme 1B-2

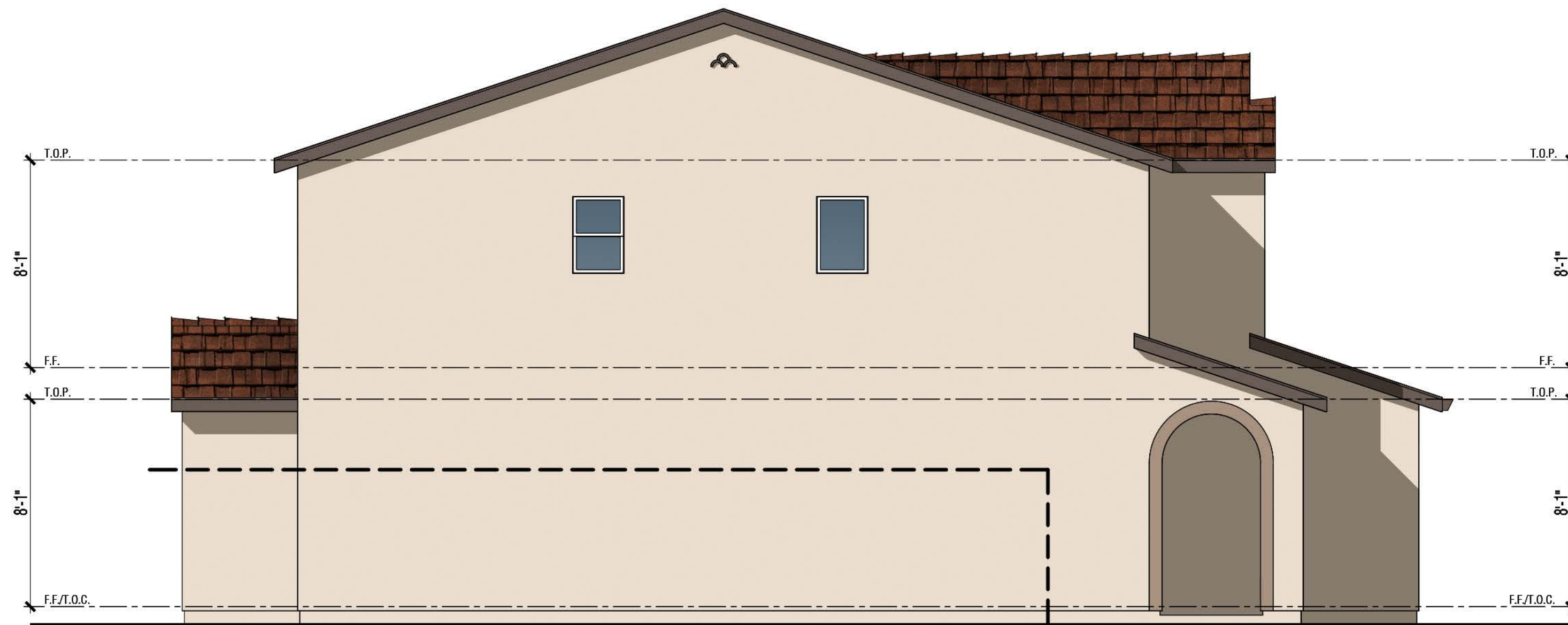
PLAN 1874
Front Elevations



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

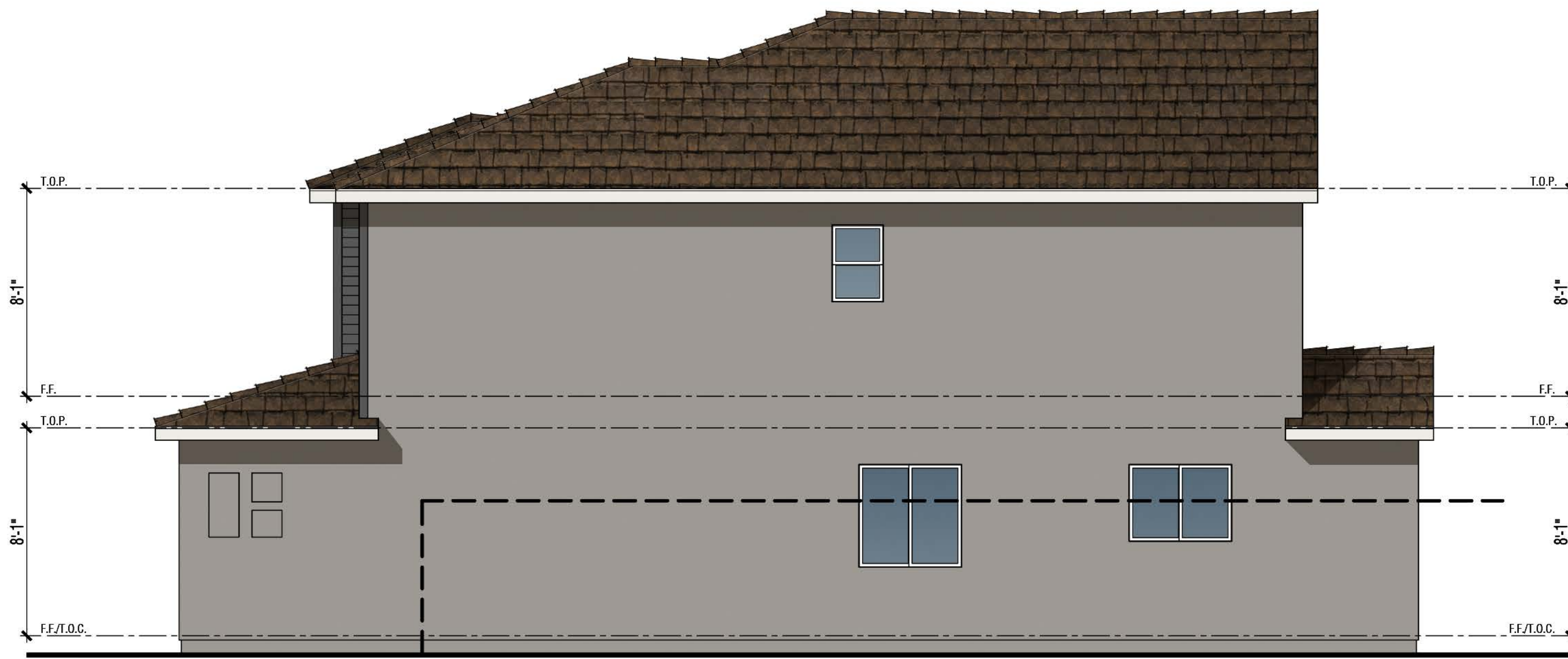
Exterior Materials:

Elevation A - Spanish

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Prefab Pipes: Decorative Foam
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Potshelves: Decorative Foam
- 7 Shutters: Decorative Foam
- 8 Entry Door: Fiberglass
- 9 Light Fixture
- 10 Address Light

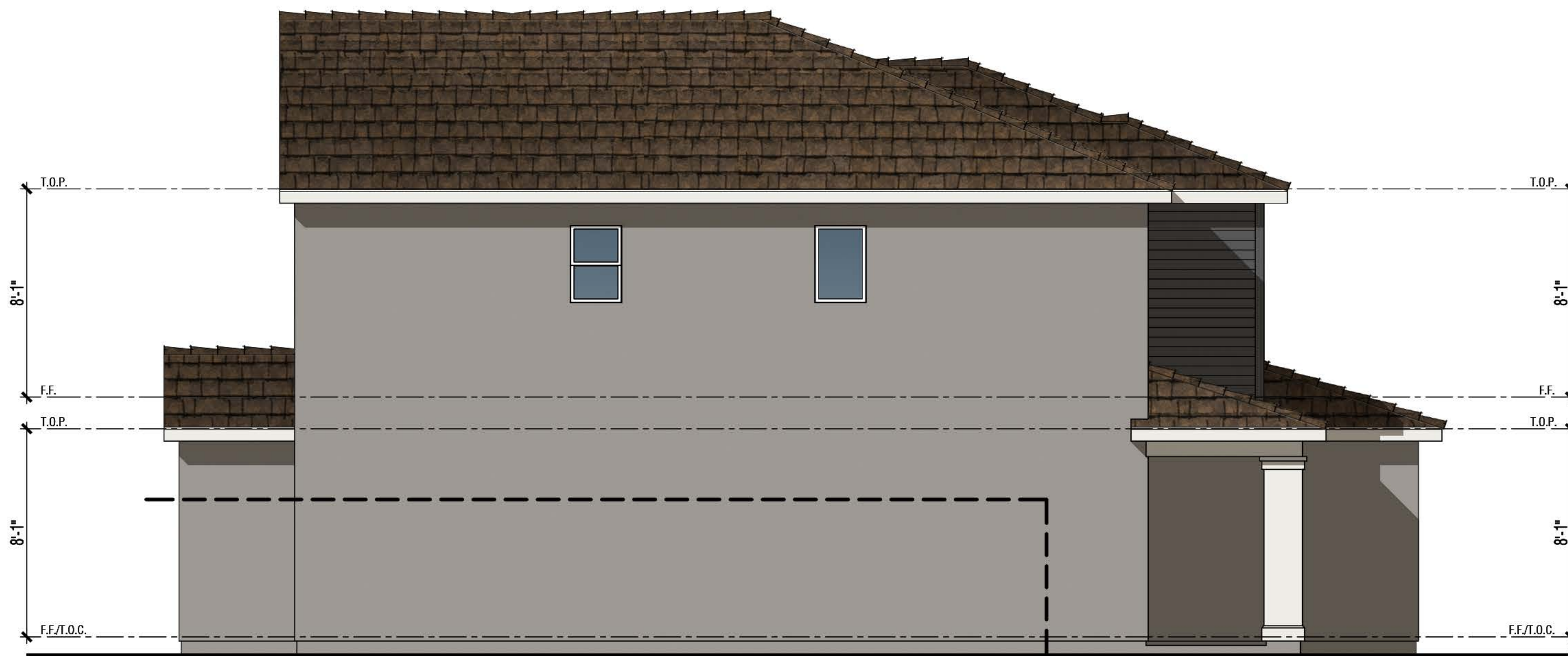
PLAN 1874
Elevation A - Spanish
Color Scheme 9A



Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation E - Traditional

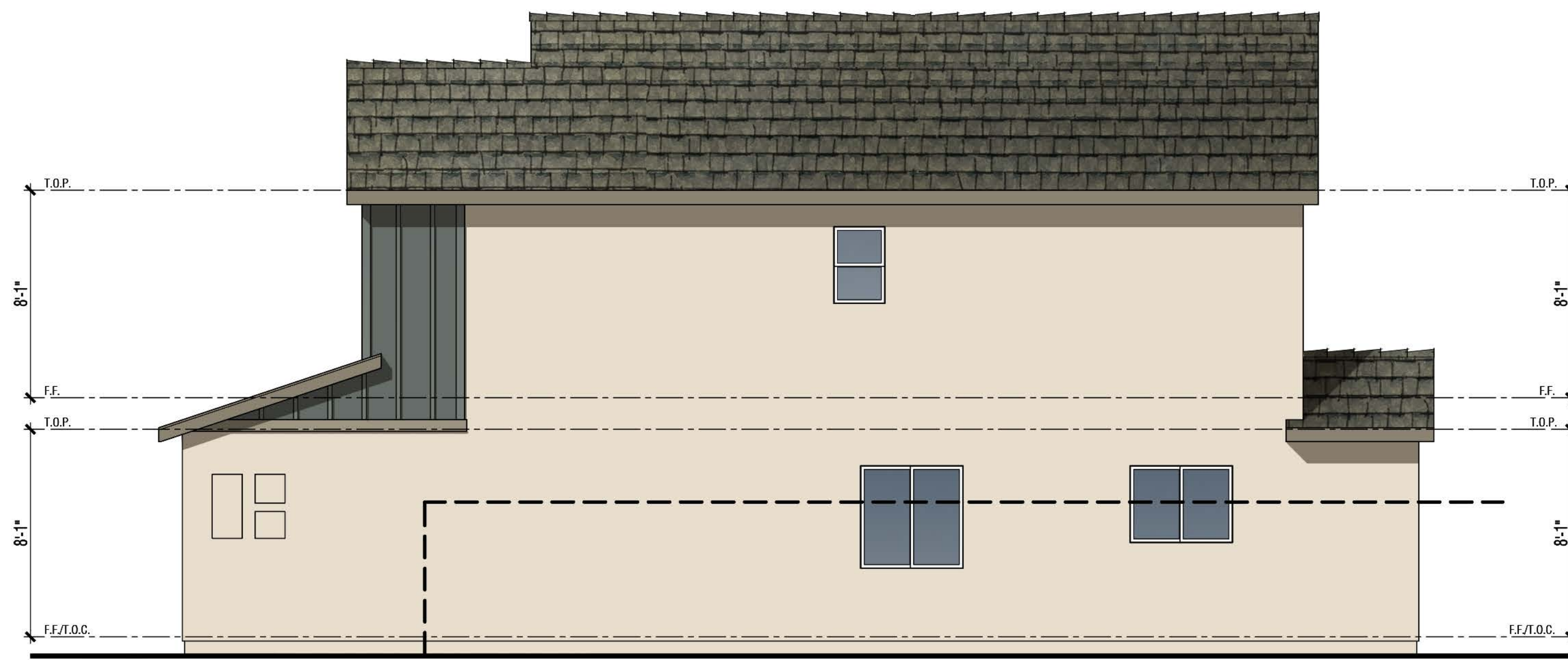
- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Lap Siding: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

- 6 Entry Door: Fiberglass
- 7 Light Fixture
- 8 Address Light

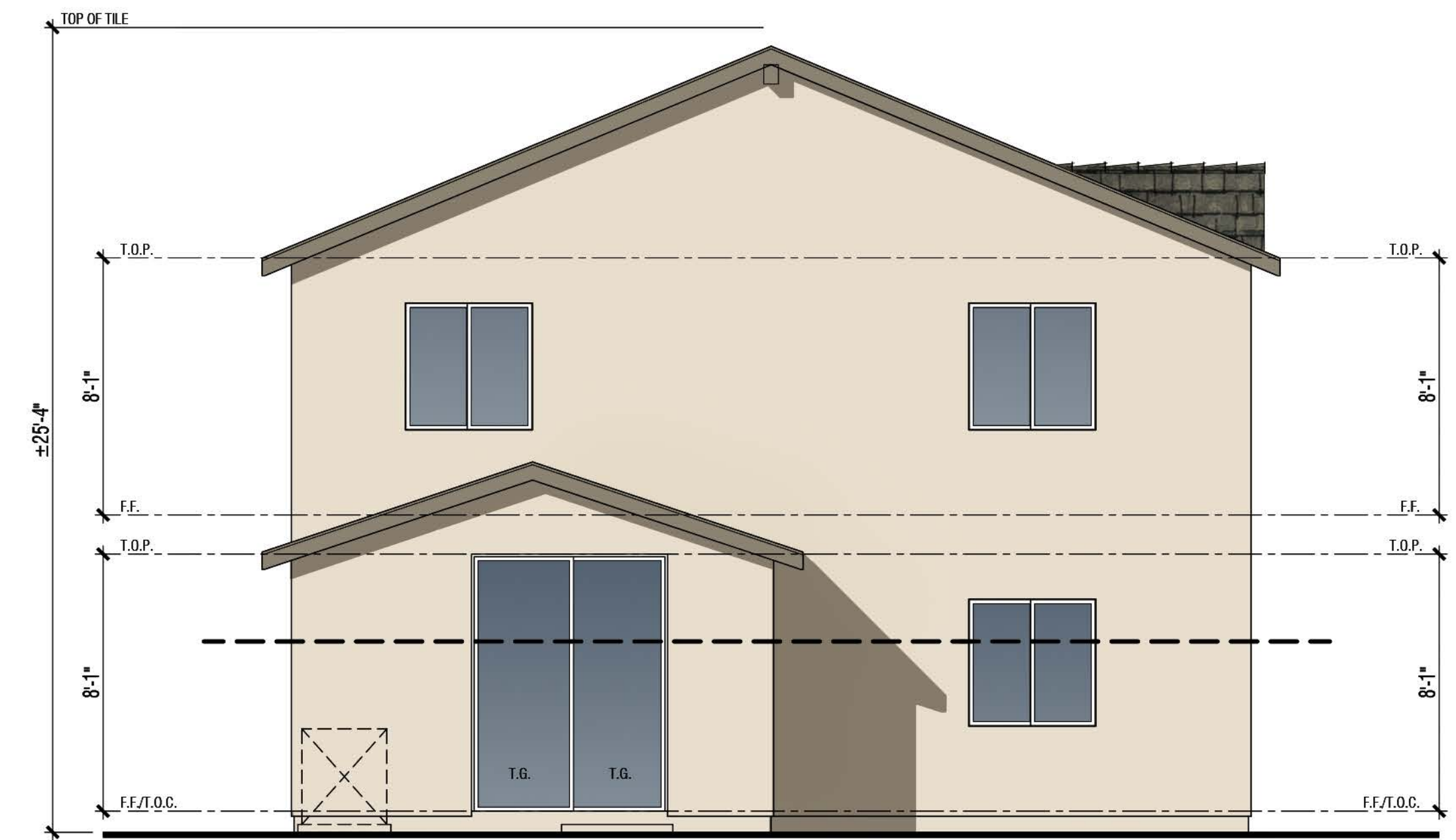
PLAN 1874

Elevation E - Traditional

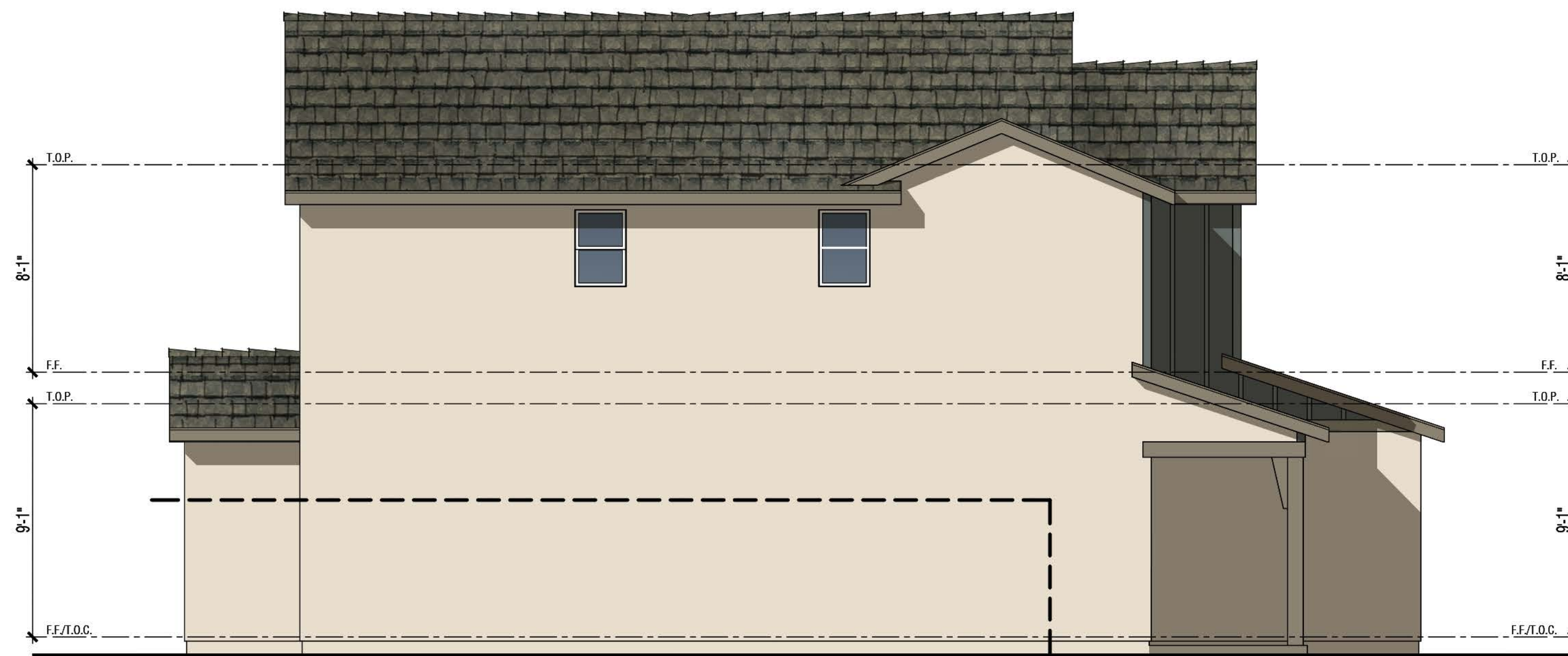
Color Scheme 1B-2



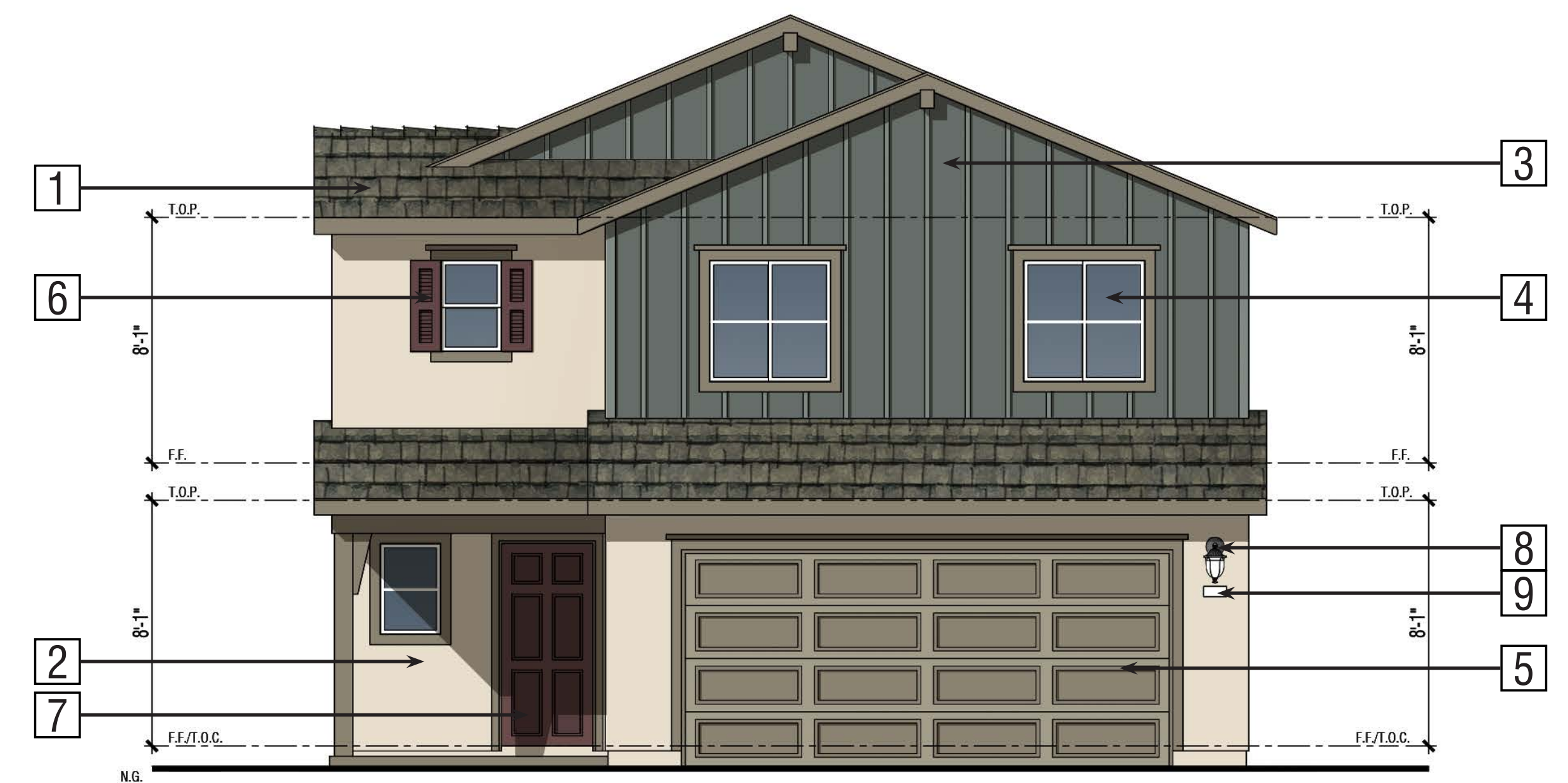
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Materials:

Elevation F - Farmhouse

- 1 Roof: Composition Shingles
- 2 Stucco: Lightlace Finish
- 3 Board & Battens: Fiber Cement
- 4 Windows: Insulated Vinyl
- 5 Garage Door: Metal Sectional Roll-Up

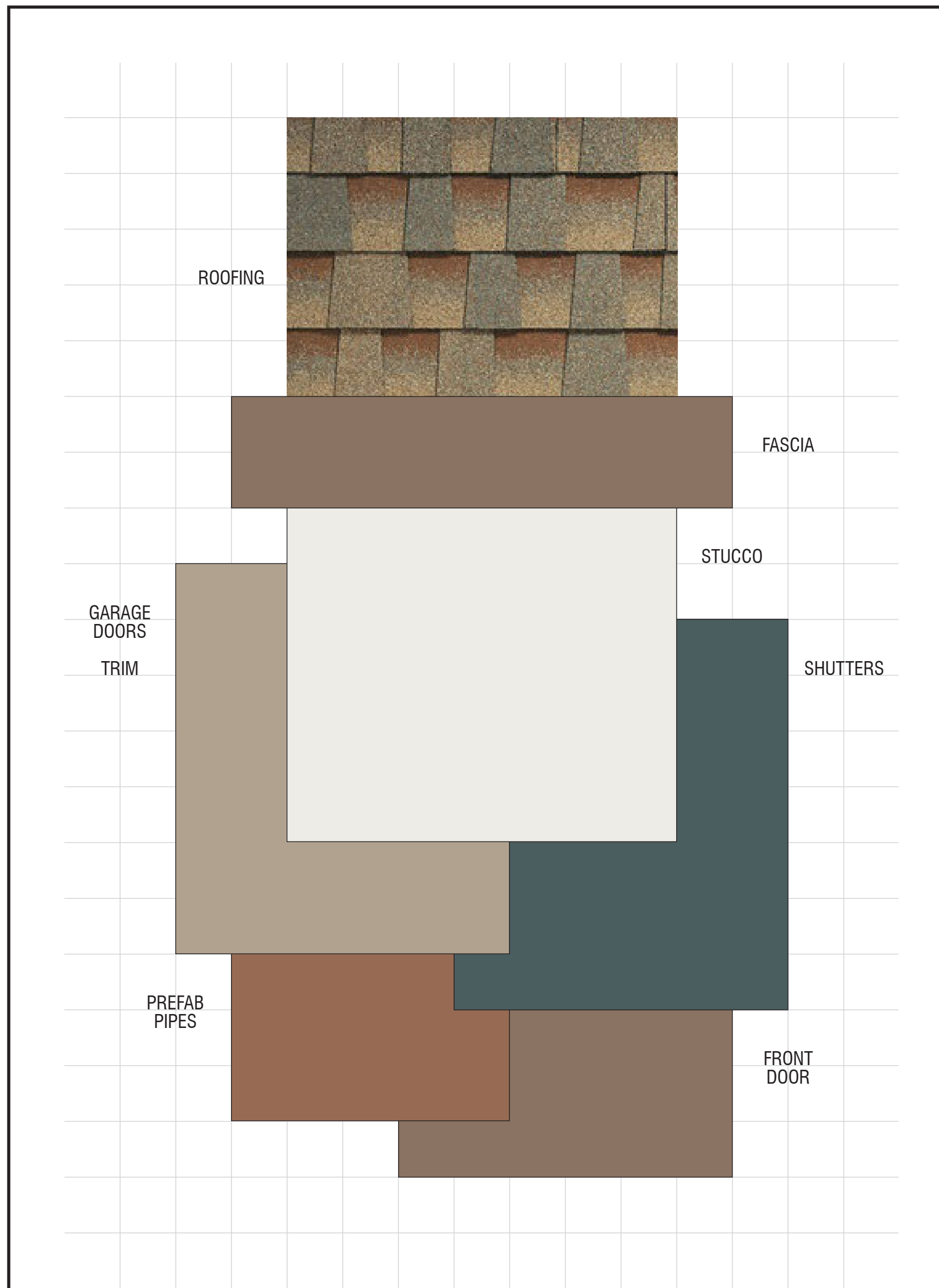
- 6 Shutters: Decorative Foam
- 7 Entry Door: Fiberglass
- 8 Light Fixture
- 9 Address Light

PLAN 1874

Elevation F - Farmhouse

Color Scheme 6B-2

Color Scheme 4A



THE CROSSINGS

Modesto, California
D.R. HORTON
October 12, 2023 | 2022089

SCHEME 4A

'A' Elevations Only
Spanish

Exterior Color & Materials

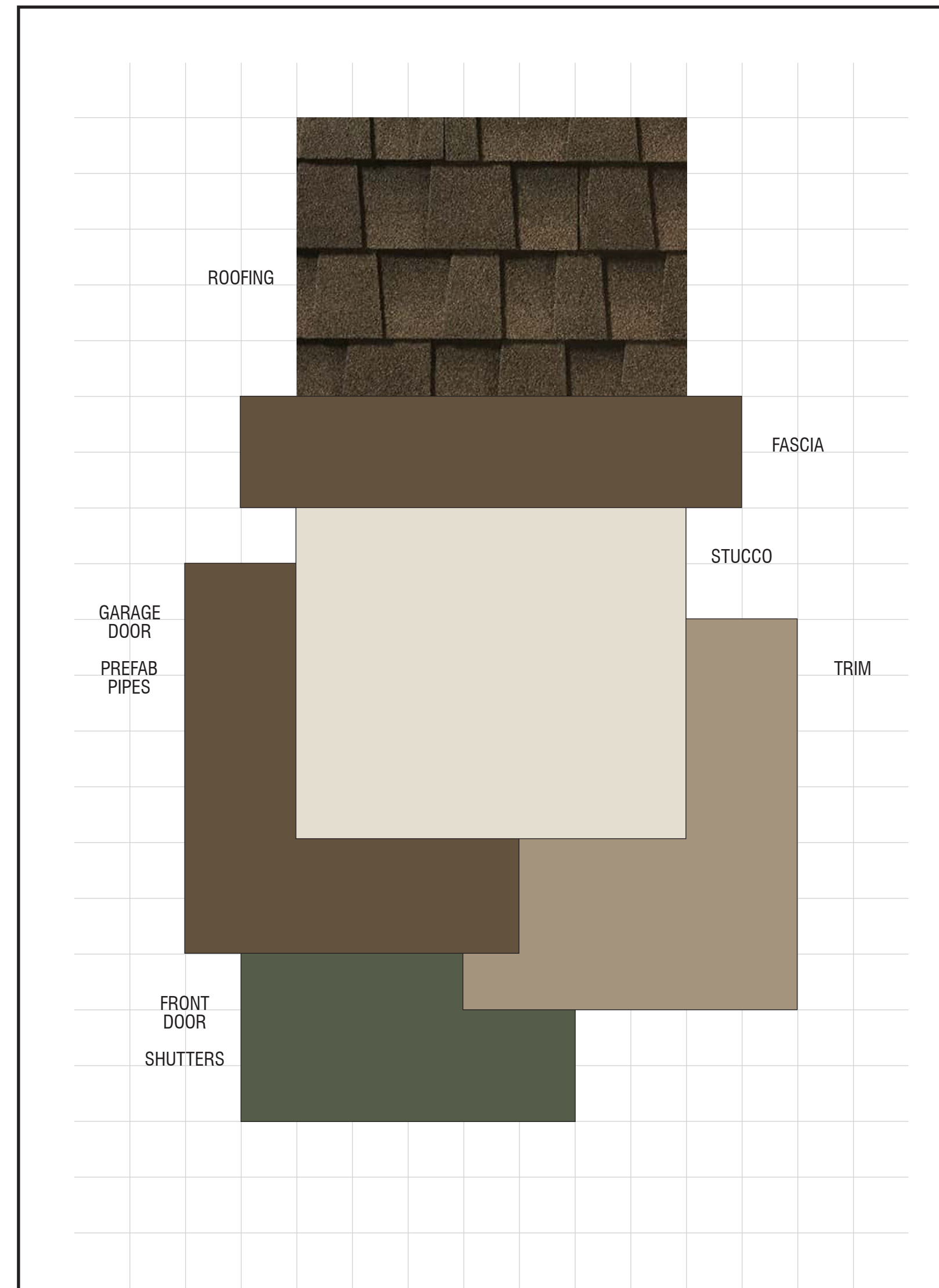
SCHEME 4A 'A' ELEVATIONS ONLY, SPANISH

Material	Color	Manufacturer
Roofing: Composition Shingles	Copper Canyon Timberline HDZ Series Ref: .17 Emi: .92 A.SRI: 17 CRRC: 0676-0097	GAF
Gutters & Downspouts (factory finish)	Woodbeige	Custom-Bilt Metals
Stucco (lightlace finish)	SW 7005 Pure White	Sherwin Williams
Trim Color #1 (applied to): Garage Doors Trim	SW 7038 Tony Taupe	Sherwin Williams
Trim Color #2 (applied to): Fascia Front Door	SW 7525 Tree Branch	Sherwin Williams
Accent Color (applied to): Shutters	SW 6223 Still Water	Sherwin Williams
Prefab Pipes @ Gables	SW 7705 Wheat Penny	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

© 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

Color Scheme 5A



THE CROSSINGS

Modesto, California
D.R. HORTON
October 12, 2023 | 2022089

SCHEME 5A

'A' Elevations Only
Spanish

Exterior Color & Materials

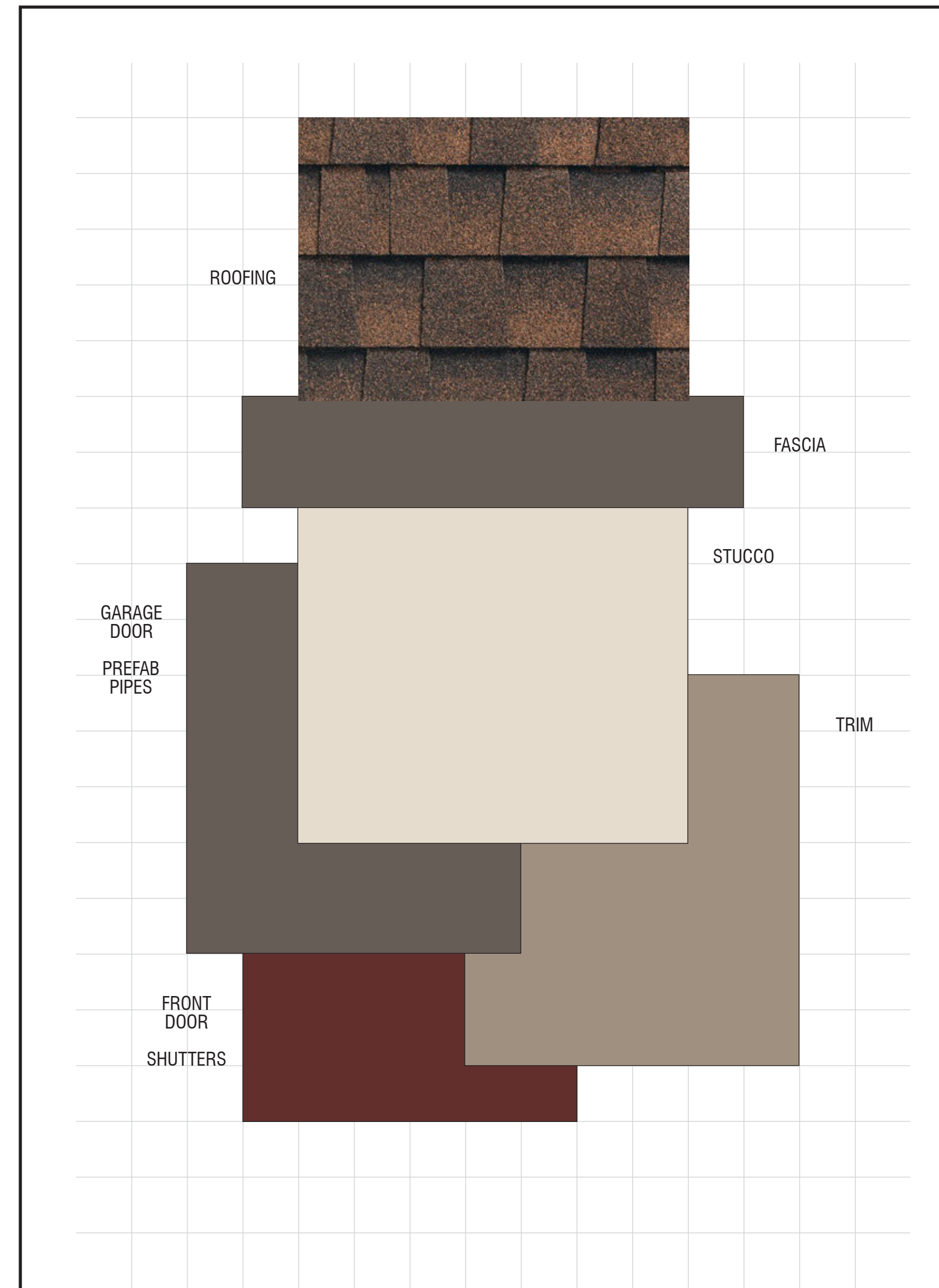
SCHEME 5A 'A' ELEVATIONS ONLY, SPANISH

Material	Color	Manufacturer
Roofing: Composition Shingles	Aged Chestnut Timberline HDZ Series Ref: .18 Emi: .90 A.SRI: 18 CRRC: 0676-0130a	GAF
Gutters & Downspouts (factory finish)	Beaver Brown	Custom-Bilt Metals
Stucco (lightlace finish)	SW 7011 Natural Choice	Sherwin Williams
Trim Color #1 (applied to): Fascia Garage Doors Prefab Pipes @ Gables	SW 7545 Pier	Sherwin Williams
Trim Color #2 (applied to): Trim	SW 9117 Urban Jungle	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 2816 Rookwood Dark Green	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

© 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA.

Color Scheme 8A



THE CROSSINGS

Modesto, California
D.R. HORTON
October 12, 2023 | 2022089

SCHEME 8A

'A' Elevations Only
Spanish

Exterior Color & Materials

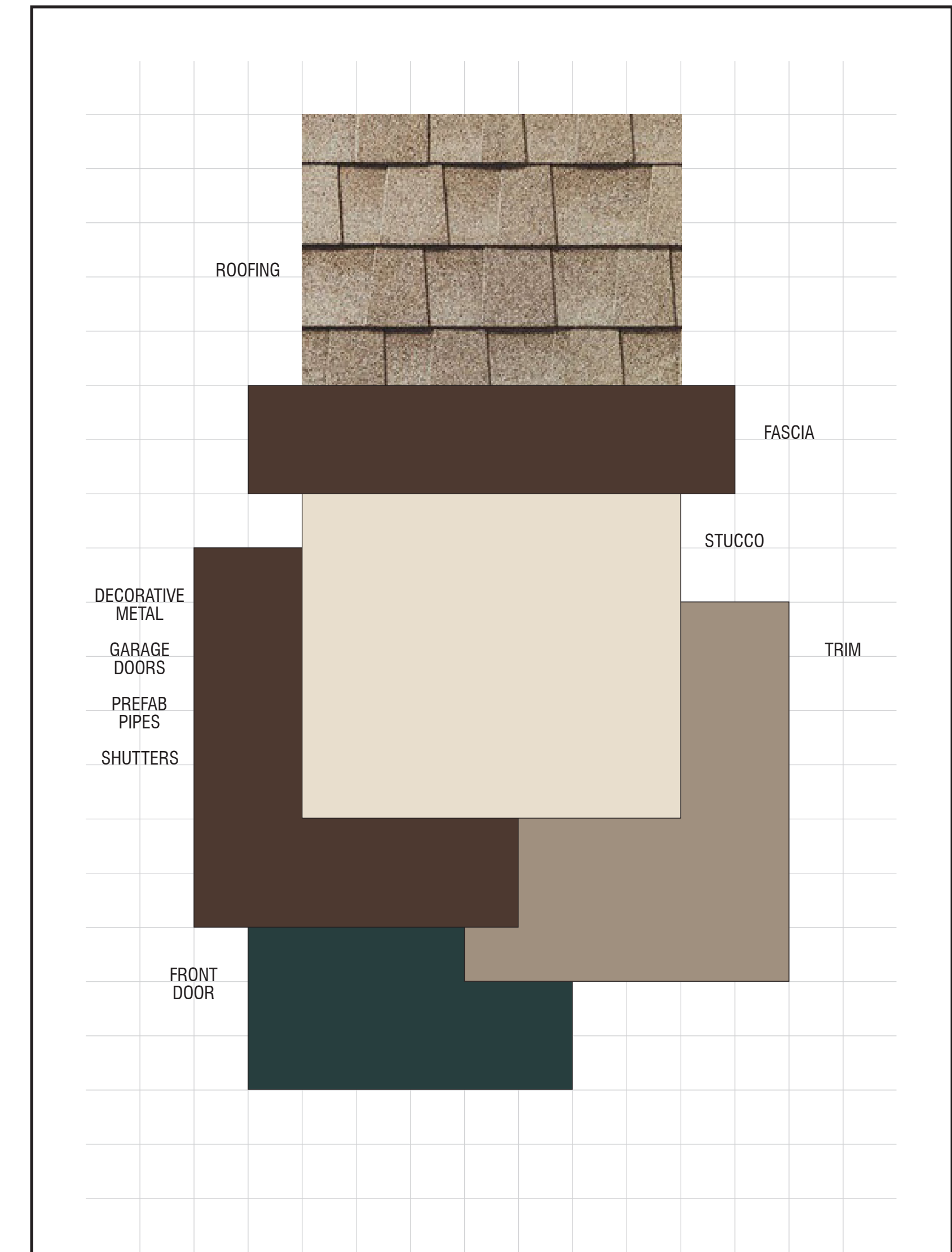
SCHEME 8A 'A' ELEVATIONS ONLY, SPANISH

Material	Color	Manufacturer
Roofing: Composition Shingles	Hickory Timberline HDZ RS Series Ref: .18 Emi: .91 A.SRI: 17 CRRC: 0676-0136a	GAF
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Stucco (lightlace finish)	SW 6105 Divine White	Sherwin Williams
Trim Color #1 (applied to): Fascia Garage Doors Prefab Pipes @ Gables	SW 7505 Manor House	Sherwin Williams
Trim Color #2 (applied to): Trim	SW 9174 Moth Wing	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 2802 Rookwood Dark Red	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

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Color Scheme 10A



THE CROSSINGS

Modesto, California
D.R. HORTON
October 12, 2023 | 2022089

SCHEME 10A

'A' Elevations Only
Spanish

Exterior Color & Materials

SCHEME 10A 'A' ELEVATIONS ONLY, SPANISH

Material	Color	Manufacturer
Roofing: Composition Shingles	Golden Amber Timberline HDZ Series Ref: .20 Emi: .92 A.SRI: 22 CRRC: 0676-0098	GAF
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Stucco (lightlace finish)	SW 9180 Aged White	Sherwin Williams
Trim Color #1 (applied to): Fascia Garage Doors Prefab Pipes @ Gables Shutters	SW 6076 Turkish Coffee	Sherwin Williams
Trim Color #2 (applied to): Trim	SW 9174 Moth Wing	Sherwin Williams
Accent Color (applied to): Front Door	SW 7623 Cascades	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. Contact Corie Rath (925) 463-1700.

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Number	Date	Description
1	9/21/22	Various revisions per client request.
2	7/24/23	Elevation style notations updated.
3	10/12/23	Roofing updated to composition shingle.

GSD2 LLC

Note: Artist's Conception; Colors, Materials
And Application May Vary.

Exterior Color & Materials

'A' Spanish Elevations

THE CROSSINGS

MODESTO, CA

CM.1

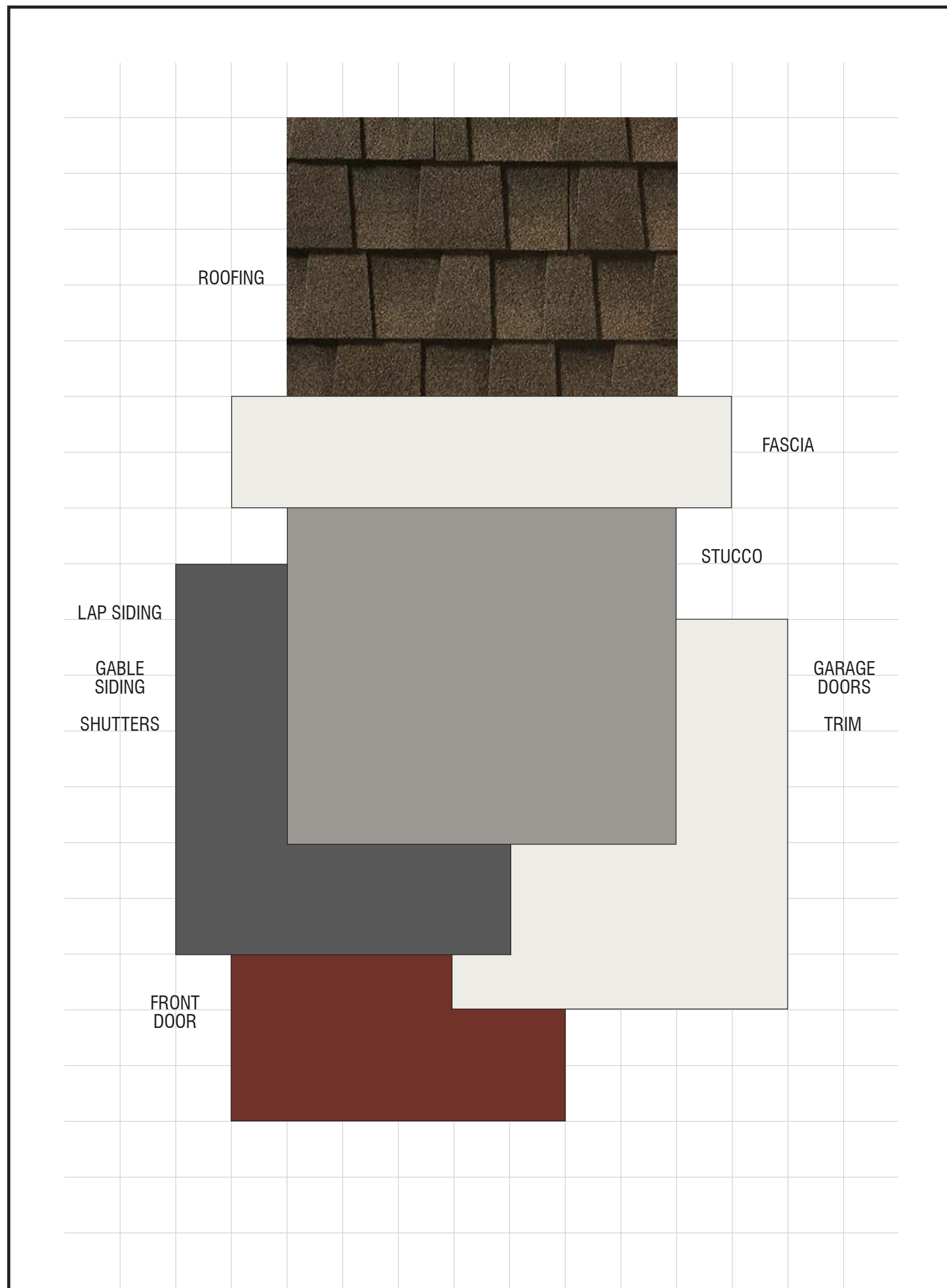
ARCHITECTS . PLANNERS . DESIGNERS

WHA.

ORANGE COUNTY . LOS ANGELES . BAY AREA . SACRAMENTO

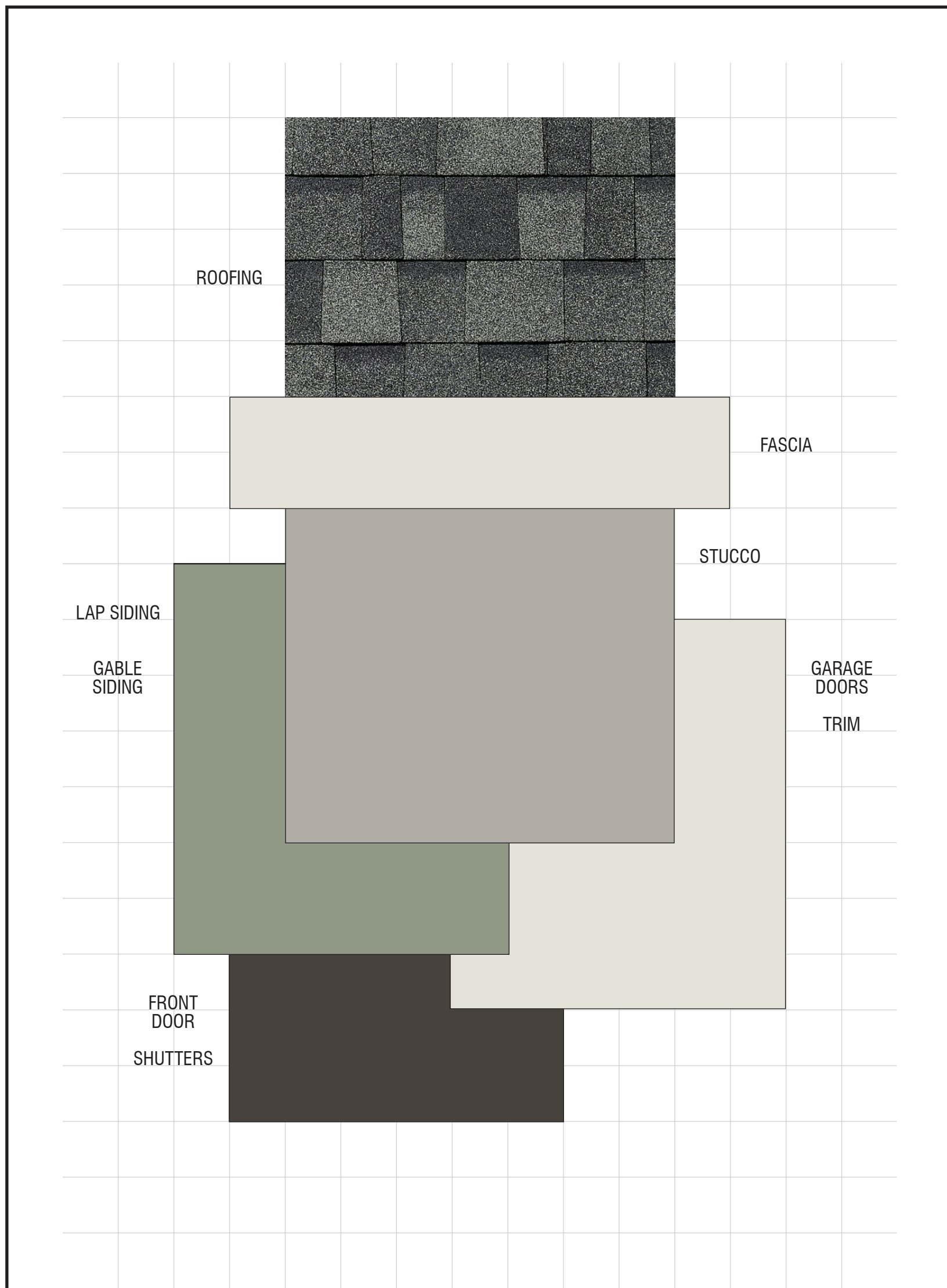
© 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. | 2022089 | 10-12-23

Color Scheme 1B-2



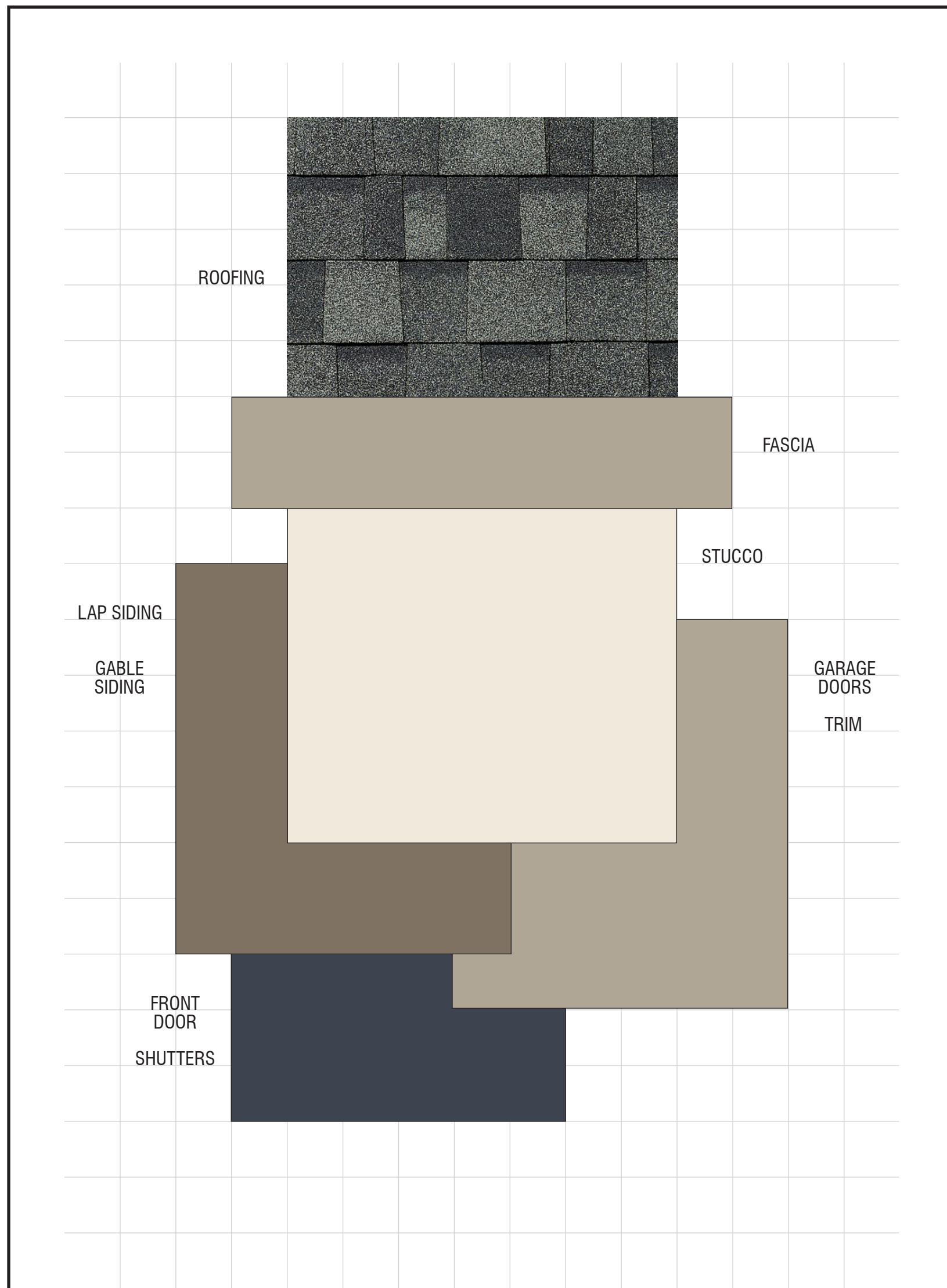
THE CROSSINGS SCHEME 1B-2
 Modesto, California 'E' Elevations Only
 D.R. HORTON Traditional
 October 12, 2023 | 2022089

Color Scheme 5B-1



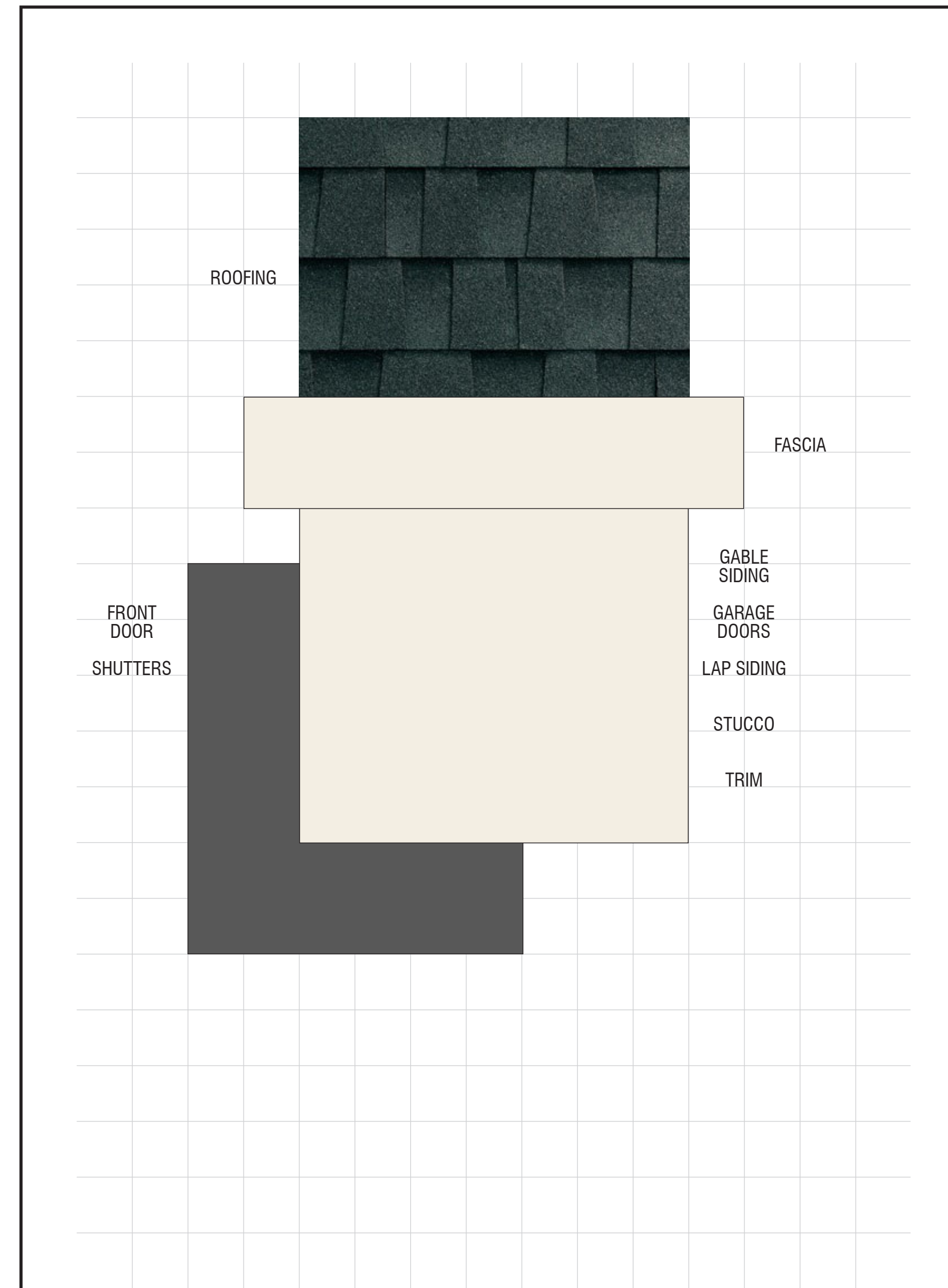
THE CROSSINGS SCHEME 5B-1
 Modesto, California 'E' Elevations Only
 D.R. HORTON Traditional
 October 12, 2023 | 2022089

Color Scheme 8B



THE CROSSINGS SCHEME 8B
 Modesto, California 'E' Elevations Only
 D.R. HORTON Traditional
 October 12, 2023 | 2022089

Color Scheme 16B



THE CROSSINGS SCHEME 16B
 Modesto, California 'E' Elevations Only
 D.R. HORTON Traditional
 October 12, 2023 | 2022089

Exterior Color & Materials

SCHEME 1B-2 'E' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingles	¹ Aged Chestnut Timberline HDZ Series Ref: .18 Emi: .90 A.SRI: 18 CRRC: 0676-0130a	² GAF
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	SW 7673 Pewter Cast	Sherwin Williams
Siding Color (applied to): Corner Boards Gable Siding Lap Siding Shutters	SW 7674 Peppercorn	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	SW 7005 Pure White	Sherwin Williams
Accent Color (applied to): Front Door	SW 7593 Rustic Red	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

Exterior Color & Materials

SCHEME 5B-1 'E' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingles	¹ Stone Gray Timberline HDZ Series Ref: .18 Emi: .92 A.SRI: 19 CRRC: 0676-0137a	² GAF
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	SW 7643 Pussywillow	Sherwin Williams
Siding Color (applied to): Corner Boards Gable Siding Lap Siding	SW 9129 Jade Dragon	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	SW 7636 Origami White	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 7675 Sealskin	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

Exterior Color & Materials

SCHEME 8B 'E' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingles	¹ Stone Gray Timberline HDZ Series Ref: .18 Emi: .92 A.SRI: 19 CRRC: 0676-0137a	² GAF
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Stucco (lightface finish)	SW 6385 Dover White	Sherwin Williams
Siding Color (applied to): Corner Boards Gable Siding Lap Siding	SW 0038 Library Pewter	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	SW 7052 Gray Area	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 2739 Charcoal Blue	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

Exterior Color & Materials

SCHEME 16B 'E' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingles	¹ Charcoal Timberline HDZ Series Ref: .16 Emi: .92 A.SRI: 16 CRRC: 0676-0136a	² GAF
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Body Color (applied to): Corner Boards Fascia Gable Siding Garage Doors Lap Siding Stucco (lightface finish) Trim	SW 7566 Westhighland White	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 7674 Peppercorn	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

REVISIONS:

Number	Date	Description
1	9/21/22	Various revisions per client request.
2	7/24/23	Elevation style notations updated.
3	10/12/23	Roofing updated to composition shingle.

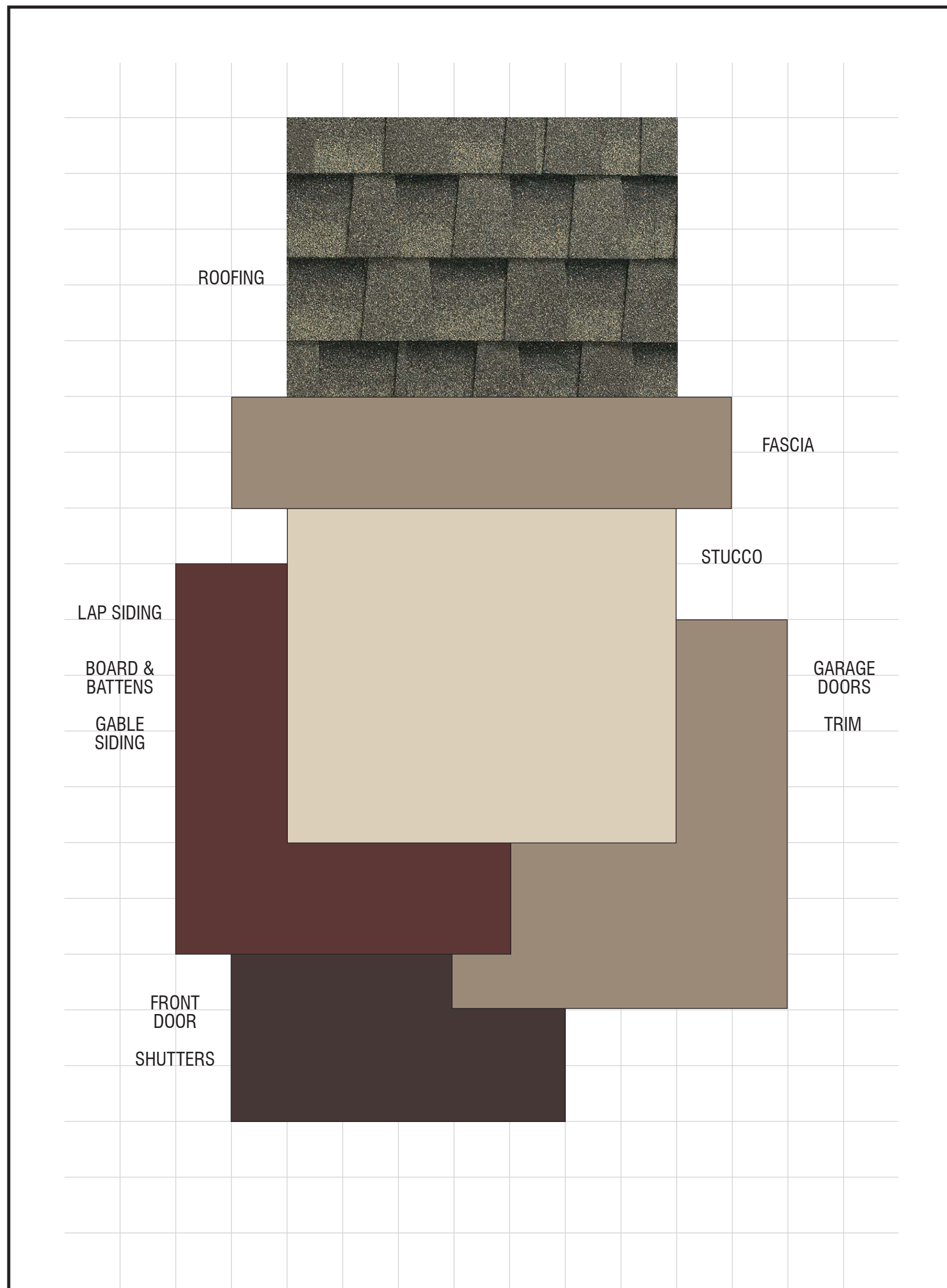
Exterior Color & Materials

'E' Traditional Elevations

THE CROSSINGS

MODESTO, CA

Color Scheme 3B



THE CROSSINGS **SCHEME 3B**
 Modesto, California 'F' Elevations Only
 D.R. HORTON Farmhouse
 October 12, 2023 | 2022089

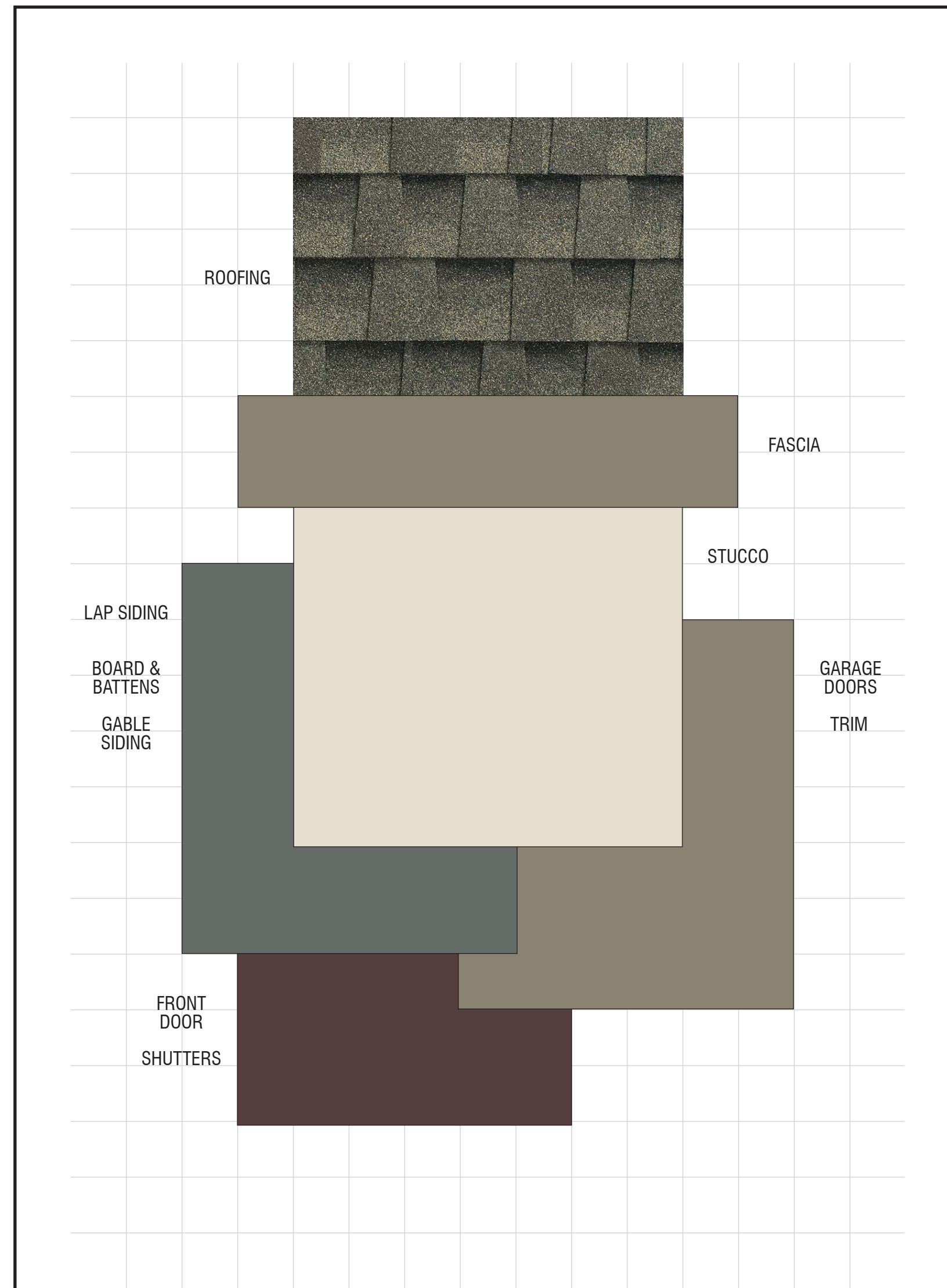
Exterior Color & Materials

SCHEME 3B 'F' ELEVATIONS ONLY, FARMHOUSE

Material	Color	Manufacturer
Roofing: Composition Shingles	Sagewood Timberline HDZ Series Ref: .19 Emi: .91 A.SRI: 20 CRRC: 0676-0132a	GAF
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Stucco (lightface finish)	SW 7569 Stucco	Sherwin Williams
Siding Color (applied to): Board & Battens Corner Boards Gable Siding Lap Siding	SW 7595 Sommeler	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	SW 7508 Tavern Taupe	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 2735 Rockweed	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

Color Scheme 6B-2



THE CROSSINGS **SCHEME 6B-2**
 Modesto, California 'F' Elevations Only
 D.R. HORTON Farmhouse
 October 12, 2023 | 2022089

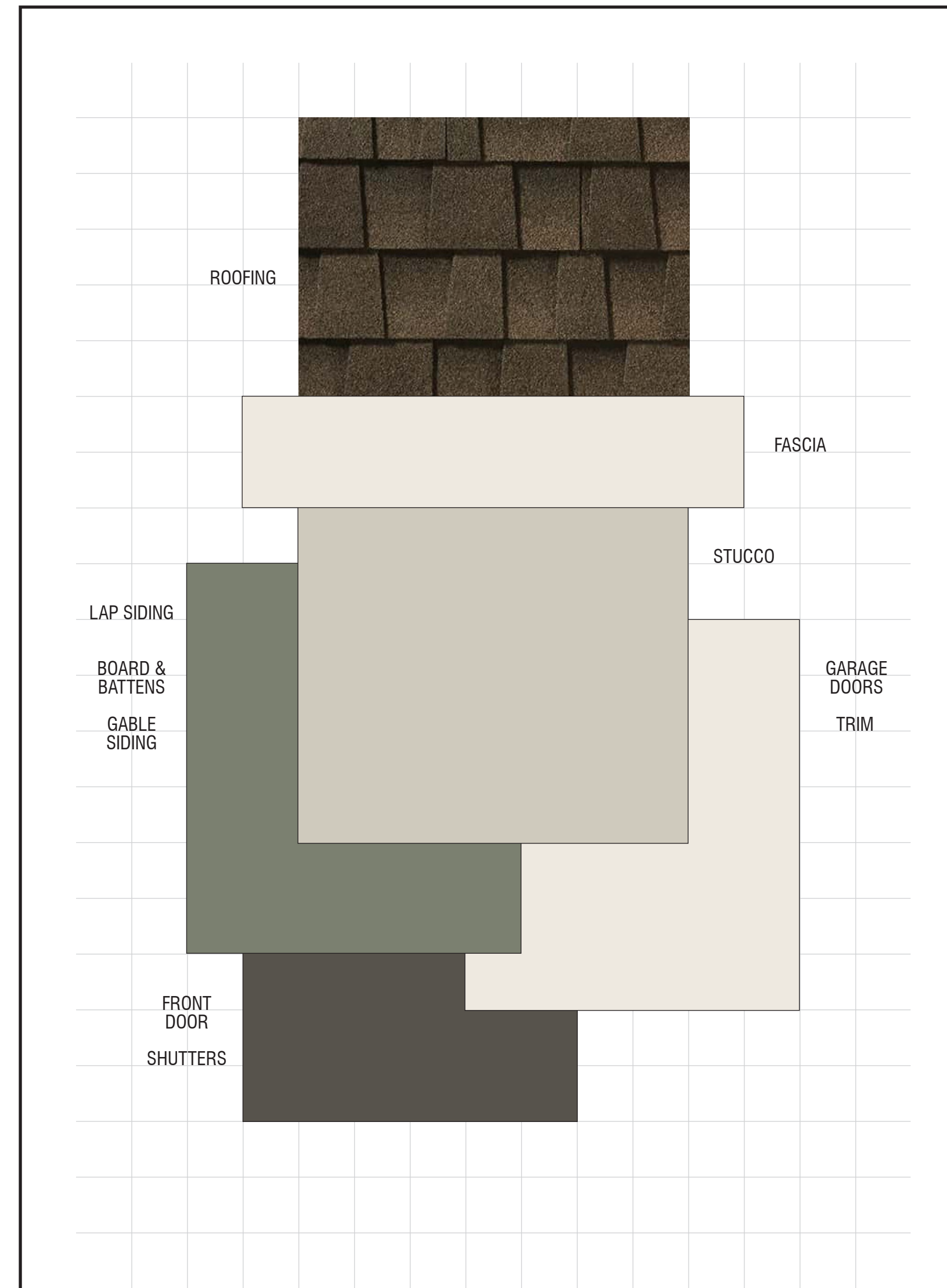
Exterior Color & Materials

SCHEME 6B-2 'F' ELEVATIONS ONLY, FARMHOUSE

Material	Color	Manufacturer
Roofing: Composition Shingles	Sagewood Timberline HDZ Series Ref: .19 Emi: .91 A.SRI: 20 CRRC: 0676-0132a	GAF
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Stucco (lightface finish)	SW 9180 Aged White	Sherwin Williams
Siding Color (applied to): Board & Battens Corner Boards Gable Siding Lap Siding	SW 7622 Homburg Gray	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	SW 6172 Hardware	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 7580 Carnelian	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

Color Scheme 12B



THE CROSSINGS **SCHEME 12B**
 Modesto, California 'F' Elevations Only
 D.R. HORTON Farmhouse
 October 12, 2023 | 2022089

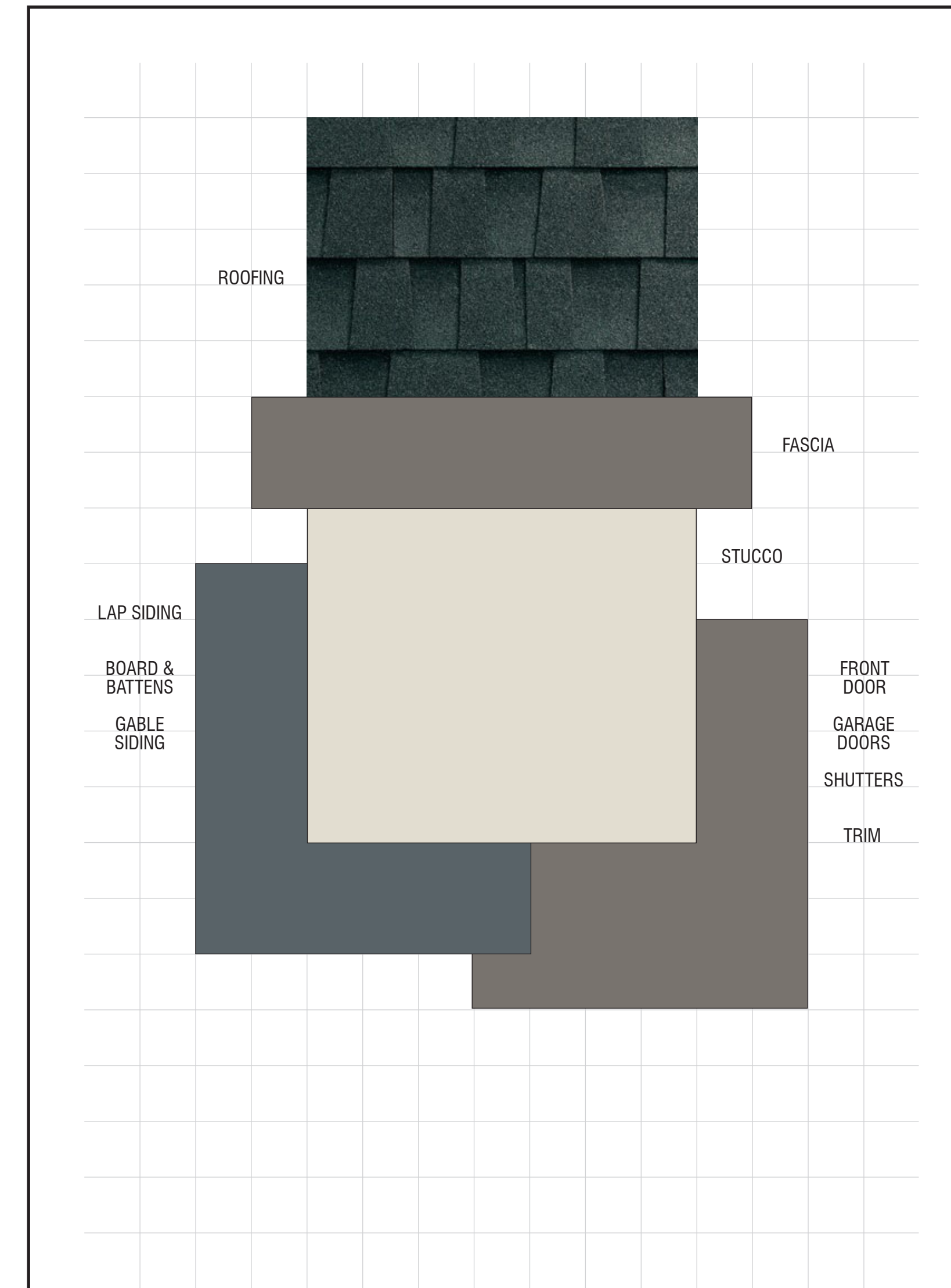
Exterior Color & Materials

SCHEME 12B 'F' ELEVATIONS ONLY, FARMHOUSE

Material	Color	Manufacturer
Roofing: Composition Shingles	Aged Chestnut Timberline HDZ Series Ref: .18 Emi: .90 A.SRI: 18 CRRC: 0676-0130a	GAF
Gutters & Downspouts (factory finish)	Low Gloss White	Custom-Bilt Metals
Stucco (lightface finish)	SW 7050 Useful Gray	Sherwin Williams
Siding Color (applied to): Board & Battens Corner Boards Gable Siding Lap Siding	SW 6186 Dried Thyme	Sherwin Williams
Trim Color (applied to): Fascia Garage Doors Trim	SW 7001 Marshmallow	Sherwin Williams
Accent Color (applied to): Front Door Shutters	SW 7645 Thunder Gray	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

Color Scheme 17B



THE CROSSINGS **SCHEME 17B**
 Modesto, California 'F' Elevations Only
 D.R. HORTON Farmhouse
 October 12, 2023 | 2022089

Exterior Color & Materials

SCHEME 17B 'F' ELEVATIONS ONLY, FARMHOUSE

Material	Color	Manufacturer
Roofing: Composition Shingles	Charcoal Timberline HDZ Series Ref: .16 Emi: .92 A.SRI: 16 CRRC: 0676-0136a	GAF
Gutters & Downspouts (factory finish)	Bronze	Custom-Bilt Metals
Stucco (lightface finish)	SW 7637 Oyster White	Sherwin Williams
Siding Color (applied to): Board & Battens Corner Boards Gable Siding Lap Siding	SW 6236 Grays Harbor	Sherwin Williams
Trim Color (applied to): Fascia Front Door Garage Doors Shutters Trim	SW 7019 Gauntlet Gray	Sherwin Williams
Garage Man Door	Match Adjacent Color	Sherwin Williams

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase. © 2023 WILLIAM HEZMALHALCH ARCHITECTS, INC. DBA WHA. Contact Corie Rath (925) 463-1700.

REVISIONS:

Number	Date	Description
1	9/21/22	Various revisions per client request.
2	7/24/23	Elevation style notations updated.
3	10/12/23	Roofing updated to composition shingle.

Exterior Color & Materials

'F' Farmhouse Elevations

THE CROSSINGS

MODESTO, CA

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-026**

RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT, THE VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. 26, VILLAGE ONE PRECISE PLAN NO. 35 SOUTH, VESTING TENTATIVE SUBDIVISION MAP “THE CROSSINGS”, AND FINAL DEVELOPMENT PLAN “THE CROSSINGS.” (DR HORTON BAY, INC.)

WHEREAS, on July 14, 2022 DR Horton Bay Inc. applied for an amendment to the City of Modesto Urban Area General Plan to change the land use designation of approximately 140 acres from Business Park-Commercial-Residential (BCR) to Residential Uses (R), for property bounded by Milnes Road on the north, East Briggsmore Avenue on the south, Claus Road on the west, and the Burlington Northern Santa Fe Railroad to the east; and

WHEREAS, the applicant also proposed Amendment No. 26 to the Village One Specific Plan land use diagram to change the land use designation of approximately 140 acres located in Precise Plan Area No. 35 from Business Park (BP) to Village Residential (VR) to allow for single family residential development; and

WHEREAS, the applicant also proposed the adoption of a Precise Plan document for the southerly 257 acres of the Village One Precise Plan Area No. 35, Precise Plan Area No. 35 South, which outlines land uses, circulation and utility plans and development standards for the area; and

WHEREAS, concurrent with adoption of the Precise Plan No. 35 South document, the applicant has applied for a rezone of the Precise Plan No. 35 South area from Specific Plan-Holding Zone, SP-H, to Specific Plan, SP, and

WHEREAS, the applicant has also applied for approval of a Vesting Tentative Subdivision Map, “The Crossings”, to divide 84.1 acres of Precise Plan Area No. 35 into 527 single-family residential lots, five landscape lots and one dual-use basin/park lot, and

WHEREAS, the applicant has also applied for approval of a proposed Final Development Plan for The Crossings for the purpose of establishing development and architectural standards for the development, and

WHEREAS, the City has initiated an amendment to the Circulation Element of the Urban Area General Plan to downgrade the classification of Claus Road between Sylvan Avenue and East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street, to allow for direct connection of The Crossings development to; and

WHEREAS, the City has initiated an amendment to the Circulation Element of the Urban Area General Plan to downgrade the classification of East Briggsmore Avenue between Claus Road and the Burlington Northern Santa Fe Railroad from an Expressway to a four-lane Principal Arterial Street; and

WHEREAS, the City has initiated an amendment to Chapter VI – Community Facilities and Services of the Urban Area General Plan to amend Section VI.H.11 and VI.H.12 regarding the minimum sizing of Neighborhood Parks; and

WHEREAS, Section 15070 of the CEQA Guidelines relating to Initial Study/Negative Declaration provides for a lead agency to prepare an Initial Study on any proposed project to analyze whether the project may cause any significant effect on the environment; and

WHEREAS, the City’s Community & Economic Development Department has prepared an Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED 2023-26 as provided for by CEQA; and

WHEREAS, a 20-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on November 15, 2023, and ended on December 14, 2023; and

WHEREAS, the received public comments on the Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring and Reporting Plan (MMRP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on December 18, 2023, whereupon the Planning Commission considered the Initial Study/Mitigated Negative Declaration and recommended that the City Council adopt the Initial Study/Mitigated Negative Declaration; and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 23, 2024, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2023-26 and the associated Mitigation Monitoring and Reporting Plan (MMRP), copies of which are on file with the Community and Economic Development Department, Third Floor, 1010 Tenth Street, Modesto, California, and are **attached** hereto as **Exhibit “A”**

and **Exhibit “B”** and incorporated herein as reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The Initial Study/Negative Declaration prepared for the proposed project shows there is not substantial evidence, in light of the whole record before the City, that while the project may have a significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level.
2. The Initial Study/Mitigated Negative Declaration reflects the independent judgment of the lead agency.
3. The Initial Study/Mitigated Negative Declaration, EA/C&ED 2023-26, provides the substantial evidence to support findings 1-2, noted above.

BE IT FURTHER RESOLVED that the property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file

a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

EXHIBIT A

INITIAL STUDY

EA/C&ED NO. 2023-26

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

EA/C&ED NO. 2023-26

**Negative Declaration
for the Village One Specific Plan
Amendment No. 26,
General Plan Amendment,
Village One Precise Plan No. 35
Vesting Tentative Subdivision Map "The Crossings"
Final Development Plan "The Crossings"**

GPA-22-001/SPA-22-003/PP-22-001
TSM-22-002/FDP-22-003

Environmental Assessment No. EA/C&ED 2023-26

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Katharine Martin, Senior Planner
209/209-577-5267

Prepared by:

City of Modesto
Community & Economic Development Department
209/577-5267

May 5, 2023

CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title:

GPA-22-001/SPA-22-003: Village One Specific Plan Amendment No. 26 and General Plan Amendment

Lead agency name and address:

City of Modesto, 1010 Tenth Street, Suite 3300, Modesto CA 95354

Contact person and phone number:

Katharine Martin, Senior Planner, 209-577-5267

Project Location:

The project is located in Stanislaus County within the City of Modesto, on 83 acres located north of E. Briggsmore Avenue/MID Lateral No. 3 and east of Claus Road. Assessor's Parcels No. 014-026-017 and 014-026-034.

Project applicant's name and address:

DR Horton Bay Inc.
3000 Executive Parkway, Suite 100
San Ramon, CA 94583

General plan description:

Business Park-Commercial-Residential (BCR)

Zoning:

SP (Specific Plan) as part of the Village One Specific Plan

Description of project:

General Plan Amendments:

- Proposed amendment of the City of Modesto Urban Area General Plan Land Use Diagram to amend the land use of approximately 140 acres from Business Park-Commercial-Residential (BCR) to Residential (R), plus associated textual and exhibit amendments to the General Plan document.
- Proposed amendment of the Circulation Diagram to downgrade the classification of Claus Road between Sylvan Avenue and Briggsmore Avenue from an Expressway to a four-lane Principal Arterial Street.
- Proposed amendment of the Circulation Diagram to downgrade the classification of East Briggsmore Avenue between Claus Road and the BNSF Railroad crossing from an Expressway to a four lane Principal Arterial Street.
- Proposed amendment of text in Section VI.H.12 regarding minimum sizing of Neighborhood Parks.

The proposed project would connect a future East Merle Avenue to Claus Road, an Expressway. General Plan policy disallows direct access from a residential development to an

Expressway. The project as proposed relies on the downgrade of Claus Road from its current designation of a six-lane Expressway to a four-lane Principal Arterial Street, by an amendment to the Circulation Element of the General Plan.

The proposed project would connect Held Drive to a 2-lane roundabout at the intersection of Briggsmore Avenue and Held Drive, an Expressway. General Plan policy disallows direct access from a residential development to an Expressway. The project as proposed relies on the downgrade of Briggsmore Avenue east of Claus Road from its current designation of an Expressway to a four-lane Principal Arterial Street, by an amendment to the Circulation Element of the General Plan.

Specific Plan Amendment: Proposed amendment of the land use diagram of the Village One Specific Plan, to amend approximately 140 acres from Business Park (BP) to Village Residential (VR) to allow for single family residential development, plus associated textual and exhibit amendments to the Specific Plan document. Together with an amendment to the Circulation Diagram of the Specific Plan to change the designation of Claus Road from a Class A Expressway to a four-lane Principal Arterial Street, and to change the designation of East Briggsmore Avenue east of Claus Road from a Class C Expressway to a four-lane Principal Arterial Street.

Precise Plan Document: Proposed adoption of a Precise Plan document for the southerly 257 acres of Village One Precise Plan Area No. 35. The Precise Plan document outlines land uses, circulation plans and utility plans for the project area.

Vesting Tentative Subdivision Map: Division of 84.1 acres of the overall Precise Plan area into 527 single-family residential lots (The Crossings).

Final Development Plan: FDP for the architecture and home siting of The Crossings project.

The proposed project is being analyzed as a subsequent project to the City's General Plan MEIR (SCH 2014042081), certified in March 2019. Mitigation Measures from the General Plan MEIR will be applied to the project as applicable. Additional project-specific mitigation measures will be applied as required and listed with the applicable mitigation measures from the MEIR in a Mitigation Monitoring and Reporting Program (MMRP).

Surrounding land uses and setting (briefly describe the project's surroundings):

North: SP Zone as part of the Village One Specific Plan, rural residential uses, orchards.

South: Low Density Residential (R-1) Zone, single-family residential uses and Planned Development Zone P-D(359), mobile home park; MID Lateral No. 3 canal and E. Briggsmore Avenue, a four-lane Class-B Expressway with posted speed limit of 45 MPH.

East: County Unincorporated Area; Agricultural and Rural Residential Uses, East Side Mosquito Abatement District facility and airstrip; Burlington Northern Santa Fe Railroad, Modesto Amtrak Train Station.

West: SP Zone as part of the Village One Specific Plan, single-family residential uses, Claus Road (currently a two-lane roadway with posted speed limit of 50 mph).

The amendment area is flat and currently in use as fruit tree and nut tree orchards, with one single-family residence located at 1740 Claus Road (APN 014-026-017). No Williamson Act

contracts are in place on the parcels of the amendment area. Current permitted uses for the amendment area is Business Park as provided by Chapter II of the Village One Specific Plan, adopted on October 6, 1990 by City Council Resolution No. 90-828A.

Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):

None.

List of Attachments:

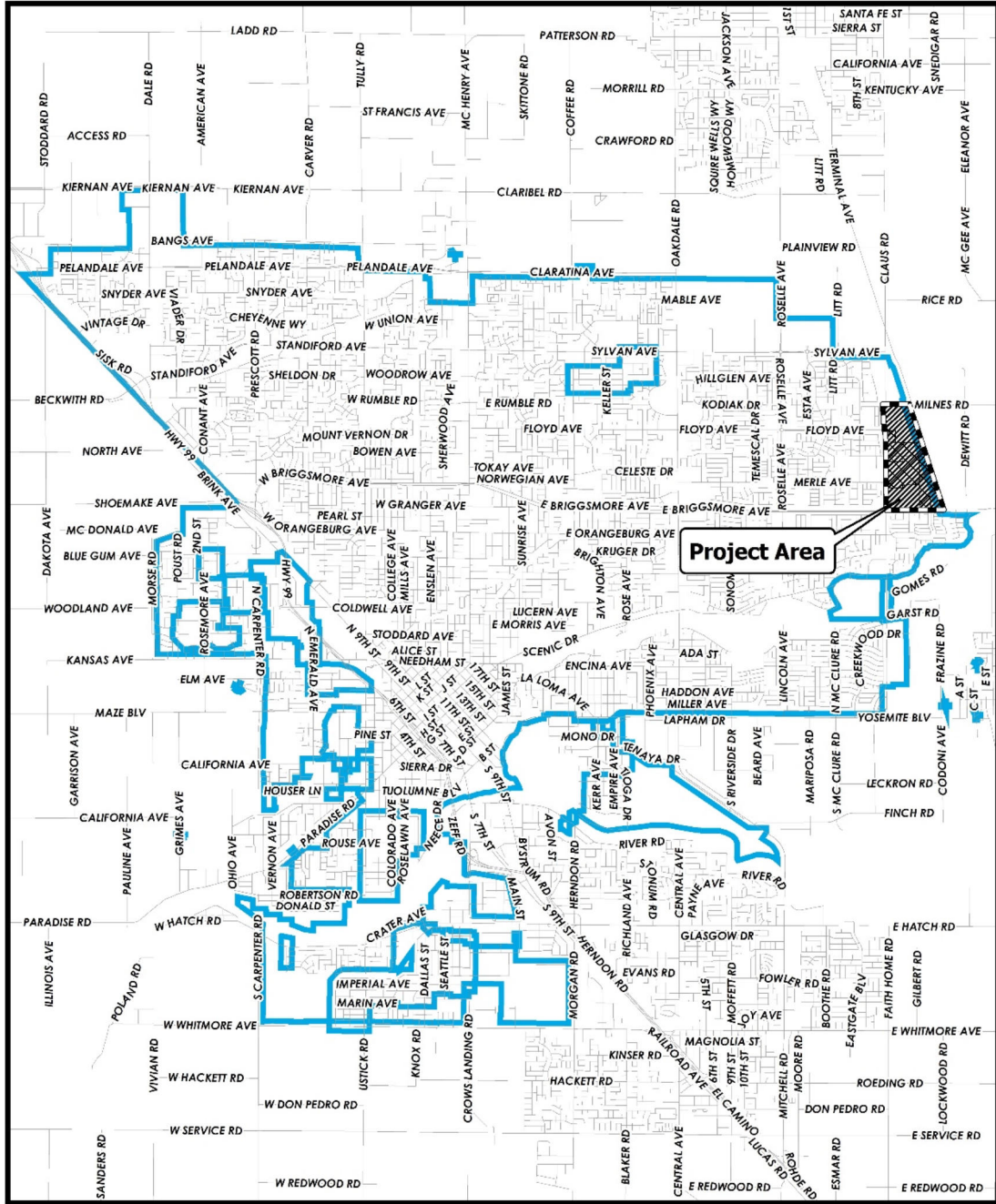
Attachment A: Fehr and Peers November 2023 Traffic Study

Attachment B: Illingworth & Rodkin, Inc. September 2022 Noise and Vibration Study

Attachment C: Illingworth & Rodkin, Inc. December 2022 Response to Comments Letter

Attachment D: Moore Biological Consultants, December 2022 Special Status Species Review

Attachment E: Mitigation Monitoring and Reporting Program, The Crossings



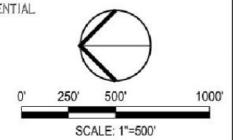
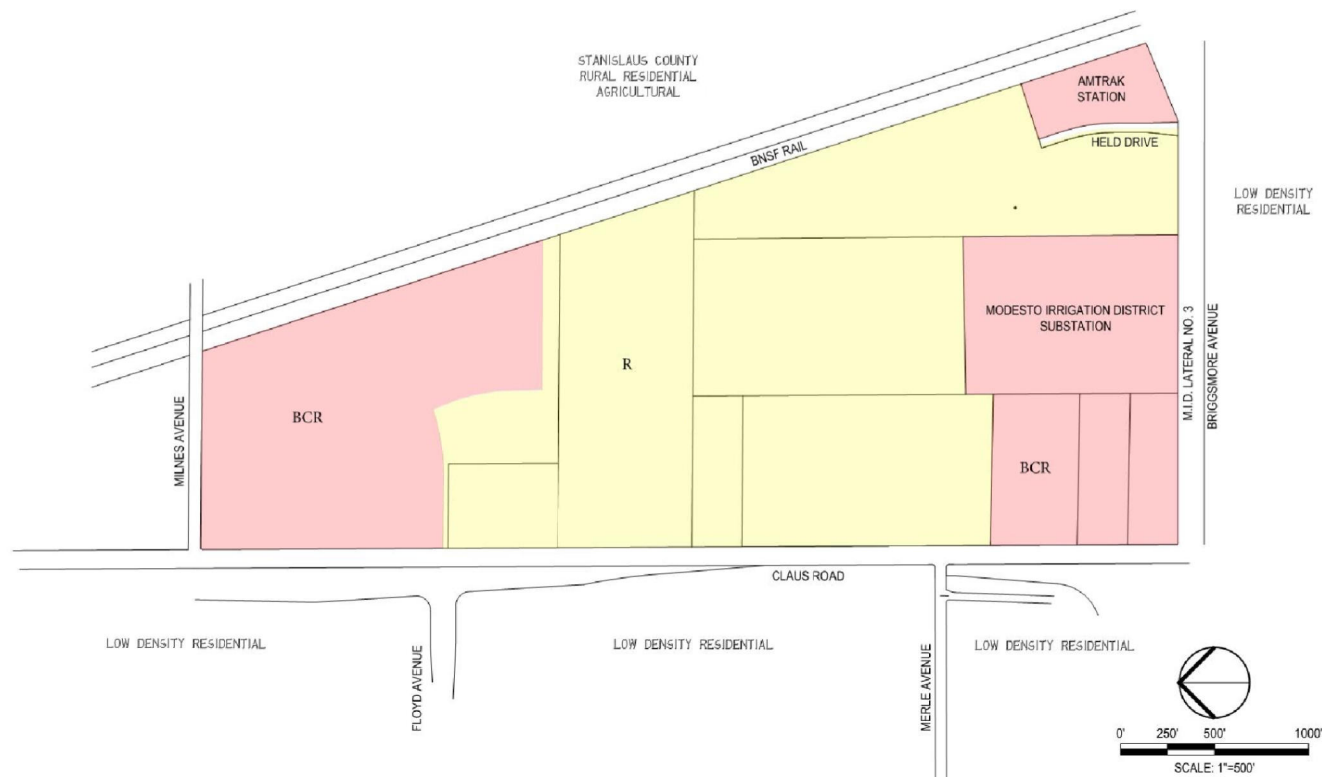
Project Area

PROJECT VICINITY MAP



I:\22020\22020 Modesto Coverage - Residential Use Precise\Plans and Graphics\Utilities\22020-02- LAND USE AMENDMENT.dwg --- 03/27/23

- LEGEND:**
- RESIDENTIAL
 - BUSINESS, COMMERCIAL, RESIDENTIAL



SIEGFRIED

3426 Brookside Road
 Stockton, California 95210
 209-945-2021
 Fax: 209-945-0214
 www.siegfriedeng.com

- CIVIL
- STRUCTURAL
- LANDSCAPE ARCHITECTURE
- SURVEYING
- PLANNING
- ATHLETIC FACILITY DESIGN

REVISIONS		
No.	Date	Description

PROJECT

VILLIAGE ONE
PRECISE PLAN
AREA 35

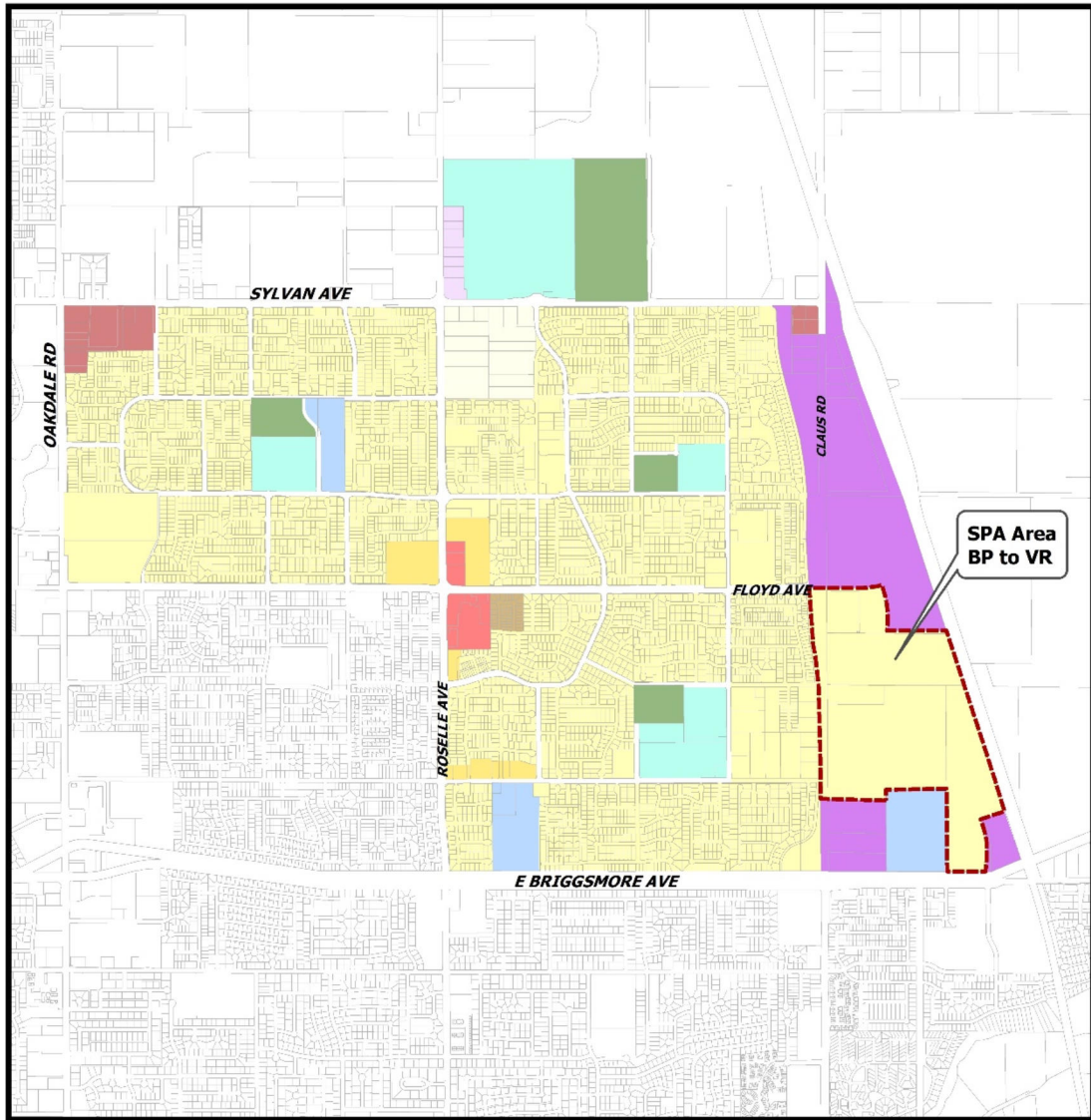
SHEET TITLE

GENERAL PLAN
LAND USE

Proj Mgr	KJG
Drawn by	SRS
Date	03/22/2023
Job No.	22020
SHEET:	1

OF 1

**PROPOSED GENERAL PLAN
 LAND USE DIAGRAM AMENDMENT
 BCR TO R**



**Village One Specific Plan
Land Use Diagram**

- Office
- Business Park
- Village Commercial Center
- Community Facilities
- School
- Very Low Density Residential
- Village Residential
- Multi-Family Residential
- Senior Housing
- Public Park

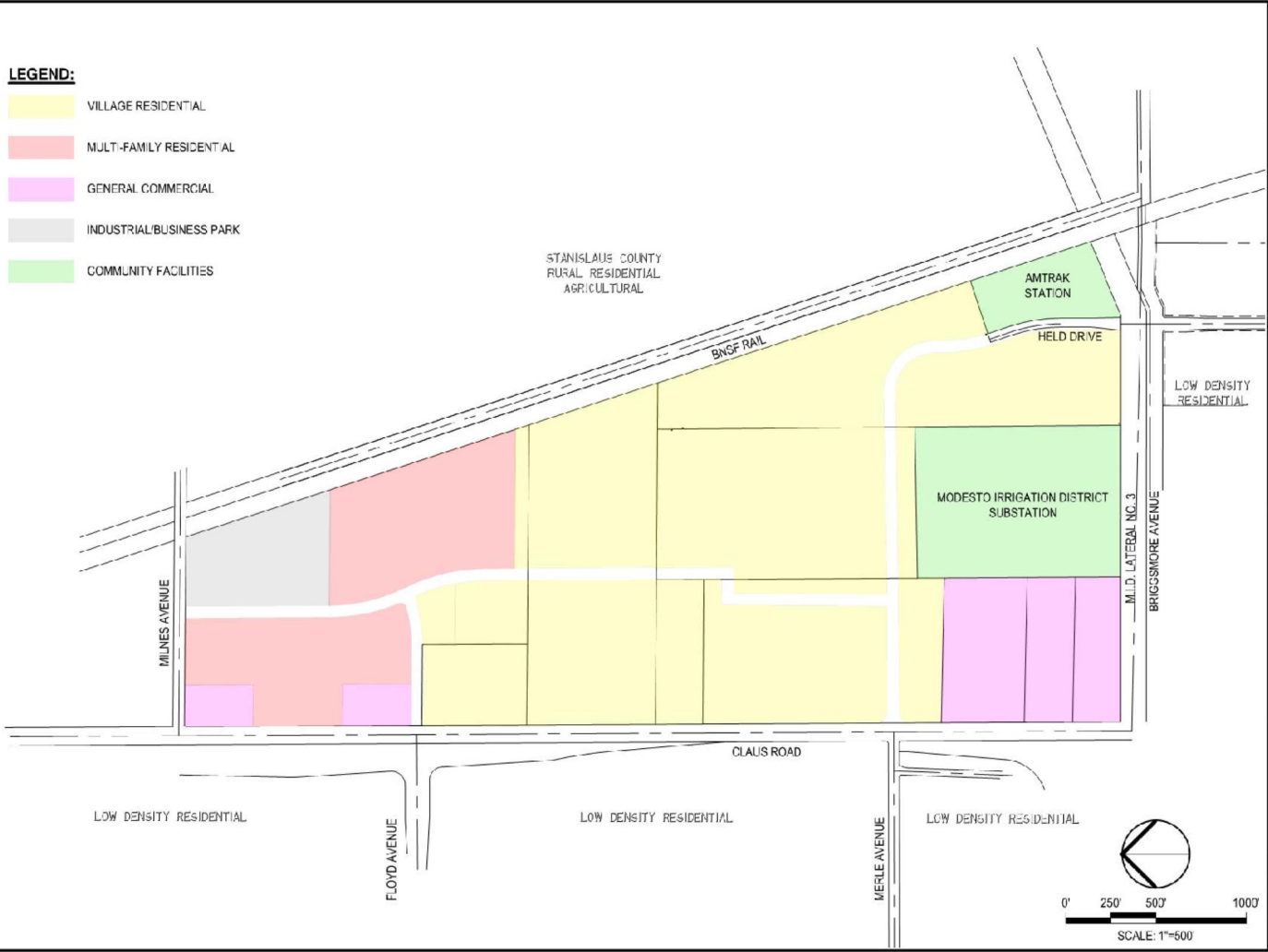


**VILLAGE ONE SPECIFIC PLAN
PROPOSED LAND USE DIAGRAM AMENDMENT
BUSINESS PARK (BP) TO VILLAGE RESIDENTIAL (VR)**

F:\2\projects\2020\Boulder_Corridor_Research_Site_Plan\Drawings\2020\PR_LAND USE_BUGMAY.dwg --- 05/05/23

LEGEND:

- VILLAGE RESIDENTIAL
- MULT-FAMILY RESIDENTIAL
- GENERAL COMMERCIAL
- INDUSTRIAL/BUSINESS PARK
- COMMUNITY FACILITIES



3428 Brockside Road
 Stockton, California 95219
 209-243-2021
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- SURVEYING
- PLANNING
- ARCHITECTURAL FACILITY DESIGN

REVISIONS		
No.	Date	Description

PROJECT

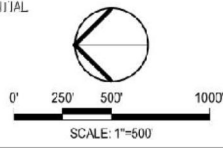
VILLAGE ONE
PRECISE PLAN
AREA 35

SHEET TITLE

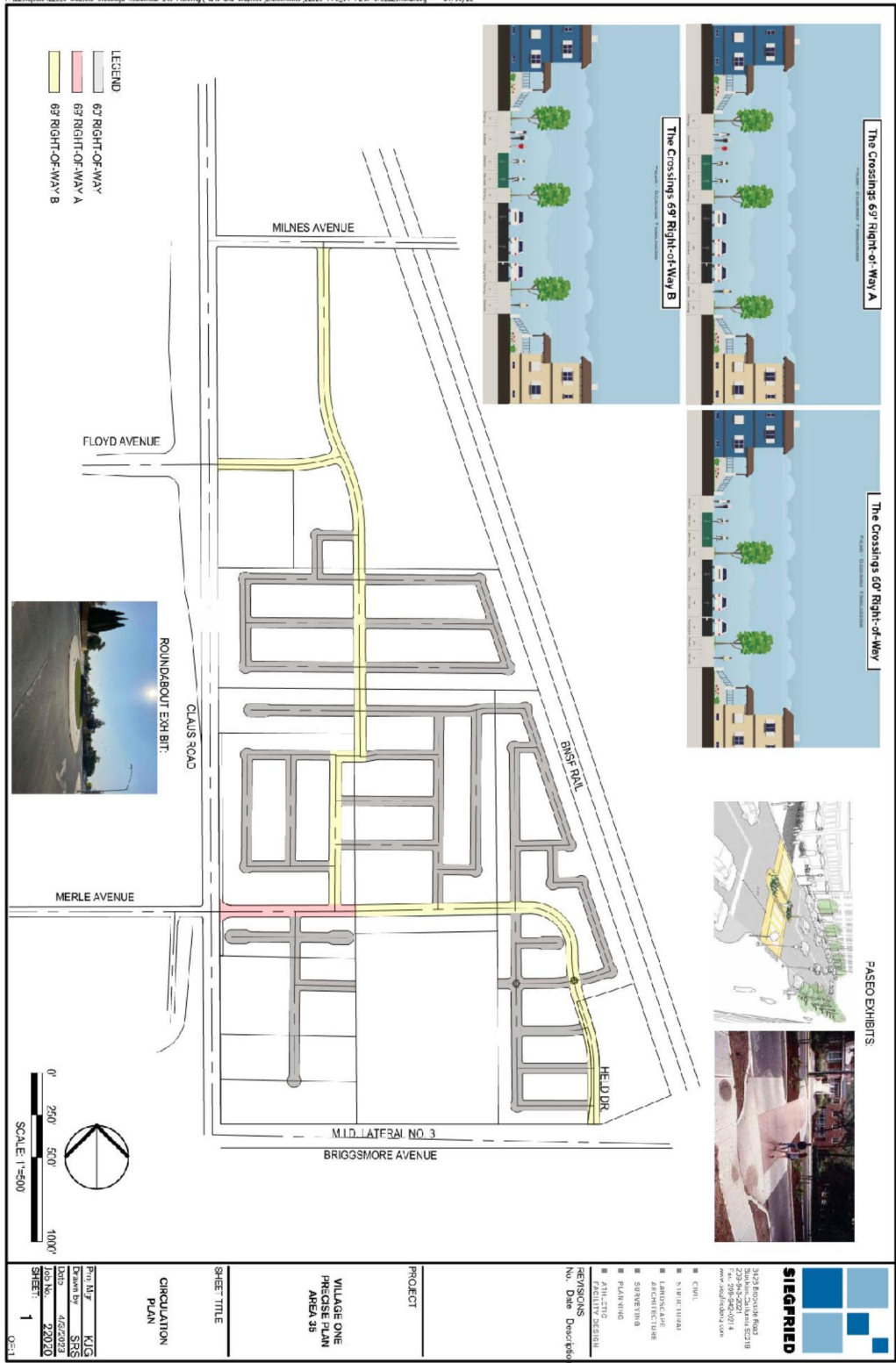
PRECISE PLAN
LAND USE

Proj Mgr	KJG
Drawn by	SHS
Date	09/29/2023
Job No.	22020
SHEET:	1

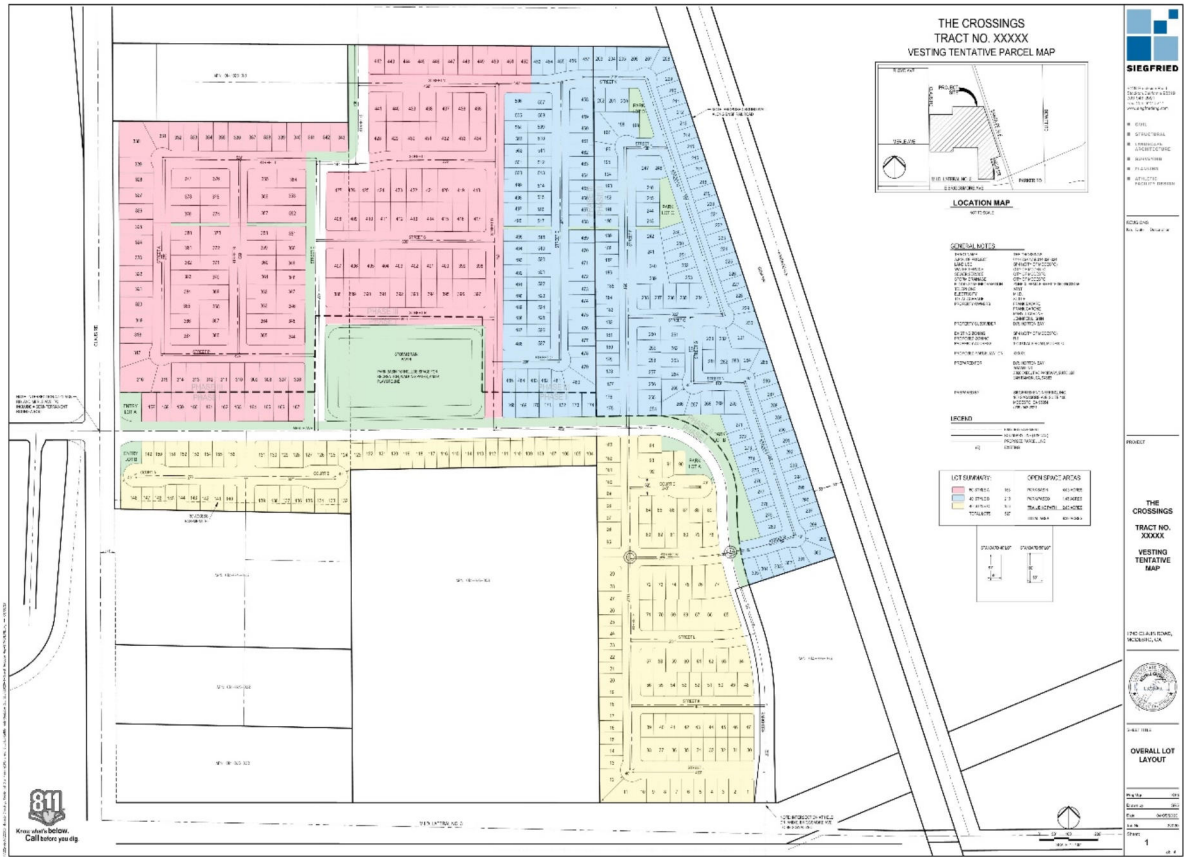
OF 1



**PRECISE PLAN NO. 35
PROPOSED LAND USE PLAN**



PRECISE PLAN NO. 35 PROPOSED CIRCULATION PLAN



VESTING TENTATIVE SUBDIVISION MAP THE CROSSINGS

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

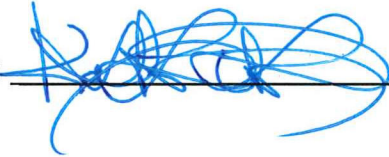
<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input checked="" type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Noise
<input checked="" type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

Signature:



Date: November 13,
2023

Printed Name: __Katharine Martin

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--	--------------------------------	---------------------------------------	------------------------------	-----------

I. AESTHETICS: Would the project:

a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) The site is flat with current use as orchards with some rural residential and church uses, with some views of the Sierra Nevada foothills and orchards to the east of the site. The impact of the proposed project is less than significant.
- b) There are no state scenic highways within or in the vicinity of the amendment area. There is no impact. No mitigation is required.
- c) The amendment area is primarily undeveloped land within the City of Modesto Sphere of Influence and Planned Urbanizing Area (PUA), as part of the Village One Specific Plan, adopted on October 16, 1990 and subsequently updated. Development that would be facilitated by the General Plan and Specific Plan amendments would be similar to the low and medium-density residential development in the vicinity of the amendment area. No impact would occur with visual character or quality of the site and surroundings.
- d) The amendment area is predominately undeveloped and currently utilized for almond orchards, but is expected to be developed with a mixture of commercial and residential uses which would create new sources of light that is consistent with urban development. Impacts would be less than significant with existing development standards for light fixtures applied to subsequent projects, such as shielding lights.

Resource: Refer to pages V-19-1 to V-19-7 of the Modesto Urban Area General Plan (MEIR), approved earlier (SCH 2014042081).

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--	--------------------------------	---------------------------------------	------------------------------	-----------

II. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The amendment area is primarily in use as almond orchards with some rural residential uses and a church. As of data available from the California Department of Conservation as of 2018, the project area is categorized by the FMMP as primarily Unique Farmland with small portions categorized as Vacant and Disturbed area and Urban Area, and 15 acres designated as Prime Farmland. On April 9, 2013 by Resolution No. 2013-129, the City Council adopted a policy to exempt from agricultural mitigation requirements all land area within the current City limits, including the Village One Specific Plan area. Therefore, no mitigation is required as the impact is less than significant.
- b) There are no Williamson Act contracts on the parcels of the amendment area. No impact.
- c) There is no forest or timberland within the amendment area. No impact.
- d) See item C above.
- e) See item A, B and C above.

Resource: Pages V-4-1 to V-4-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion

- a) The project would not obstruct implementation of an applicable air quality plan.
- b) The project was referred to the San Joaquin Valley Air Pollution Control District (SJAPC), who indicated concerns that construction activities and/or operation of the project may exceed significance thresholds; however, development would adhere to applicable mitigation measures from the General Plan’s Master EIR with regards to construction equipment emissions and screening of potential impacts to nearby sensitive receptors (nearby commercial and residential uses), reducing impacts to less than significant with mitigation measures from the General Plan Master EIR applied.
- c) Impacts to air quality would be associated with vehicle emissions, construction activities and on-site residential sources such as landscape maintenance and barbecues. As identified in the City’s General Plan MEIR, subsequent development would be consistent with assumptions for land use in the Residential land use of the City’s General Plan, and would be subject to all air quality policies of the City. Mitigation measures related to construction activities from the MEIR would be applied to any subsequent development. Less than significant impact.
- d) The nearest sensitive receptors are residential areas approximately 500 feet to the west, two rural residential homes and a church that are within the project area, an existing commercial landscape nursery to the south of the amendment area. Subsequent construction activities within the amendment area could potentially include the application of architectural coatings and asphalt paving material that could generate local temporary odors. The use of diesel-powered construction equipment could also generate localized odors. Any future construction activities would be mitigated as called for by the MEIR. Less than significant impact.
- e) See item D, above.

Resource: See pages V-2-1 through V-2-43 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES: Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The amendment area is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Wildlife and the US Fish and Wildlife Service were consulted in the production of the MEIR.

The general area is within proximity of nesting sites for Swainsons’ Hawks and Burrowing Owls have been known to be located within the Village One Specific Plan area. However, a special status species review provided by the applicant (Moore Biological Consultants, October 3, 2022 (Appendix A)) concluded that the incidence of the two species in the project area was unlikely, due to poor foraging habitat, and lack of found examples in a survey conducted at the site. Implementation of the mitigation measures (j) and (k) in Table V-7-1 of the MEIR would reduce impacts to both species to less than significant levels.

- b) See Item A above.
- c) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.
- d) The amendment area is primarily flat land utilized as almond tree orchards. Burrowing Owls are known to have been located within the Village One Specific Plan area. Any subsequent development would be required to implement mitigation measures from the MEIR to reduce impacts to less-than-significant levels.
- e) There would be no conflict with any local policies or ordinance protecting biological resources. The City does not have a heritage tree ordinance.
- f) There would be no conflict with any habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

Resource: See pages V-7-1 through V-7-39 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) The project is consistent with the historical resource policies of the General Plan.
- b) The project would be consistent with the archaeological resource policies in the General Plan. The project was referred to local Native American Tribes for consultation, who did not indicate concerns with the proposed amendments.
- c) The proposed amendments would not result in impact to a unique paleontological or unique geological feature. The area is flat land historically utilized as pasture and currently planted in nut tree orchards, with no known paleontological or geological features.
- d) There are no known human remains in the amendment area.

Resource: See pages V-8-1 through V-8-34 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Discussion

- a) The amendment area is level and comprised of loam and sandy loam soils. The area is not located near a seismic zone and would not be susceptible to liquefaction or landslide.
- b) The amendment would not result in substantial soil erosion.
- c) The site is not located on a geologic unit or soil that is unstable or would become unstable as a result of subsequent development.
- d) The soils at the site are predominately sandy loam soils, not expansive soils. The City’s Urban Area General Plan MEIR found that there is low exposure to expansive soils and any exposure can be reasonably controlled by the adopted Uniform Building Code.
- e) Future development at the site will utilize the City’s sewer system for the disposal of waste water.

Resource: See pages V-17-1 through V-17-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS: Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Discussion

- a) Generation of greenhouse gases would predominately occur with vehicle traffic. Previous assumptions for development of the area were for Business Park, Multi-Family Residential and/or Commercial uses.

As proposed, the Crossings project would have two access points: Claus Road at Merle Avenue and Briggsmore Avenue at Held Drive.

A Traffic study provided by Fehr and Peers (November 2023, Attachment A) concludes that the project as proposed would not result in new deficiencies at Briggsmore/Held with installation of a roundabout for intersection control, and a roundabout or signalized intersection for Claus/Merle if Claus Road is downgraded to a Principal Arterial Street.

Under the General Plan’s model for daily trip rates for single-family residential uses, fewer trips would be generated if the amendment area develops with low-density residential uses. Therefore, with mitigation measures applied, impacts would be less than significant.

- b) The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses.

Resource: See pages V-2-38 through V-2-43 of the MEIR, and Fehr and Peers November 2023 Traffic Study, Attachment A.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The proposed amendments would allow for residential uses including low-density residential uses. Any impacts would be related to development of the amendment area. Upon development as a result of the amendments, subsequent projects would be subject to compliance with all applicable federal, state and local regulations pertaining to the handling, storage, disposal and transport of toxic or hazardous materials or wastes.
- b) See item A above.
- c) See item A above.
- d) The amendment area is not on the list of hazardous materials sites.
- e) The amendment area is more than six miles away from the nearest airport.
- f) The amendment area is approximately two hundred feet away from an airstrip that is part of the service facility of the East Side Mosquito Abatement District. The airstrip is used for a single prop-airplane used for mosquito-control spraying. The project was referred to the district, who did not indicate concerns with the project.
- g) The proposed amendment would not interfere with an emergency access plan or evacuation plan. Residential development would be subject to review by Modesto Police and Fire regarding emergency access.
- h) No forest or wildland is in the vicinity of the amendment area.

Resource: See pages V-16-1 through V-16-15 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The proposed amendments to the General Plan land use diagram and Village One Specific Plan land use diagram would not cause a violation of any standards. Residential development to occur as a result of the amendments would be required by the City and state regulations to comply with water quality standards and waste discharge requirements.
- b) The proposed amendments would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Subsequent development will be required to incorporate on-site storm water handling and drainage as provided by City Standards and the Village One Specific Plan.
- c) The amendments would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial surface runoff, erosion or siltation. There are no streams within or in the vicinity of the amendment area. The nearest river is Dry Creek approximately 0.5 miles away to the south.
- d) See item C above.
- e) New development as a result of the land use amendments would be required to treat and retain stormwater as required by City standards, and would therefore not be expected to result in substantial runoff.
- f) See items B through E above.
- g) The amendment area is not located within a 100-year floodplain or a 200-year floodplain.
- h) See item G above.
- i) See item G above.
- j) The City is not subject to impacts as a result of seiche or tsunamis. The City is inland approximately 90 miles from the Pacific Ocean and has no large water bodies within its jurisdiction or nearby. The amendment area is flat land and is not subject to mudslides.

Resource: See pages V-9-1 through V-9-13 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING: Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Discussion

- a) The proposal would not physically divide an established community.
- b) Regulations of the City of Modesto and development policies of the Village One Specific Plan (as amended) would be applicable to any subsequent development at the site. The proposed amendment to the General Plan and Specific Plan would allow for residential uses within the amendment area. Less than significant impact.
- c) The amendment would not conflict with any applicable habitat conservation plans or natural community conservation plans. The City currently does not have habitat conservation plans in place.

Resource: V-20-1 through V-20-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES: Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion

- a) The amendment area is currently planted in nut tree orchards and has no known mineral resources.
- b) The amendment area is not identified on any plan as being a location with mineral resources.

Resource: See pages V-17-1 through V-17-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XII. NOISE: Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) The amendment area is adjacent to Claus Road to the west and the Burlington Northern Santa Fe railroad to the east. Claus Road is currently a two-lane county road with travel speeds in excess of 55 MPH and is also currently designated as a future six-lane expressway in the City's General Plan.

The Noise Element of the General Plan found that decibel levels along the Claus Road frontage between Floyd Avenue and Orangeburg Avenue are at 73Ldn and up to 77Ldn with implementation of development per the General Plan, as measured at 75-feet from the centerline of the street. The applicant has provided a noise and vibration analysis (Illingworth and Rodkin Acoustics-Air Quality (September 2022, Attachment B and letter Attachment C). The applicant has included with the Precise Plan document a Wall Plan that provides for a seven-foot high soundwall along the Claus Road frontage, a nine-foot soundwall along the BNSF Railroad to the east. Impacts, with the mitigation measures of soundwalls and structural acoustical treatment, would be less than significant.

- b) The proposal involves the development of new single-family residential uses which would not be expected to generate excessive ground borne vibration or groundborne noise levels.

However, the project area is adjacent to Claus Road and the Burlington Northern Santa Fe (BNSF) railroad. Homes within 200 feet of the rail line would potentially experience vibration generated by passing trains, and there would be vibration from passing traffic from Claus Road.

The applicant has provided a noise and vibration analysis by Illingworth & Rodkin, Inc. Acoustics-Air Quality (September 2022, Attachment B and letter Attachment C). The study found that without mitigation measures applied, the vibration levels from passing traffic on Claus would be 75 VdB or less, and that ground borne vibration from passing train traffic would at the same levels. Application of mitigation measures for sound walls and structural acoustical treatment for homes within 200 feet of the railway would reduce impacts to a less than significant level.

- c) Subsequent development as a result of the land use amendments would generate a temporary increase in ambient noise as a result of construction processes, but at a less than significant level.
- d) See Item C above.
- e) The amendment area is more than three miles away from the nearest public airport. There would be no impact. No mitigation is necessary.
- f) The amendment area is within 75-feet of an airstrip operated by the East Side Mosquito Abatement District, which operates a single prop-engine airplane used for mosquito control spraying. The noise level of the facility's operation is not expected to expose new residents to excessive noise levels. Therefore, impacts would be less than significant.

Resource: See pages V-3-1 through V-3-46 of the MEIR, and Illingworth & Rodkin, Inc. Noise Study (Attachment B) and letter (Attachment C).

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The proposed amendments and associated 84-acre Vesting Tentative Subdivision Map would provide for 527 single-family residential lots, a density of approximately seven units per acre. The development would add much needed dwelling units to the housing stock of the City of Modesto and contribute to its Regional Housing Needs Allocation (RHNA) of the Housing Element.
- b) The amendment area is currently in use as almond tree orchards. One existing residence would be demolished to facilitate new residential development in the area.
- c) See item B above.

Resource: See pages V-20-1 through V-20-14 of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) New residential development as a result of the proposed General Plan and Specific Plan land use amendments would increase demand for police and fire services to the use, but subsequent development will be expected to pay into Community Facilities Districts (CFDs) and pay associated Capital Facilities Fees (CFF) at the time of building permit issuance, to mitigate the impact to less than significant. The police and fire departments indicated no concerns with the project. The nearest fire station is Station No. 11 at 4225 Carver Road, 1.2 miles to the east.

New residential development as a result of the amendments would increase demand for public school services, and any subsequent development would pay school impact fees at the time of building permit issuance.

Any subsequent development will be required to pay CFF for their fair share contribution towards the development and maintenance of parks in the vicinity to the site, in addition to paying into a Community Finance District (CFD) to cover the maintenance of the Specific Plan’s amenities. The Vesting Tentative Subdivision Map provides for a 4-acre dual-use storm basin/park and several small park/landscape lots throughout the subdivision that would be maintained by a new CFD.

Section VI.H.12 of the General Plan directs that new neighborhood parks have a minimum sizing of seven acres. As the project proposes a smaller park, the project would require a General Plan amendment to the policy to allow for more flexibility in the sizing of a new Neighborhood Park.

The nearest established parks to the area are Freedom Park approximately 0.50 miles away to the west, and Mary Grogan Community Park 1.75 miles to the northwest.

Resource: See pages V-14-1 through V-14-8 (Fire Services), V-13-1 through V-13-7 (Police Services), V-12-1 through V-12-8 (Schools), and V-11-1 through V-11-10 (Parks) of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XV. RECREATION:

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion

- a) The proposed amendments and tentative subdivision map would allow for new residential development which would potentially increase the use of existing parks in the vicinity of the amendment area, but not at a level that would cause substantial physical deterioration of the facilities. Any subsequent development would be required to pay Capital Facilities Fees (CFF) for its fair share contribution towards the development of any new parks. Less than significant impact.
- b) The tentative subdivision map includes the provision of a four-acre dual-use storm basin/park and several small parks/landscape areas, but these would not have a significant adverse physical effect on the environment.

Resource: See pages V-11-1 through V-11-10 (Parks) of the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC: Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Discussion

- a) Currently, Claus Road and East Briggsmore Avenue are classified in the General Plan's Circulation Element as Expressways. General Plan policy disallows direct connection of a residential development to an Expressway. The project proposes the downgrade of Claus Road from its current designation of a six-lane Expressway to a four-lane Principal Arterial Street, for the segment between Sylvan Avenue and East Briggsmore Avenue, and the downgrade of East Briggsmore Avenue from an Expressway to a four-lane Principal Arterial street for the segment between Claus Road and the BNSF railroad crossing. If a GPA to downgrade the classification of both roadway segments is approved by the City Council, the intersection control of either a two-lane roundabout or signalized intersection would result in an LOS of C or better for Claus Road/Merle Ave., and for the intersection of Briggsmore Avenue and Held Drive, installation of a roundabout would result in an LOS of B or better. With these intersection controls as mitigation, the impact is less than significant.
- b) See Item A above.
- c) The amendment area is not within the vicinity of a public airport, but the airstrip of the East Side Mosquito Abatement District, which utilizes a single prop-engine airplane for mosquito control spraying, is located approximately 75-feet away from the east boundary of the site. The project is not expected to cause any impact to the airstrip nor cause a change in air traffic pattern.
- d) The project, if approved with a General Plan amendment to the Circulation Plan to downgrade Claus Road and East Briggsmore Avenue to four-lane Principal Arterial streets, would require construction of roundabouts at the intersections of Claus Road/Merle Avenue and East Briggsmore/Held Drive. The roundabout at Claus/Merle would include an enhanced crosswalk feature to provide safer pedestrian crossings from the project area to schools and parks to the west of Claus Road. With these mitigation measures, the impact is less than significant.
- e) The proposed amendments would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- f) The Fire Department reviewed the proposed amendment and did not identify any issues with emergency access.
- g) The project would not conflict with policies regarding public transit, bicycle or pedestrian facilities.

Resources: See pages V-1-1 through V-1-46 of the MEIR and Fehr and Peers November 2023 Traffic Study (Attachment A)

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS:

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) The amendments and residential development would not exceed treatment requirements of an applicable water quality control board.
- b) The proposal would not result in the construction of new water or wastewater treatment facilities. The proposal was referred to the City's Land Development Engineering Department and the Public Works Department, who indicated no concerns with the amendments and residential development.
- c) The project will provide for storm water handling and treatment with the installation of a new dual-use park/basin and new underground storm mains as required by City Standards. Projects would also comply with the City's Stormwater Management Program, Guidance Manual for New Development.
- d) There are sufficient water supplies to serve the project area.
- e) The City has sufficient wastewater capacity to serve the project area.
- f) Solid waste service is handled by the Gilton Solid Waste Management company, who indicated ability to serve the area at the time of the Specific Plan's adoption.
- g) New development will be required to comply with statues and regulations related to solid waste.

Resources: See pages V-5-1 through V-5-24 (water) and V-6-1 through V-6-13 of the MEIR.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

- a) As discussed in Section IV: Biological Resources, development at the site as a result of the land use amendments would not substantially impact wildlife habitat with mitigation measures applied.
- b) As discussed in Section III: Air Quality, Section VII: Greenhouse Gases, Section XII: Noise, and Section XVI: Transportation and Traffic, the proposed land use amendments would result in the development of single-family residential uses in an area originally designated for Business Park, Commercial and Medium-High Density Residential uses. Generation of greenhouse gases would predominately occur with vehicle traffic, but not at levels that would exceed those assumed by the MEIR for low density residential uses. Potential impacts to traffic circulation, noise, greenhouse gasses and air quality would result from the project, but at levels less than significant with the application of mitigation measures from the MEIR and project-level mitigation measures for new intersection controls and sound attenuation.

As discussed in Section XIV: Public Services, above, new residential development as a result of the amendments would increase demand for public school services and parks, but not at a level that would cause substantial impacts to those facilities. Any subsequent development would pay school impact fees, and Capital Facilities Fees (CFF) for their fair share contribution towards the development and maintenance of schools and parks in the vicinity to the site.

- c) This document identifies that the proposed amendments and residential development would have some cumulative environmental impact, but not at significant levels with the application of mitigation measures upon the onset of development. Therefore, impacts that may result from the proposed amendments to the General Plan and Village One Specific Plan are less than significant with mitigation measures applied.

Mitigation Measures to be applied to the project shall be outlined in a Mitigation Monitoring and Reporting Program (MMRP), attached with this Mitigated Negative Declaration (Attachment E).

**THE CROSSINGS
PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
Transportation and Circulation				
<p>1: Claus Road at Merle Avenue: The project developers shall install a two-lane roundabout with an enhanced high-visibility crosswalk and a pedestrian HAWK signal system for the class 1 bike path crossing. Final Design shall consider if two-lane bypass roundabout design and right in/right out access is appropriate. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry and to the satisfaction of the City Engineer.</p>	Project Developers	Project Developers shall be responsible for the road improvement plans and construction for the intersection of Claus Road and Merle Avenue (east and west of Claus Road). Fair share contribution by the developer shall be by mutual agreement between the developer and the City based on funding sources through the establishment of the Community Facilities District or other sources.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	All improvement plans shall be accepted by the City Engineer prior to recordation of the Phase One Final Map. All improvements shall be completed prior to recordation of the Phase Two Final Map.
<p>2: East Briggsmore Avenue at Held Drive: The project developers shall construct a 2-lane roundabout with an enhanced high-visibility crosswalk. This roundabout shall be designed by an experienced engineer who specializes in roundabout geometry and to the satisfaction of the City Engineer.</p>	Project Developers	Project Developers shall be responsible for the road improvement plans and construction for the intersection of East Briggsmore Avenue and Held Drive.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	All improvement plans shall be accepted by the City Engineer prior to recordation of the Phase Two Final Map. All improvements shall be completed prior to recordation of the Phase Three Final Map.
<p>3: East Merle Avenue at Street F: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard and to the satisfaction of the City Engineer.</p>	Project Developers	Project Developers shall be responsible for the road improvement plans and construction of the roundabout.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	All improvement plans shall be accepted by the City Engineer prior to recordation of the Phase Two Final Map. All improvements shall be completed prior to recordation of the Phase Three Final Map.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>4: Held Drive at Street M: The project developers shall install a roundabout to the Tivoli Specific Plan roundabout standard and to the satisfaction of the City Engineer.</p>	Project Developers	Project Developers shall be responsible for the road improvement plans and construction of the roundabout.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	All improvement plans shall be accepted by the City Engineer prior to recordation of the Phase Two Final Map. All improvements shall be completed prior to recordation of the Phase Three Final Map.
<p>5: Claus Road between Sylvan Avenue and Briggsmore Avenue: Developer shall dedicate sufficient right-of-way along the project frontage to allow for four-lane Principal Arterial Street alignment. Developer shall install improvements along project frontage that shall include but not be limited to:</p> <ul style="list-style-type: none"> • Median, curb, gutter and sidewalk along Claus Road frontage; • Landscape planter between concrete masonry wall and sidewalk per approved street cross-sections; • Landscape planter between sidewalk and northbound travel lanes per approved street cross-sections. 	Project Developers	Project Developers shall be responsible for the road improvement plans and construction of frontage improvements including but not limited to curb, gutter, sidewalk and landscape planters.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	All improvement plans shall be accepted by the City Engineer prior to recordation of the Phase One Final Map. All improvements shall be completed prior to recordation of the Phase Two Final Map.
<p>6. Interior 60' and 69' street cross-sections: The interior streets shall be designed to the satisfaction of the City Engineer. Current plans submitted only show renderings. Revisions to the proposed bike path that runs throughout the neighborhood may be required, specifically design for intersection bike/ped crossings.</p>	Project Developers	Project Developers shall be responsible for the road improvement plans and construction of frontage improvements including but not limited to curb, gutter, sidewalk, bike path and landscape planters.	City Engineer shall review and approve road improvement plans. Developer shall construct improvements. Engineering Services Department shall inspect and accept improvements.	
<p>Noise</p>				

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>1. Sound Walls Developer shall install CMU or pre-cast concrete masonry walls per the Wall Plan of the Precise Plan, as follows:</p> <ul style="list-style-type: none"> • A nine-foot-high sound wall along the BNSF rail alignment at the rear of Lots 204-231 and 285-305, • A seven-foot-high sound wall along the Claus Road frontage at the rear of Lots 148 and 316-330 (excepting entry Lots A and B at Merle Avenue) • A seven-foot-high sound wall along the East Briggsmore Avenue frontage at the rear of Lots 1-12. 	Project Developers	Project Developers shall be responsible for wall installation to the satisfaction of the Chief Building Official.	Chief Building Official shall review and approve wall plans. Developer shall construct improvements. Building Safety Division shall inspect and accept improvements.	<p>Nine-foot-high sound wall shall be installed prior to Certificate of Occupancy of the first residence along Lots 204-231 or 285-305.</p> <p>Seven-foot-high sound wall shall be installed prior to Certificate of Occupancy of the first residence along Lots 1-12., 316-330 or Lot 148.</p>
<p>2. General Plan MEIR Mitigation Measures, Noise</p> <ul style="list-style-type: none"> • Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e) <ul style="list-style-type: none"> ○ All homes within 200-feet of the BNSF railway ○ All homes within 90 feet of Claus Road ○ All homes within 90 feet of East Briggsmore Avenue 	Project Developers	Project Developers shall submit construction plans showing the location and design features of noise reduction features and implement the features.	Chief Building Official shall review and approve building permits for affected homes. Building Safety Division shall inspect and accept construction.	All noise reducing features shall be incorporated into the construction of affected homes to the satisfaction of the Chief Building Official prior to issuance of Certificate of Occupancy for each affected home.
<ul style="list-style-type: none"> • Noise-14. For new residential development proposed in areas within 200 feet of the center of the near mainline of active rail lines where single-event noise from trains is of concern, demonstrate that the proposed development will incorporate measures to reduce maximum noise levels generated during train passbys to 50 dBA Lmax or less inside bedrooms and to 55 dBA Lmax or less inside other noise sensitive occupied areas. (Policy VII-G.3.l) 	Project Developers	Project Developers shall submit construction plans showing the location and design features of noise reduction features and implement the features.	Chief Building Official shall review and approve building permits for affected homes. Building Safety Division shall inspect and accept construction.	All noise reducing features shall be incorporated into the construction of affected homes to the satisfaction of the Chief Building Official prior to issuance of Certificate of Occupancy for each affected home.
<ul style="list-style-type: none"> • Noise-15. For new residential and vibration sensitive commercial development (including but not limited to lodging facilities, hospitals and similar uses) located within 200 feet of the center of the near mainline of active rail lines, demonstrate that the proposed development will incorporate measures to reduce vibration levels generated during train passby events to meet the FTA vibration criteria as shown in Master EIR Table V-3-6. (Policy VII-G.3.m) 	Project Developers	Project Developers shall submit construction plans showing the location and design features of noise reduction features and implement the features.	Chief Building Official shall review and approve building permits for affected homes. Building Safety Division shall inspect and accept construction.	All noise reducing features shall be incorporated into the construction of affected homes to the satisfaction of the Chief Building Official prior to issuance of Certificate of Occupancy for each affected home.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<p>3. General Plan MEIR Mitigation Measures, Noise</p> <ul style="list-style-type: none"> Noise-4: Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to: <ul style="list-style-type: none"> Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers; Require impact tools to be equipped with shrouds or shields; Require that the quietest equipment available be used; and, Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b) 	Project Developers	Project Developers shall be responsible for implementation of noise-reducing construction practices.	Project Developers shall report to the Community and Economic Development Director on techniques used to reduce noise impacts in the construction phases of the project.	Throughout all phases of construction.
Air Quality				
1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR:				
<ul style="list-style-type: none"> AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj) 	Project Developers	Project Developers shall review Regulation VIII and submit a compliance plan to the City of Modesto's Community and Economic Development Department. The compliance plan shall be incorporated in construction contracts and implemented by developers.	Project Developers shall provide draft compliance plan to the Community and Economic Development Department for review and approval.	Compliance plan shall be submitted to and approved by the Community and Economic Development Department prior to the issuance of a grading or building permit, whichever occurs first.
<ul style="list-style-type: none"> AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm) 	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<ul style="list-style-type: none"> AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn) 	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
<ul style="list-style-type: none"> AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo) 	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
<ul style="list-style-type: none"> AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq) 	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.
<ul style="list-style-type: none"> AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr) 	Project Developers	The construction foreman or liaison shall ensure that wheel washers and/or equipment washers are in place at all points of exit from the site and are correctly implemented.	Construction foreman or liaison shall record inspections in a daily construction log and submit results in a monthly report to the Community and Economic Development Director.	The washers shall be provided prior to issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
<ul style="list-style-type: none"> AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss) 	Project Developers	Developer shall ensure that construction practices stabilizes dust emissions throughout all phases of construction.	Project Developers shall report to the Community and Economic Development Director on techniques used to stabilize dust emissions during construction phases.	Throughout all phases of construction.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<ul style="list-style-type: none"> AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt) 	Project Developers	The construction foreman or liaison shall establish and implement a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping and provide a daily log. Results shall be submitted in a monthly report to the Community and Economic Development Director.	Project Developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
<ul style="list-style-type: none"> AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu) 	Project Developers	The construction foreman or liaison shall establish and implement a daily street sweeping schedule during construction activities that involve movement of soil.	The construction foreman or liaison shall monitor daily street sweeping and provide a daily log. Results shall be submitted in a monthly report to the Community and Economic Development Director.	Project Developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
<ul style="list-style-type: none"> AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv) 	Project Developers	The construction foreman or liaison shall post speed limit signs and ensure that construction vehicle operators travel at or less than 15 mph.	The construction foreman or liaison shall monitor speed limits. Project Developers shall monitor compliance throughout the construction duration.	The Project Developers shall install speed limit signs as part of the site preparation process prior to issuance of a grading permit. Implement measures throughout the construction duration.
<ul style="list-style-type: none"> AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww) 	Project Developers	All slopes shall be measured by the Project Developers and identified on the building permit plan set submitted. The construction foreman or liaison shall oversee the placement of sandbags or other runoff control measure(s) on all slopes determined to have a slope greater than 1 percent.	The construction foreman or liaison shall monitor runoff control measure(s) and shall conduct weekly runoff control measure(s) inspections and shall submit results in a monthly report to the Community and Economic Development Director.	The building permit submittal shall identify slope measurements. Implement measures throughout the construction duration.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<ul style="list-style-type: none"> AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx) 	Project Developers	The construction foreman or liaison shall ensure that wheel washers and/or equipment washers are in place at all points of exit from the site and are correctly implemented.	Construction foreman or liaison shall record inspections in a daily construction log and submit results in a monthly report to the Community and Economic Development Director.	The washers shall be provided prior to issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
<ul style="list-style-type: none"> AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy) 	Project Developers	Windbreaks shall be installed by the Project Developers. The construction foreman or liaison shall ensure that windbreaks are correctly placed and implemented.	The construction foreman or liaison shall inspect installed windbreaks on a weekly basis and record inspections in the construction log. Inspection results shall be submitted in a monthly report to the Community and Economic Development Director.	Windbreaks shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
<ul style="list-style-type: none"> AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz) 	Project Developers	Project developers shall install wind speed measuring devices and ensure that these devices are correctly located and calibrated.	The construction foreman shall cease all excavating and grading activities when wind speed measuring devices indicate speeds over 20 mph. Suspension of construction activity due to wind speeds shall be recorded in the construction log. Construction reports shall be submitted to the Community and Economic Development Director on a monthly basis.	Wind speed measuring devices shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<ul style="list-style-type: none"> AQ-117. Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa) 	Project Developers	The project sponsor shall provide a written statement with any request for development permits or other permits involving movement of soil supporting a determination that the request minimizes the amount of exposed soil on the project site during the relevant construction period. The Community and Economic Development Director will either accept the report or require additional means to reduce the amount of exposed soil, such as hydroseeding or planting vegetation with irrigation, in areas that are proposed to be exposed for more than 20 days with no construction activity. Construction shall comply with the General Construction Permit.	The construction foreman or liaison shall ensure that construction activities do not exceed the allowable area of excavation and grading activity permitted on the site and shall oversee implementation of any required best management practices. The construction foreman or liaison shall record excavation and grading activities in a construction log on a daily basis and submit results in a monthly report to the Community and Economic Development Director.	Project Developer shall provide a plan to reduce soil exposure prior to the issuance of grading or building permit, whichever occurs first. Implement measures throughout the construction duration.
Increased Demand for Storm Drainage/Flooding and Water Quality				
1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR:				
<ul style="list-style-type: none"> SD-10/FWQ-11. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3) 	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<ul style="list-style-type: none"> SD-12/FWQ-13. Ensure that new development complies with the City of Modesto’s Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5) 	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.
<ul style="list-style-type: none"> SD-13/FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City’s implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6) 	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.
<ul style="list-style-type: none"> SD-15/FWQ-16. Integrate Low Impact Development principles into proposed development projects’ design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8) 	Project Developers	Project Developers shall submit construction drawings demonstrating compliance with relevant City requirements.	The City Engineer and Building Division shall review and approve all construction plans to ensure that all required storm water requirements are met.	Prior to issuance of a building or grading permit.
Generation of Hazardous Materials				
<ol style="list-style-type: none"> Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR: 				
<ul style="list-style-type: none"> HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant. 	Project Developers	Project Developers shall retain a registered environmental assessor to conduct Phase I Environmental Site Assessments on properties where the assessment was not previously prepared and implement the remediation.	The Community and Economic Development Department shall review and approve the Phase I Environmental Site Assessments.	Conduct Phase I Environmental Site Assessments prior to issuance of grading or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of grading or building permit or as determined by the Phase I ESA.

Mitigation Measure	Mitigation Responsibility	Monitoring Actions	Monitoring / Reporting Responsibility	Schedule
<ul style="list-style-type: none"> HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County’s Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6) 	Project Developers	Project Developers shall retain a registered environmental assessor to conduct Phase I Environmental Site Assessments on properties where the assessment was not previously prepared and implement the remediation.	The Community and Economic Development Department shall review and approve the Phase I Environmental Site Assessments.	Conduct Phase I Environmental Site Assessments prior to issuance of grading or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of grading or building permit or as determined by the Phase I ESA.
Loss of Sensitive Wildlife and Plant Habitat				
<p>1. Development of the project shall incorporate the following mitigation measures from the Modesto Urban Area General Plan MEIR:</p> <ul style="list-style-type: none"> SWPH-12: For proposed development consistent with the adopted Urban Area General Plan on lands within the Baseline Developed Area and Downtown, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, an assessment of whether any potential habitat for special-status species is present within proposed development areas shall be made. No further biological study is warranted unless habitat is present or if specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources (Policy VII-E.2[a]). 	Project Developers	Project Developers shall retain a qualified ornithologist to conduct pre-construction surveys of project site and adjacent areas within 0.5 mile of project site during at least two of the survey periods identified. Identify and implement appropriate mitigation measures.	CDFG shall review and approve the pre-construction surveys to ensure that project initiation will not result in nest disturbance.	Prior to issuance of the first grading or building permit, whichever occurs first.
<ul style="list-style-type: none"> SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the General Plan MEIR. 	Project Developer	Project Developer shall provide and implement mitigation plans in accordance with CDFG requirements.	CDFG shall review and approve the habitat mitigation strategy.	Provide and implement approved habitat mitigation strategy prior to issuance of the first grading or building permit, whichever occurs first.
-				

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-027**

RESOLUTION ACCEPTING THE HOMEKEY 3 AWARD IN THE AMOUNT OF \$16,059,562 AND APPROVING THE HOMEKEY REGULATORY AGREEMENT AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT AND DOCUMENTS WITH MODESTO HOMEKEY LP AND THE STATE OF CALIFORNIA FOR THE DEVELOPMENT AT 710 N. 9TH STREET

WHEREAS, on September 26, 2023, the City was notified of the Homekey Round 3 award to the City and Modesto Homekey, LP Development in the amount of \$16,059,562, and

WHEREAS, the mission of the Homekey funding is to prevent homelessness by rapidly housing individuals through the provision of coordinated, compassionate, and high-quality services, and

WHEREAS, the City receives approximately \$1 million in HOME funds annually to support a wide range of activities, and

WHEREAS, Homekey 3 funds must be used as described in the application to provide housing for individuals and families experiencing homelessness or who are at risk of homelessness. The funding will be available to begin upon the execution of the Standard Agreement, and

WHEREAS, the condition of the Homekey 3 funding is to secure the property under a Regulatory commitment to operate for fifty-five years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the Homekey 3 award in the amount of \$16,059,562.

BE IT FURTHER RESOLVED by that Council of the City of Modesto that it approves the Regulatory Agreement with Modesto Homekey LP for the development at

710 N. 9th Street.

BE IT FURTHER RESOLVED by that Council of the City of Modesto that it authorizes the City Manager or his designee to negotiate and execute all necessary agreements and documents with Modesto Homekey LP and the State of California to carry out the purpose and intent of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-028**

**RESOLUTION APPROVING A HOME AMERICAN RESCUE PLAN ACT
LOAN TO MODESTO HOMEKEY LP IN AN AMOUNT NOT TO EXCEED
\$2,800,000, \$98,308 IN STAFF ACTIVITY DELIVERY, AND AUTHORIZING
THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE
AN AGREEMENT WITH MODESTO HOMEKEY LP FOR THE
DEVELOPMENT AT 710 N. 9TH STREET**

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP), and

WHEREAS, on March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) into law, which provided over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses, and

WHEREAS, to address the need for homelessness assistance and supportive services, Congress appropriated \$5 billion in ARP funds to be administered through HOME Investment Partnership Program to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations, and

WHEREAS, on April 8, 2021, HUD issued the direct allocation of \$3,409,774 with an expenditure deadline of September 30, 2030, and

WHEREAS, on December 14, 2022, the City of Modesto released an Affordable

Housing Request for Proposal (RFP) on to solicit projects for the various funding sources that the City received that could be used for the development of affordable housing, and

WHEREAS, through this RFP process the City received a proposal for RHCB Development LP (RHCB), operating as Modesto Homekey LP for this project for the rehabilitation of Traveler's Motel located at 710 N. 9th Street to serve as a 56-unit permanent supportive housing project that devotes 38 units to serve youth experiencing homelessness and the remaining 17 units will serve the general population that is experiencing homelessness, and one manager's unit, and

WHEREAS, the HOME-American Rescue Plan Act loan will be for a term of 30 years and accrue interest at a rate of 3% per year any remaining balance is due in full at the end of the term with interest to start accruing upon the issuance of the Certificate of Occupancy and to be paid back to the City in the form of residual receipts annually these payments will be based on an independent auditor's report and applied first to interest and then to principal beginning April 1st after the issuance of the Certificate of Completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves a HOME-American Rescue Plan Act loan to Modesto Homekey LP in an amount not to exceed \$2,800,000, \$98,308 in staff activity delivery for the development at 710 N. 9th Street.


BE IT FURTHER RESOLVED by that Council of the City of Modesto that it authorizes the City Manager or his designee to negotiate and execute an agreement with Modesto Homekey LP to carry out the purpose and intent of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-029**

RESOLUTION APPROVING A HOME INVESTMENT PARTNERSHIP PROGRAM LOAN TO MODESTO HOMEKEY LP IN AN AMOUNT NOT TO EXCEED \$673,712, \$102,000 IN STAFF ACTIVITY DELIVERY, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MODESTO HOMEKEY LP FOR THE DEVELOPMENT AT 710 N. 9TH STREET

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP), and

WHEREAS, the objective of the HOME program is to support a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people, and

WHEREAS, the City receives approximately \$1 million in HOME funds annually to support a wide range of activities, and

WHEREAS, on December 14, 2022, the City of Modesto released an Affordable Housing Request for Proposal (RFP) on to solicit projects for the various funding sources that the City received that could be used for the development of affordable housing, and

WHEREAS, through this RFP process the City received a proposal for RHCB Development LP (RHCB), operating as Modesto Homekey LP for this project for the rehabilitation of Traveler's Motel located at 710 N. 9th Street to serve as a 56-unit permanent supportive housing project that devotes 38 units to serve youth experiencing

homelessness and the remaining 17 units will serve the general population that is experiencing homelessness, and one manager's unit, and

WHEREAS, the HOME loan will be for a term of 30 years and accrue interest at a rate of 3% per year any remaining balance is due in full at the end of the term with interest to start accruing upon the issuance of the Certificate of Occupancy and to be paid back to the City in the form of residual receipts annually these payments will be based on an independent auditor's report and applied first to interest and then to principal beginning April 1st after the issuance of the Certificate of Completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves a HOME Investment Partnership loan to Modesto Homekey LP in an amount not to exceed \$673,712, \$102,000 in staff activity delivery for the development at 710 N. 9th Street.


BE IT FURTHER RESOLVED by that Council of the City of Modesto that it authorizes the City Manager or his designee to negotiate and execute an agreement with Modesto Homekey LP to carry out the purpose and intent of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-030**

RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY COMMUNITY SERVICES AGENCY (CSA) FOR THE ACCEPTANCE OF HOMELESS HOUSING ASSISTANCE AND PREVENTION PROGRAM (HHAP) FUNDING IN THE AMOUNT OF \$1,775,077 AND TO ISSUE A GRANT IN AN AMOUNT NOT TO EXCEED \$1,755,077 TO MODESTO HOMEKEY LP AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MODESTO HOMEKEY LP FOR THE DEVELOPMENT AT 710 N. 9TH STREET

WHEREAS, as an Entitlement community, the City receives funding regularly from the U.S. Department of Housing and Urban Development (HUD) that requires the City, to develop an Annual Action Plan that describes proposed funding priorities for activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and American Rescue Plan HOME Investment Partnerships (HOME-ARP), and

WHEREAS, on December 14, 2022, the City of Modesto released an Affordable Housing Request for Proposal (RFP) on to solicit projects for the various funding sources that the City received that could be used for the development of affordable housing, and

WHEREAS, through this RFP process the City received a proposal for RHCB Development LP (RHCB), operating as Modesto Homekey LP for this project for the rehabilitation of Traveler's Motel located at 710 N. 9th Street to serve as a 56-unit permanent supportive housing project that devotes 38 units to serve youth experiencing homelessness and the remaining 17 units will serve the general population that is experiencing homelessness, and one manager's unit, and

WHEREAS, on May 2, 2023, by Resolution 2023-212 and 2023-210 the City contingently committed the allocation of \$2,274,923 and the commitment of \$1,775,077;

from the Community System of Care (CSOC), both allocations intended to fill the gap needed to support the development of the project, and

WHEREAS, Homekey 3 funds must be used as described in the application to provide housing for individuals and families experiencing homelessness or who are at risk of homelessness with funding being available to begin upon the execution of the Standard Agreement, and

WHEREAS, on December 5, 2023 Stanislaus County committed Stanislaus Community System of Care's (SCOC) Homeless Housing Assistance and Prevention Program (HHAP), for the award amount of \$1,775,077 in the form of a grant to be managed by the City for this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement with Stanislaus County Community Services Agency (CSA) for the acceptance of Homeless Housing Assistance and Prevention Program (HHAP) funding in the amount of \$1,775,077.

BE IT FURTHER RESOLVED that it approves the issuance of a grant in the amount not to exceed \$1,775,077 to Modesto Homekey LP for the Development at 710 N. 9th Street.

BE IT FURTHER RESOLVED that it authorizes the City Manager or his designee to negotiate and execute an agreement with Modesto Homekey LP to carry out the purpose and intent of this resolution.

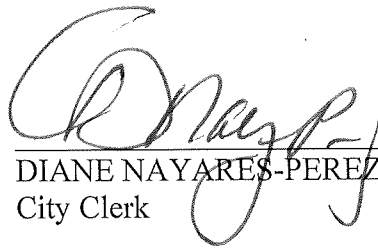
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-031**

RESOLUTION RESCINDING RESOLUTION 2023-213 AND AMENDING THE FISCAL YEAR 2023-2024 MULTI-YEAR FUND BUDGET FOR THE TRAVELER'S PROJECT FUND (101542) TO BE FUNDED WITH HOMEKEY 3.0 PROGRAM FUNDS, HOME INVESTMENT PARTNERSHIP FUNDS (HOME), HOME AMERICAN RESCUE PLAN ACT FUNDS (HOME-ARP), AND HOMELESS HOUSING ASSISTANCE AND PREVENTION PROGRAM (HHAP) FUNDS FOR THE DEVELOPMENT OF THE 710 N 9TH STREET AFFORDABLE HOUSING PROJECT TOTALING \$21,308,351 AND \$200,000 FOR ACTIVITY DELIVERY COSTS AND BUDGETING THE NECESSARY REVENUE, EXPENSE TRANSFERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS IN THIS RESOLUTION

WHEREAS, the City of Modesto has been selected to receive funding from the State of California Housing and Community Development Department (HCD) in partnership with RHC Development LP (RHC) operating as Modesto Homekey LP for the Traveler's Motel project located at 710 N. 9th Street for the Homekey 3.0 Program, and

WHEREAS, the fiscal year 2023-2024 multi-year budget currently has pre-award costs budgeted with Community Development Block Grant (CDBG) Funding approved by Resolution 2023-213 in project 101542, and

WHEREAS, the City originally proposed using CDBG funding as a loan to RHC Development LP (RHC) to assist with property rehabilitation expense, it has been determined that the project funding source should change from CDBG funding to HOME American Rescue Plan (HOME ARP) loan and HOME Investment Partnerships (HOME) loan, and

WHEREAS, the project funding will include the Homekey 3.0 Program funds totaling \$16,059,562, and \$2,800,000 in HOME ARP funds, and \$673,712 in HOME

funds, and \$1,775,077 in HHAP funds for property acquisition, capital improvements, and operating subsidies and \$198,308 in HOME ARP and HOME funds for administration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the fiscal year 2023-2024 multi-year fund budget to rescind Resolution 2023-213 and amend project 101542 to be funded with Homekey 3.0 Program funds, HOME American Rescue Plan Funds (HOME ARP) HOME Investment Partnership funds (HOME) and Homeless Housing Assistance and Prevention Program (HHAP) funds for the development of the 710 N. 9th Street affordable housing project totaling \$21,308,351 and \$200,000 for activity delivery costs and budgeting the necessary revenue, expense transfers.

BE IT FURTHER RESOLVED by that Council of the City of Modesto that it authorizes the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-032**

**RESOLUTION APPROVING THE APPOINTMENT OF CECIL RUSSELL AS
THE PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, WITH A
TERM EXPIRATION OF DECEMBER 31, 2024**

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) Resolution 96-576 provides that one member of the Planning Commission shall be appointed by members of the City Planning Commission; and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to represent various boards and commissions, and

WHEREAS, Planning Commissioner Russell is currently serving as a Planning Commissioner, and was appointed by City Council for a four-year term on April 4, 2023, by Resolution 2023-124, set to expire on January 1, 2027, and

WHEREAS, on December 18, 2023, the Planning Commission voted to approve Planning Commissioner Russell to the CH&CDC as a Planning Commission Representative for calendar year 2024.

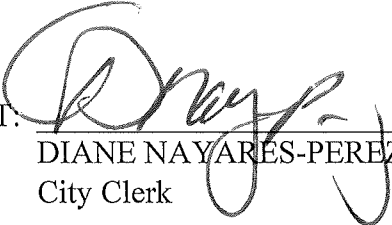
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto, that it hereby approves the appointment of Cecil Russell as the Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of December 31, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: Alvarez, Ricci

ABSENT: Councilmembers: None

ATTEST. 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-033**

**RESOLUTION APPROVING THE APPOINTMENT OF PLANNING
COMMISSIONER ROGER SHANKS TO THE BOARD OF ZONING
ADJUSTMENT AS A PLANNING COMMISSION REPRESENTATIVE WITH A
TERM EXPIRATION OF DECEMBER 31, 2024**

WHEREAS, Section 10-1.201 of the Modesto Municipal Code provides that one member of the Board of Zoning Adjustment shall be appointed from the members of the Planning Commission, and

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

WHEREAS, Roger Shanks is currently serving as Planning Commissioner , and was re-appointed by City Council for a second four-year term on January 23, 2024, by Resolution 2024-xxx, set to expire on December 31, 2027, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto, that it hereby approves the appointment of Planning Commissioner Roger Shanks to the Board of Zoning Adjustment as a Planning Commission Representative with a term expiration date of December 31, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-034**

**RESOLUTION REAPPOINTING CHRIS MURPHY, PERVEZ KHAN, AND
ANGELA CANGIAMILLA TO THE VISIT MODESTO BOARD OF
DIRECTORS FOR A TWO-YEAR TERM FROM JANUARY 1, 2024, TO
DECEMBER 31, 2025**

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

WHEREAS, by Resolution No. 2019-202, Council approved the appointments of Pervez Khan and Chris Murphy to the Modesto Convention and Visitors Bureau Board of Directors for an initial six-month term, and

WHEREAS, by Resolution No. 2020-118, Council approved the reappointments of Pervez Khan and Chris Murphy to the Modesto Convention and Visitors Bureau Board of Directors for their first two-year term, and

WHEREAS, by Resolution No. 2020-408, Angela Cangiamilla was appointed to the Modesto Convention and Visitors Bureau Board of Directors for her first two-year term, and

WHEREAS, by Resolution No. 2022-001, Chris Murphy, Pervez Khan, and Angela Cangiamilla were reappointed for their second two-year terms, and

WHEREAS, Chris Murphy, Pervez Khan, and Angela Cangiamilla are eligible to, and have expressed their desire to serve a third two-year term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Chris Murphy, Pervez Khan, and Angela Cangiamilla to the Visit Modesto Board of Directors for their final two-year terms from January 1, 2024, to December 31, 2025.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Visit Modesto Board of Directors, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-035**

**RESOLUTION APPOINTING DAMON ROBBINS AND HELDA PAULES TO
THE VISIT MODESTO BOARD OF DIRECTORS FOR A TWO-YEAR TERM
FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2025**

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

WHEREAS, on December 19, 2023, the Appointments Committee unanimously recommended the appointments of Damon Robbins and Helda Paules be forwarded to Council for approval, and

WHEREAS, the appointments will be for two years from January 1, 2024 through December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Damon Robbins and Helda Paules to the Visit Modesto Board of Directors for a two-year term from January 1, 2024 through December 31, 2025.


BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Visit Modesto Board of Directors, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-036**

**RESOLUTION AMENDING FISCAL YEAR 2023-24 ANNUAL OPERATING
AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND
AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

ENGINEERING SERVICES DEPARTMENT

- A budget adjustment in the amount of \$141,799 is necessary in Project 101063 - Pelandale Ave. Int. - Phase 2 in the Capital Grants – Streets CIP Projects Fund (3160). The adjustment will increase the transfer out from the Streets Capital Facility Fee Fund (3410) to the project and increase the project expenditure budget. As part of the adjustment the project expenditure budget is being reduced within the Streets Capital Facility Fee Fund, Project 100046 – Pelandale Interchange at SR99. The project has been completed with all expenses being incurred and the funding is no longer needed from Fund 3410.

POLICE DEPARTMENT

- A budget adjustment in the amount of \$107,731 is needed in the Police - Grants Fund (1342) for Project 101567 – 2023 MicroGrants Grant from the Department of Justice. The adjustment will recognize grant revenue and establish the discretionary expenditure accounts. The Modesto Police Department was awarded Grant #15JCOPS-23-GG-02011-PPSE and the budget appropriation is in place to expend the funds for eligible program categories per the grant agreement.

PUBLIC WORKS

- A budget adjustment in the amount of \$156,531 in the Surface Transportation Fund (1700) and Fleet Fund (5400) to reallocate the budget for salary and benefits for the Senior Public Works Manager position. The position has been reclassified from the Operations Manager position and moved to Fund 1700. As a result, the budgeted salary and benefits for the position need to be moved to the correct fund. The direct charge agreement revenue is also being moved as the revenue should be credited to where the position is housed. The total revenue being reallocated from Fund 5400 to Fund 1700 is \$87,032.

UTILITIES

- A budget adjustment in the amount of \$1,745,282 is necessary in the Water Grants Fund (4140) to establish the revenue budget for Project 101561 – GSP Update & Annual Reporting. The expenses associated with the Groundwater Sustainability Plan (GSP) & Annual Reporting project will be shared between the member agencies per the Groundwater Sustainability Agency Equitable Project Cost Sharing and Reimbursement Agreement. This item went to Council on December 5, 2023, and resolution 2023-526 amended the project budget, but did not recognize the revenue. This adjustment is budget revenue for each agency in the cost sharing agreement.
- A budget adjustment in the amount of \$856,946 is necessary to establish a transfer from the Sewer NVRWP (North Valley Regional Recycled Water Program) State Revolving Loan Fund (4235) to the Sewer Operations Fund (4210). The transfer is correcting the

fund balance in Fund 4235 due to an incorrect principal retirement, application of a credit memo, and allocated true-up costs from fiscal year 2019.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-037**

RESOLUTION ACCEPTING THE TRANSIT CENTER IMPROVEMENTS AND TRANSIT CENTER ADDITION PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING \$5,668,762 TO SIMILE CONSTRUCTION SERVICES, INC., OF MODESTO, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Southern Pacific Depot is a local landmark built in 1915 and now serves as the Transit Center. In 2017, it was determined that the Transportation (Transit) Center Facility needed rehabilitation and improvements to support the Altamont Corridor Express (ACE) coming to Modesto; and

WHEREAS, the identified improvements focused on improving safety, security, and operational functionality at the Transit Center included lighting, cameras, fencing, and site compliance with Americans with Disabilities Act (ADA); and

WHEREAS, additionally, the project scope included repair and restoration of some elements of the historic Southern Pacific Depot; and

WHEREAS, the project was developed in conjunction with ACE, their engineering consultant AECOM, and Stanislaus Council of Governments (StanCOG). ACE is targeting a beginning of service to Modesto and Ceres in 2026; and

WHEREAS, there was not an extensive report prepared prior to the Southern Pacific Depot being established as a landmark in 1993; and

WHEREAS, JRP Historical Consulting (JRP) was hired in 2019 to evaluate the building and the proposed alterations and improvements; and

WHEREAS, the Historic Resources Report, prepared by JRP, concluded that there will be no permanent impact on the historic elements of the building resulting from

the proposed improvements and the State Office of Historic Preservation agreed with the conclusions provided in the report; and

WHEREAS, as the designated Regional Transportation Planning Agency (RTPA) for the Stanislaus region, StanCOG administers and distributes Transportation Development Act (TDA) funds; and

WHEREAS, TDA funds consist of two types of funds: Local Transportation Funds (LTF) and the much-smaller State Transit Assistance (STA). LTF is derived from the ¼ cent retail sales tax that is collected statewide and then returned to each county according to the amount of tax collected in that county. STA is derived from the statewide sales tax on diesel fuel; and

WHEREAS, StanCOG has held LTF “Other” funds in reserve to rehabilitate and improve the functionality of the Transit Center in anticipation of ACE coming to Modesto; and

WHEREAS, on November 15, 2017, the StanCOG Policy Board allowed for the FY 2016-17 “Other” funds to be held in reserve for potential ACE train improvements; and

WHEREAS, in addition, since June 21, 2017, the StanCOG policy board has held the FY 2017-18 “Other” funds in reserve for potential ACE train improvements; and

WHEREAS, due to increased costs associated with additional scope of work and fluctuation of material and labor costs, additional funds were needed for the project; and

WHEREAS, on November 2, 2021, by Resolutions 2021-433 and 2021-434, Council approved the submission of the TDA Claim for Fiscal Year 2021-22 to the Stanislaus Council of Governments in the amount of \$668,698 for improvements to the

Transit Center for Transit Customers and the future operation of ACE to Modesto and amending the Fiscal Year 2021-22 budget in the amount of \$668,698; and

WHEREAS, bids were advertised on August 31, 2021, and were publicly opened on October 12, 2021, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Simile Construction Services, Inc., of Modesto, California, was the apparent lowest responsible and responsive bidder; and

WHEREAS, on December 07, 2021, by Resolution 2021-467 Council awarded a contract to Simile Construction Services, Inc., in the amount of \$5,233,576; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of March 7, 2022. All contract work was completed on April 11, 2023; and

WHEREAS, the total project costs were \$6,636,903 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$6,669,295, which included \$5,652,262 the construction contract and contingency with Simile Construction Services, Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value; and

WHEREAS, however, during construction the roof was determined to have major deficiencies and leaks where rainwater would penetrate and soak the foam insulation causing water leaks to wet the ceiling. These repairs would exceed the Director's Authority of 8% (\$418,686) of the contract amount of \$5,233,576. On April 4, 2023, by

Resolution 2023-148, Staff requested authorization to increase the contract change order budget to 10% (\$523,358) to cover these repairs; and

WHEREAS, there were fifty-eight change orders on this project with an overall increase of \$435,186; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Transit Center Improvements and Transit Center Addition project as complete, releasing securities releasing payments totaling \$5,668,762 to Simile Construction Services, Inc., of Modesto, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Williams

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-038**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE PORTABLE TOILET RENTAL SERVICES AGREEMENT TO INCREASE THE AMOUNT BY \$20,000 WITH SUN VALLEY PORTABLE RESTROOMS, INC. OF TURLOCK, CA; A THIRD AMENDMENT TO INCREASE THE AMOUNT BY \$15,000 WITH UNITED SITE SERVICES, INC. OF MODESTO, CA FOR A REVISED COMBINED TOTAL AMOUNT NOT TO EXCEED \$618,250 OVER THE TERM OF THE AGREEMENT; AND UTILIZING THE SERVICES BASED ON THE LOWEST PRICING DEFINED UNDER THE CURRENT CONTRACTUAL RATES; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, on April 28, 2020, by Resolution 2020-194, Council approved the award of bid for portable toilet rental services to United Site Services, Inc. of Modesto, CA (“United”) as the primary supplier for daily, weekly and monthly rentals and the secondary supplier for yearly rentals to Sun Valley Portable Restrooms, Inc. of Turlock, CA (“Sun Valley”), for a two-year agreement with three (3) one-year extension options for an estimated combined annual cost of \$54,888 and a total combined cost not to exceed \$274,440 over five years for both; and

WHEREAS, on April 13, 2021, by Resolution 2021-135, Council approved a First Amendment to the portable toilet rental services agreement for a Portable Americans with Disability (ADA) Restroom Trailer at Dryden Golf Park Clubhouse, to increase the agreement amount by \$91,210 from \$274,440 to a new total amount of \$365,650 over the term of the agreement with United and Sun Valley; and

WHEREAS, on January 10, 2023, by Resolution 2023-16, Council approved a Second Amendment to the Agreement for Portable Toilet Rental Services, to increase the agreement amount by \$217,600 from \$365,650 for a revised total amount not to exceed \$583,250 over the term of the agreement with United and Sun Valley; and

WHEREAS, in April 2022, a price increase request submitted by Sun Valley was approved by the Purchasing Division, with an overall total 37% increase in rates; and

WHEREAS, as the Water Division had spent less than anticipated during the first two years of the Agreement, staff determined that this increase would not result in a need for increased spending authority; however, during the third year of the Agreement, actual expenditures grew by 46% due in part to the rate increase and to adding portable restrooms to certain well sites that had previously not required service; and

WHEREAS, the portable toilet rental usage for United Site Services has increased over the term of the agreement based on City coordinated public events between several operating departments for Solid Waste and Parks, Recreation and Neighborhood; and

WHEREAS, over the term of the agreement, United Site Services have not increased their rental rates and for final one-year extension for Year 5 United Site Services has confirmed no price increase will be requested; and

WHEREAS, the original agreements established under this agreement, Sun Valley Portable Restrooms was considered the lowest bid for yearly services but based on their price increase in April 2022 the lowest price vendor is United Site Services which will trigger an increase in usage for this period of service; and

WHEREAS, to ensure that there are sufficient funds to account for the price and usage increases, a First Amendment is needed to increase the spending authority by \$20,000 for Sun Valley Portable Restrooms and a Third Amendment to increase the spending authority in the amount of \$15,000 for a revised total not to exceed \$618,250 over the term of the agreement; and

WHEREAS, the Purchasing Manager will monitor the agreements to ensure that the combined total expenditures does not exceed \$618,250; and

WHEREAS, over the four years of this agreement, the fuel rates have fluctuated drastically across both California and the United States with the fuel rates increasing by 42% in Year 2, 81% in Year 3 and 29% in Year 4; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(f), “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Portable Toilet Rental Services Agreement to increase the amount by \$20,000 with Sun Valley Portable Restrooms, Inc. of Turlock, CA; a Third Amendment to increase the amount by \$15,000 with United Site Services, Inc. of Modesto, CA for a revised combined total amount not to exceed \$618,250 over the term of the agreement.

BE IT FURTHER RESOLVED, that the City utilizes the services based on the lowest pricing defined under current contractual rates.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendments, 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 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-039**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE FOR TWELVE (12) HALF-TON PICKUP TRUCKS WITH RUSH TRUCK CENTER, CERES, CA FOR AN AMOUNT NOT TO EXCEED \$592,263; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, the City Manager authorized the Purchasing Manager to solicit the procurement for the various pickup trucks for City operating departments during the Fiscal Year 2018-19 through 2021-22; and

WHEREAS, on September 5, 2023, the Purchasing Division issued Invitation for Bids (IFB) 2223-20 for the twelve (12) Half-ton Pickup Trucks on the City's PlanetBids public bidding website and prospective bidders were notified online and via email of the bid opportunity; and

WHEREAS, fourteen (14) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on October 3, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream and four (4) bidders chose to respond, there was one local bid received; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the twelve (12) Half-ton Pickup Trucks to Rush Truck Center, Ceres, CA for the total amount not to exceed \$592,263; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for twelve (12) Half-ton Pickup Trucks to Rush Truck Center, Ceres, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and purchase for twelve (12) Half-ton Pickup Trucks with Rush Truck Center, Ceres, CA for an amount not to exceed \$592,263.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

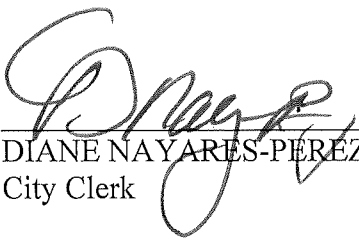
BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-040**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES TO FOLSOM LAKE FORD, FOLSOM, CA FOR THE PURCHASE OF TEN (10) FORD POLICE INTERCEPTORS FOR AN AMOUNT NOT TO EXCEED \$611,583; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, on January 3, 2022, State of California, Department of General Services issued Invitation for Bids (IFB) #32119 under Event ID #0000020265 for Enforcement Vehicles, Police Pursuit on the State of California's bidding website; and

WHEREAS, on February 4, 2022, the bid opening was conducted at the State of California, Department of General Services at their Sacramento office and three (3) bids were received and based on the lowest cost to a responsive and responsible bid, one (1) bid was awarded to Folsom Lake Ford under State Contract #1-22-23-14C which includes the Ford Police Interceptors; and

WHEREAS, based on the lowest responsible and responsive bid, City staff recommends to award to Folsom Lake Ford, Folsom, CA for the purchase of ten (10) Ford Police Interceptors in the amount not to exceed \$611,583; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served and utilizing the State of California bidding process, the City is complying with the requirements defined under this code for the ten (10) Ford Police Interceptors.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from the State of California, Department of General Services to Folsom Lake Ford, Folsom, CA for the purchase of ten (10) Ford Police Interceptors for an amount not to exceed \$611,583.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.


BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-041**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES TO WINNER CHEVROLET, ELK GROVE, CA FOR THE PURCHASE OF SEVEN (7) CHEVY TAHOES FOR AN AMOUNT NOT TO EXCEED \$419,172; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the needs for new Fleet inventory and a Fleet Addition and Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, on October 25, 2021, State of California, Department of General Services issued Invitation for Bids under Event ID #0000020793 for Fleet Vehicles on the State of California's bidding website; and

WHEREAS, on November 17, 2021, the bid opening was conducted at the State of California, Department of General Services at their Sacramento office; and

WHEREAS, twelve (12) bids were received and based on the lowest cost to a responsive and responsible bid, all 12 bids were awarded with Winner Chevrolet being one of the awarded bidders under State Contract #1-22-23-23D which includes the Chevy Tahoes; and

WHEREAS, two of the seven Chevy Tahoes were pulled from the State of California bidding event defined under State Contract #1-22-23-14B listed above for the Ford Police Interceptors; and

WHEREAS, based on the lowest responsible and responsive bid, City staff recommends to award to Winner Chevrolet for the purchase seven (7) Chevy Tahoes for an amount not to exceed \$419,172; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served and utilizing the State of California bidding process, the City is complying with the requirements defined under this code for the seven (7) Chevy Tahoes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from the State of California, Department of General Services to Winner Chevrolet, Elk Grove, CA for the purchase of seven (7) Chevy Tahoes for an amount not to exceed \$419,172.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-042**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO CATERPILLAR INC. PEORIA, IL UNDER AUTHORIZED DEALER HOLT OF CALIFORNIA, STOCKTON, CA FOR THE PURCHASE OF ONE (1) TELEHANDLER FORKLIFT VARIABLE REACH FOR AN AMOUNT NOT TO EXCEED \$208,474; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, on January 31, 2019, Sourcewell issued Request for Proposals (RFP) #032119 under Contract #032119-CAT for New and Used Construction and Paving Equipment, Parts and Services and accessories on the Sourcewell Procurement Portal, New York State Contract Reporter website, the State Media Company, Utah Media Group, and PublicPurchase.com; and

WHEREAS, on March 22, 2019, proposals were conducted at the Sourcewell Procurement office in Staples, MN; and

WHEREAS, fifteen (15) proposals were received and based on the Sourcewell Proposal Review Committee and criteria outlined in the RFP, nine (9) contracts were awarded for this commodity which includes the one (1) Telehandler Forklift Variable Reach; and

WHEREAS, based on the responsible and responsive proposer offering the best overall quality, selection of equipment and price, City staff recommends to award to

Caterpillar Inc. Peoria, IL under authorized dealer Holt of California, Stockton, CA to purchase one (1) Telehandler Forklift Variable Reach for an amount not to exceed \$208,474; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served and utilizing the Sourcwell bidding process, the City is complying with the requirements defined under this code for the one (1) Telehandler Forklift Variable Reach.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcwell to Caterpillar Inc. Peoria, IL under authorized dealer Holt of California, Stockton, CA, for the purchase of one (1) Telehandler Forklift Variable Reach for an amount not to exceed \$208,474.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-043**

RESOLUTION APPROVING THE APPLICATION FOR SPECIFIED GRANT FUNDS FROM THE BUDGET ACT OF 2023, 19.561(B)(1) AWESOME SPOT PLAYGROUND AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of a \$400,000 grant to the City of Modesto for The Awesome Spot Playground, setting up necessary procedures governing applications; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant's Governing Body to certify by resolution the approval of project application before submission of said application to the State; and

WHEREAS, the applicant will enter into a contract with the State of California to complete the project.

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

1. Approves the filing of project application for specified grant project; and
2. Certifies that said applicant has or will have available, prior to commencement of project work utilizing specified grant funds, sufficient funds, including those provided by this grant, to complete the project; and
3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide for Local Assistance Specified Grants – Capital Guide; and

4. Delegates the authority to the City Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the project scope(s); and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-044**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 CAPITAL
IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #100984 –
AWESOME SPOT PLAYGROUND IN AN AMOUNT NOT TO EXCEED \$400,000
IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FULLY
FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to increase Project 100984 – Awesome Spot Playground, in a total amount of \$400,000 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project #100984 - Awesome Spot Playground, in an amount not to exceed \$400,000 in transfers, revenue and to budget expenditures to fund the project.

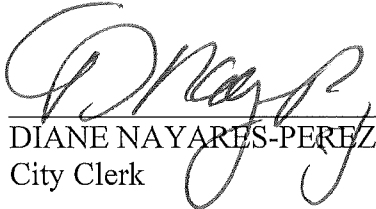
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-045**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH MARK THOMAS AND COMPANY, INC., FOR ADDITIONAL TASKS RELATED TO CONSTRUCTION DOCUMENTATION AND BIDDING & CONSTRUCTION SUPPORT FOR THE VIRGINIA CORRIDOR PHASE 7 PROJECT, INCREASING THE AGREEMENT AMOUNT BY \$70,017, FROM \$576,288 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$646,305 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on June 5, 2018, by Resolution No. 2018-211, Council accepted \$3,193,401 from the California Urban Greening Grant Program to fund construction of the Virginia Corridor Phase 7 Trail; and

WHEREAS, on February 26, 2019, by Resolution No. 2019-80, Council approved an Agreement with Mark Thomas and Company, Inc., for \$523,899 with a 10% contingency of \$52,389, for the preparation of construction documentation for the Virginia Corridor Phase 7 Project, continuing the corridor from Woodrow Avenue to the Hetch-Hetchy right of way at Semallon Drive; and

WHEREAS, due to ongoing delays obtaining a joint-use agreement with the San Francisco Public Utility Commission (SFPUC) which owns the adjacent Hetch-Hetchy corridor, the project has been on hold; and

WHEREAS, in order to proceed immediately and deliver on the project, staff would like to revise the current plans by eliminating the portion of the improvements north of West Union Avenue and Semallon Drive; and

WHEREAS, Phase 7 of the project will be broken into two sub-phases, the first section (from Woodward Avenue to West Union Avenue) will be bid for construction

spring 2024 and the second section (from West Union Avenue to Semallon Drive) will be completed once the agreement with SFPUC is completed; and

WHEREAS, On November 16, 2023, at the City's request, Mark Thomas and Company, Inc. submitted a budget augmentation for additional tasks in excess of the \$576,288 authorized in the Original Agreement; and

WHEREAS, there remains \$22,838 in the original Agreement and the total additional tasks request is \$92,855, therefore the estimated additional tasks result in increased costs totaling \$70,017, as follows:

1. Additional Construction Documentation focused on revising the plans and construction estimate to remove the work north of West Union Avenue.
2. Additional cost for Bidding and Construction Support beyond what was anticipated in the original Agreement.
3. Other Direct Costs.

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Design Services for Capital Projects, a Request for Qualifications and Proposals (RFQ/P) to perform Design was initiated. In accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this Amendment is for Professional Services and, therefore, exempt from the bid requirement. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1.

WHEREAS, staff recommends approval of the Amendment with Mark Thomas and Company, Inc. for Design Services for the Virginia Corridor Phase 7 Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Mark Thomas and Company, Inc., for additional tasks related to construction documentation and bidding & construction support for the Virginia Corridor Phase 7 Project, increasing the agreement amount by \$70,017, from \$576,288 to a new total amount not to exceed \$646,305.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First Amendment to 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 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-046**

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES BUREAU OF RECLAMATION’S WATERSMART – WATER AND ENERGY EFFICIENCY GRANT PROGRAM FOR THE SCADA SYSTEM REPLACEMENT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A GRANT AGREEMENT AND EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the United States Bureau of Reclamation’s WaterSMART Grant Program provides funding opportunities to western states to assist communities and their water utilities on projects that seek to enhance supply sustainability, promote conservation, and manage water resources more efficiently, and

WHEREAS, the WaterSMART Grant Program offers several paths to project funding, and

WHEREAS, on June 6, 2023, by Resolution No. 2023-259, Council awarded a Progressive Design-Build Agreement to TelStar Instruments for the Pre-Construction Phase of the Supervisory Control and Data Acquisition (SCADA) System Replacement Project to preform design development, provide pre-construction services, and prepare, submit and negotiate a commercial proposal for the Design-Build Phase, and

WHEREAS, the maximum amount of the grant is *\$5,000,000, and has a 50% local match requirement, and

WHEREAS, the Utilities Department is seeking approval to submit a grant application in pursuit of funding for the potable water portion of the SCADA System Replacement Project. NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the submission of a grant application to the

United State Bureau of Reclamation’s WaterSMART – Water and Energy Efficiency Grant Program.

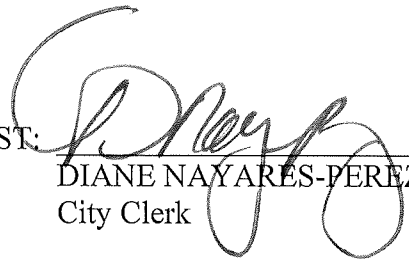
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to enter into a grant Agreement in a form approved by the City Attorney and execute all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

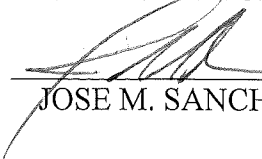
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-047**

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES BUREAU OF RECLAMATION’S WATERSMART – PLANNING AND PROJECT DESIGN GRANT PROGRAM FOR THE SCADA SYSTEM REPLACEMENT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A GRANT AGREEMENT AND EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the United States Bureau of Reclamation’s WaterSMART Grant Program provides funding opportunities to western states to assist communities and their water utilities on projects that seek to enhance supply sustainability, promote conservation, and manage water resources more efficiently, and

WHEREAS, the WaterSMART Grant Program offers several paths to project funding, and

WHEREAS, on June 6, 2023, by Resolution No. 2023-259, Council awarded a Progressive Design-Build Agreement to TelStar Instruments for the Pre-Construction Phase of the Supervisory Control and Data Acquisition (SCADA) System Replacement Project to preform design development, provide pre-construction services, and prepare, submit and negotiate a commercial proposal for the Design-Build Phase, and

WHEREAS, the maximum amount of the grant is *\$400,000, and has a 50% local match requirement, and

WHEREAS, the Utilities Department is seeking approval to submit a grant application in pursuit of funding for the potable water portion of the SCADA System Replacement Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the submission of a grant application to the United State Bureau of Reclamation’s WaterSMART – Planning and Project Design Grant Program.

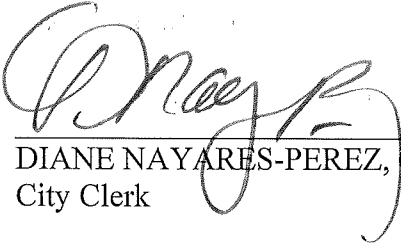
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to enter into a grant Agreement in a form approved by the City Attorney and execute all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-048**

RESOLUTION APPROVING THE SUBMISSION OF A BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) PROGRAM GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO FUND THE FLOOD RISK REDUCTION FEASIBILITY STUDY SCOPING PROJECT, THE SUBMISSION OF A PREPARE CALIFORNIA PROGRAM GRANT APPLICATION TO THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (CAL OES) TO OFFSET THE FEDERAL LOCAL MATCH REQUIREMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO ENTER INTO THE ASSOCIATED GRANT AGREEMENTS AND EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the Utilities Department is actively pursuing State and Federal grants to fund the Flood Risk Reduction Feasibility Study Scoping Project to protect our communities and infrastructure from the existing Tuolumne River flood risks and to mitigate future risks related to climate change, and

WHEREAS, the Federal Emergency Management Agency's (FEMA) Building Resilient Infrastructure and Communities (BRIC) Program supports local communities as they undertake mitigation projects, reducing the risks they face from disasters and natural hazards, and

WHEREAS, in 2022 the Utilities Department submitted a BRIC Direct Technical Assistance (DTA) request form to FEMA to be considered for non-financial support from pre-application activities through the grant closeout process at no cost to the City, and

WHEREAS, staff is currently coordinating with FEMA's BRIC Program DTA consultant on preparing a BRIC Program grant application and per their recommendation a Prepare California Program grant application to be submitted to

the California Office of Emergency Services (Cal OES) to cover the Federal local match funding requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the submission of a Building Resilient Infrastructure and Communities (BRIC) Program grant application to the Federal Emergency Management Agency (FEMA) to fund the Flood Risk Reduction Feasibility Study Scoping Project and the submission of a Prepare California Program grant application to the California Office of Emergency Services (Cal OES) to offset the federal local match requirement.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to enter into a grant Agreement in a form approved by the City Attorney and execute all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-049**

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF \$623,915 TO FUND THE FLOOD RISK REDUCTION FEASIBILITY STUDY SCOPING PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$623,915, in order to fund the Flood Risk Reduction Feasibility Study Scoping Project, and

WHEREAS, the Fiscal Year 2023-24 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of \$623,915.

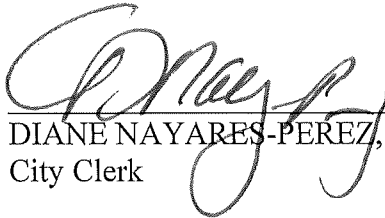
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-050**

**RESOLUTION ACCEPTING THE RESIGNATION OF BABETTE WAGNER
FROM THE LANDMARK PRESERVATION COMMISSION**

WHEREAS, the Landmark Preservation Commission was established to advise City Council on matters related to historic structures and other resources in addition to policies and practices pertaining to preservation of Modesto's landmarks, and

WHEREAS, on January 1, 2024, by Resolution No. 2023-515, Babette Wagner was appointed to serve as a member of the Landmark Preservation Commission, and

WHEREAS, Babette Wagner has tendered her resignation from the Landmark Preservation Commission effective January 22, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Babette Wagner from the Landmark Preservation Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-051**

RESOLUTION APPROVING THE AMENDED BYLAWS FOR THE CITIZENS' SALARY SETTING COMMISSION

WHEREAS, Section 703(b) of the City of Modesto's Charter established the formation of a Citizens' Salary Setting Commission whose function is to recommend the compensation for the Mayor and members of the Council. According to the Charter, the Commission shall meet between March 1st and April 30th of every even-numbered year; and

WHEREAS, pursuant to the City Charter Citizens' Salary Setting Commission shall consist of five qualified electors residing within the City; and

WHEREAS, on March 4, 2008, Council by motion appointed five members to serve on the original Citizens' Salary Setting Commission and approved Bylaws for the Commission. The approved Bylaws also governed future Citizens' Salary Setting Commissions; and

WHEREAS, Section 703(b), (A) of the City's Charter provides that "strong consideration shall be given" to composing the Commission with the following members:

- (i) a retired Stanislaus County judge as chairperson;
- (ii) one member from a bona fide local taxpayer's association with tax exempt status under the relevant provisions of the Internal Revenue Code;
- (iii) one member from a bona fide local nonpartisan political organization, with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, dedicated to encouraging informed and active participation in government;
- (iv) one member from, a former Civil Grand Jury who has served in that role within in the previous five years;
- (v) additional members who have demonstrated civic involvement and a

WHEREAS, the Charter and current Bylaws state that the Chairperson of the Commission is to be a retired Stanislaus County Judge. The Bylaws also contain a separate section indicating that the Council appoints the chair; and

WHEREAS, these two sections can only be consolidated to mean that the Council would appoint the Chair in cases where no retired Stanislaus County Judge is on the Commission; and

WHEREAS, the recruitment for the current Salary Setting Commission did not yield a retired judge applicant and given the absence of this applicant, the Commission is without a Chairperson; and

WHEREAS, this proposed amendment to the Bylaws will give the Commission the authority to elect a Chairperson when a retired judge is not a member, and update the rules of procedures to align with Council procedures; and

WHEREAS, specifically, the amendments will be reflected as follows:

- Addition of language to Section 1 under Article VI to match Charter language
- Addition of Section 2 under Article VI to elect a Chair when no retired Stanislaus County Judge serves as a member of the Commission;
- Additions to Section 7 under Article VI to apply the Secretary to call meetings in the temporary absence of a Chairperson;
- Amendment to Section 1 under Article VIII to update the rules of procedures to align with the City Council rules of procedure.

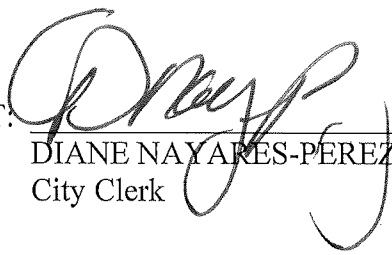
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Bylaws for the Citizens' Salary Setting Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Alarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

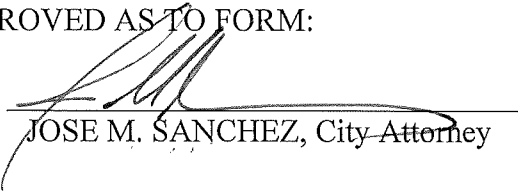
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-052**

RESOLUTION APPROVING AN AGREEMENT WITH THE BASEBALL CLUB OF MODESTO LLC TO LEASE THE JOHN THURMAN FIELD FACILITY THROUGH SEPTEMBER 30, 2024, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO FINALIZE THE LANGUAGE OF THE AGREEMENT PURSUANT TO THE NEGOTIATED TERMS AND EXECUTE THE AGREEMENT

WHEREAS, the City is the owner of the property, stadium, and parking facilities that comprise John Thurman Field; and

WHEREAS, by Resolution No. 2016-503, Council approved a ten (10) year Agreement (“Agreement”) with HWS Baseball IV, LLC, aka The Modesto Nuts Baseball Club, (“Club”) for the use, operation, and management of John Thurman Field; and

WHEREAS, by Resolution No. 2018-451, Council approved the First Amendment to the Agreement to advance one (1) annual deposit to help fund the replacement of a video board and stadium seating as well as various minor changes; and

WHEREAS, by Resolution No. 2020-007, Council approved the Second Amendment to the Agreement with The Baseball Club of Modesto, LLC, as the successor in interest to HWS Baseball IV, LLC, to extend the term through December 31, 2027, waive the 2020 annual license payment, and defer the fiscal year 2020-2021 Capital Improvement Project deposit to Fiscal Year 2025-2026; and

WHEREAS, by Resolution No. 2021-497, Council approved the Third Amendment to the Agreement with the Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2021, to December 31, 2022; and

WHEREAS, by Resolution No.2022-464, Council approved the Fourth Amendment to the Agreement with the Baseball Club of Modesto, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2022 to December 31, 2023; and

WHEREAS, on December 12, 2023, by Resolution No. 2023-544 Council approved the Fifth Amendment to the Agreement which revised the accelerated termination provision's expiration date from December 31, 2023 to February 29, 2024 while authorizing the City Manager or their designee to negotiate and executed the Fifth Amendment; and

WHEREAS, the City initially executed the Fifth Amendment through January 31, 2024 at the request of the Club; and

WHEREAS, under the authority of Resolution No. 2023-544, the City further extended the termination clause of the Agreement fully through February 29, 2024 via a Sixth Amendment; and

WHEREAS, the City and Club have reached agreement on the following key terms for the lease of John Thurman Field for the 2024 season:

- Term: March 1, 2024 through September 30, 2024
- Rent: \$360,000 for the Term of the Lease
- Capital Improvement Costs: The club may withhold up to \$75,000 of the rent for use towards capital improvements at the stadium. Any amount not used towards these improvements will be returned to the City.

- Repairs and Maintenance: The Club will be responsible for all ongoing routine repairs and maintenance expenses. The City will be responsible for repairs necessary to maintain the structural integrity of the facility.
- Facility Study: The Club will commission and pay for a study to identify the necessary capital improvements required for the facility to be used as a minor league baseball stadium in the future.
- Long Term Lease: After the completion of the facility study, the parties may negotiate a long term lease. If a long term lease agreement is not finalized by June 30, 2024, negotiations will end and Club will vacate the property by October 1, 2024, and

WHEREAS, the City and Club are still finalizing all of the details of the new lease agreement, and the City Council desires to authorize the City Manager to finalize those details, subject to the negotiated terms described above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with The Baseball Club of Modesto LLC to lease the John Thurman Field facility through September 30, 2024.

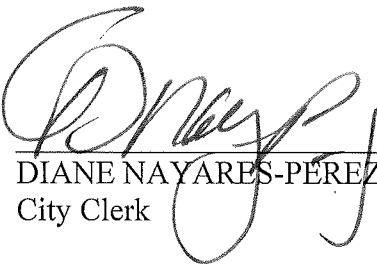
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to finalize the language of the agreement pursuant to the negotiated terms and execute the Agreement, in a form approved by the City Attorney, subject to the terms contained in this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-053**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
INTENDING TO CLARIFY THE TERMS OF THE HOME INVESTMENT
PARTNERSHIPS (HOME) AND REDEVELOPMENT AGENCY OF THE CITY
OF MODESTO (RDA) LOANS FOR THE ASHWOOD VILLAGE APARTMENTS
AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto and Ashwood Village L. P. collaborated on the development of an apartment complex to construct one-hundred-twenty (120) units of affordable rental housing; and

WHEREAS, on May 6, 1997, the City of Modesto authorized a HOME loan to Ashwood Village L. P. in the amount of \$765,000 by Resolution 97-232 to assist with financing costs for the project; and

WHEREAS, on May 6, 1997, the Redevelopment Agency of the City of Modesto authorized a Redevelopment Agency loan to Ashwood Village L. P. in the amount of \$235,000 by Resolution 14-97 to assist with financing costs for the development of the project; and

WHEREAS, on June 29, 2011, the California Legislature adopted Assembly Bill x1 26, which amended provisions of the Redevelopment Law; and

WHEREAS, the Redevelopment Agency of the City of Modesto was dissolved on February 1, 2012, and the housing assets of the Redevelopment Agency, including the Agency promissory note for Ashwood Village L. P., were transferred to the City; and

WHEREAS, the loans are for a term of forty (40) years from the date of the promissory notes and accrue simple interest at the rate of three percent (3%) per year; and

WHEREAS, the promissory notes provide that the loans are repayable by Ashwood in annual principal and interest payments over a period of thirty-eight (38) years, beginning in 1999, with any outstanding principal and interest due at the end of the term of the loans; and

WHEREAS, the promissory notes authorize Ashwood Village L. P. to defer the annual payments until the end of the term of the loans is the cash flow for the development is not reaching certain specified thresholds; and

WHEREAS, the promissory notes are ambiguous whether additional interest accrues on deferred annual payments; and

WHEREAS, the City of Modesto and Ashwood Village Apartments, L. P. agree that the deferred annual payments do not accrue additional interest under the promissory notes and desire to enter into this Memorandum of Understanding to clarify the terms of the promissory notes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding to clarify the terms of the HOME Investment Partnerships (HOME) and Redevelopment Agency of the City of Modesto (RDA) loans for the Ashwood Village Apartments.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorizing 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 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-054**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL
YEAR 2024-25 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 (DRY CREEK
MEADOWS SUBDIVISIONS NOS. 1-6)**

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6; and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and comprised of 749 single-family residential lots and three (3) public agency owned parcels; and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report; and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by this Council as the Engineer of Work for LMAD No. 1 and is hereby directed to prepare

and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-055**

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2024-25 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 (DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 AND 2)

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2; and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly; and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED, that the City Engineer is designated by this City Council as the Engineer of Work for LMAD No. 2 and is hereby directed to

prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-056**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL
YEAR 2024-25 ENGINEER'S ANNUAL REPORT FOR CITY OF MODESTO
SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT**

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering the maintenance and service of six (6) 95-watt and seventy-six (76) 200-watt high-pressure sodium streetlights; and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 494 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north; and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus; and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999; and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by this Council as the “Engineer of Work” for the Shackelford LLD and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-057**

RESOLUTION APPROVING THE AWARD OF PROPOSALS AND AGREEMENTS FOR REAL ESTATE BROKERAGE SERVICES TO CBRE, SACRAMENTO, CA, KOSMONT REAL ESTATE SERVICES DBA KOSMONT REALTY, MANHATTAN BEACH, CA AND PMZ, MODESTO, CA FOR A ONE (1) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS FOR A COMBINED ANNUAL ESTIMATED AMOUNT OF \$300,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED \$900,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto requires services of a licensed real estate broker to evaluate the use, marketability, and valuation, as well as the marketing, sale of designated surplus property; and

WHEREAS, on October 12, 2023, the Purchasing Division issued Request for Proposal (RFP) 2223-60RB for the Real Estate Broker Services on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, an evaluation committee evaluated the proposals and identified the three highest ranked proposals as those submitted by CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposals and Agreements for Real Estate Services to CBRE, Sacramento, CA, Kosmont Real Estate Services dba Kosmont Realty, Manhattan Beach, CA, and PMZ, Modesto, CA for a one (1) year agreement with two (2)

one-year extension options for a combined annual estimated amount of \$300,000 and a total combined amount not to exceed \$900,000 over three years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the Agreements, 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 27th day of February, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-058**

RESOLUTION APPROVING THE AWARD OF PROPOSALS AND AGREEMENTS FOR PUBLIC RELATIONS AND MARKETING SERVICES TO TRIPEPI SMITH, IRVINE, CA, SEROTONIN CREATIVE CONSULTANCY, MODESTO, CA AND 3FOLD COMMUNICATIONS, SACRAMENTO, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS FOR A COMBINED ANNUAL ESTIMATED AMOUNT OF \$280,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED \$1,400,000 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto desires to contract for professional services to expand and enhance its current communication efforts; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, on October 4, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Public Relations and Marketing Services and on October 18, 2023, the Purchasing Division issued Request for Proposal (RFP) 2324-36 for the Public Relations and Marketing Services on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, a committee of City staff evaluated the proposals using uniform criteria and identified the three highest ranked proposals and identified the following three highest ranked firms: Tripepi Smith of Irvine, CA, Serotonin Creative Consultancy of Modesto, CA, and 3fold Communications of Sacramento, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposals and Agreements for Public Relations and Marketing Services to Tripepi Smith, Irvine, CA, Serotonin Creative Consultancy,

Modesto, CA and 3fold Communications, Sacramento, CA for a two (2) year agreement with three (3) one-year extension options for a combined annual estimated amount of \$280,000 and a total combined amount not to exceed \$1,400,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the Agreements, 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 27th day of February, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-059**

**RESOLUTION APPROVING THE AMENDED AND RESTATED
MEMORANDUM OF AGREEMENT FOR THE PRELIMINARY ENGINEERING
INCLUDING FINAL DESIGN PHASE OF THE 7TH STREET BRIDGE
PROJECT WITH STANISLAUS COUNTY, INCREASING THE CITY'S SHARE
BY \$161,732, FOR A NEW TOTAL AMOUNT OF \$865,510, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE
THE AMENDED AND RESTATED MEMORANDUM OF AGREEMENT**

WHEREAS, the Stanislaus County Department of Public Works (County), in cooperation with the City of Modesto (City), the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) have undertaken a project to replace the historic 7th Street Bridge over the Tuolumne River in order to correct structural and hydraulic deficiencies, increase the capacity of the 7th Street corridor, and improve safety for vehicles, bicycles, and pedestrians; and

WHEREAS, the historic 7th Street Bridge over the Tuolumne River was built in 1916 by Stanislaus County and consists of a series of “canticrete” type trusses supported on reinforced concrete piers and abutments all founded on concrete or timber piling; and

WHEREAS, the entire bridge span is approximately 1,170 feet in length and the Average Daily Traffic (ADT) volume is approximately 15,700 vehicles per day; and

WHEREAS, the bridge is the lowest rated bridge within the eight counties in Caltrans District 10 and has a Sufficiency Rating of 2, on a scale of 1 to 100; and

WHEREAS, although the bridge is currently considered structurally sound, there is significant spalling, advanced signs of alkali silica reaction, exposed and deteriorating steel reinforcing and considerable deflection at the cantilevered sections; and

WHEREAS, the bridge is listed as Structurally Deficient and has been weight restricted to four tons gross load since 1979 and restricted from legal truck load weights since 1937; and

WHEREAS, the Project is partially funded with Federal Highway Bridge Program (HBP) funds and will include replacement of the existing bridge, safety improvements for motorists, pedestrians and bicyclists, curb ramps, raised center median/refuge, street lighting, and incidental roadway resurfacing; and

WHEREAS, the Project will also include modifications at the intersections of 7th and B Streets at Tuolumne Boulevard and Crows Landing Road at 7th Street; and

WHEREAS, County and the City entered into a Memorandum of Agreement (MOA) for Preliminary Engineering, which was approved by the governing bodies on March 15 and April 5, 2011, respectively; and

WHEREAS, an Amended and Restated MOA, to add Final Design, was approved by the County and City on July 12, 2022 and August 23, 2022, respectively; and

WHEREAS, the MOA split the local match portion of the Project (11.47%) equally between the County and the City; and

WHEREAS, the purpose of this request is to update the funding support for Final Design activities necessary to generate construction Plans, Specifications, and Estimates (PS&E) so that project can proceed to bid and construction; and

WHEREAS, the result of the amended MOA is that the City is to provide an additional \$161,732 towards the total project funding, representing the City's revised share of the effort necessary to complete the Final Design for the Project; and

WHEREAS, this MOA request also includes funding support for a waterline design requested by the City Utilities Department to be included within the bridge structure; and

WHEREAS, the amount to provide the necessary design for the City's waterline is estimated at \$111,931; and

WHEREAS, all other estimated design costs of this request are intended to be shared equally between the City and County, and

WHEREAS, Staff recommends approving the amended MOA to provide an additional \$161,732 for a total of \$865,510 towards the total project funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Memorandum of Agreement for the Preliminary Engineering including Final Design Phase of the 7th Street Bridge Project with Stanislaus County, increasing the City's share by \$161,732, for a new total amount of \$865,510.

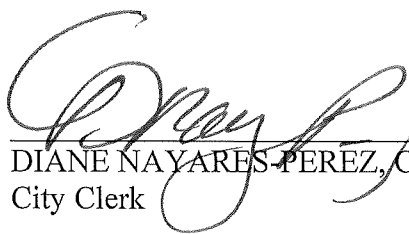
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amended and Restated Memorandum of Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-060**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE FOR TWO (2) ¾ TON REGULAR CAB PICKUP TRUCKS WITH LONG BED TO AMERICAN CHERVOLET, MODESTO, CA FOR AN AMOUNT NOT TO EXCEED \$113,564; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, the City Manager authorized the Purchasing Manager to solicit the procurement for the various pickup trucks for the Public Works Department; and

WHEREAS, on October 19, 2023, the Purchasing Division issued Invitation for Bids (IFB) 2324-26 for two (2) ¾ Ton Regular Cab Pickup Trucks with Long Bed on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, eight (8) companies downloaded the IFB document from PlanetBids.; and

WHEREAS, on November 21, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) bidders chose to respond; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the two (2) ¾ Ton Regular Cab Pickup Trucks with Long Bed to American Chevrolet, Modesto, CA for the total amount not to exceed \$113,564.

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for the two (2) 3/4 Ton Regular Cab Pickup Trucks with Long Bed to American Chevrolet, Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and purchase for two (2) 3/4 Ton Regular Cab Pickup Trucks with Long Bed to American Chevrolet, Modesto, CA for an amount not to exceed \$113,564.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

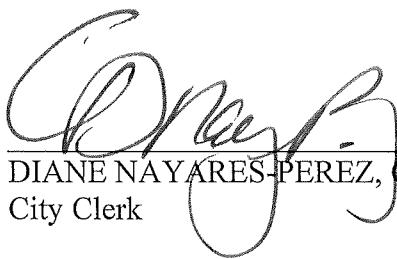
BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-061**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE FOR TWO (2) HALF TON REGULAR CAB PICKUP TRUCKS WITH LONG BED TO TOWNE FORD, REDWOOD CITY, CA FOR AN AMOUNT NOT TO EXCEED \$81,185; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, on August 18, 2022, the City Manager authorized the Purchasing Manager to solicit the procurement for pickup trucks for the Public Works Blight Abatement program; and

WHEREAS, on October 19, 2023, the Purchasing Division issued IFB 2324-28 for two (2) Half Ton Reg Cab Pickup Trucks with Long Bed on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, eight (8) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on November 21, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) bidders chose to respond; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the two (2) Half Ton Reg Cab Pickup Trucks with Long Bed to Towne Ford, Redwood City, CA for the total amount not to exceed \$81,185.

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for two (2) Half Ton Reg Cab Pickup Trucks with Long Bed to Towne Ford, Redwood City, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and purchase for two (2) Half Ton Regular Cab Pickup Trucks with Long Bed to Towne Ford, Redwood City, CA for an amount not to exceed \$81,185.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-062**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE FOR ONE (1) 3/4 TON STANDARD LENGTH 4x2 CARGO VAN TO AMERICAN CHEVROLET, MODESTO, CA FOR AN AMOUNT NOT TO EXCEED \$59,141; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, on August 28, 2019, the City Manager authorized the Purchasing Manager to solicit the procurement for the Cargo Van for the Modesto Police Department; and

WHEREAS, on October 19, 2023, the Purchasing Division issued IFB 2324-25 for one (1) 3/4 Ton Standard Length 4x2 Cargo Van on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, eight (8) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on November 28, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, one (1) bidder chose to respond; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the one (1) 3/4 Ton Standard Length 4x2 Cargo Van to American Chevrolet, Modesto, CA for the total amount not to exceed \$59,141.

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for one (1) 3/4 Ton Standard Length 4x2 Cargo Van to American Chevrolet, Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and purchase for one (1) 3/4 Ton Standard Length 4x2 Cargo Van to American Chevrolet, Modesto, CA for an amount not to exceed \$59,141.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-063**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE FOR ONE (1) ONE TON CREW CAB PICKUP TRUCK SRW 4x4 WITH LONG BED TO AMERICAN CHEVROLET, MODESTO, CA FOR AN AMOUNT NOT TO EXCEED \$60,601; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, on August 31, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for the SWAT pickup truck for the Modesto Police Department; and

WHEREAS, on October 19, 2023, the Purchasing Division issued Invitation for Bids (IFB) 2324-27 for the one (1) One Ton Crew Cab Pickup Truck SRW 4x4 with Long Bed on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, seven (7) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on November 28, 2023, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, one (1) bidder chose to respond; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the one (1) One Ton Crew Cab Pickup Truck SRW 4x4 with

Long Bed to American Chevrolet, Modesto, CA for the total amount not to exceed \$60,601.

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for one (1) One Ton Crew Cab Pickup Truck SRW 4x4 with Long Bed to American Chevrolet, Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and purchase for one (1) One Ton Crew Cab Pickup Truck SRW 4x4 with Long Bed to American Chevrolet, Modesto, CA for an amount not to exceed \$60,601.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-064**

RESOLUTION APPROVING THE AUDITED FINANCIAL STATEMENTS AND VARIOUS AUDIT REPORTS FOR FISCAL YEAR 2022-2023 AUDITED BY EXTERNAL AUDITORS VASQUEZ + COMPANY, LLP. FOR THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR), THIRTEEN (13) COMMUNITY FACILITIES DISTRICTS (CFDS), MEASURE H, AND VARIOUS JOINT POWERS AGENCIES (JPAS)

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

WHEREAS, the accounting firm of Vasquez + Company, LLP., has completed their audit of the City's financial statements for the fiscal year ended June 30, 2023, and has provided its opinion on these financial statements based on that audit, and

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

WHEREAS, by the Council of the City of Modesto it hereby accepts the Fiscal Year 2022-2023 annual audit reports for the City of Modesto, Community Facilities Districts, Measure H, and various Joint Powers Agencies, as listed in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2022-2023 annual audit reports for the City of

Modesto and other Joint Power Agencies, as listed in **Exhibit A**, which is incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-064**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2022-2023 ANNUAL AUDIT
REPORTS**

EXHIBIT A

City of Modesto:

1. Annual Comprehensive Financial Report FY 2022-2023
2. GANN Limit Report FY 2022-2023
3. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
4. Community Facilities District Number 2000-2 (Coffee-Claratina)
5. Community Facilities District Number 1998-1 (Enterprise Business Park)
6. Community Facilities District Number 2003-1 (Fairview Village)
7. Community Facilities District Number 2007-2 (Kiernan Business Park West)
8. Community Facilities District Number 1997-1 (North Beyer Park)
9. Community Facilities District Number 2002-1 (Northpointe)
10. Community Facilities District Number 2004-1 (Village One #2)
11. Community Facilities District Number 1996-1 (Village One)
12. Community Facilities District Number 2016-2 (Kiernan Business Park East #2)
13. Community Facilities District Number 2007-1 (North Beyer #2)
14. Community Facilities District Number 2016-2 (The Vintage)
15. Community Facilities District Number 2021-1 (Woodglen)
16. Measure H 2022-2023

Other Agencies:

17. Abandoned Vehicle Abatement (AVA)
18. Modesto-Ceres Fire Protection Agency Financial Statements
19. Tuolumne River Regional Park (TRRP)
20. Transportation Development Agency (TDA)

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-065**

**RESOLUTION APPROVING THE FISCAL YEAR 2022-2023 SINGLE AUDIT
REPORT FOR THE CITY OF MODESTO FROM EXTERNAL AUDITORS
VASQUEZ + COMPANY, LLP**

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

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

WHEREAS, as part of the City's Fiscal Year 2022-2023 Single Audit report, no findings were reported.

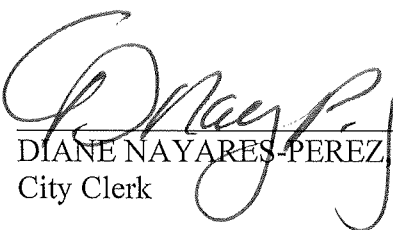
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2022-2023 Single Audit report for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-066**

**RESOLUTION APPROVING THE FISCAL YEAR 2022-2023 AUDITOR'S
REPORT ON COMPLIANCE OF THE MEASURE L: LOCAL ROADS FIRST
TRANSPORTATION FUNDING MEASURE**

WHEREAS, in November of 2016 the voters of Stanislaus County approved the county wide, 25-year, half-cent sales tax increase for the Local Roads First Transportation Funding Measure, known as Measure L. As part of the safe guards built into the expenditure plan an annual independent audit and annual reporting must be completed, and

WHEREAS, on December 12, 2017, per resolution 2017-505, Council approved the Measure L master funding agreement with the Stanislaus Council of Governments (StanCOG) which requires an annual independent audit of all of recipients Measure L accounts which audit shall be conducted at recipient's sole cost and expense, and

WHEREAS, for the audit related to FY 2022-2023 the City received information from StanCOG that they would be continuing to conduct the annual audit and that it would be at the expense of StanCOG as part of the 1% allowable administrative expenses within the Measure L ordinance; and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc., was selected by StanCOG to conduct the Fiscal Year 2022-2023 audit report, and

WHEREAS, as part of the City's Fiscal Year 2022-2023 Measure L Program Audit, the accounting firm verified the revenues and expenditures, fund balances, and that the Maintenance of Effort requirement was met, and

WHEREAS, Hudson Henderson & Company, Inc. issued the final independent auditor's report of the Measure L program for the fiscal year ending on June 30, 2023. In

addition, the firm issued a letter to the Policy Board of Stanislaus Council of Governments with the final report. Both the final report and the letter to StanCOG did not have any findings for the year ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2022-2023 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-067**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH RESEARCH TRIANGLE INSTITUTE FOR GRANT EVALUATION, RESEARCH AND REPORTING SERVICES BY INCREASING THE AGREEMENT BY \$253,884 FROM \$154,955 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$408,839 AND EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 12, 2025, TO JUNE 12, 2027; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, December 13, 2022, Research Triangle Institute (RTI), entered into an agreement with the City of Modesto to perform grant evaluation, research and reporting services related to the Board of State and Community Corrections (BSCC) California Violence Intervention and Prevention Grant Program (CalVIP) for an amount not to exceed \$154,884; and

WHEREAS, since that time, the Modesto Police Department (MPD), has applied for and been awarded another grant from the Board of State and Community Corrections for the Organized Retail Theft (ORT) Prevention Grant, and

WHEREAS, the grant funding specifies the need for local evaluation to be completed for reporting to BSCC the progress and impact of the grant funding; and

WHEREAS, the local evaluator is required to evaluate the specific BSCC guidelines, to ensure objectives and deliverables are met, and to make a clear, logical, project process evaluation report; and

WHEREAS, RTI is an independent, nonprofit research institute with a proven ability to perform the BSCC required services; and

WHEREAS, the scope of work required for the BSCC ORT Grant for the data collection and evaluation requirement is similar in scope to that of the work RTI is already conducting for the BSCC CalVIP Grant; and

WHEREAS, the Modesto Police Department seeks approval to increase the funds available on the agreement by \$253,884 and extend the term of the agreement to June 12, 2027; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.” Amending the existing agreement with RTI for Grant Evaluation, Research and Reporting Services qualifies for this exemption as RTI is already performing these services for the CalVIP grant which is a BSCC grant and expanding the scope to include the ORT grant which is also a BSCC grant will help the Police Department avoid delays related to the reporting and evaluation requirements of both grants and increase efficiency as the evaluation needs for both grants are similar in nature and format.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the agreement with Research Triangle Institute for Grant Evaluation, Research and Reporting Services by increasing the agreement by \$253,884 from \$154,955 to a new total amount not to exceed \$408,839 and extending the term of the agreement from December 12, 2025, to June 12, 2027.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-068**

**RESOLUTION APPROVING THE THIRD AMENDMENT WITH
PERFECTMIND FOR THE USE AND MAINTENANCE OF THE RECREATION
AND FACILITY MANAGEMENT SOFTWARE TO A REVISED TOTAL
AMOUNT OF \$205,560* AND EXTENDING THE TERM OF THE AGREEMENT
FROM JANUARY 26, 2024, TO JANUARY 26, 2029; AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City of Modesto’s Parks, Recreation and Neighborhoods Department (PRND) offers a wide variety of recreational programming and use of its parks and facilities to the community through recreation and facility management software; and

WHEREAS, in 2017, by Resolution No. 2017-243, Council approved and awarded the Recreation and Facility Management Software agreement to PerfectMind; and

WHEREAS, in 2018, the City Manager approved the first amendment to the PerfectMind Agreement extending the term an additional 6 months to January 26, 2023, and reducing the overall cost to \$96,210; and

WHEREAS, in 2022, by Resolution No. 2022-256, Council approved the payment of hardware and software maintenance support agreements for fiscal year 2022-2023, authorizing the City Manager to approve the second amendment to the PerfectMind Agreement extending the term one additional year to January 26, 2024, and increasing the agreement amount \$16,550 with an updated overall cost of \$112,760; and

WHEREAS, staff reviewed the efficiency and interface of the PerfectMind system and have determined that it meets the department needs for park, recreation and facility administrative services, course development services, and instructional, training,

*Clerical Error

and troubleshooting support; and

WHEREAS, this third amendment will extend the term of the agreement for two years, with three one-year options for extension, bringing the total agreement cost to \$205,560.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment with PerfectMind for the use and maintenance of the recreation and facility management software to a revised total amount of \$205,560 and extending the term of the Agreement from January 26, 2024, to January 26, 2029.

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.

*Clerical Error


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-069**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE GRACEADA PARK POOL FENCING REPLACEMENT PROJECT AND AWARDING A CONSTRUCTION CONTRACT TO JOE'S LANDSCAPING AND CONCRETE, INC., OF NEWMAN, CA, IN THE AMOUNT OF \$152,719, PLUS \$15,272, IN CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$167,991 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, at its peak, the City had more than twenty-two community pools distributed within the City's park system; and

WHEREAS, the Graceada Park pool was first constructed in 1969; and

WHEREAS The Graceada Park pool is the last remaining City owned and operated pool; and

WHEREAS, a community-driven service group reconstructed the pool and pumping system in 2018 but due to insufficient funds at the time, the fencing was unable to be replaced; and

WHEREAS, in 2019, the Graceada Park pool perimeter fencing was evaluated, and it was determined the fencing material had exceeded its life span and has deteriorated beyond repair; and

WHEREAS, the project was advertised for bids on December 14, 2023; and

WHEREAS, bids were publicly opened on January 30, 2024, pursuant to City Charter Section 1307, and four bids were received; and

WHEREAS, Joe's Landscape and Concrete, Inc., of Newman, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual

services to be formally bid; and

WHEREAS, the award of contract for the construction of the Graceada Park Pool Fencing Replacement Project, to Joe's Landscaping and Concrete, Inc., of Newman, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the contract to Joe's Landscaping and Concrete, Inc., of Newman, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications Graceada Park Pool Fencing Replacement Project and awards a construction contract to Joe's Landscaping and Concrete, Inc., of Newman, CA in the amount of \$152,719 plus \$15,272 in contingency (if needed), for a total amount not to exceed \$167,991.

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 27th day of February, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-070**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL
IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101428
(GRACEADA PARK FENCE) IN AN AMOUNT NOT TO EXCEED \$89,407 IN
TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE
PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, General Fund – Parks Operation salary savings of \$50,000 must be allocated to fund a portion of the project; and

WHEREAS, Parks Fund funding of \$39,407 must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to increase Project 101428 – Graceada Park Fence in a total amount of \$89,407 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project 101428 (Graceada Park Fence) in an amount not to exceed \$89,407 in transfers, revenue and to budget expenditures to fund the project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-071**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESSES OF NATIONAL PURCHASING PARTNERS (NPP), LEAGUE OF OREGON CITIES, WITH ROSS RECREATIONAL EQUIPMENT COMPANY, INC. AND SOURCEWELL (FORMERLY NATIONAL JOINT POWERS ALLIANCE) WHO COMPLETED THE BID AND THE STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) WITH MIRACLE RECREATION – PLAYPOWER, INC. FOR THE PURCHASE AND DELIVERY OF PLAYGROUND EQUIPMENT FOR LAKEWOOD PARK, RIVERSIDE PARK, MILDRED PERKINS PARK, ORCHARD PARK, AQUEDUCT PARK, AND CITY GATE CHILDREN’S PARK, FOR A TOTAL AMOUNT NOT TO EXCEED \$959,394, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, with an estimated \$70+ million in deferred maintenance in our park system, many park amenities are severely in need of replacement; and

WHEREAS, Parks, Recreation and Neighborhoods staff established a plan to systematically address the deferred maintenance; and

WHEREAS, in June 2023, Council approved the FY 2023-2024 budget, which included \$6,100,000 of Measure H funding for deferred park maintenance; and

WHEREAS, as part of the deferred park maintenance allocation, \$2,520,000, is budgeted for the replacement of playground structures at eight (8) City parks; and

WHEREAS, staff sought public input on the design of the renovations of six parks; and

WHEREAS, on November 17, 2023, via the City website, voting for the preferred design of four playgrounds located at Lakewood Park, Riverside Park, Mildred Perkins Park, and Orchard Park was opened; and

WHEREAS, the public was able to vote on a new design for each of the playgrounds with voting lasting until December 8, 2023, and a total of 1,290 votes were received for this first round of voting; and

WHEREAS, on January 5, 2024, via the City website, voting for the preferred design of two playgrounds located at Aqueduct Park and City Gate Children's Park was opened; and

WHEREAS, the public was able to vote on a new design for each of the playgrounds with voting lasting until January 19, 2024, and a total of 193 votes were received; and

WHEREAS, on October 14, 2020, NPP issued Request for Proposals (RFP) # 2060 for Park, Playground and Recreation Equipment advertised in the USA Today, The Oregon Daily Journal, the City of Oregon website, Find RFP website and NPP website; and

WHEREAS, on January 15, 2021, ten (10) proposals were received, and eight (8) contracts were awarded for the Park, Playground and Recreation Equipment; and

WHEREAS, Ross Recreational Equipment Company, Inc. (Ross Recreation) was awarded contract #PS21070 effective March 22, 2021 through March 22, 2027 and through this contract, Ross Recreation provided quotes for the purchase of playground equipment for Lakewood Park, Riverside Park, and City Gate Children's Park in the amount of \$413,848; and

WHEREAS, due to fluctuating material cost and potential minor design adjustments, staff recommends Council approve a 10% contingency budget in the amount

of \$41,385 for a total cost not to exceed \$455,233, for Lakewood Park, Riverside Park and City Gate Children's Park; and

WHEREAS, on November 10, 2020, Sourcewell issued Request for Proposals (RFP) #010521 for playground and water play equipment with related accessories and services advertised on the Sourcewell website, USA Today, The Oregon Daily Journal, The Public Group, The state media company, The New York state contract reporter, Alberta Purchasing Connection, and The Salt Lake Tribune; and

WHEREAS, on January 5, 2021, proposals were electronically opened, and the list of all Proposers was made publicly available in the Sourcewell Procurement Portal; and

WHERRAS, twenty-five (25) proposals were received and based on the Sourcewell Proposal review committee and criteria outlined in the RFP, six (6) contracts were awarded; and

WHEREAS, Miracle Recreation – PlayPower, Inc. (Miracle) was awarded contract #010521-LTS effective February 15, 2021, through February 17, 2025 and through this contract, Miracle provided quotes for the purchase of playground equipment for Mildred Perkins Park, Orchard Park and Aqueduct Park in the amount of \$458,328; and

WHEREAS, due to fluctuating material cost and potential minor design adjustments, staff recommends Council approve a 10% contingency budget in the amount of \$45,833 for a total cost not to exceed \$504,161, for Mildred Perkins Park, Orchard Park and Aqueduct Park; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 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) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served and both requirements were met based on the Competitive Bidding Process selected by NPP and Sourcewell.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Competitive Bidding Processes of National Purchasing Partners (NPP), League of Oregon Cities, with Ross Recreational Equipment Company, Inc., and Sourcewell (formerly National Joint Powers Alliance) who completed the bid and the State of California Multiple Award Schedule (CMAS) with Miracle Recreation – PlayPower, Inc. for the Purchase and Delivery of playground equipment for Lakewood Park, Riverside Park, Mildred Perkins Park, Orchard Park, Aqueduct Park, and City Gate Children’s Park, for a total amount not to exceed \$959,394.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: Ricci

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-072**

RESOLUTION ACCEPTING A GRANT AWARD IN THE AMOUNT OF \$250,000 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), AMENDING THE ANNUAL BUDGET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL MASTER AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENT AND/OR FUND TRANSFER AGREEMENTS, AND ANY AMENDMENTS THERETO WITH CALTRANS

WHEREAS, the City of Modesto (City) Solid Waste Division is funded by solid waste rates collected from residential, commercial, and industrial accounts; and

WHEREAS, in accordance with Administrative Directive (AD) 7.2: Grant Management, staff aggressively pursues grants that are consistent with City Strategic Commitments and that fund projects that the City might not otherwise be able to afford; and

WHEREAS, currently, grant funds support programs for household hazardous waste disposal, tire recycling, motor oil and filter recycling, recent state regulations, local blight abatement programs, and community outreach; and

WHEREAS, the City is eligible to receive Federal and/or State funding for certain Transportation Projects through the California Department of Transportation (Caltrans); and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund transfer Agreements must be executed with Caltrans before such funds can be claimed; and

WHEREAS, the City wishes to delegate the authority to execute these agreements and any amendments hereto to the City Manager.

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

that it hereby accepts the grant award in the amount of \$250,000 from the California Department of Transportation and authorizes the amendment of the annual budget.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute all Master Agreements, Program, Supplemental Agreements, Fund Exchange Agreement and/or Fund Transfer Agreements, and any amendments thereto with the California Department of Transportation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

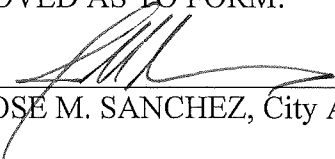
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-073**

RESOLUTION APPROVING THE EXTENSION OF PILOT AGREEMENT FOR THE MULTIFAMILY DWELLING BULKY ITEM PICK UP PROGRAM FOR AN ADDITIONAL THIRTY-THREE MONTHS, WITH A PILOT EXPIRATION DATE OF DECEMBER 31, 2026

WHEREAS, in 2019, the City of Modesto conducted citywide community surveys that identified blight as one of the most pressing issues for residents; and

WHEREAS, in 2020, the Council adopted the 2020-2025 Blight Abatement Strategy, developed through collaboration with community members, local partnerships, other agencies, and internal City departments to outline initiatives for blight abatement on public and private property, encourage public and private partnerships, and support further action to minimize and mitigate blight; and

WHEREAS, on July 12, 2022, by Resolution 2022-327, Council approved the development and implementation of a Bulky Item Pick Up Program to serve multifamily dwellings under an allocation from the America Rescue Plan Act; and

WHEREAS, on January 24, 2023, by Resolution 2023-42, Council approved the Multifamily Dwelling Bulky Item Pick Up Program as a pilot for a term of one year; and

WHEREAS, the first phase of the pilot program (March 1, 2023 to September 30, 2023) allowed the accountholder to schedule appointments. Tenants could contact their property owners or property managers to request an appointment, but only the account holder could contact solid waste haulers to set appointments. During this phase, the City received 20 appointments; and

WHEREAS, the second phase of the pilot program (October 1, 2023 to March 1,

2024) allows tenants to contact their haulers directly to set an appointment for bulky item pick up. For the first three months of the second phase from October to December 2023, the City received 30 appointments; and

WHEREAS, the second phase of the program is more popular than the first phase, thus staff is requesting to extend the second phase of the pilot until December 31, 2026 to collect more data and further develop the program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves extension of Pilot Agreement for the Multifamily Dwelling Bulky Item Pick Up Program for an additional thirty-three months, with a pilot expiration date of December 31, 2026.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-074**

RESOLUTION APPROVING THE SUBMITTAL OF APPLICATION(S) TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) FOR WASTE TIRE ENFORCEMENT GRANTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN GRANT APPLICATIONS AND RELATED FORMS

WHEREAS, the California Department of Resources Recycling and Recovery's (CalRecycle) Waste Tire Enforcement Grant Program provides funds to eligible entities to inspect tire facilities and waste tire haulers to ensure that they are following the state regulations by sorting and disposing of waste tires properly and to investigate illegally dumped tires to determine responsible parties and/or to list for removal; and

WHEREAS, the State of California collects fees to fund cities and counties for selected solid waste and recycling programs, and CalRecycle is responsible for the administration of the Waste Tire Enforcement Grant; and

WHEREAS, in the previous ten years, the City received over \$300,000 in funding from CalRecycle waste tire program grants, which allowed the City to recycle illegally dumped tires for free, remove tires dumped in public spaces, and enforce state regulations on tire stockpiles and disposal; and

WHEREAS, CalRecycle grant application procedures require an applicant's governing body to declare by resolution, valid for five (5) years, certain authorizations related to administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of application(s) to the California Department of Resources Recycling and Recovery (CalRecycle) for Waste Tire Enforcement Grants.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is

authorized to sign grant applications and related forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-075**

RESOLUTION APPROVING THE AGREEMENT WITH LARRY WALKER ASSOCIATES, DAVIS, CA, FOR RECYCLED WATER QUALITY STUDIES IN THE AMOUNT OF \$744,845, PLUS \$74,485 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$819,330, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 27, 2023, by Resolution 2023-306, Council approved a Memorandum of Understanding (MOU) for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District to comply with State Permit requirements, and

WHEREAS, the Parties have agreed to an even share of the resulting costs for the studies, with each cost-sharing obligation broken down to a third, and

WHEREAS, on November 13, 2023, a Request for Proposals with a specific scope of work was issued to five (5) engineering consulting firms, and

WHEREAS, staff received and distributed two (2) proposals to a selection committee consisting of members from the City of Modesto, City of Turlock, and Del Puerto, and

WHEREAS, the selection committee evaluated the proposals and determined Larry Walker Associates to be the most qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) agreements for professional services are exempt from formal bidding as long as competitive quotations or proposals have been sought informally from at least three qualified entities, and

WHEREAS, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 that complied with the requirements of Modesto Municipal Code 8-3.204(a), and

WHEREAS, final City expenditures will be one-third of the total cost not to exceed \$819,330, upon receiving reimbursement per the conditions outlined in the MOU for a Mutual Pay Agreement for the Far-Field Dilution and Constituents of Emerging Concern Studies between the City of Modesto, the City of Turlock and the Del Puerto Water District, and

WHEREAS, staff recommends approval of an Agreement with Larry Walker Associates, Davis, CA, for Recycled Water Quality Studies.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Larry Walker Associates, Davis, CA, for Recycled Water Quality Studies, in the amount of \$744,845 plus \$74,485, in additional services (if needed), for a total amount not to exceed \$819,330 for Far-Field Dilution and Constituents of Emerging Concern Studies.

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 27th day of February, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST.



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-076**

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 NON-CAPITAL IMPROVEMENTS PROGRAM BUDGET TO INCREASE PROJECT #101473 – FAR-FIELD DILUTION AND CEC STUDIES BY \$119,330, FROM \$700,000, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED \$819,330 IN TRANSFERS, REVENUE, AND DISCRETIONARY EXPENDITURES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Fiscal Year 2023-2024 Non-Capital Improvement Budget must be amended to increase Project 101473 – Far-Field Dilutions and Constituents of Emerging Concerns Studies, in a total amount of \$119,330 to establish transfers, recognize revenue, and increase discretionary expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended to increase Project 101473 – Far-Field Dilutions and Constituents of Emerging Concerns Studies, in a total amount of \$119,330 to establish transfers, recognize revenue, and increase discretionary expenditures.

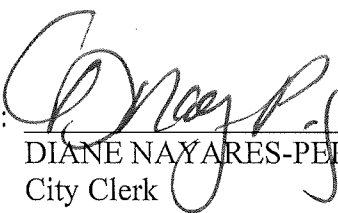
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

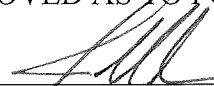
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-077**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DON PEDRO PUMP, HUGHSON, CA FOR PUMP STATION REJUVENATION SERVICES BY \$1,624,350 FROM \$1,974,350 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$3,598,700 OVER THE TERM OF THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City owns and operates 91 water well sites, which have a production (pumping) capacity of 156 million gallons of water per day. This system provides water to approximately 76,000 connections and serves over 280,000 customers, and

WHEREAS, the City also owns and operates 66 storm and sewer lift stations, pumping average dry weather flows of 27 million gallons per day, and over 100 million gallons per day during peak wet weather flows, and

WHEREAS, Water well sites, storm/sewer lift stations, and pumping facilities require periodic rejuvenation, including repair and replacement of equipment. If not properly maintained, reduced reliability of these facilities could affect the delivery of water to City customers, water pressures for fire suppression and the necessary transfer of storm and sewer flows, and

WHEREAS, failure of any of these facilities could impact the health and safety of our customers and result in significant regulatory fines and penalties, and

WHEREAS, on April 11, 2017, by Resolution No. 2017-138, Council authorized the award of bid for the furnishing of pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as “Primary” Contractor, and Howk Systems, Modesto, CA, as “Secondary” Contractor, for a two year agreement with three one-year extension options

at the sole discretion of the City, for an estimated annual cost of \$600,000, and \$3,000,000 over five years; and

WHEREAS, on December 14, 2021, by Resolution No. 2021-492, Council authorized the extension of termination dates of four purchasing agreements as defined under Attachment A, approving termination dates for the services stated herein; and

WHEREAS, on September 13, 2022, by Resolution No. 2022-388, Council authorized the award of bid for the furnishing of pump station rejuvenation services to Don Pedro Pump, Hughson, CA for a two-year agreement with three one-year extension options for an estimated amount of \$350,000 and \$1,974,350 over five years; and

WHEREAS, a First Amendment to the Don Pedro Pump Agreement is due to an increase in needed repairs and maintenance at various tank, pump station and well sites throughout our system, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional or similar good or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services. This Amendment qualifies for the exception for these reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement for pump station rejuvenation services to increase the amount by \$1,624,350 from \$1,974,350 to a revised

total amount not to exceed \$3,598,700 over the term of the agreement with Don Pedro Pump, Hughson, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, are hereby authorized to execute the first 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 27th day of February, 2024, by Mayor Zwahlen, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-078**

RESOLUTION APPROVING THE DEPARTMENT OF TRANSPORTATION (CALTRANS) CLEAN CALIFORNIA LOCAL GRANT PROGRAM CYCLE 2 GRANT IN THE AMOUNT OF \$3,129,000 FOR THE DOWNTOWN REVITALIZATION PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT ACCEPTANCE

WHEREAS, in 2019, the City of Modesto conducted citywide community surveys which identified blights as one of the most pressing issues for residents. On December 10, 2019, Council approved by Resolution 2019-555 the 2020-2025 Blight Abatement Strategy, developed through collaborations with community members, local partnerships, other agencies, and internal City departments; and

WHEREAS, the California Department of Transportation offered the Clean California Local Grant Program Cycle 2 Grant which is a competitive statewide fund created to enhance communities and improve spaces for public use, including beautification and cleaning of local streets, roads, tribal lands, parks, pathways, transit centers and other public spaces; and

WHEREAS, on February 14, 2023, by Resolution No. 2023-058, Council authorized the submittal of application(s) to the Department of Transportation (CalTrans) Clean California Local Grant Program; and

WHEREAS, the City of Modesto applied for the Program Cycle 2 grant with a project titled Downtown Revitalization that addresses blight concerns and revitalization efforts in Downtown Modesto; and

WHEREAS, on November 07, 2023, the City of Modesto was notified by CalTrans of being selected as a Cycle 2 awardee for the Program with a total award

amount of \$3,129,000 in grant funds with no local match requirements; and

WHEREAS, the City Council of the City of Modesto is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation; and

WHEREAS, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be claimed through the Clean California Local Grant Program; and

WHEREAS, the City of Modesto wishes to delegate authorization to execute these agreements and any amendments thereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby accepts the California Department of Transportation offered the Clean California Local Grant Program Cycle 2 Grant in the amount of \$3,129,000 in grant funds with no local match.


BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute and submit all documents which may be necessary for the completion of the grant acceptance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-079**

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE TOTAL OF \$3,129,000 RELATED TO THE DEPARTMENT OF TRANSPORTATION (CALTRANS) CLEAN CALIFORNIA LOCAL GRANT PROGRAM CYCLE 2 GRANT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENT

WHEREAS, on November 07, 2023, the City of Modesto was notified by CalTrans of being selected as a Cycle 2 awardee for the Program with a total award amount of \$3,129,000 in grant funds with no local match requirements; and

WHEREAS, certain budgetary adjustments are necessary to account for the programming of revenues and expenses related to the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the amendment of the Fiscal Year 2023-2024 Multi-Year Operating Budget to appropriate revenue and expenses in the total of \$3,129,000 for the Department of Transportation (CalTrans) Clean California Local Grant Program Cycle 2 Grant.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-080**

**RESOLUTION ACCEPTING THE RESIGNATION OF MICHELLE BUER
FROM THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE**

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

WHEREAS, on December 7, 2021, by Resolution No. 2021-455, Council appointed Michelle Buer as a Member-At-Large to the City of Modesto Golf Courses Advisory Committee; and

WHEREAS, Michelle Buer has resigned from the Golf Courses Advisory Committee effective January 18, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Michelle Buer from the City of Modesto Golf Courses Advisory Committee.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-081**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND
AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY
STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

PARKS, RECREATION, AND NEIGHBORHOODS

- A budget adjustment is necessary in the amount of \$3,620,125 in the Golf Fund (4600) to increase the revenue and expenses budget for Project 101294– Dryden Clubhouse Rehabilitation. The adjustment is recognizing the additional revenue received for insurance proceeds and allocating the revenue to the project discretionary expenditure budget.

UTILITIES

- A budget adjustment is necessary in the amount of \$2,500,000 in the Water Fund – CIP Projects (4180) to increase the expenses budget for Project 101390 – Water Register Replacement for anticipated orders in the fiscal year related to water registers, covers, and lids. The project discretionary expenditure budget needs to be increased and the increase will be covered by the Water Fund reserves.
- A budget adjustment is necessary in the amount of \$1,317,018 in the Water Fund (4100) Utility Assistance Program Cost Center (12475) to account for the Utility Billing Assistance Program discount increase from \$35 a month to \$45 a month. The increase will also account for the two new discount programs for Autopay and Paperless Billing Enrollment. The total expense budget is being increased by \$1,317,018 and revenue budget is being increase by \$171,577 resulting in a net budget increase of \$1,145,441. The increase in the program and discount programs were approved by Council on June 27, 2023, per resolution 2023-318 and this adjustment is updating the budget to match the approved increase. The discount programs are funded by revenues collected for miscellaneous delinquent fees and penalties.

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of \$218,286 is necessary in the American Rescue Grant Fund 1390 to decrease the budget in Project 101401 – CMO – American Rescue Plan Act of 2021 \$10M Standard Allowance Project and increase the budget in Project 101406 – CED – ARPA 2021 Revolving Loan Fund for Downtown Development – EC 2.29. The adjustment will combine the ARPA allocations towards the support and creation of an EIFD into a single project for tracking and obligation purposes.
- A budget adjustment in the amount of \$1,200,000 is necessary in the American Rescue Grant Fund 1390 to decrease the budget in Project 101401 – CMO – American Rescue Plan Act of 2021 \$10M Standard Allowance Project and increase the budget in Project 101525 – CED – ARPA DOMO Beautification. The adjustment will adjust Modesto Forward ARPA allocations for beautification projects to an established CED project for tracking and reporting purposes.

POLICE DEPARTMENT

- A budget adjustment in the amount of \$144,951 is needed in the Police - Grants Fund (1342) for Project 101574 - 2023-2024 Edward Byrne Memorial Justice Assistance Grant (BJAG) to recognize the annual revenue received from the Department of Justice as a passthrough from Stanislaus County and allocate to the project discretionary expense budget.

PUBLIC WORKS

- A budget adjustment in the amount of \$133,038 is necessary in the American Rescue Grant Fund 1390 to reallocate funds from cost center 56018 to project 101566 PW – ARPA Blight Abatement.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-082**

RESOLUTION APPROVING THE PURCHASING AGREEMENTS FOR THE PURCHASE OF OFFICE SUPPLIES AND FURNITURE TO OFFICE DEPOT, BOCA RATON, FL BY UTILIZING THE COMPETITIVE BIDDING PROCESS FROM OMNIA PARTNERS, STAPLES CONTRACT AND COMMERCIAL INC. BOSTON, MA BY UTILIZING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL AND WITH EPIC BUSINESS ESSENTIALS, ROSEMONT, IL UNDER THE AUTHORIZED RESELLER WARDEN'S OFFICE, MODESTO, CA BY UTILIZING THE COMPETITIVE BIDDING PROCESS FROM OMNIA PARTNERS FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR A COMBINED ANNUAL ESTIMATED AMOUNT OF \$400,000 AND A TOTAL AMOUNT NOT TO EXCEED \$2,000,000 OVER FIVE YEARS; AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO ADJUST THE FINANCIAL AMOUNTS BETWEEN THE THREE PROVIDERS WITHOUT EXCEEDING THE OVERALL AMOUNT OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, all City departments require the procuring of various office supplies to organize and manage their administrative functions for their departments; and

WHEREAS, to evaluate potential monetary savings and increase operational efficiencies, the City has maximized on the use of local office supply vendors which provide easy online ordering portals, free shipping, and approval workflows to provide oversight on spending activity; and

WHEREAS, prices listed by the various office supply companies are based on contract pricing derived from cooperative procurement contracts and competitively awarded contracts; and

WHEREAS, on June 11, 2019, under Resolution 2019-262, Council approved the purchase agreements with Staples, Office Depot and Warden's utilizing the competitively bid process with National Intergovernmental Purchasing Alliance and OMNIA Partners

for a two-year agreement 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

WHEREAS, on July 13, 2021, under Resolution 2021-278, Council approved an amendment to the purchasing agreements with Staples, Office Depot, and Warden's to increase the annual estimated amount from \$250,000 to \$300,000 and a total revised combined amount of \$1,250,000 to \$1,400,000; and

WHEREAS, on October 27, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for office supplies and furniture; and

WHEREAS, on November 17, 2021, OMNIA partners (cooperative agency) issued ITN-2022-00057 under PUR-05407 for office supplies and products which was advertised through the Arizona Business, State of Washington King County, DJC Oregon, the Herald News, Oahu Publications, State of Nevada County of Clark, Capital City Press State of Louisiana, Times Union, Albany NY, and several other local newspapers across the United States; and

WHEREAS, on January 10, 2022, bid proposals were opened electronically through the Florida International University online bidding system and Four (4) proposals were received and based on the criteria outlined in the Request for Proposal (RFP), three (3) contracts were awarded for this commodity which included Office Depot; and

WHEREAS, based on the responsive and responsible proposer offering the highest scoring based on pricing, quality of product line, rebate programs, references, financial stability and qualifications, City staff recommends to award to Office Depot to purchase office supplies for a (2) two-year agreement with (3) three one-year extension options; and

WHEREAS, on December 6, 2019, Sourcewell (cooperative agency) issued RFP #012320 for office supplies and products which was advertised through Oregon Daily Journal of Commerce and the Sourcewell Procurement public portal; and

WHEREAS, on January 23, 2020, bid proposals were opened electronically through Sourcewell Procurement portal and Six (6) proposals were received and based on the criteria outlined in the RFP, one (1) contract was awarded for this commodity which was Staples Contract and Commercial Inc; and

WHEREAS, based on the responsive and responsible proposer offering the highest scoring based on pricing, conformance to RFP requirements, financial viability and marketplace success, ability to sell and deliver service, and warranty on product, City staff recommends to award to Staples Contract and Commercial Inc to purchase office supplies for a (2) two-year agreement with (3) three one-year extension options; and

WHEREAS, on July 19, 2019, OMNIA Partners (cooperative agency) issued RFP #296-2019-105 for furniture, installation and related procedures and services which was advertised through City of Charlotte, OMNIA Partners websites, USA Today, Arizona Business Gazette, San Bernardino Sun, Times Union, New York, Daily Journal of Commerce, Oregon, New Jersey Herald, Honolulu Start, Seattle Daily Journal of Commerce, Houston Community Newspaper and the Advocate, New Orleans; and

WHEREAS, on July 30, 2019, bid proposals were opened publicly through City of Charlotte; and

WHEREAS, twenty-four (24) proposals were received and based on the criteria outlined in the RFP, one (1) contract was awarded for this commodity which was Haworth Inc. (reseller vendor, Warden's Office); and

WHEREAS, based on the responsive and responsible proposer offering the highest scoring based on pricing, conformance to RFP requirements, financial viability and marketplace success, ability to sell and deliver service, and warranty on product, City staff recommends to award to Warden’s Office to purchase office furniture for a (2) two–year agreement with (3) three one-year extension options; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the OMNIA Partners and Sourcewell, the City is complying with the requirements defined under this code for the procurement for office supplies and furniture.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreements for the purchase of office supplies and furniture to Office Depot, Boca Raton, by utilizing the Competitive Bidding Process from OMNIA Partners, Staples Contract and Commercial Inc. Boston, MA, by utilizing the Competitive Bidding Process from Sourcewell and with EPIC Business Essentials.,

Rosemont, IL under the authorized reseller Warden's Office, Modesto, CA, by utilizing the Competitive Bidding Process from OMNIA Partners for a two-year Agreement with three (3) one-year extension options, for a combined annual estimated amount \$400,000 and a total amount not to exceed \$2,000,000 over five years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is authorized to adjust the financial amounts between the three providers without exceeding the overall amount for five years; and

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute the Agreements, 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 5th day of March, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-083**

RESOLUTION APPROVING THE AGREEMENTS FOR FLEET TIRE PURCHASES WITH MCCOY TRUCK TIRE, MODESTO, CA AND VALLEY TIRE, MODESTO, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF \$680,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED \$3,400,000 OVER FIVE YEARS; AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON VENDOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the Public Works Fleet Division purchases over 2,000 new tires annually to maintain the City's Fleet vehicles and outside service agreement vehicles such as Stanislaus Regional Transit Authority; and

WHEREAS, with the use and wear of these vehicles, it is critical we local accessibility to purchase tires to maintain the quick turnaround in stock levels needed for all City vehicles to reduce the time these vehicles are not in service due to tire maintenance; and

WHEREAS, the Finance Department Purchasing Division evaluated competitive bidding pricing through several cooperative agreements which includes the State of California, OMNIA Partners and Sourcewell to evaluate pricing for other awarding competitive vendors outside of Modesto; and

WHEREAS, it was discovered these two local vendors, McCoy Tire and Valley utilize the competitive pricing from these cooperative agreements and for some of the top tires purchased they were significantly less than the competitive pricing; and

WHEREAS, with the City entering into agreements with these two local vendors there would be no shipping cost involved which would provide additional cost savings

and the shipping cost for other vendors outside of Modesto would range from 8 to 12% of the tire pricing; and

WHEREAS, contracting with local firms for the tire inventory needs for the City provides increased flexibility in managing inventory and controlling costs; and

WHEREAS, the local partners provide increased access to inventory while minimizing space requirements, environmental impacts, and reduced costs for freight delivery costs; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality” and based on the price analysis conducted by City staff these agreements would comply with this exception based on McCoy Tire and Valley Tire providing the lowest cost compared to competitive vendors identified through other State of California or government cooperative agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreements for Fleet Tire Purchases with McCoy Truck Tire, Modesto, CA and Valley Tire, Modesto, CA for a two-year Agreement with three (3) one-year extension options, for an annual combined estimated amount of \$680,000 and a total combined amount not to exceed \$3,400,000 over five years.

BE IT FURTHER RESOLVED, authorizing the Director of Finance to adjust agreement totals between vendors based on vendor's availability and department's needs, ensuring the combined total amount does not change.

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 5th day of March, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-084**

RESOLUTION APPROVING AN AGREEMENT FOR ONLINE PUBLIC AUCTION SERVICES TO THE PUBLIC GROUP DOING BUSINESS AS (DBA) PUBLIC SURPLUS, PROVO, UTAH, BY UTILIZING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$30,000 AND A TOTAL AMOUNT NOT TO EXCEED \$150,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Finance Department utilizes an auctioning service to address the City's surplus of tangible assets, which typically consist of: (1) property and scrap accumulated by the City; and (2) surplus City vehicles and equipment which have reached their useful life. Items not sold online are discarded through an agreement with an e-waste vendor, local junk vendor or donated to a non-profit partner based whether the surplus items can still be reused; and

WHEREAS, on September 12, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for online public auction services; and

WHEREAS, on December 8, 2020, Sourcewell issued Request for Proposals RFP #012821 for Auction Services with Related Solutions on the Sourcewell Procurement Portal, New York State Contract Reporter website, DJC Oregon, Public Purchase, Salt Lake Tribune, and The State Media Company of South Carolina; and

WHEREAS, thirteen (13) proposals were received and based on the conformance with RFP requirements, financial viability, marketplace success, ability to sell and deliver services, marketing plan, warranty and overall pricing and criteria outline in the RFP, three (3) contracts were awarded for this commodity which includes the Public Surplus; and

WHEREAS, based on the best responsible and responsible proposer, City staff recommends to award to Public Surplus, Provo, Utah for online public auction services for a two-year agreement with three (3) one-year extension option, for a total estimated annual cost of \$30,000, and \$150,000 over five years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell, the City is complying with the requirements defined under this code for this service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Online Public Auction Services to The Public Group doing business as (dba) Public Surplus, Provo, Utah, by utilizing the Competitive Bidding Process from Sourcewell for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount of \$30,000 and a total amount not to exceed \$150,000 over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-085**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR BOTTLED WATER DELIVERY SERVICES TO BLUE TRITON BRANDS DBA READYREFRESH LIVERMORE, CA, AND DS SERVICES OF AMERICA INC. DBA PRIMO WATER NORTH AMERICA, MANTECA, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR A FIRST YEAR ESTIMATED AMOUNT NOT TO EXCEED \$200,000 AND AN ANNUAL ESTIMATED AMOUNT OF \$100,000 THEREAFTER, FOR A TOTAL AMOUNT NOT TO EXCEED \$600,000 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, bottled water is utilized by all departments for city projects where clean, cool water is not readily accessible for consumption; and

WHEREAS, per the California Division of Occupational Safety and Health, better known as Cal/OSHA, Title 8, Section CCR 3395, employees shall have access to potable drinking water that requires it to be fresh, pure, suitably cool, and provided free of charge; and

WHEREAS, the City of Grayson has a nitrate removal system that has reached its end of life and scheduled to be replaced; and

WHEREAS, during the replacement, the community will only have access to fire protection water and non-potable water; and

WHEREAS, the California State Water Resources Control Board Division of Drinking Water is requiring the City of Modesto to provide 62 gallons of water per household per month; and

WHEREAS, the Purchasing Division issued Invitation for Bid (IFB) No. 2324-11, for Bottled Water Delivery Services, and posted on PlanetBids via the City's website on September 26, 2023; and

WHEREAS, bids were formally opened in the City Clerk's office on October 31,

2023; and

WHEREAS, fourteen vendors downloaded the IFB; four vendors responded, one of which was a local vendor; and

WHEREAS, two vendors are responsive and responsible bidders; and

WHEREAS, based on the nature of the services, staff is recommending awarding to a primary vendor, Blue Triton Brands DBA ReadyRefresh, Livermore, CA and secondary vendor DS Services of America Inc. DBA Primo Water North America, Manteca, CA; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow formal bid procedures; and

WHEREAS, the award of IFB No. 2324-11 and agreements for bottled water services for city wide use to Blue Triton Brands DBA ReadyRefresh, Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca CA, confirms to the Modesto Municipal Code because the City complied with the formal bid procedures and both vendors were the lowest responsive and responsible bidders.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the award of bid and agreement for bottled water delivery services to Blue Triton Brands DBA ReadyRefresh, Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca CA for a two (2) year agreement with three (3) one-year extension options, for a first-year amount estimated not to exceed \$200,000 and an annual estimated amount of \$100,000 thereafter, for a total amount not to exceed \$600,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is

authorized to adjust the financial amounts between the two providers without exceeding the overall amount for five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreements, 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 5th day of March, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-086**

**RESOLUTION ACCEPTING THE 2023 GENERAL PLAN ANNUAL
PROGRESS REPORT AND AUTHORIZING STAFF TO SUBMIT IT TO THE
STATE OF CALIFORNIA**

WHEREAS, California Government Code Section 65400(a)(2) requires that local governments prepare an Annual Progress Report regarding General Plan implementation, including matters related to meeting the applicable share of regional housing needs (California Government Code Section 65584); and

WHEREAS, the 2023 General Plan Annual Progress Report provides updates regarding the status of the Urban Area General Plan and progress toward its implementation, including the degree to which Modesto has met its share of regional housing needs allocation through production of housing; and

WHEREAS, the 2023 General Plan Annual Progress Report includes major implementation activities that occurred during the calendar year; and

WHEREAS, the 2023 General Plan Annual Progress Report includes reporting for progress pertaining to the City's Housing Element, which is one of nine required general plan elements; and

WHEREAS, the State of California Housing and Community Development Department (HCD) requires municipalities submit information that allows HCD to track any impediments to the construction of new housing that may exist and to monitor progress toward satisfaction of statewide housing needs and goals; and

WHEREAS, the State has recently required that all annual reporting be submitted prior to April 1st each year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2023 General Plan Annual Progress Report.

BE IT FURTHER RESOLVED that Staff is hereby directed to submit the 2023 General Plan Annual Progress Report to the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-087**

**ADOPT RESOLUTION OF INTENTION TO RENEW THE MODESTO
TOURISM MARKETING DISTRICT (MTMD) AND FIXING THE TIME AND
PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND
GIVING NOTICE THEREOF**

WHEREAS, the City of Modesto (City) created the MTMD on May 7, 2019 by Resolution No. 2019-213; and

WHEREAS, the MTMD was created for a four (4) year and eleven (11) month term which ends on June 30, 2024; and

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

WHEREAS, Visit Modesto, Inc., lodging business owners, and representatives from the City have met to consider the renewal of the MTMD; and

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

WHEREAS, lodging businesses who will pay more than fifty percent (50%) of the assessment under the MTMD have petitioned the City Council to renew the MTMD; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby authorizes the City Manager, or his designee to negotiate and execute the Agreement, in a form approved by the City Attorney.

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

2. The City Council finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the renewal of the MTMD. The City Council accepts the petitions and adopts this Resolution of Intention to renew the MTMD and to levy an assessment on certain lodging businesses within the MTMD boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code §36622.
4. The City Council declares its intention to renew the MTMD and to levy and collect assessments on certain lodging businesses within the MTMD boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The MTMD shall include all lodging businesses with twenty (20) rooms or more, existing and in the future, available for public occupancy within the boundaries of the City of Modesto, as shown in the map **attached** as **Exhibit A**.
6. The name of the district shall be Modesto Tourism Marketing District (MTMD).
7. The annual assessment rate is one percent (1%) of gross short-term sleeping room rental revenue on all lodging businesses with twenty (20) rooms or more, existing and in future, available for public occupancy, located within the boundaries of the City of Modesto. Based on the benefit received, assessments will not be collected on: stays of more than twenty-seven (27) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any officer or employee of the United States Government, or of a federal credit union, or of a state, county, city or other domestic public entity who pays rent in the discharge of official government business; and stays by any officer or employee of a bank or insurance company who pays rent in the discharge of official bank or insurance company business.
 - a. During the MTMD's ten (10) year term, upon the recommendation of the TMD Committee and approval by the Modesto City Council, the assessment rate may be increased by the Owners' Association to a maximum rate of three percent (3%) of gross short-term sleeping room rental revenue for assessed businesses as described in the Plan. The increase in any year shall not exceed one-half of one percent (0.50%) of gross short-term sleeping room rental revenue each year as detailed in the Plan.
8. The assessments levied for the MTMD shall be applied toward sales and marketing programs to market assessed lodging businesses in Modesto as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which MTMD assessments are levied as long as they are used consistent with the requirements of this resolution

and the Plan.


9. The renewed MTMD will have a ten (10) year term, beginning July 1, 2024, or as soon as possible thereafter, and ending ten (10) years from its start date unless renewed pursuant to Streets and Highways Code § 36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting to hear testimony on renewing the MTMD and levying assessments are set for May 7, 2024, at 5:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 1010 10th Street, Modesto, CA, 95354. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code §36623, no later than March 30, 2024.
12. The time and place for the second reading of the Ordinance renew the MTMD and the levy of assessments are set for May 14, 2024, at 5:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 1010 10th Street, Modesto, CA, 95354.
13. At the public meeting and hearing, the testimony of all interested persons for or against the renewal of the MTMD may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the renewed MTMD that will pay more than fifty percent (50%) of the estimated total assessment of the entire MTMD, no further proceedings to renew the MTMD shall occur for a period of ten (10) years.
14. Following a successful public hearing, on May 7, 2024, held at City Council Chambers located at 1010 10th Street, Modesto, CA, 95354, the City Council may conduct a second reading of the Ordinance on May 14, 2024 to renew the MTMD and to continue the levy of assessments. At the conclusion of the second reading of the Ordinance, the renewal will be effective in 30 days.
15. The complete Plan is on file with the City Clerk and may be reviewed upon request.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

R

2024-2034



MODESTO TOURISM MARKETING DISTRICT MANAGEMENT DISTRICT PLAN

Prepared pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq.

January 10, 2024

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Prepared by
Civitas



I. OVERVIEW

Developed by Visit Modesto, Inc. (VM) and Modesto lodging businesses, the Modesto Tourism Marketing District (MTMD) is an assessment district proposed to continue to provide specific benefits to payors, by funding marketing and sales promotion efforts for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional room night sales directly to payors. The MTMD was created in 2019 for a four (4) year and eleven (11) month term. VM, Modesto lodging businesses, now wish to renew the MTMD for an additional ten (10) year term.

Location: The renewed MTMD includes all lodging businesses with twenty (20) rooms or more, existing and in the future, available for public occupancy located within the boundaries of the City of Modesto (referred to herein as “assessed businesses”), as shown on the map in Section IV.

Services: The MTMD is designed to provide specific benefits directly to payors by increasing awareness and demand for room night sales. Marketing and sales promotions will increase demand for overnight tourism and market payors as tourist, meeting, and event destinations, thereby increasing demand for room night sales.

Budget: The total MTMD annual assessment budget for the initial year of its ten (10) year operation is anticipated to be approximately \$430,540. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do, as businesses open and close, and if assessment rates are increased as detailed in Section V.

Cost: The annual assessment rate is one percent (1%) of gross short-term sleeping room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than twenty-seven (27) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any officer or employee of the United States Government, or of a federal credit union, or of a state, county, city or other domestic public entity who pays rent in the discharge of official government business; and stays by any officer or employee of a bank or insurance company who pays rent in the discharge of official bank or insurance company business.

During the MTMD’s ten (10) year term, upon the recommendation of the TMD Committee and approval by the Modesto City Council, the assessment rate may be increased by the Owners’ Association to a maximum rate of three percent (3%) of gross short-term sleeping room rental revenue for assessed businesses as described in Section V. The increase in any year shall not exceed one-half of one percent (0.50%) of gross short-term sleeping room rental revenue as detailed in Section V.

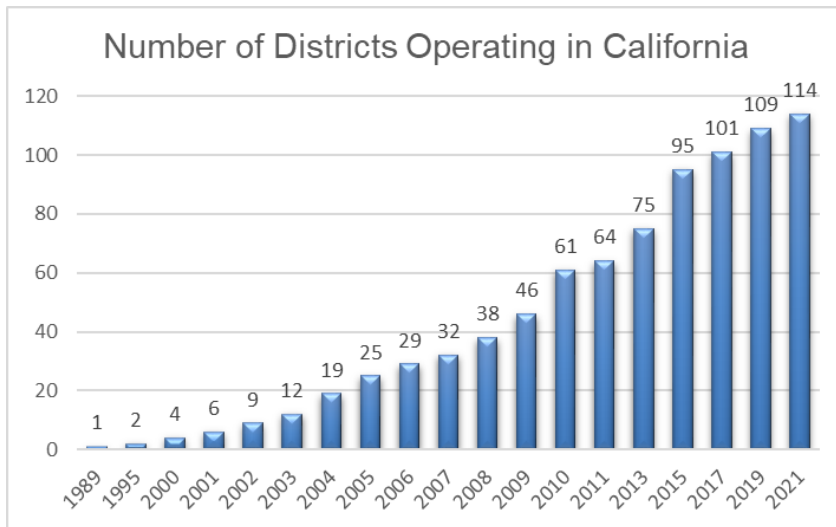
Collection: The City of Modesto (City) will be responsible for collecting the assessment (including any delinquencies, interest, and penalties) from each assessed business located in the boundaries of the MTMD. As the tax administrator, the City shall have the flexibility to determine and set the assessment collection schedule (monthly/quarterly). The City shall take all reasonable efforts to collect the assessments from each assessed business.

Duration: The renewed MTMD will have a ten (10) year life, beginning July 1, 2024, or as soon as possible thereafter, and ending ten (10) years from its start date. After ten (10) years, the MTMD may be renewed pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq. (94 Law) if business owners support continuing the MTMD programs. Once per year, beginning on the anniversary of MTMD formation, there is a thirty (30) day period in which owners paying fifty percent (50%) or more of the assessment may protest and initiate a City Council hearing on MTMD termination.

Management: With the approval of the Modesto City Council, Visit Modesto, Inc. (VM) shall continue to serve as the MTMD's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan and must provide annual reports to the City Council. VM shall create a TMD Management Committee comprised of lodging business owners paying the assessment. The TMD Management Committee shall be tasked with determining how MTMD funds are spent within the designated programs in this Plan, subject to final approval by VM's Board.

II. BACKGROUND

TMDs are an evolution of the traditional Business Improvement District. The first TMD was formed in West Hollywood, California in 1989. Since then, over 100 California destinations have followed suit. In recent years, other states have begun adopting the California model – Illinois, Minnesota, Massachusetts, Montana, South Dakota, Washington, Colorado, Texas, and Louisiana have adopted TMD laws. Several other states are in the process of adopting their own legislation. The cities of Wichita, Kansas and Newark, New Jersey used an existing business improvement district law to form a TMD. Additionally, some cities, like Portland, Oregon and Memphis, Tennessee have utilized their home rule powers to create TMDs without a state law.



California’s TMDs collectively raise over \$500 million annually for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Modesto lodging businesses continue to invest in stable, commerce-specific marketing programs.

TMDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TMDs allow lodging business owners to organize their efforts to increase commerce. Lodging business owners within the TMD pay an assessment and those funds are used to provide services that increase commerce.

In California, most TMDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between TMDs and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TMDs:

- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government programs;
- They are customized to fit the needs of payors in each destination;
- They allow for a wide range of services;
- They are ***designed, created, and governed by those who will pay*** the assessment; and
- They provide a stable, long-term funding source for tourism promotion.

III. ACCOMPLISHMENTS

1. TOT Revenue

- Since the 2018/19 Fiscal Year, total TOT (Transient Occupancy Tax) revenue has increased by over 21%
- In marketing spending on tour and travel related business has increased by over 24% (DRA reports)

2. Pandemic Revenue

Throughout the pandemic, the Modesto Hospitality market achieved the best results in the Central Valley. In the fiscal year 2021-22, the market performance for Modesto far exceeded all cities of the Central Valley in Occupancy and RevPAR resulting in a record year for TOT at \$3.6M. More importantly, in the fiscal year ending June 30, 2020, after 90 days of a global standstill, the TOT performance in Modesto exceeded the best year in collection history (2018-19). All these achievements occurred while the global travel industry was in constant flux.

More importantly, compared to the Central Valley’s largest cities while experiencing the reduced room count, Modesto outperformed every city in pre-pandemic v post-pandemic performance for 2022-23 in both Occupancy and RevPAR. Note that while all cities experienced a loss in occupancy, Modesto had the lowest variance and was the only city to GROW in RevPAR.

3. February/March Growth

Upon inception, the Visit Modesto team committed to the MTMD that ‘shoulder periods’ would be the primary focus of efforts to grow occupancy & RevPAR. The first initiative was launched in February 2020, the Almond Blossom Cruise, for the February/March season with a unique Agricultural Tourism and a long-drive market-stay-overnight angle. The results have been incredible, though a global pandemic almost brought tourism to a grinding halt starting in February of 2020. The results for RevPAR performance are below compared to pre-pandemic levels;

<u>REVPAR</u>	<u>2019</u>	<u>2020</u>	<u>2021.</u>	<u>2022.</u>	<u>2023.</u>
February	\$64.27	\$66.44	\$66.80	\$77.53	\$83.17
March	\$71.28	\$49.91*	\$77.84	\$82.80	\$79.60

**Global quarantines began in March 2020*

The end result is incredible with a 29.5% increase for February and a 11.7% increase for March. These types of results exemplify the reason the MTMD was formed and the potential that the team at Visit Modesto has to impact tourism when the market conditions and travel trends are aligned for new initiatives.

4. Destination Programs

During the pandemic, Visit Modesto had several successful initiatives that brought significant visitor impact during traditionally low occupancy, low visitation periods;

- Almond Blossom Cruise; increased occupancy and revenues for February/March. In 2022, in the heart of the Pandemic when the weather was good (2023 had 40 out of 45 days with rain) the Almond Blossom Cruise generated over 100K Visitor Trips alone!
- MoCheer impacts December visitor traffic.
- MoFresh is creating more opportunities for visitors to stay for more than gas fill-ups May through August

- MoPink has created both local and regional reasons to spend more in Modesto and have an impact on charities that keep money local in support of local programs

5. Global Perception of Modesto

With a change in focus from a one-dimensional value proposition of Modesto, Graffiti Summer, there has been an incredible public relations impact for the community. Modesto’s restaurants, agricultural attractions and murals have all received national press attention.

Awards & Accolades – Modesto is no longer on all the ‘naughty’ lists!

- 2021; ESTO Award Finalist (1 of 3 in the US) US Travel Excellence Award
- 2021; Poppy Award Finalist (1 of 3 in California) Visit CA Excellence Award
- 2022; [Top Cities for Cyclists](#)
- 2022; [Best Places to Live US News & World Report](#)
- 2023; [#8 Best Places to Live in CA Forbes2023](#)
- 2023; [#87 Best Cities in America \(made the top 100 list!!!\)](#)
- 2023; [#1 Hidden Gem Live Music City in the US](#)

Public Relations/Influencers & Major Media

- Key Highlights
 - o 2021; Good Day Sacramento (7 times), ABC 10 & Fox 40 Sacramento
 - o 2022; HiTravel Tales, Forbes, Travel Pulse, SF Gate September
 - o 2023; NBC Los Angeles, Thrillist, Secret San Francisco, Washington Post, Tasting Table, KNBC Los Angeles, KSND San Diego, KOVR Sacramento, SF Gate, HelloRubyDoodle, Momtastic, Travel Tweaks, Tennessee Tribune, Yahoo Canada

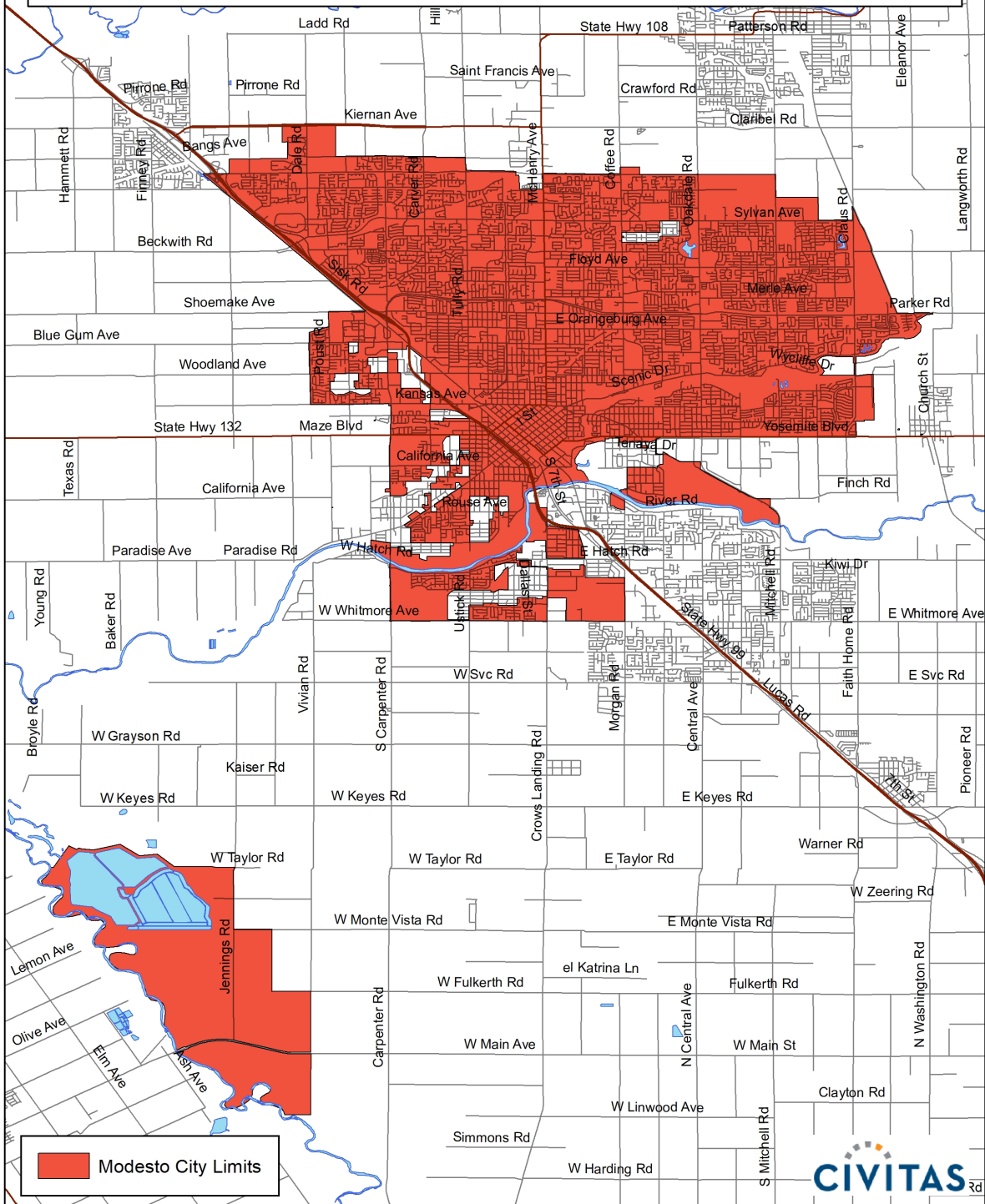
IV. BOUNDARY

The MTMD will include all lodging businesses with twenty (20) rooms or more, existing and in the future, available for public occupancy within the boundaries of the City of Modesto (referred to herein as “assessed businesses”), as shown in the map on the following page.

Lodging business means: any structure, or any portion of any structure within the City, which is intended or designed for lodging or sleeping purposes wherein the owner or operator thereof offers occupancy, defined as the use or possession, or the right to use or possession granted by the owner or operator thereof for compensation of any room or rooms or portion thereof for lodging or sleeping purposes. Lodging business does not include any vacation rental, vacation rental unit, short-term vacation rental, nor any hospital, medical clinic, convalescent home or other temporary or permanent domicile equipped primarily for the care of aged or infirm people.

A complete listing of assessed businesses within the renewed MTMD, can be found in Appendix 2.

Modesto Tourism Marketing District



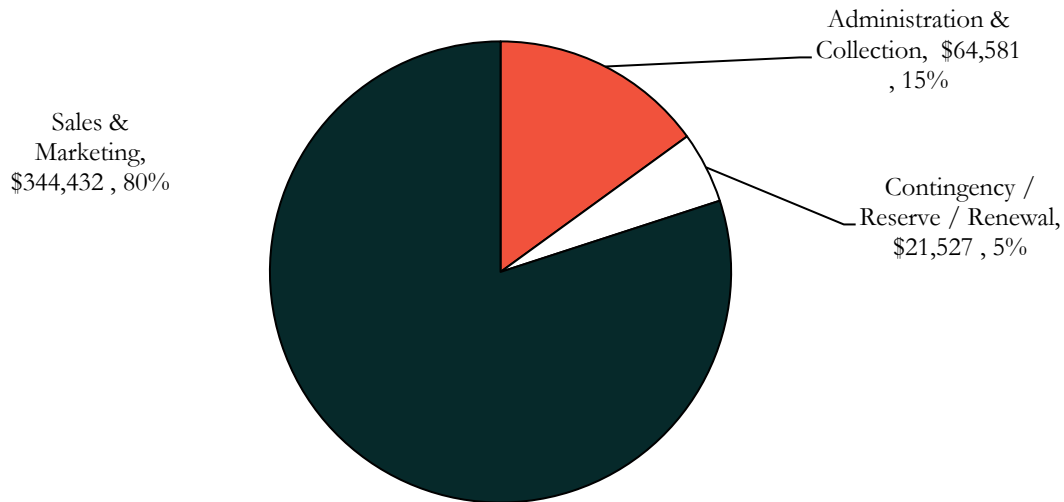
V. ASSESSMENT BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the City of conferring the benefits or granting the privileges. The privileges and services provided with the MTMD funds are sales and marketing programs available only to assessed businesses.

A service plan assessment budget has been developed to deliver services that benefit the assessed businesses. A detailed annual assessment budget will be developed and approved by VM. The chart below illustrates the initial annual assessment budget allocations. These activities and allocations will also apply in subsequent years. The total initial assessment budget is estimated to be \$430,540.

Initial Annual Assessment Budget - \$430,540



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the City and VM's Board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the MTMD, any and all assessment funds may be used for the costs of defending the MTMD.

Each budget category includes all costs related to providing that service in accordance with Generally Accepted Accounting Procedures (GAAP). For example, the sales and marketing budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The costs of an individual staff member may be allocated to multiple budget categories, as appropriate

in accordance with GAAP. The staffing levels necessary to provide the services below will be determined by VM on an as- needed basis.

Sales and Marketing

A sales and marketing program promotes assessed businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting Modesto as a desirable place to visit. The program has the goal of increasing overnight visitation and room night sales at assessed businesses, and may include, but not limited to, the following activities:

- Multi-media marketing efforts including digital, print, and other diversified media strategies curated to target prospective visitors and maximize online presence and visibility;
- Television ads targeted at potential visitors;
- Radio ads targeted at potential visitors;
- Attendance of trade shows;
- Special events highlighting unique aspects of Modesto;
- Preparation and production of collateral promotional materials such as brochures, flyers, and maps;
- Data and industry analytics used for marketing;
- Participation fees and attendance of professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists and group events to Modesto; and
- Any agency fees and commissions related to the execution of programs and activities authorized by this Plan.

Administration and Collection

The administration portion of the budget shall be utilized for administrative staffing costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees. The collection portion of the budget shall be utilized for paying the City of Modesto for the costs of collecting the assessment. The City of Modesto shall be paid based upon the actual costs it incurs in administering the assessment, subject to audit, but such amount shall not exceed three percent (3%) of the amount collected to cover the costs of collecting the assessment.

Contingency/Reserve/Renewal

A portion of the budget will be allocated to a contingency fund to account for lower than anticipated collections. If collected contingency funds remain in the budget near the expiration of the MTMD's term, and business owners wish to renew the District, the contingency funds may be used for renewal costs.

B. Annual Budget

The total ten (10) year assessment budget is projected at approximately \$430,540 annually, or \$4,305,400 through FY 2033 – 34 if assessment rates are not increased. If the maximum assessment rate increases are adopted, the estimated total assessment budget through FY 2033 – 34 is \$10,736,500. This amount may fluctuate as sales and revenue increase at assessed businesses, and as businesses open and close, but is not expected to change significantly over the term.

The initial annual assessment rate is one percent (1%) of gross short-term sleeping room rental revenue. Upon the recommendation of the TMD Committee, the assessment rate may be increased by VM's Board and subject to Modesto City Council approval, up to a maximum of one-half of one percent (0.50%) per year to a maximum rate of three percent (3%). However, the assessment rate increase in any given year may be an amount less than one-half of one percent (0.50%). For example, the assessment rate in FY 2025-26 could be increased by one-quarter of one percent (0.25%) and in FY 2026-27 the assessment rate could be increased by another one-quarter of one percent (0.25%), etc. up to a maximum assessment rate of three percent (3%).

The table below demonstrates the estimated maximum budget with the assumption that the assessment rate will be increased at the earliest opportunity as it is a required disclosure, it is not the anticipated course of action. Alternate courses of action may be taken in regard to implementing the assessment rate increase other than what is demonstrated in the chart below, within the parameters of this Management District Plan.

Estimated Annual Budget If Maximum Assessment Rates Are Adopted

Fiscal Year	Sales & Marketing	Administration & Collection	Contingency / Reserve / Renewal	Total
2024-25	\$344,432	\$64,581	\$21,527	\$430,540
2025-26	\$516,648	\$96,872	\$32,291	\$645,810
2026-27	\$688,864	\$129,162	\$43,054	\$861,080
2027-28	\$861,080	\$161,453	\$53,818	\$1,076,350
2028-29	\$1,033,296	\$193,743	\$64,581	\$1,291,620
2029-30	\$1,033,296	\$193,743	\$64,581	\$1,291,620
2030-31	\$1,033,296	\$193,743	\$64,581	\$1,291,620
2031-32	\$1,033,296	\$193,743	\$64,581	\$1,291,620
2032-33	\$1,033,296	\$193,743	\$64,581	\$1,291,620
2033-34	\$1,033,296	\$193,743	\$64,581	\$1,291,620
Total	\$8,610,800	\$1,614,525	\$538,175	\$10,763,500

The table below demonstrates the annual improvement and service plan budget with the assumption that the rates will not be increased during the MTMD's term.

Estimated Annual Budget if Assessment Rates Are Not Increased

Fiscal Year	Sales & Marketing	Administration & Collection	Contingency / Reserve / Renewal	Total
2024-25	\$322,905	\$64,581	\$21,527	\$430,540
2025-26	\$344,432	\$64,581	\$21,527	\$430,540
2026-27	\$344,432	\$64,581	\$21,527	\$430,540
2027-28	\$344,432	\$64,581	\$21,527	\$430,540
2028-29	\$344,432	\$64,581	\$21,527	\$430,540
2029-30	\$344,432	\$64,581	\$21,527	\$430,540
2030-31	\$344,432	\$64,581	\$21,527	\$430,540
2031-32	\$344,432	\$64,581	\$21,527	\$430,540
2032-33	\$344,432	\$64,581	\$21,527	\$430,540
2033-34	\$344,432	\$64,581	\$21,527	\$430,540
Total	\$3,422,793	\$645,810	\$215,270	\$4,305,400

C. California Constitutional Compliance

The MTMD assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term ‘assessments’ to levies on real property.¹ Rather, the MTMD assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the MTMD, a “specific benefit” and a “specific government service.” Both require that the costs of benefits or services do not exceed the reasonable costs to the City of conferring the benefits or providing the services.

1. Specific Benefit

Proposition 26 requires that assessment funds be expended on, “a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.”² The services in this Plan are designed to provide targeted benefits directly to assessed businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific businesses within the MTMD. The activities described in this Plan are specifically targeted to increase demand for room night sales for assessed businesses within the boundaries of the MTMD, and are narrowly tailored. MTMD funds will be used exclusively to provide the specific benefit of increased demand for room night sales directly to the assessees. Assessment funds shall not be used to feature non-assessed businesses in MTMD programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues

¹ *Jarvis v. the City of San Diego* 72 Cal App. 4th 230

² Cal. Const. art XIII C § 1(e)(1)

are business services constituting and providing specific benefits to the assessed businesses. Nothing in this Plan limits the ability of the Owners' Association to enter into private contracts with non-assessed businesses for the provision of services to those businesses.

The assessment imposed by this MTMD is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in demand for room night sales. The specific benefit of an increase in demand for room night sales for assessed businesses will be provided only to businesses paying the district assessment, with marketing and sales programs promoting businesses paying the MTMD assessment. The marketing and sales programs will be designed to increase demand for room night sales at each assessed business. Because they are necessary to provide the marketing and sales programs that specifically benefit the assessed businesses, the administration and contingency services also provide the specific benefit of increased demand for room night sales to the assessed businesses.

Although the MTMD, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a specific benefit. The legislature has found that, "A specific benefit is not excluded from classification as a 'specific benefit' merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor."³

2. Specific Government Service

The assessment may also be utilized to provide, "a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product."⁴ The legislature has recognized that marketing and promotions services like those to be provided by the MTMD are government services within the meaning of Proposition 26⁵. Further, the legislature has determined that "a specific government service is not excluded from classification as a 'specific government service' merely because an indirect benefit to a nonpayer occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor."⁶

3. Reasonable Cost

MTMD services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by VM, and reports submitted on an annual basis to the City. Only assessed businesses will be featured in marketing materials, receive sales leads generated from MTMD-funded activities, be featured in advertising campaigns, and benefit from other MTMD-funded services. Non-assessed businesses will not receive these, nor any other, MTMD-funded services and benefits.

³ Government Code § 53758(a)

⁴ Cal. Const. art XIII C § 1(e)(2)

⁵ Government Code § 53758(b)

⁶ Government Code § 53758(b)

The MTMD-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed businesses receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-MTMD funds. MTMD funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which directly generates incidental room nights for non-assessed businesses.

D. Assessment

The annual assessment rate is one percent (1%) of gross short-term sleeping room rental revenue on all lodging businesses with twenty (20) rooms or more, existing and in future, available for public occupancy, located within the boundaries of the City of Modesto. Based on the benefit received, assessments will not be collected on: stays of more than twenty-seven (27) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any officer or employee of the United States Government, or of a federal credit union, or of a state, county, city or other domestic public entity who pays rent in the discharge of official government business; and stays by any officer or employee of a bank or insurance company who pays rent in the discharge of official bank or insurance company business.

During the ten (10) year term, the assessment rate may be increased by VM's Board and Modesto City Council approval up to a total of three percent (3%) of gross short-term sleeping room rental revenue. The initial annual assessment rate is one percent (1%) of gross short-term sleeping room rental revenue. The maximum increase in any year shall not exceed one-half of one percent (0.50%). Any assessment rate increase approved by VM's Board shall be included in the annual report.

The assessment was calculated based on the total cost of the activities to be provided for the benefit of the assessed businesses within the MTMD, with costs allocated based on the proportional benefit conferred to each assessed business. Activities funded by the MTMD, are specifically targeted to increase demand for room nights at assessed businesses. All room night sales do not represent the same benefit to the payors. For example, a higher priced room night is of greater benefit than a lower priced room night because the assessee derives greater revenue. To account for this benefit differential and to make sure the benefits are proportional, an assessment formula based on a percentage of revenue has been selected. The proposed formula accurately reflects greater benefit to assessed businesses with higher priced room nights.

The term "gross short-term sleeping room rental revenue" as used herein means the consideration charged, whether or not received, for the occupancy of space in an assessed business valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross short-term sleeping room rental revenue does not include compensation for services or products. Gross short-term sleeping room rental revenue shall not include, and therefore the assessment shall not be charged upon, any federal, state, or local taxes collected, including but not limited to transient occupancy taxes.

The assessment is levied upon and a direct obligation of the assessed business. However, the assessed business may, at its discretion, pass the assessment on to transients. The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. If the MTMD assessment is identified separately it shall be disclosed as the “MTMD Assessment.” As an alternative, the disclosure may include the amount of the MTMD assessment and the amount of the assessment imposed pursuant to the California Tourism Marketing Act, Government Code §13995 et seq. and shall be disclosed as the “Tourism Assessment.” The assessment is imposed solely upon and is the sole obligation of the assessed business even if it is passed on to transients. The assessment shall not be considered revenue for calculation of transient occupancy taxes.

Bonds shall not be issued.

E. Interest and Penalty Charges

The MTMD shall reimburse the City of Modesto for any costs associated with collecting unpaid assessments. If sums in excess of the delinquent MTMD assessment are sought to be recovered in the same collection action by the City, the MTMD shall bear its pro rata share of such collection costs. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

1. *Delinquency*

Any assessed business that fails to remit any assessment imposed by this Plan within the time required shall, in addition to the amount of the assessment, pay a penalty of five percent (5%) of the amount of the assessment per month or fraction thereof until paid; the maximum penalty imposed on any one delinquency shall not exceed twenty-five percent (25%) of the amount of the assessment.

2. *Fraud*

If the City determines that the non-payment of any assessment due from any transient or assessed business under this Plan is due to intentional non-payment or fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated above.

3. *Penalties*

Every penalty imposed and collected under the provisions of this section by the City, shall be required to be paid and shall be retained by the City to cover the cost of collection of the delinquency.

F. Time and Manner for Collecting Assessments

The MTMD assessment will be implemented beginning July 1, 2024, or as soon as possible thereafter, and ending ten (10) years from its start date. The City will be responsible for collecting the assessment on a quarterly basis and is subject to change as determined by the City (including any delinquencies, interest and penalties) from each assessed business located in the City of Modesto. The City shall take all reasonable efforts to collect the assessments from each assessed business. The City shall forward the assessments collected to the Owners’ Association.

VI. GOVERNANCE

A. Owners' Association

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the MTMD as defined in Streets and Highways Code §36612. The City Council has determined that Visit Modesto, Inc. (VM) will continue to serve as the Owners' Association for the MTMD.

TMD Management Committee

VM will create a TMD Management Committee charged with managing funds and implementing programs in accordance with this Plan. The TMD Management Committee will be required to provide an annual report on activities and expenditures to the City of Modesto, which will also be available to assessed business owners. The TMD Management Committee must also hold open meetings and make records available pursuant to the Brown Act and Public Records Act.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of VM board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

C. Annual Report

VM shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

*** THIS DOCUMENT IS CURRENT THROUGH THE 2023 SUPPLEMENT ***
(ALL 2022 LEGISLATION)

STREETS AND HIGHWAYS CODE
DIVISION 18. PARKING
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

CHAPTER 1. General Provisions

ARTICLE 1. Declarations

36600. Citation of part

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
 - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
 - (2) Job creation.
 - (3) Business attraction.
 - (4) Business retention.
 - (5) Economic growth.
 - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of,

and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.

(h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.

(1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions

36606. “Activities”

“Activities” means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

36606.5. “Assessment”

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. “Business”

“Business” means all types of businesses and includes financial institutions and professions.

36608. “City”

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. “City council”

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. “Clerk”

“Clerk” means the clerk of the legislative body.

36609.5. “General benefit”

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

36610. “Improvement”

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters, and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.

- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

36611. “Management district plan”; “Plan”

“Management district plan” or “plan” means a proposal as defined in Section 36622.

36612. “Owners’ association”

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), for all records relating to activities of the district.

36614. “Property”

“Property” means real property situated within a district.

36614.5. “Property and business improvement district”; “District”

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

36614.6. “Property-based assessment”

“Property-based assessment” means any assessment made pursuant to this part upon real property.

36614.7. “Property-based district”

“Property-based district” means any district in which a city levies a property-based assessment.

36615. “Property owner”; “Business owner”; “Owner”

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. “Special benefit”

(a) “Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

(b) “Special benefit” also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general.

36616. “Tenant”

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law

36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.

- (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
 - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
- (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the estimated cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.
- (e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.
- (f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against their property or business. The plan also shall state whether bonds will be issued to finance improvements.

- (g) The time and manner of collecting the assessments.
- (h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.
- (i) The proposed time for implementation and completion of the management district plan.
- (j) Any proposed rules and regulations to be applicable to the district.
- (k)
 - (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.
 - (2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.
 - (3) In a property-based district, properties throughout the district may share the same special benefits. In a district with boundaries that define which parcels are to receive improvements, maintenance, or activities over and above those services provided by the city, the improvements, maintenance, or activities themselves may constitute a special benefit. The city may impose assessments that are less than the proportional special benefit conferred, but shall not impose assessments that exceed the reasonable costs of the proportional special benefit conferred. Because one or more parcels pay less than the special benefit conferred does not necessarily mean that other parcels are assessed more than the reasonable cost of their special benefit.
- (l) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.
- (m) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

- (a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.
- (b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that

the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the

district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments

36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

CHAPTER 3.5. Financing

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

- (2) The improvements, maintenance, and activities to be provided for that fiscal year.
 - (3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
 - (4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
 - (5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
 - (6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.
- (c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

- (a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
- (b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
- (c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment

36670. Circumstances permitting disestablishment of district; Procedure

- (a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
 - (1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
 - (2) During the operation of the district, there shall be a 30-day period each year in which assesseses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall

begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

Hotel	Address	City, State, Zip
Apex Inn	2225 Yosemite Blvd	Modesto, CA 95354-3003
Baymont Inn & Suites	4100 Salida Blvd	Modesto, CA 95358-8840
Best Western Palm Court Inn	2001 W Orangeburg Ave	Modesto, CA 95350-3741
Comfort Inn Modesto	2025 W Orangeburg Ave	Modesto, CA 95350-3741
Discovery Inn	115 Downey Ave	Modesto, CA 95354-1201
Doubletree Hotel Modesto	1150 9th St	Modesto, CA 95354-0823
Economy Inn	602 Mchenry Ave	Modesto, CA 95350-5412
El Capitan Motel	1121 Needham St	Modesto, CA 95354-0731
Modesto Days Inn	1312 Mchenry Ave	Modesto, CA 95350-5377
Modesto Hotel	1720 Sisk Rd	Modesto, CA 95350-2500
Modesto Marriott Residence Inn	2901 HealthCare Way	Modesto, CA 95356
Motel 6	807 Needham St	Modesto, CA 95354-0736
Motel 6 Modesto	1920 W Orangeburg Ave	Modesto, CA 95350-3740
Quality Inn	500 Kansas Ave	Modesto, CA 95351-1605
Ramada By Wyndham	1525 Mchenry Ave	Modesto, CA 95350-4576
Rodeway Inn	912 Mchenry Ave	Modesto, CA 95350-5417
Springhill Suites Modesto	1901 W Orangeburg Ave	Modesto, CA 95350-3838
Tiki Lodge	936 Mchenry Ave	Modesto, CA 95350-5417
Townhouse Lodge	909 16th St	Modesto, CA 95354-1117
Travelers Motel	710 N 9th St	Modesto, CA 95350-5795
Yosemite Inn	500 Kansas Ave	Modesto, CA 95351-1605

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-088**

RESOLUTION AUTHORIZING SUBMITTAL OF A FEDERAL GRANT APPLICATION FOR CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT FUNDS IN THE AMOUNT OF \$1,200,000 AND \$800,000 IN LOCAL MEASURE L FUNDS FOR A TOTAL PROJECT AMOUNT OF \$2,000,000 FOR STREET IMPROVEMENTS AND INSTALLATION OF A ROUNDABOUT ON COLLEGE AVENUE AND BOWEN AVENUE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) program was implemented to support surface transportation projects and other related efforts contributing to the improvement of air quality and providing congestion relief, and

WHEREAS, the Bipartisan Infrastructure Bill (BIL) continues the CMAQ program to provide a flexible funding source to State and Local governments for transportation projects and programs to help meet the requirements of the Clean Air Act, and

WHEREAS, funding is available to reduce congestion and improve air quality for nonattainment areas that do not meet the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, or particulate matter (PM2.5 or PM10) and for maintenance areas, that are former nonattainment areas that are now in compliance, and

WHEREAS, the Stanislaus region is currently designated as nonattainment for ozone and PM2.5 and as an attainment area for PM10, and

WHEREAS, the Federal Government apportions funds as a lump sum to each State, and

WHEREAS, the CMAQ apportionment for each state is then calculated based on a ratio of specified by law as outlined in 23 U.S.C. 104(b)(4), and

WHEREAS, StanCOG manages the CMAQ funds apportioned to the Stanislaus Region, and

WHEREAS, projects eligible for CMAQ funds must be transportation related, demonstrate emissions reduction, and must be located in nonattainment or maintenance areas, and

WHEREAS, StanCOG typically announces a call for CMAQ application submissions every two years, and

WHEREAS, as with previous cycles of CMAQ call for projects, the Federal Highway Administration (FHWA) requires a performance-based selection process to determine which project submissions will receive CMAQ funding, and

WHEREAS, point selection criteria for the current cycle was approved by StanCOG's Policy Board on April 19, 2023 and amendments to the guidelines were approved by StanCOG's Policy Board on January 17, 2024, and

WHEREAS, StanCOG announced the call for STBG projects on January 18, 2024 for a total of approximately \$14.5 million in competitive CMAQ funds available Local Agencies and Transit Agencies for the 2025 and 2026 Federal Fiscal Years, and

WHEREAS, the application deadline for the current Call for Projects is March 15, 2024, and

WHEREAS, there is no maximum number of applications a Local Agency can submit for STBG funding, however each project application has a cap of \$1.2 million in grant funds, and

WHEREAS, typically there is a required minimum local match of 11.47% for CMAQ funding for all project phases, and

WHEREAS, in recent years, the local match requirement was sometimes waived as local agencies could request Toll Credits for new projects with federal funding, however the current guidance is that a minimum 11.47% local match be included in every project application, and

WHEREAS, with the competitive nature of the CMAQ funds, it is advantageous for a local agency to contribute higher than the minimum 11.47% local match, and

WHEREAS, the grant application will be for \$1.2 million in CMAQ funds, which is the maximum allowed project cap, and

WHEREAS, the grant application will also show a local match of \$800,000 million in Measure L Local control funds, which includes categories for Local Streets & Roads, Traffic Management and Bike & Pedestrian.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a federal grant application for Congestion Mitigation and Air Quality (CMAQ) grant funds in the amount of \$1,200,000 and \$800,000 in Local Measure L Funds for a total project amount of \$2,000,000 for street improvements and installation of a roundabout on College Avenue and Bowen Avenue.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-089**

RESOLUTION AUTHORIZING SUBMITTAL OF A FEDERAL GRANT APPLICATION FOR SURFACE TRANSPORTATION BLOCK GRANT (STBG) FUNDS IN THE AMOUNT OF \$1,200,000 AND \$2,000,000 IN LOCAL MEASURE L FUNDS FOR A TOTAL PROJECT AMOUNT OF \$3,200,000 FOR IMPROVEMENTS ON CLAUS ROAD, INCLUDING BICYCLE AND PEDESTRIAN IMPROVEMENTS, SOUTH OF SCENIC DRIVE TO YOSEMITE BOULEVARD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, the Surface Transportation Block Grant Program (STBG) provides flexible funding for a variety of transportation projects; and

WHEREAS, funds are provided by the Federal government to each state through the STBG program for road, transit, active transportation, and other transportation needs; and

WHEREAS, in the State of California, these funds are administered by Caltrans, who distributes these funds to regional agencies, like the Stanislaus Council of Governments (StanCOG); and

WHEREAS, StanCOG typically announces a call for STBG project application submittals every two years; and

WHEREAS, with previous STBG call for project cycles each Local Agency in Stanislaus County was guaranteed to receive a set dollar amount utilizing a formula based on population, number of roadway miles and similar criteria; and

WHEREAS, all STBG funds for the current cycle will be awarded based on a competitive application process; and

WHEREAS, point selection criteria for the current cycle was approved by StanCOG's Policy Board on April 19, 2023 and amendments to the guidelines were approved by StanCOG's Policy Board on January 17, 2024; and

WHEREAS, StanCOG announced the call for STBG projects on January 18, 2024 for a total of approximately \$14.8 million in competitive STBG funds available for the 2025 and 2026 Federal Fiscal Years; and

WHEREAS, the application deadline for the current Call for Projects is March 15, 2024; and

WHEREAS, there is no maximum number of applications a Local Agency can submit for STBG funding, however each project application has a cap of \$1.2 million in grant funds; and

WHEREAS, typically there is a required minimum local match of 11.47% for STBG funding for all project phases; and

WHEREAS, in recent years, the local match requirement was sometimes waived as local agencies could request Toll Credits for new projects with federal funding, however the current guidance from Caltrans is not clear on whether Toll Credits will continue to be an option and now with the competitive nature of the STBG funds, it is advantageous for a local agency to contribute higher than the minimum 11.47% local match; and

WHEREAS, the grant application will be for \$1.2 million in STBG funds, which is the maximum allowed project cap; and

WHEREAS, the grant application will also show a local match of \$2 million in Measure L Local control funds, which includes categories for Local Streets & Roads, Traffic Management and Bike & Pedestrian.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a federal grant application for Surface Transportation Block Grant (STBG) funds in the amount of \$1,200,000 and \$2,000,000 in Local Measure L Funds for a total project amount of \$3,200,000 for improvements on Claus Road, including bicycle and pedestrian improvements, south of Scenic Drive to Yosemite Boulevard.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-090**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2023-24 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 06, 2023, as part of the Annual Budget of the City of Modesto for Fiscal Year 2023-24, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

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, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which March 12, 2024 falls, unless otherwise noted.

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 2023-24 Operating Budget for various departments as follows:

1. Allocate four (4) Paramedics in the Emergency Paramedics SAMHSA Division (18222) of the Fire Department.
2. Allocate three (3) Emergency Medical Technician (EMT) in the Emergency Paramedics SAMHSA Division (18222) of the Fire Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-091**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE
CITY OF MODESTO TO CREATE THE CLASSIFICATIONS OF
PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2023-268 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classifications of Paramedic at salary range 1216 and the classification of Emergency Medical Technician (EMT) at salary range 1212.

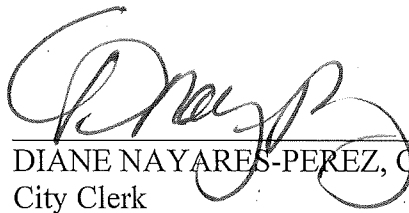
2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which March 12, 2024 falls.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-092**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL
OPERATING BUDGET TO ACCEPT GRANT FUNDING FOR 4
PARAMEDIC/EMTS IN THE MFD – EMERGENCY PARAMEDICS SAMHSA
COST CENTER (18222) IN GRANTS-OPERATION GRANTS REIMBURSED
FUND (1341) IN THE AMOUNT OF \$91,995 AND AUTHORIZING THE CITY
MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE
REQUIRED BUDGET ADJUSTMENTS**

WHEREAS, it has been a long-term goal of the Modesto Fire Department (MFD) to implement non-emergency medical transport services to the Stanislaus area, and

WHEREAS, the City purchased an ambulance in May 2021 by Resolution No. 2021-415 with the hopes of providing Interfacility Transfer (IFT) services to community, and

WHEREAS, in 2023, the Modesto Police Department (MPD) applied for a grant to enhance services to the unhoused community to include mental health and non-emergency medical services, and

WHEREAS, the grant made \$970,370 available competitively to state and local agencies to support the use of non-sworn resources to handle calls for service involving individuals experiencing mental health crisis and increase the rate at which calls are diverted from the police to non-sworn alternative responses, and

WHEREAS, the Substance Abuse and Mental Health Services grant was accepted by City Council on December 12, 2023 by Resolution No 2023-557, and

WHEREAS, the Modesto Police Department, in partnership with the Modesto Fire Department, will utilize the funds awarded under the grant to both expand current services and implement new services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 annual operating budget to accept grant funding for 4 Paramedic/EMTs in the MFD – Emergency Paramedics SAMHSA Cost Center (18222) in Grants – Operation Grants Reimbursed Fund 1341 in the amount of \$91,995 and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-093**

**RESOLUTION APPROVING AN AGREEMENT WITH THREE THIRTY
THREE ARTS, WALNUT CREEK, CA, FOR INSTALLATION OF A
PROFESSIONAL PUBLIC MURAL IN THE AMOUNT OF \$0, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT**

WHEREAS, Section 1110 of the City of Modesto Charter authorizes the Culture Commission (Commission) to act as an advisory body to the City Council and City Manager in all matters pertaining to art, literature, music, and other cultural activities; and

WHEREAS, Ordinance No. 3617-C.S. approved the addition Chapter 22 “Public Art” to the Modesto Municipal Code to provide procedure for the acquisition and maintenance of public art; and

WHEREAS, on July 7, 2023, Sage Loring of Three Thirty Three Arts (333Arts) submitted a public art proposal to install a professional public art mural on the 10th Street Parking Garage for consideration; and

WHEREAS, the Parks, Recreation and Neighborhoods (PRN) Director verified the public art proposal was complete and compliant with the Public Art Ordinance requirements; and

WHEREAS, on November 1, 2023, the Culture Commission confirmed the public art proposal from 333Arts provided a community benefit and synchronized with current art projects and unanimously approved it to be forwarded to Council for consideration; and

WHEREAS, 333Arts’ public art proposal includes installation and short-term maintenance of a professional public art mural on the north side of the 10th Street

Parking Garage between 10th and 11th Streets and facing K Street and is responsible for obtaining all required permits, equipment, and supplies, managing installation of the mural by a professional artist, and removal of all equipment and debris generated during the installation process that is estimated to be 10 days; and

WHEREAS, the City will grant 333Arts personnel access to the parking garage and will maintain ownership of the final artwork upon completion; and

WHEREAS, the Culture Commission's input, 333Arts' inspiration of the artwork, and community fanbase of the artwork and research results supporting the public art proposal were presented to and approved by the Safety & Communities Committee on Monday, February 12, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Three Thirty Three Arts, Walnut Creek, CA, for Installation of a Professional Public Mural in the amount of \$0.

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 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-094**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CELL TOWER SITE LEASE AGREEMENT AT CREEKSIDE GOLF COURSE WITH SBA MONARCH TOWERS III, LLC, TO INCREASE THE LEASE AREA BY AN ADDITIONAL 108 SQUARE FEET AND TO EXTEND THE MAXIMUM TERM OF THE AGREEMENT THROUGH MAY 1, 2047, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers; and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services; and

WHEREAS, on September 26, 2006, by Resolution No. 2006-613, the City Council approved a 5-year lease agreement with SBA Monarch Towers III, LLC, for approximately 399 square feet of ground space at the Creekside Golf Course for the construction of the communication facilities; and

WHEREAS, the agreement included three (3) extensions of five (5) years each, expiring May 1, 2027; and

WHEREAS, in early 2023, SBA Monarch Towers III, LLC notified the City of their interest in amending the existing lease agreement to provide long-term site security; and

WHEREAS, the two parties have reach an agreement on terms for an amendment, extending the lease agreement; and

WHEREAS, the amendment includes the following terms:

- 1) Additional land: An additional one hundred eight (108) square feet of leased ground space for additional telecommunication equipment.
- 2) Term extension: Four (4) additional, five (5) year renewal terms which would extend the final contract expiration term to May 1, 2047, with an escalation rate of 3% annually.
- 3) Compensation: Additional Rent in the amount of \$500 per month, which will begin upon the commencement of construction on the additional square footage, with an escalation rate of 3% annually.
- 4) Camera Fee: A one-time payment of \$10,000 will be paid by SBA Monarch Towers III, LLC to the City with their initial rent payment. The funds will be utilized to purchase and install a security camera adjacent to the tower site that the Modesto Police Department will be able to monitor from the MPD Real-Time Crime Center.
- 5) Tower Swap: The cell tower will be changed from a Monopole to a Monopine to better camouflage the tower.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Cell Tower Site Lease Agreement at Creekside Golf Course with SBA Monarch Towers III, LLC, to increase the lease area by an additional 108 square feet and to extend the maximum term of the Agreement through May 1, 2047.

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 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-095**

RESOLUTION APPROVING THE AMENDED AND RESTATED AGREEMENT FOR MAINTENANCE SERVICES FLEET MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS REGIONAL TRANSIT AUTHORITY, AMENDING THE POSITION ALLOCATION PLAN TO ADD ONE ADMINISTRATIVE SERVICES TECHNICIAN, THREE EQUIPMENT SERVICES TECHNICIANS, FOUR MAINTENANCE WORKER I, AND RECLASSIFYING TWO HEAVY EQUIPMENT MECHANICS TO TWO HEAVY EQUIPMENT MECHANIC CREW LEADERS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO FURTHER INCREASE THE POSITION ALLOCATIONS, AND EXECUTE THE AGREEMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority (StanRTA); and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the StanRTA; and

WHEREAS, on June 22, 2021, by Resolution 2021-252, Council approved the various agreements with StanRTA to transition City transit services to them; and

WHEREAS, the transition of transit services from the City to the Authority and the transfer of assets occurred on July 1, 2021; and

WHEREAS, during the transition of operations to StanRTA, certain updates to the facility and fleet maintenance agreements were discovered; and

WHEREAS, on October 4, 2022, by Resolution 2022-406, Council approved Amendment #1 to the facility and fleet maintenance agreements with StanRTA. Amendment #1 also grants the City Manager and Executive Director authority to approve minor amendments to the agreement without further approval from the governing board of the City or StanRTA; and

WHEREAS, Amendment #1 to the facility and fleet maintenance agreements updated various rates charged to StanRTA to capture changes in labor costs and discretionary expenses; and

WHEREAS, Amendment #1 to the fleet maintenance agreement allows the City of Modesto to recoup costs for expenses not fully captured by the hourly maintenance rate and fixed management and staff support rate, or issue payment to StanRTA if payments received exceed true costs at fiscal year-end; and

WHEREAS, Amended and Restated Agreement for Maintenance Services to the Fleet Maintenance Agreement between the City of Modesto and StanRTA; and

WHEREAS, amending the Position Allocation Plan to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders; and

WHEREAS, this Amendment grants the City Manager the authority to approve additional personnel: two Heavy Equipment Mechanic Crew Leaders, and four Equipment Service Technicians per agreed maximum levels that are mutually agreed without further approval from the City Council; and

WHEREAS, Amendment #1 will change the manner of the monthly billing so that it is being billed based on actual cost instead of an estimated fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Agreement for Maintenance Services Fleet Maintenance Agreement between the City of Modesto and the Stanislaus Regional Transit Authority

BE IT FURTHER RESOLVED, that the Position Allocation Plan is amended to add one Administrative Services Technician, three Equipment Services Technicians, four Maintenance Worker I, and reclassifying two Heavy Equipment Mechanics to two Heavy Equipment Mechanic Crew Leaders.

BE IT FURTHER RESOLVED, that the City Manager is authorized to approve four additional Equipment Services Technicians and two additional Heavy Equipment Mechanic Crew Leaders without further approval of the City Council.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the amendments, 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 12th day of March, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-096**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WEST TRUNK SEWER REHABILITATION PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO SAK CONSTRUCTION, LLC, OF O’FALLON, MO, IN THE AMOUNT OF \$17,871,543, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$2,144,586, 12% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$20,016,129 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the West Trunk Sewer Rehabilitation Project, and

WHEREAS, the West Trunk is approximately 8.9 miles long and conveys approximately 35 percent of the City’s total average dry weather flow, and

WHEREAS, the City’s Wastewater Collection System Master Plan includes the rehabilitation of the West Trunk from the Woodland Lift Station to the Dryden Box located at the Regional Water Recycling Facility - Sutter Campus (RWRf-SC), and

WHEREAS, this first phase of the project is approximately 8,400 linear feet, starting at the Dryden Box located at the RWRf-SC and concluding upstream at Carpenter Road, and

WHEREAS, this project will also rehabilitate a 100-foot section of 60-inch unlined RCP at the RWRf-SC identified during the Headworks and Dryden Box Project (2020-21) as being heavily corroded, and

WHEREAS, this project will also rehabilitate approximately 1,700 linear feet of the Santa Rosa Sewer Trunk and approximately 700 linear feet of the Lakewood Sewer Trunk, and

WHEREAS, the project was advertised for bids on December 5, 2023, and

WHEREAS, on January 23, 2024, bids were publicly opened, pursuant to City Charter Section 1307, three bids were received and SAK Construction, LLC, of O’Fallon, MO, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the award of Contract for the construction of the West Trunk Sewer Rehabilitation Project to SAK Construction, LLC, of O’Fallon, MO, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and SAK Construction, LLC was the lowest responsive and responsible bidder, and

WHEREAS, staff recommends awarding the Contract to SAK Construction, LLC, of O’Fallon, MO.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the West Trunk Sewer Rehabilitation Project, accepts the bid and awards a Construction Contract to SAK Construction, LLC, of O’Fallon, MO for \$17,871,543, and authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of \$2,144,586, 12% of the original Contract price, for a total payment amount not to exceed \$20,016,129.

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 12th day of March, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-097**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$15,024,837 TO
FUND THE CONSTRUCTION PHASE OF THE WEST TRUNK SEWER
REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER,
OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE
RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$15,024,837, in order to fund the West Trunk Sewer Rehabilitation Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$15,024,837.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-098**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY FOR THE SOUTH MODESTO AREA STRENGTHEN & REPLACE WATER MAINS PROJECT, IN AN AMOUNT NOT TO EXCEED \$12,699,454 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the South Modesto Area Strengthen & Replace Water Mains Project is comprised of two neighborhoods, Bret Harte and Parklawn, and

WHEREAS, the old undersized water mains in these neighborhoods are prone to leaks and will be replaced with new City standard water mains, valves, fittings, service laterals, and fire hydrants to improve system reliability, flows and pressures, and

WHEREAS, Stanislaus County (County) will also be improving existing infrastructure in the Bret Harte and Parklawn neighborhoods, referred to as County Areas 10 and 24, respectively, with funding received from the American Rescue Plan Act (ARPA), and

WHEREAS, due to the ARPA funding having a deadline for the expenditure of funds by Winter 2025, the County's design efforts are underway for Areas 10 and 24, and

WHEREAS, to increase efficiency, minimize disruption, and ensure both City and County projects are completed on time and compatible during construction, the City and County have agreed to collaborate on the design and construction efforts in the Parklawn and Bret Harte neighborhoods, and

WHEREAS, this collaboration includes partnering with the County's design engineer for the preparation of construction documents, and

WHEREAS, the final bid documents will include both the County's infrastructure improvements and the City's water system improvements, and

WHEREAS, the Memorandum of Understanding will stipulate the roles and responsibilities of each party for the design and construction of the project, along with the reimbursement requirements of costs associated with the amendment to the County's current Engineering Services Agreement with Michael Baker International and their sub-consultant Carollo Engineers to expand the scope of work to include the City's the water system improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding regarding the reimbursement of costs related to the South Modesto Area Strengthen & Replace Water Mains Project between the City of Modesto and Stanislaus County in an amount not to exceed \$12,699,454.

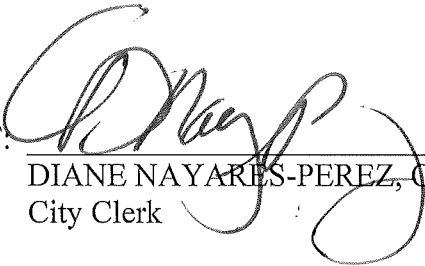
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-099**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$13,889,454 TO
BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES
TO FUND THE SOUTH MODESTO AREA STRENGTHEN & REPLACE
WATER MAINS PROJECT AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$13,889,454, in order to fund the South Modesto Area Strengthen & Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$13,889,454.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-100**

RESOLUTION APPROVING THE APPLICATION AND ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY TO ACTIVE TRANSPORT MEDICAL SERVICES, LLC IN THE CITY OF MODESTO

WHEREAS, Active Transport Medical Services, LLC, has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, the City allows non-emergency medical transport companies to apply for a non-emergency transport permit. In addition to the application, the transport company is required to pay a filing fee of \$1,000 and provide all the necessary documents and information as outlined in Modesto Municipal Code 3-9.01 to 3-9.20; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Active Transport Medical Services, LLC, per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for Active Transport Medical Services, LLC to function as a non-emergency medical transport service provider within the City of Modesto; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on March 12, 2024, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Active Transport Medical Services, LLC, for a non-emergency medical transport service within the City of Modesto; and

WHEREAS, Council finds that Active Transport Medical Services, LLC will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Active Transport Medical Services, LLC, and issues Active Transport Medical Services, LLC, a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-101**

**RESOLUTION APPROVING THE APPLICATION AND ISSUANCE OF A
PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT
COMPANY TO REMEDY MEDICAL TRANSPORTATION IN THE CITY OF
MODESTO**

WHEREAS, Remedy Medical Transportation has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, the City allows non-emergency medical transport companies to apply for a non-emergency transport permit. In addition to the application, the transport company is required to pay a filing fee of \$1,000 and provide all the necessary documents and information as outlined in Modesto Municipal Code 3-9.01 to 3-9.20; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Remedy Medical Transportation, per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for Remedy Medical Transportation to function as a non-emergency medical transport service provider within the City of Modesto; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on March 12, 2024, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Remedy Medical Transportation for a non-emergency medical transport service within the City of Modesto; and

WHEREAS, Council finds that Remedy Medical Transportation will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Remedy Medical Transportation and issues Remedy Medical Transportation a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

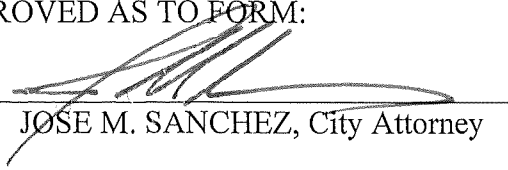


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-102**

RESOLUTION APPROVING A LEGAL SERVICES AGREEMENT WITH REDWOOD PUBLIC LAW, LLP, OAKLAND, CA TO PROVIDE CITY ATTORNEY SERVICES FOR THE CITY, AND RE-APPOINT JOSE SANCHEZ AS CITY ATTORNEY EFFECTIVE MARCH 15, 2024; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND APPROVING THE MODIFICATION TO THE LEGAL SERVICES AGREEMENT WITH MEYERS NAVE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE NECESSARY ACTION TO EXECUTE THE MODIFICATION

WHEREAS, Meyers Nave has served as the City of Modesto as City Attorney and Special Counsel on a wide variety of critical City projects since the Fall of 2013; and

WHEREAS, the current legal services agreement with Meyers Nave established rates for City Attorney Services, serving as a Charter Officer and Department Head in the administrative and managerial affairs of the City; and

WHEREAS, on March 15, 2024, Jose Sanchez will be employed at the Redwood Public Law, LLP; and

WHEREAS, it is recommended that the City Council reappoint Jose M. Sanchez as City Attorney and approve the Legal Services Agreement with the new law firm, Redwood Public Law, LLP, effective March 15, 2024; and

WHEREAS, the terms and conditions, including the hourly rates, with Redwood Public Law will be identical to the existing City Attorney legal services agreement; and

WHEREAS, the existing legal services agreement with Meyers Nave is to be modified to eliminate the City Attorney designation and City Attorney legal assignments; and

WHEREAS, Meyers Nave will continue to complete the existing specialty legal services assignments at the direction of City Manager, Joseph Lopez in consultation with City Attorney Jose Sanchez; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(c); “Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent or emergency circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Legal Services Agreement with Redwood Public Law, LLP, Oakland, CA to provide City Attorney services for the City, and re-appoint Jose Sanchez as City Attorney effective March 15, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the modification to the Legal Services Agreement with Meyers Nave.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Redwood Public Law, LLP Agreement, in a form approved by the legal counsel.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the necessary action to execute this modification for the Meyers Nave Agreement, in a form approved by the legal counsel.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

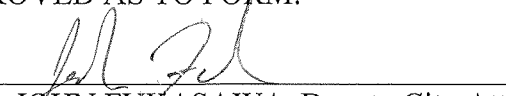
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOHN FUKASAWA, Deputy City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-103**

**RESOLUTION APPOINTING AMIN VOHRA TO THE CITY OF MODESTO
BOARD OF ZONING ADJUSTMENT, WITH A TERM EXPIRATION OF
DECEMBER 31, 2027**

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

WHEREAS, the Appointments Committee met on March 6, 2024, and recommended the appointment of Amin Vohra to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Amin Vohra to the Modesto Board of Zoning Adjustment, with a term expiration of December 31, 2027.

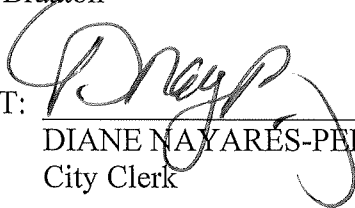
BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-104**

**RESOLUTION APPROVING THE APPOINTMENTS OF JIM STOKES,
ADRIANA GARCIA AND NOUR POLES TO THE EQUITY COMMISSION FOR
A PARTIAL UNEXPIRED TERM ENDING OF DECEMBER 31, 2026**

WHEREAS, the Affirmative Action Commission of the City of Modesto was established pursuant to the provisions of the Affirmative Action Program established by Modesto City Council Resolution No. 87-237 on April 7, 1987; and

WHEREAS, with the passage of Proposition 209, the City reviewed its employment policies, affirmative action policies and other relevant policies and procedures and amended them as necessary to comply with Proposition 209; and

WHEREAS, as part of the compliance effort, the Commission retitled from the Affirmative Action Commission to Equal Opportunity and Disability Commission by Resolution No. 98-134; and

WHEREAS, with the creation of the Diversity, Equity, and Inclusion Program which includes Equal Opportunity and Disability accessibility; and

WHEREAS, City staff retitled and repurposed the Equal Opportunity/Disability Commission to the Equity Commission and amended Article II Duties by Resolution No. 2022-054; and

WHEREAS, the Equity Commission is established to advise on matters of diversity, equity, and inclusion; and

WHEREAS, the Appointments Committee met on March 6, 2024 and recommended the appointment of Jim Stokes, Adriana Garcia and Nour Poles to the Equity Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Jim Stokes, Adriana Garcia and Nour Poles as commission members to the Equity Commission for a partial unexpired term ending December 31, 2026.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Equity Commission, and secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-105**

**RESOLUTION ACCEPTING THE RESIGNATIONS OF LISA BATTISTA AND
MARGARET JAMES FROM THE EQUITY COMMISSION**

WHEREAS, the Equity Commission was established to advise the City Manager and the City Council in matters that relate to equity and inclusion, equal opportunity, and disability related issues; and

WHEREAS, on August 9, 2022, by Resolution No. 2022-332, and on November 7, 2023, by Resolution No. 2023-483, Lisa Battista and Margaret James respectively were appointed to serve as members of the Equity Commission; and

WHEREAS, Lisa Battista and Margaret James have tendered their resignations from the Equity Commission effective December 31, 2023 and January 14, 2024 respectively.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignations of Lisa Battista and Margaret James from the Equity Commission with regret.

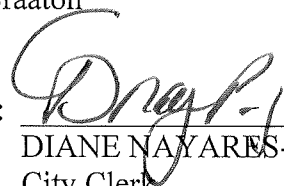
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-106**

RESOLUTION APPROVING THE APPOINTMENTS OF KAREN ADAMS AS A MEMBER-AT-LARGE AND NANCY NORTON OF THE MUNI NINERS GOLF CLUB, TO THE GOLF COURSES ADVISORY COMMITTEE FOR A FOUR-YEAR TERM FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2027

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

WHEREAS, the Golf Courses Advisory Committee is comprised of five members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Women’s Golf Club, and six Members-At-Large, and

WHEREAS, appointments specific to the named golf organizations are nominated by each respective organization and recommended to the City for consideration, and

WHEREAS, Karen Adams is qualified to serve as a Member-At-Large, and

WHEREAS, Nancy Norton has been nominated by the Muni Niners Golf Club to serve on its behalf, and

WHEREAS, on March 6, 2024, the Appointments Committee recommended the appointment of Karen Adams as a Member-At-Large, and the appointment of Nancy Norton as the Muni-Niners representative, and

WHEREAS, each will serve a four-year term from January 1, 2024 through December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Karen Adams as Member-At-Large and

Nancy Norton of the Muni Niners Golf Club, to the Golf Courses Advisory Committee from January 1, 2024 through December 31, 2027.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-107**

**RESOLUTION ACCEPTING THE INFORMATIONAL FISCAL YEAR 2023-24
GENERAL FUND MID-YEAR UPDATE REPORT AND APPROVING THE
RECOMMENDED BUDGET ADJUSTMENTS TO THE MAJOR GENERAL
FUND REVENUES AND EXPENDITURES IN THE FISCAL YEAR 2023-24
ANNUAL OPERATING BUDGET**

WHEREAS, periodically the Budget Division presents updates to the Finance Committee and Council on the status of the General Fund, included adjustments to the Annual Operating, Capital Improvement, and Multi-year Project budgets, and

WHEREAS, the Fiscal Year 2023-24 General Fund Mid-Year Update Report focuses on the performances of the City’s General Fund major revenue sources, as well as the various expenditures across the operating departments, and

WHEREAS, revenue data gathered through February 29, 2024, shows that the City has receipted 56% of the budgeted revenues and overall expenditures have only expended 63% of their total budgets in the General Fund, and

WHEREAS, staff has made multiple recommendations for revenue increases due to the strength of incoming receipts for revenues such as Property Tax - Property, Property Tax – VLF Swap, and Motor Vehicle Fees as shown in the chart below:

Account - Description	Current Budget	Increase/ (Decrease)	Revised Amount	Category
41101 - Property Taxes - CY Secured Taxes	\$ 19,680,525	\$ 349,576	\$ 20,030,101	Property Tax - Property
41111 - Property Taxes - CY Unsecured	\$ 944,819	\$ 114,982	\$ 1,059,801	Property Tax - Property
42157 - Intergov - State - VLF Swap Adjustment	\$ 21,637,453	\$ 445,661	\$ 22,083,114	Property Tax - VLF Swap
41201 - Sales and Use Taxes	\$ 41,706,191	\$ (800,000)	\$ 40,906,191	Sales Tax
42121 - Intergov - State - Motor Vehicle License Fee	\$ 165,000	\$ 57,653	\$ 222,653	Motor Vehicle Fees
Grand Totals	\$ 84,133,988	\$ 167,872	\$ 84,301,860	

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the informational Fiscal Year 2023-24 General Fund Mid-Year Update Report and approves the recommended budget adjustments to the major General


Fund revenues and expenditures, as noted above and in the report, in the Fiscal Year 2023-24 Annual Operating Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-108**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS
AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY
STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

UTILITIES

- A budget adjustment in the amount of \$898,560 is necessary in the Wastewater Operations Fund (4210) to establish the revenue budget for Project 101290 - River Trunk - Gravity System. As part of the expenses associated with the River Trunk Realignment Gravity System Project, the construction of the West Modesto – County Area 9 Sewer Infrastructure Improvements – Colorado Sewer Main will connect residential properties within the Colorado Avenue Community to the City’s sewer system and will be funded by Stanislaus County. This item went to Council on December 14, 2021, and resolution 2021-508 accepted the funding agreement between the City and the County, but did not recognize the revenue from the County. This adjustment is budgeting revenue to be received from the County.

FINANCE

- A budget adjustment in the amount of \$250,000 is necessary in the Inventory Purchase Fund (5110). This request is being derived from the trend we are seeing along with what we have calculated averaging for the remainder of the Fiscal Year. In addition, the Stores Division accommodating City departments requests of bringing in new parts we were not originally anticipating.
- A budget adjustment in the amount of \$300,000 is necessary in the Inventory Purchase Fund (5110) for additional parts needed by the Water Department that were unforeseen on the previous budget adjustment. There are an additional 2,000 registers that are needed through the end of this fiscal year that we ordered for them.

PUBLIC WORKS – MEASURE H

- A budget adjustment in the amount of \$359,315 is necessary to reappropriate the approved Measure H quick win related to the extension with Grover Landscape contract services for Forestry needs. This was approved by Council on February 14, 2023 per Resolution 2023-062. The reappropriation is necessary as the expense had some activity in Fiscal Year 2023-24 and is being utilized to reduce the backlog for current GoModesto service requests, inspections, and to assist with removing dead and diseased trees.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-109**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH CASTILLO, MORIARTY, TRAN & ROBINSON IN THE AMOUNT OF \$250,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$495,000, FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on September 22, 2022, the City entered into a Legal Services Agreement with Castillo, Moriarty, Tran & Robinson (CMTR) to represent the City in police litigation matters for an amount not the exceed \$45,000; and

WHEREAS, on February 14, 2023, by Resolution No. 2023-45, Council approved a First Amendment to the Legal Services Agreement with CMTR in the amount of \$200,000 for a total Agreement amount of \$245,000 for continued representation in police litigation matters; and

WHEREAS, an increase to the agreement budget in the amount of \$250,000 is necessary to support continued services, for a total agreement amount not to exceed \$495,000; and

WHEREAS, Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, the City has drafted a Second Amendment to the Legal Services agreement with Castillo, Moriarty, Tran & Robinson for continued 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 Castillo, Moriarty, Tran & Robinson in the amount of \$250,000, for a total agreement amount not to exceed \$495,000 for continued representation in police litigation matters, and further authorizes the City Attorney to execute such Second Amendment 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 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment to the Legal Services (this “**Second Amendment**”), is made and entered into on 9th day of April 2024 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **CASTILLO, MORIARTY, TRAN & ROBINSON** (“**Attorney**”), located at 75 Southgate Ave., Daly City, California 94015. 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 police matters including use of force and the discharge of a weapon; 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 \$245,000 to \$495,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Castillo, Moriarty, Tran & Robinson dated September 22, 2022 and amended on February 14, 2023 by Resolution No. 2023-45, is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” 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 four hundred, ninety-five thousand dollars (\$495,000).”

2. **Entire Agreement.** The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated September 22, 2022, 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:

Jose M. Sanchez, City Attorney

ATTEST:

Diane Nayares-Perez, City Clerk

Christina Alger, Human Resources Director

[Signatures Continued on Next Page.]

**ATTORNEY:
CASTILLO, MORIARTY, TRAN & ROBINSON**

88-3503648
Federal I.D. No.

202022214002
State I.D. No.

____ N/A _____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY (*check one*):

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

Signature of Authorized Person

____ Partner _____
Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-110**

**RESOLUTION APPROVING THE CHANGE IN OWNERSHIP REQUEST FOR
RETAIL DISPENSARY MEDALLION WELLNESS RESULTING IN PHENOS
COLLECTIVE INC. ACQUIRING EIGHTY PERCENT (80%) OF MEDALLION
WELLNESS**

WHEREAS, City Council via Resolution 2018-566 issued a commercial cannabis permit to the following commercial cannabis retail business, Medallion Wellness, located at 1313 McHenry Ave.; and

WHEREAS, the business was solely owned by Michael Sean O’leary; and

WHEREAS, on September 8, 2023, legal counsel for Phenos Collective Inc. and Medallion Wellness requested approval for a change in ownership of Medallion Wellness which would result in Phenos Collective Inc. acquiring eighty percent (80%) of Medallion Wellness with the original owner retaining the remaining twenty percent (20%); and

WHEREAS, pursuant to Modesto Municipal Code, 10-3.704(d), permits issued in accordance with the City’s Cannabis Ordinance are not transferable to another individual without City approval; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-298, Council approved a change in ownership policy for commercial cannabis permits within the City to provide guidance on the approval process for these changes; and

WHEREAS, the policies and procedures includes the following requirements:

- If a new individual acquires an aggregate ownership interest of fifty-one (51%) percent of a cannabis business when they previously had not will require City Council approval for Dispensaries or approval by the

Cannabis Program and Permit Review Committee for non-dispensaries.

- If an originally approved owners retain one hundred (100%) percent interest in the cannabis business amongst them then this transaction would not meet the definition of a change in ownership per California Department of Cannabis Control (DCC) regulations section 15023.
- An original owner(s) must retain a minimum of twenty (20%) percent ownership interest in the businesses to continue operating under their current commercial cannabis permit following City approval of the change, otherwise the business must cease operation and reapply for a commercial cannabis permit under the new business structure; and

WHEREAS, the City requested and received documentation from the business that included proof of filing with the Secretary of State, successful completion of background checks as required by Modesto City Code section 10-3.704(3)(2), and a signed board of directors resolution by the relinquishing party acknowledging the change; and

WHEREAS, the new ownership structure complies with the requirements of the City of Modesto's adopted change in ownership policy; and

WHEREAS, the change in ownership request was presented to the Cannabis Program and Permit Review Committee on January 10, 2024 with the committee recommending to forward the request to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the change in ownership request for retail dispensary Medallion

Wellness resulting in Phenos Collective Inc. acquiring eighty percent (80%) of Medallion Wellness.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

RECUSE: Councilmembers: Alvarez

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-111**

RESOLUTION APPROVING A HOMEOWNER REHABILITATION LOAN IN THE AMOUNT OF \$88,504 AND A HOMEOWNER REHABILITATION GRANT IN THE AMOUNT OF \$10,000 FOR A TOTAL PROJECT COST OF \$98,504 TO CHARLES MARK MATTERI FOR HEALTH AND SAFETY REPAIRS TO THE RESIDENTIAL PROPERTY LOCATED AT 1710 IDYLWOOD COURT, MODESTO, CA 95350 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, on January 4, 2024 HRLC approved a \$88,504 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant for Charles Mark Matteri for the property located at 1710 Idylwood Court, Modesto, CA 95350, and

WHEREAS, according to Section 6 Homeowner Rehabilitation Program Policies and Procedures approved by resolution 2022-481 by City of Modesto City Council, and

WHEREAS, in Modesto Municipal Code 8-3.102, the City Manager is authorized to execute agreements in an amount up to \$100,000 and due to the misalignment between the Homeowner Rehabilitation Program and Procedures and the Modesto Municipal Code, staff will be making revisions to the Section 6 policy to ensure it aligns with the City Manager's signature authority, and

WHEREAS, the project was advertised on Planet Bids on January 22, 2024 and also advertised in the Modesto Bee, and

WHEREAS, four general contractors submitted sealed bid packets to the City Clerk. On February 27, 2024 the City Clerk facilitated the bid opening, and

WHEREAS, Garcia Septic & Construction Inc. of Modesto, California was the apparent low bidder, and

WHEREAS, the bid analysis is as follows: number of bids received 5, number of bids in compliance with (Section 6, subsection 14.5) 2, number of bids outside compliance with (Section 6, subsection 14.5) 3, and

WHEREAS, the Intent to Award was sent to Garcia Septic & Construction Inc, as the apparent low bidder for project 1710 Idylwood Court for \$98,504 inclusive of a 12% contingency, and

WHEREAS, Section 6: Homeowner Rehabilitation Program Policies & Procedures, Resolution 2022-481 states in Section 14.0 Cost Reasonableness: “bids received must be not less than or greater than 15% of the Housing Rehabilitation Specialist’s cost estimate,” and

WHEREAS, the Homeowner Rehabilitation Program was created to assist with low-income homeowners in need of rehabilitation and health and safety concerns of their property, and

WHEREAS, to ensure quality work, city staff assists with procurement of the contractor and oversight of the project, and

WHEREAS, City staff oversees the project to verify timelines and workmanship standards are adhered to, and

WHEREAS, City is responsible for funding and project oversight and the homeowner is responsible for entering into an agreement with the contractor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Homeowner Rehabilitation Loan in the amount of \$88,504 and a Homeowner Rehabilitation Grant in the amount of \$10,000 to Charles Mark Matteri for

health and safety repairs to the residential property located at 1710 Idylwood Court,
Modesto, CA 95350.

BE IT FURTHER RESOLVED that authorizing the City Manager or his designee
to execute the agreements 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 9th day of April, 2024, by Councilmember Wright, who
moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-112**

RESOLUTION APPROVING THE FISCAL YEAR 2024-25 ENGINEER'S ANNUAL REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; AND SETTING A PUBLIC HEARING ON JUNE 11, 2024 TO CONSIDER THE FISCAL YEAR 2024-25 LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus ("County") formed the Shackelford Landscape and Lighting District ("Shackelford LLD") for the purpose of administering the maintenance of seventy-seven (77) 200-watt high-pressure sodium streetlights; and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 494 lots with both residential and commercial development, and is bounded by Crows Landing on the west, E. Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north; and

WHEREAS, on February 22, 2012, the Stanislaus County Local Agency Formation Commission ("LAFCO") approved the annexation of the Shackelford Area to the City of Modesto ("City"); and

WHEREAS, on April 24, 2012, the City Council approved the Shackelford Landscape and Lighting District Transfer Agreement between the County and City; and

WHEREAS, the City assumed full responsibility and administration of the Shackelford LLD on July 1, 2012; and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for the Shackelford LLD, to prepare and file an annual report; and

WHEREAS, the Engineer of Work has prepared and filed said annual report with the City Clerk; and

WHEREAS, the Fiscal Year 2024-25 Assessment will be increasing from the prior fiscal year; and

WHEREAS, each year levies are based on the current fiscal year expenses including the estimated expenses for the remaining fiscal year, adding \$1.50 Administration Charge to the per parcel assessment amount and multiplying the per assessment amount to arrive at the total assessment amount; and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the Shackelford LLD for the fiscal year stated in the annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the Shackelford LLD.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the

Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

- e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2024-25 Engineer's Annual Report for the Shackelford Landscape and Lighting District.

BE IT FURTHER RESOLVED that the City Council hereby finds the following:

1. The City Council intends to levy and collect assessments within the Shackelford LLD during the fiscal year 2024-25.
2. The proposed 2024-25 annual assessment for residential parcels is increasing from fiscal year at \$63.44 per parcel. The levy for Fiscal Year 2023-24 was \$32,013.
3. There are no proposed new improvements or any substantial changes in the existing improvements in the Shackelford LLD and the existing improvements to be made in the Shackelford LLD are generally described as follows:

The City shall provide maintenance, operation and servicing, in perpetuity, of streetlights and all improvements required for such maintenance including, but not limited to:
 - a. Payment to local utility company for monthly power costs of energizing street lights in the Shackelford LLD.

- b. Payment to local utility company for maintenance of street lights in the Shackelford LLD that the utility company owns (usually those lights that are mounted on wooden poles).
 - c. Maintenance provided by the City of Modesto for street lights in the Shackelford LLD that are owned by the City of Modesto (usually those lights that are mounted on steel poles).
- 4. The Shackelford LLD is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located North of Hatch Road, South of State Highway 99, and East of Crows Landing Road.
- 5. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.
- 6. On Tuesday, the 11th day of June, 2024, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the questions of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

7. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.
8. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-113**

RESOLUTION ACCEPTING THE FISCAL YEAR 2024-25 ENGINEER'S ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 AND 2; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS UNITS 1 AND 2; AND SETTING A PUBLIC HEARING ON JUNE 11, 2024 TO CONSIDER THE FISCAL YEAR 2024-25 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units Nos. 1 and 2; and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, said assessment district was formed with annual inflator based on the Building Cost Index (BCI); and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Community Development Manager, the person designated by the Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report; and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk; and

WHEREAS, California Streets and Highways Code Section 22623 requires the Council to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the Council to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2024-2025 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions Nos. 7-10, Creekwood Meadows subdivision and Yosemite subdivision.

BE IT FURTHER RESOLVED, that the Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2024-2025. The amount of the proposed assessment for 2024-2025 will be \$34,202.90. Such amount is equal to the assessment for fiscal year 2023-2024 increased by the annual percentage change in the Building Cost Index (BCI).

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto, and is more specifically located on the northeast corner of Yosemite Boulevard and North McClure Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.
4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.
5. On Tuesday, the 11th day of June, 2024, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.
6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements

of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-114**

RESOLUTION ACCEPTING FISCAL YEAR 2024-25 ENGINEER'S ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6 AND SETTING A PUBLIC HEARING ON JUNE 11, 2024 TO CONSIDER THE FISCAL YEAR 2024-25 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6; and

WHEREAS, said assessment district was formed in accordance with the Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679); and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for the Landscape Maintenance Assessment District No. 1, to prepare and file an annual report; and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk; and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Fiscal Year 2024-25 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, which is **attached** hereto and hereinafter incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2024-25. The amount of the proposed assessment for 2024-25 is the same as the assessment for fiscal year 2023-24.
2. There are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 1 and that the existing improvements to be made in said assessment district are generally described as follows:
The City shall provide maintenance of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:
 - a. Street medians in Creekwood Drive
 - b. Areas adjacent to the access control walls along Creekwood Drive
 - c. Areas adjacent to the access control walls along Claus Road
3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).
4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any

zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 11th day of June, 2024, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.
6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.
7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1
◆ DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6 ◆
*A Landscape Maintenance Assessment District pursuant to
the Landscape and Lighting Act of 1972*

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2024 - JUNE 30, 2025

Prepared By:

Peter Ibrahim,
Infrastructure Financing Program
Supervisor

Certified By:

Toby Wells, P.E.
City Engineer

Accepted By Motion:

Modesto City Council



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IV.	Maintenance & Plan Specifications
V.	Annual Assessment District Diagram
VI.	Annual Assessments List by Parcel & Property Owner

SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimated costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and three (3) public agency owned parcels. An annual assessment of \$26 per single-family residential parcel has remained the same since 1996. The total assessment to be levied for LMAD No. 1 for Fiscal Year 2024-2025 is \$19,474.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

1. Single Family Residential Parcels:
There are 749 single-family residential parcels located within LMAD No. 1.
2. Multi-Family Residential Parcels:
There are no multi-family residential parcels located within LMAD No. 1.
3. Commercial/Industrial Parcels:
There are no commercial or industrial parcels located within LMAD No. 1.
4. Public Agency Parcels:
There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. 2024-2025 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of \$26.00 per parcel. Each parcel receives equal benefits from the District. The Stanislaus County Auditor-Controller's Office, Property Taxes and Assessments Division, collects a \$0.20 fee per assessment and per parcel. This fee is built into the annual assessment being levied for LMAD No. 1. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

\$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
\$	19,474.00	Total annual assessment

C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2024-2025 annual assessment is the same as the annual assessment for Fiscal Year 2023-2024 of \$26.00 per single-family residential parcel.

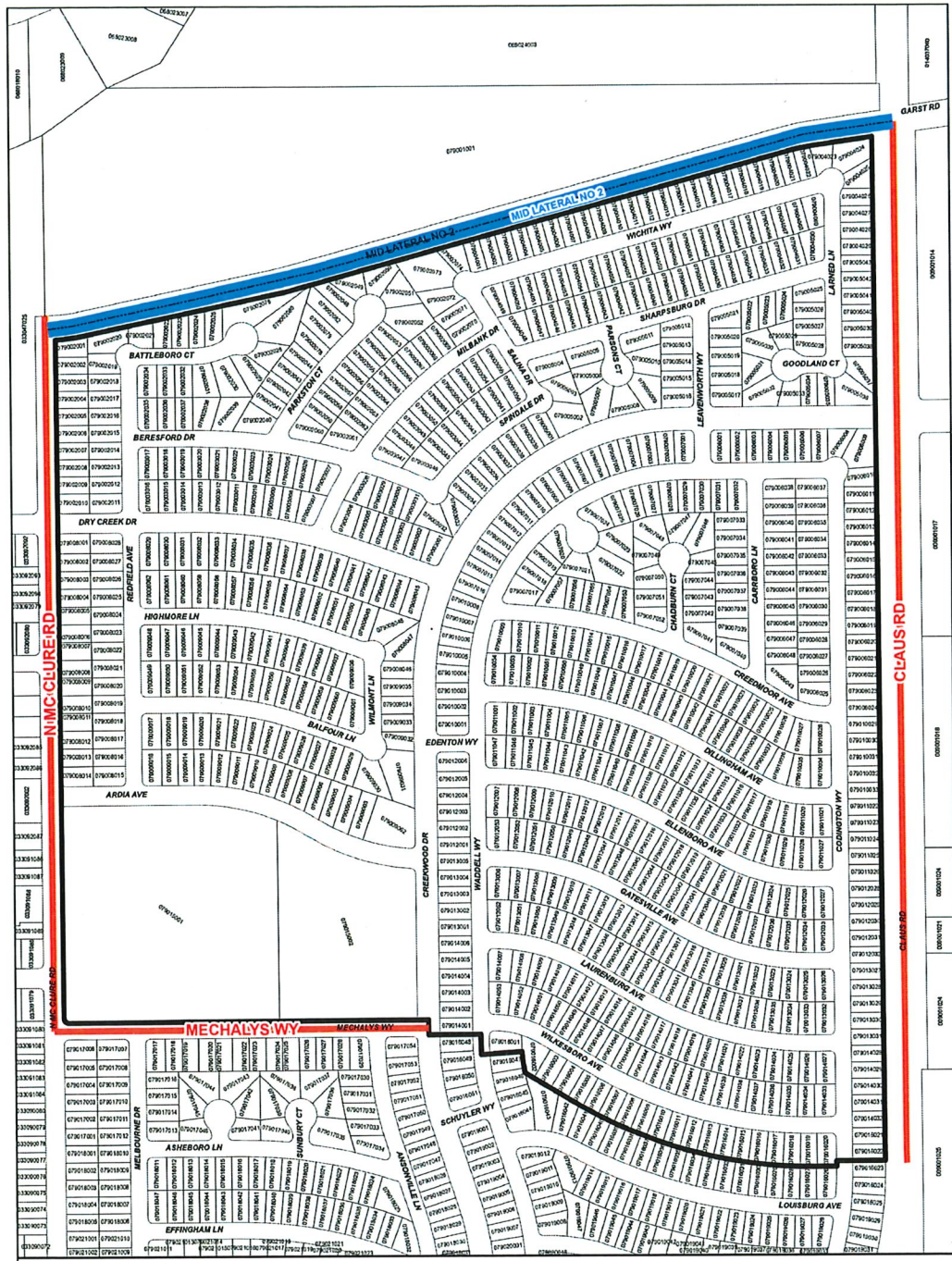
SECTION III FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 6480		Estimated FY 2023-24 ¹	Proposed FY 2024-25 ²
Beginning Fund Balance		\$ 12,958	\$ 11,336
Revenue (Cost Center 80010)			
Special Assessments		\$ 10,729 ³	\$ 19,474 ⁴
Interest		\$ 5	
Change in FMV		\$ 5	
<i>Estimated - Special Assessments</i>		\$ 8,745 ⁵	
Total Revenue		\$ 19,484	\$ 19,474
Expenses (Cost Center 80010)			
	Account		
<i>Operating Budget</i>			
Postage Expenses	52025	\$ -	\$ -
Water Utility Expenses	53043	\$ (3,293)	\$ (4,500)
Repair and Maintenance Services - Landscape	53165	\$ (5,986)	\$ (10,204)
Professional Services	53300	\$ -	\$ (1,000)
Legal Services	53450	\$ -	\$ (500)
Services City Forces - Interfund	54500	\$ (3,086)	\$ (6,717)
<i>Estimated - Water Utility Expenses</i>	53043	\$ (1,207)	
<i>Estimated - Repair and Maintenance Services</i>	53165	\$ (4,491)	
<i>Estimated - Professional Services</i>	53300	\$ (1,000)	
<i>Estimated - Legal Services</i>	53450	\$ (500)	
<i>Estimated - Services City Forces</i>	54500	\$ (1,543)	
Total Expenses		\$ (21,106)	\$ (22,921)
Ending Fund Balance		\$ 11,336	\$ 7,889
¹ The final amount shows what has been expended as of 02.29.24 in FY24. There will be more expenses through the end of the fiscal year (June); these are shown as Estimated.			
² The estimated expenditures for FY 2024-25 are based on the revenue that is currently able to be generated within LMAD No. 1.			
³ Actual revenue received for FY 2024-25 tax levy.			
⁴ Proposed revenue			
⁵ Estimated revenues for second installment of FY 2024-25 tax levy.			

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Parks, Recreation & Neighborhoods Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 342-2270.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



Assessment District Diagram
 Landscape Maintenance Assessment District No. 1
 (Dry Creek Meadows Subdivisions No. 1 - 6)



Date: 1/12/2024



Document Path: K:\Projects\Maintenance\Mxd\landscape-d1-20240112.mxd

SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-002-001-000	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	Modesto CA 95357	\$26.00
079-002-002-000	SOUMPHONPHAKDY YOUTHANA & KACHELLE MARIE	732 N MC CLURE RD	Modesto CA 95357	\$26.00
079-002-003-000	SORDO BRYON S ETAL	728 N MC CLURE RD	Modesto CA 95357	\$26.00
079-002-004-000	PRASAD AJAY B & SAILESHNI D TRS	724 N MC CLURE RD	Modesto CA 95357	\$26.00
079-002-005-000	LOPEZ JOSE M	720 N MC CLURE RD	Modesto CA 95354	\$26.00
079-002-006-000	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	Modesto CA 95357	\$26.00
079-002-007-000	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	Modesto CA 95354	\$26.00
079-002-008-000	GARCIA JOSE DE JESUS	708 N MC CLURE RD	Modesto CA 95354	\$26.00
079-002-009-000	ESPINOZA GABRIEL	704 N MC CLURE RD	Modesto CA 95357	\$26.00
079-002-010-000	LEON MARTHA	700 N MC CLURE RD	Modesto CA 95357	\$26.00
079-002-011-000	SAMRA AMARJIT S TR	701 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-012-000	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	Modesto CA 95357-1557	\$26.00
079-002-013-000	BAUTISTA JOSE ALDANA & AVALOS MA DE LOS ANGEL FIER	709 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-014-000	BATTAGLIA COREY J	713 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-015-000	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-016-000	NGUYEN THANG ET AL	721 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-017-000	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-018-000	WRIGHT JASON ET AL	729 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-019-000	VAZQUEZ MIRIAM S	733 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-020-000	CASEY MARY JOHN	737 REDFIELD AVE	Modesto CA 95357	\$26.00
079-002-021-000	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-022-000	JOHNSON VERDELL TR	3517 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-023-000	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-024-000	PLUNK NATALIE & ROBERT	3525 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-025-000	HASKEL ALAN	3529 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-028-000	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-029-000	HASKEL ANDREW ROBERT	3532 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-030-000	EMERY EVERETTE & SHONDA TRS	3528 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-031-000	VILLALPANDO HERIBERTO & ROSA E	3524 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-032-000	NGUYEN HUY ET AL	3520 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-033-000	REDWOOD HOLDINGS LLC	3516 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-034-000	VO SANG	3512 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-035-000	ALCAZAR ELISA C ET AL	3513 BERESFORD DR	Modesto CA 95357-5841	\$26.00
079-002-036-000	CARREON JOSE & CECILIA	3517 BERESFORD DR	Modesto CA 95357	\$26.00
079-002-037-000	GOMEZ PATRICIA	3521 BERESFORD DR	Modesto CA 95357	\$26.00
079-002-038-000	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	Modesto CA 95357	\$26.00
079-002-039-000	BECCERRA JUAN CARLOS RIVERA	3529 BERESFORD DR	Modesto CA 95357	\$26.00
079-002-040-000	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-041-000	ALLEN FLETCHER	717 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-042-000	SOTO HECTOR M & PENA MARIA C	721 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-043-000	SAMRA AMARJIT	725 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-044-000	WRIGHT JASON ODELL SR & SARA	729 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-048-000	SINGH ANU LATA ET AL	745 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-049-000	TOWNSELL DARNELL JR ET AL	749 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-050-000	ARMENTA ANTONIA GUILLERMINA HERNANDEZ ET AL	753 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-051-000	TORRES JUAN LUIS	752 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-052-000	CASTILLO RANDY	748 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-053-000	LANZA PHILIP R	744 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-054-000	FABER BRUCE ET AL	740 PARKSTON CT	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-002-055-000	PEREZ ISIDRO C	736 PARKSTON CT	Modesto CA 95357-1550	\$26.00
079-002-056-000	GANJA SAM	732 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-057-000	MATUS NICHOLAS A GUEVARA & GUEVARA MARIA C	728 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-058-000	COLLS LUIS R TR	724 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-059-000	ELLYSON JEFFREY	720 PARKSTON CT	Modesto CA 95357-1550	\$26.00
079-002-060-000	CLARKE THOMAS D II & BRENDA L	716 PARKSTON CT	Modesto CA 95355	\$26.00
079-002-061-000	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	Modesto CA 95357	\$26.00
079-002-062-000	LUBINSKY CAROL E	717 MILBANK DR	Modesto CA 95354	\$26.00
079-002-063-000	KAUR HARVINDER & SINGH SARBJIT	721 MILBANK DR	Modesto CA 95357	\$26.00
079-002-064-000	PRASAD RAMA ET AL TRS	725 MILBANK DR	Modesto CA 95357	\$26.00
079-002-065-000	WINGO NAIDA J	729 MILBANK DR	Modesto CA 95357	\$26.00
079-002-066-000	SMITH MARQUE R	733 MILBANK DR	Modesto CA 95357-1549	\$26.00
079-002-067-000	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	Modesto CA 95357-1549	\$26.00
079-002-068-000	PETERSON JEAN	741 MILBANK DR	Modesto CA 95357	\$26.00
079-002-069-000	MORSE GERALD WAYNE & CONSUELO	745 MILBANK DR	Modesto CA 95357	\$26.00
079-002-070-000	RAMIREZ-RIVERA JULIO C & CRUZ-FUENTES ALMA NIDIA	817 SALINA DR	Modesto CA 95357	\$26.00
079-002-071-000	COHETERO VICTOR & HEIDE	821 SALINA DR	Modesto CA 95357	\$26.00
079-002-072-000	PENA MIGUEL G	825 SALINA DR	Modesto CA 95357	\$26.00
079-002-073-000	MANANQUIL DEXTER & PRAK DEBBIE	3701 WICHITA WAY	Modesto CA 95357	\$26.00
079-002-074-000	ROMAN TED ET AL	3705 WICHITA WAY	Modesto CA 95357	\$26.00
079-002-076-000	BATES HAROLD & JANICE	3533 BATTLEBORO CT	Modesto CA 95357	\$26.00
079-002-078-000	SINGH MOHINDER	733 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-079-000	SINGH DALVIR	737 PARKSTON CT	Modesto CA 95357	\$26.00
079-002-080-000	HASKEL ROBERT P	3537 BATTLEBORO CT	Modesto CA 95357-1510	\$26.00
079-002-082-000	SIMAS LUIS & DAISY	741 PARKSTON CT	Modesto CA 95357	\$26.00
079-003-001-000	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-002-000	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-003-000	BROWN CHRISTOPHER C & KAREN R	3633 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-004-000	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-005-000	TORRES MOSES & ESTRADA NANCY	3625 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-006-000	ROSALES ANDREA VEGA	3621 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-007-000	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-008-000	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-009-000	PRASAD SUJENDRA & DEVI SANGITA	3605 DRY CREEK DR	Modesto CA 95357-1527	\$26.00
079-003-010-000	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-011-000	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-012-000	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-013-000	SILLAS DAVID ASPERICUETA & ASPERICUETA LEANNE MARI	3529 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-014-000	REYES FERNANDO ET AL	3525 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-015-000	CHUON LEE & SIN CHANTEVY	3521 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-016-000	DIXON THOMAS L	3517 DRY CREEK DR	Modesto CA 95357	\$26.00
079-003-017-000	CHUM KEO & LOK CHANTHY	3512 BERESFORD DR	Modesto CA 95354	\$26.00
079-003-018-000	ESTRADA ADRIANA G	3516 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-019-000	VILLEGAS ORLANDO ET AL	3520 BERESFORD DR	Modesto CA 95357-1511	\$26.00
079-003-020-000	LOVE BOBBY	3524 BERESFORD DR	Modesto CA 95357-1511	\$26.00
079-003-021-000	DHALIWAL JOGINDER SINGH & KULWANT KAUR	3528 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-022-000	LUTTRELL ERIC ET AL	3532 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-023-000	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-024-000	GARCIA JOSE VASQUEZ & MOSQUEDA LAURA CALDERON	3540 BERESFORD DR	Modesto CA 95357-1511	\$26.00
079-003-025-000	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-003-026-000	ARELLANO ERIK ALBERTO	3604 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-027-000	VAZQUEZ ALICIA TR	3608 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-028-000	REYES ERLINDA M TR	3616 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-029-000	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	Modesto CA 95357-4052	\$26.00
079-003-030-000	BURKE GARY F II & JEAN-BURKE BECKY TRS	3624 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-031-000	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-032-000	MARTINEZ CRISTIAN O	3632 BERESFORD DR	Modesto CA 95357-1515	\$26.00
079-003-033-000	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	Modesto CA 95350	\$26.00
079-003-034-000	SOLIS MARIA	708 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-035-000	LANGI SOANE	712 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-036-000	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-037-000	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-038-000	MORALES DIANA R	724 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-039-000	MONTELONGO SANDRO	728 SPINDALE DR	Modesto CA 95357-1565	\$26.00
079-003-041-000	GONZALES JUAN G JR & GLORIA M	729 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-042-000	DORRETT NEWTON & LYNELL D	725 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-043-000	SAMMULI ROBERT A & JAMIE L	721 SPINDALE DR	Modesto CA 95357-1566	\$26.00
079-003-044-000	GARCIA ERIKA YAZMIN	717 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-045-000	REYES ROGELIO GONZALEZ	713 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-046-000	BOWMAN ANDREW	709 SPINDALE DR	Modesto CA 95357	\$26.00
079-003-047-000	SINGH RAWNIK & LAL RANJITA	3617 BERESFORD DR	Modesto CA 95357	\$26.00
079-003-048-000	COULIBALY LLC	720 MILBANK DR	Modesto CA 95357	\$26.00
079-003-049-000	MOODY DIANE K	724 MILBANK DR	Modesto CA 95357	\$26.00
079-003-050-000	SWITZER LYNDELL TR	728 MILBANK DR	Modesto CA 95357	\$26.00
079-003-051-000	KILGORE LINDA L	732 MILBANK DR	Modesto CA 95357	\$26.00
079-003-052-000	MAXWELL VIRGINIA E	736 MILBANK DR	Modesto CA 95357-1548	\$26.00
079-003-053-000	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	Modesto CA 95357	\$26.00
079-003-054-000	SPIEKER JANE R & DAVID M	744 MILBANK DR	Modesto CA 95357	\$26.00
079-003-055-000	ALVEAR FELICITAS	748 MILBANK DR	Modesto CA 95357	\$26.00
079-003-056-000	PAHL KAREN M ET AL	733 SPINDALE DR	Modesto CA 95357	\$26.00
079-004-001-000	BASSARD MICHAEL ET AL	3709 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-002-000	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-003-000	HAWIL ALFRED	3717 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-004-000	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-005-000	PAPPAS MICHAEL & NANCY CARDENAS	3725 WICHITA WAY	Modesto CA 95357-1570	\$26.00
079-004-006-000	MANLULU NOEL M & MARIVIC F TRS	3729 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-007-000	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-008-000	VALDES RENE D ET AL	3801 WICHITA WAY	Modesto CA 95357-1572	\$26.00
079-004-009-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3805 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-010-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3809 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-011-000	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-012-000	HERNANDEZ MARLYN ET AL	3817 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-013-000	WU HONG LIANG	3821 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-014-000	CURTRIGHT BARBARA TR	3825 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-015-000	HAWIL MARCUS	3829 WICHITA WAY	Modesto CA 95354	\$26.00
079-004-016-000	SANTIAGO JOSE NAPOLES & SONIA TRS	3901 WICHITA WAY	Modesto CA 95354-1576	\$26.00
079-004-017-000	FUENTES MANUEL	3905 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-018-000	GONZALEZ CARRAZCO LUIS A & BUENDIA ANA L	3909 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-019-000	GONZALEZ BEILING ANGELICA & VIDAL SALGADO	3913 WICHITA WAY	Modesto CA 95354	\$26.00
079-004-020-000	BOWMAN TERRI	3917 WICHITA WAY	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-004-021-000	MENDOZA JESUS ET AL	3921 WICHITA WAY	Modesto CA 95355	\$26.00
079-004-022-000	TEJEDA SERGIO L & VALDEZ JUANA ROCIO QUINTANILLA	3925 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-023-000	MEZA HECTOR MEDINA	3929 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-024-000	MARTINEZ ARTHUR J & ELISA R TRS	3933 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-025-000	GARDNER GEORGE H & DAWN MARIE TRS	844 LARNED LN	Modesto CA 95357	\$26.00
079-004-026-000	SAMUEL BENJAMIN SADA & JANET A TRS	840 LARNED LN	Modesto CA 95357	\$26.00
079-004-027-000	BARTON KEVIN A	836 LARNED LN	Modesto CA 95357	\$26.00
079-004-028-000	SEN INDAR & SEN SURUJ M	832 LARNED LN	Modesto CA 95357	\$26.00
079-004-029-000	VIGIL CELSO ET AL	828 LARNED LN	Modesto CA 95357	\$26.00
079-004-030-000	MENDOZA GEORGINA	3925 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-031-000	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-032-000	BALANJI HELEN FARHAD ZADEH	3917 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-033-000	CARO MARIA LUISA FABIOLA ET AL	3913 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-034-000	SAN PEDRO SHIRLEY Q & GEORGE	3909 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-035-000	AGUIRRE GUADALUPE & RAMIREZ MIGUEL OROZCO	3905 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-036-000	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-037-000	RAYA ARMANDO & ESPARZA JOAN	3821 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-038-000	VAN DE GROENKAN RUTH ET AL	3817 SHARPSBURG DR	Modesto CA 95357-1562	\$26.00
079-004-039-000	MUNOZFERRER ISMAEL & GLORIA LETICIA	3813 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-040-000	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-041-000	VASQUEZ CODY R & BYIANCA	3805 SHARPSBURG DR	Modesto CA 95351	\$26.00
079-004-042-000	SERNA MARLA ANN TR	3801 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-043-000	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	Modesto CA 95357-1560	\$26.00
079-004-044-000	PRATT CRYSTAL MARIE	3717 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-045-000	HARO SAYRA YOSELYNE GUTIERREZ ET AL	3713 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-046-000	OROZCO RUDY JOSEPH	3709 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-004-047-000	DIVIRD HEIDI N & JASON R	3705 SHARPSBURG DR	Modesto CA 95354	\$26.00
079-004-048-000	LI FELIX JING HUI & PANG HELEN YIM PING	3701 SHARPSBURG DR	Modesto CA 09535	\$26.00
079-004-049-000	PERALTA MIGUEL ANGEL ET AL	3712 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-050-000	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-051-000	LEYVA RENE SR & CLAUDIA D	3720 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-052-000	DUMAS JAMES BRIAN SR & PAMELA LEE TRS	3724 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-053-000	MORENO ROSA MARIA	3728 WICHITA WAY	Modesto CA 95354	\$26.00
079-004-054-000	GALVANOLAIDE DANIEL GIBRAN & DIAZ GALVAN LAURA ELE	3732 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-055-000	CASTILLO RAFAEL ET AL	3800 WICHITA WAY	Modesto CA 95357-1571	\$26.00
079-004-056-000	SALVATION ARMY	3804 WICHITA WAY	Modesto CA 95357-1571	\$26.00
079-004-057-000	CLINE DAVID L & DEBRAN TRS	3808 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-058-000	FUGATE BRANDON ET AL TRS	3812 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-059-000	LEPE ROBERTO ET AL	3816 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-060-000	CABEBE MARIA RIZALINA C TR	3820 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-061-000	MAPANDA BEATRICE & FELIX	3824 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-062-000	BADILLO ALAN & ADELITA M	3828 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-063-000	CERVANTES EMIGDIO S ET AL	3900 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-064-000	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-065-000	MANCINI JUDITH	3908 WICHITA WAY	Modesto CA 95357-1575	\$26.00
079-004-066-000	ISRAEL SHERLY ESGUERRA & ISRAEL SAMMY S	3912 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-067-000	ROJAS ROGELIO A	3916 WICHITA WAY	Modesto CA 95354	\$26.00
079-004-068-000	OVIEDO IRMA L ET AL	3920 WICHITA WAY	Modesto CA 95357	\$26.00
079-004-069-000	OCKEY LEOTA L TR	3924 WICHITA WAY	Modesto CA 95357	\$26.00
079-005-001-000	SIMPSON STEVEN	732 SPINDALE DR	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-005-002-000	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	Modesto CA 95357	\$26.00
079-005-003-000	STAATS BAMBI MICHELLE ET AL	800 SALINA DR	Modesto CA 95357	\$26.00
079-005-004-000	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	Modesto CA 95354-1558	\$26.00
079-005-005-000	URENA FIDEL & ELIA K	813 PARSONS CT	Modesto CA 95354	\$26.00
079-005-006-000	CLEMENTS PANDORA A	809 PARSONS CT	Modesto CA 95357-1552	\$26.00
079-005-007-000	THOMPSON MELANIE	805 PARSONS CT	Modesto CA 95357	\$26.00
079-005-008-000	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	Modesto CA 95357-1552	\$26.00
079-005-009-000	LEE EDMUND W TR	804 PARSONS CT	Modesto CA 95357	\$26.00
079-005-010-000	GARCIA EDUARDO CAMPOS & ELIZABETH AGUARISTI TRS	808 PARSONS CT	Modesto CA 95351	\$26.00
079-005-011-000	HINOJOS BRANDON & KRYSTAL R	812 PARSONS CT	Modesto CA 95357	\$26.00
079-005-012-000	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-013-000	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-014-000	FAGUNDES ANTONIO L & HAIR JACQUELINE K TRS	809 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-015-000	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-016-000	ERWIN TERESA M	801 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-017-000	OWENS LARRY G & MARY Z TRS	800 LEAVENWORTH WAY	Modesto CA 95351	\$26.00
079-005-018-000	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	Modesto CA 95357-1539	\$26.00
079-005-019-000	BISHOFF PHYLLIS J TR	808 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-020-000	GASPARYAN ARMEN ET AL	812 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-021-000	MARCELINO DAVID C & REBECCA N	816 LEAVENWORTH WAY	Modesto CA 95357	\$26.00
079-005-022-000	TAYLOR SCOTT EDWIN JR	3908 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-005-023-000	DAVISON WAYNE & JO	3912 SHARPSBURG DR	Modesto CA 95357-1563	\$26.00
079-005-024-000	HAWIL ALFRED	3916 SHARPSBURG DR	Modesto CA 95357	\$26.00
079-005-025-000	DURHAM SANDY M	817 LARNED LN	Modesto CA 95357	\$26.00
079-005-026-000	MCCARTHY JAMES & TAMRA	813 LARNED LN	Modesto CA 95357	\$26.00
079-005-027-000	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	Modesto CA 95357	\$26.00
079-005-028-000	HANKS HEATH & SUZANA	805 LARNED LN	Modesto CA 95357	\$26.00
079-005-029-000	LIGHT MARK T & WRIGHT LUCILA	3909 GOODLAND CT	Modesto CA 95357-1530	\$26.00
079-005-030-000	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	Modesto CA 95357-1530	\$26.00
079-005-031-000	BARKLEY JOSEPH E TR	3900 GOODLAND CT	Modesto CA 95357	\$26.00
079-005-032-000	BROOKS CHARLES A & SUSAN D TRS	3904 GOODLAND CT	Modesto CA 95357	\$26.00
079-005-033-000	GAMBOA BENITO & ANGELICA	3908 GOODLAND CT	Modesto CA 95357	\$26.00
079-005-034-000	MORALES SHARON & LUIS	3912 GOODLAND CT	Modesto CA 95357	\$26.00
079-005-035-000	YOUNGER ROGER COLEMAN & LAURA JEAN TRS	3916 GOODLAND CT	Modesto CA 95357	\$26.00
079-005-036-000	COLE TINA M	3920 GOODLAND CT	Modesto CA 95357	\$26.00
079-005-037-000	ALVARADO MARIA D	800 LARNED LN	Modesto CA 95357	\$26.00
079-005-038-000	PALMERIN JOSE DE JESUS	804 LARNED LN	Modesto CA 95357	\$26.00
079-005-039-000	NUNEZ OMAR AYON	808 LARNED LN	Modesto CA 95357	\$26.00
079-005-040-000	AZUETA ORLANDO & ALVAREZ LAURA CISNEROS	812 LARNED LN	Modesto CA 95357	\$26.00
079-005-041-000	CAMARENA JESUS D ET AL	816 LARNED LN	Modesto CA 95357-1537	\$26.00
079-005-042-000	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	Modesto CA 95357	\$26.00
079-005-043-000	BROWN DANNY ARTHUR & CHRISTINA	824 LARNED LN	Modesto CA 95357	\$26.00
079-006-001-000	SARETH JESSIE ET AL	737 WADDELL WAY	Modesto CA 95357	\$26.00
079-006-002-000	NASSER MOHAMED	741 WADDELL WAY	Modesto CA 95357	\$26.00
079-006-003-000	TORRES ANTHONY RENE JR ET AL	745 WADDELL WAY	Modesto CA 95357	\$26.00
079-006-004-000	CHHIM LIM	749 WADDELL WAY	Modesto CA 95357	\$26.00
079-006-005-000	FLORES J JESUS	753 WADDELL WAY	Modesto CA 95357	\$26.00
079-006-006-000	SAMOW HALA	757 WADDELL WAY	Modesto CA 95357	\$26.00
079-006-007-000	MICHAEL RAPHAEL K TR	761 WADDELL WAY	Modesto CA 95357	\$26.00
079-006-008-000	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-006-010-000	JOHNSON GERALD L ET AL	752 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-011-000	FELICIANO LIORITA A & RUSEL C	748 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-012-000	WEBB LAQUITA	744 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-013-000	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-014-000	RISTAU JASON	736 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-015-000	CHAVEZ ALEJANDRO PACHECO	732 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-016-000	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-017-000	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-018-000	SANTOS LUZ MARIA	720 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-019-000	SANTOS LUZ	716 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-020-000	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-021-000	HERRON-KHAN ASHLEY	708 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-022-000	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	Modesto CA 95355	\$26.00
079-006-023-000	LOTKO ANN E	700 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-024-000	PEREZ JUAN & SILVIA P TRS	640 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-025-000	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	Modesto CA 95357-1519	\$26.00
079-006-026-000	BANUELOS MARTHA E TR	705 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-027-000	ARROYO RAFAEL ARROYO & CHAVEZ GUADALUPE RAMIREZ	709 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-028-000	BENDERAS DAMARA	713 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-029-000	AGUIRRE ALICIA R	717 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-030-000	GOMEZ FRANCISCO J ET AL	721 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-031-000	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-032-000	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-033-000	CARROLL EDWIN JOSEPH II & LEPE-CARROLL CONNIE LEA	733 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-034-000	AMBROSICH STEPHEN F TR	737 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-035-000	MOLINA GIOVANI & ORTEGA MARIA ESTHER TALAVERA	741 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-036-000	PADEN JONATHAN A	745 CODINGTON WAY	Modesto CA 95354	\$26.00
079-006-037-000	SILLEMOM ANTHONY	749 CODINGTON WAY	Modesto CA 95357	\$26.00
079-006-038-000	GUZMAN JESUS A	744 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-039-000	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-040-000	PATRICK ANTONIO GAYLORD	736 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-041-000	PALOMERA HECTOR MANUEL	732 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-042-000	WILLIAMS MARLON & NENA	728 CARRBORO LN	Modesto CA 95357-1408	\$26.00
079-006-043-000	DEBERRY GARY L & ALICE	724 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-044-000	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-045-000	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-046-000	AGUILAR EDUARDO D CORTEZ	712 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-047-000	LI ZHIHE & HUANG LIFEI	708 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-048-000	DAVID VIRGEEN	704 CARRBORO LN	Modesto CA 95357	\$26.00
079-006-049-000	MENDOZA MARIA DEL C ET AL	700 CARRBORO LN	Modesto CA 95357	\$26.00
079-007-001-000	CHOW MINH LU ET AL	729 WADDELL WAY	Modesto CA 95354	\$26.00
079-007-002-000	JORGENSEN FRANK E & MIRIAM M TRS	725 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-003-000	MALDONADO CARLOS ET AL	721 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-004-000	PENALOSA FABIAN HERNANDEZ	717 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-005-000	L & D RENTALS LLC	713 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-006-000	GUTIERREZ DIEGO	709 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-007-000	SHANDIL SHALESH & IRENE R	705 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-008-000	MCCLURE JODI PENIRIAN	701 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-009-000	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-010-000	ZAMORA GUILLERMO	665 WADDELL WAY	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-007-011-000	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	Modesto CA 95354	\$26.00
079-007-012-000	L & D RENTALS LLC	657 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-013-000	BAINS KABAL S & JASBIR K TRS	653 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-014-000	BAKER OUTIN MARLENE	649 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-015-000	MARSELLA BARBARA A	645 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-016-000	JIMENEZ JOSE GUIZAR	641 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-017-000	VAZQUEZ IGNACIO	648 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-018-000	TIFFER DORIE C	652 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-019-000	MENDEZ HILARIO	656 WADDELL WAY	Modesto CA 95350	\$26.00
079-007-020-000	AMBRIZ MARIO G	721 RIEDSVILLE CT	Modesto CA 95357	\$26.00
079-007-021-000	WEST AARON CHRISTOPHER & JENNIFER JEAN TRS	717 RIEDSVILLE CT	Modesto CA 95354	\$26.00
079-007-022-000	ZAVALA JOHN & YVONNE	713 RIEDSVILLE CT	Modesto CA 95357	\$26.00
079-007-023-000	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	Modesto CA 95357	\$26.00
079-007-024-000	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	Modesto CA 95357	\$26.00
079-007-025-000	RIVERA RAMON ET AL	712 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-026-000	PALMERIN ERNESTO & MARIA	716 WADDELL WAY	Modesto CA 95357-1487	\$26.00
079-007-027-000	MOLES EDWARD A & DIAMOND SUSAN H TRS	720 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-028-000	PEREZ JUAN & SOTO ANABEL	724 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-029-000	TRIMBLE BRENDA E	728 WADDELL WAY	Modesto CA 95354	\$26.00
079-007-030-000	POZZOULI JOHN L	732 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-031-000	SINGH SURUJ B & SINGH LACHMI BAI	736 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-032-000	DE LA TORRE CONRADO & ROSEMARY TRS	740 WADDELL WAY	Modesto CA 95357	\$26.00
079-007-033-000	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	Modesto CA 95357-1409	\$26.00
079-007-034-000	PLACE GREGORY & SHERI L	733 CARRBORO LN	Modesto CA 95357	\$26.00
079-007-035-000	MECIA MIGUEL A & ASPEN	729 CARRBORO LN	Modesto CA 95357	\$26.00
079-007-036-000	ZUNIGA ANDRES PEREZ & GARCIA LIZETH L	725 CARRBORO LN	Modesto CA 95357-1409	\$26.00
079-007-037-000	CEJA MIGUEL YRIGOLLEN & BEATRICE	721 CARRBORO LN	Modesto CA 95357	\$26.00
079-007-038-000	NAVARRO ENRIQUE & GONZALEZ ELBA CRISTINA	717 CARRBORO LN	Modesto CA 95357	\$26.00
079-007-039-000	HARRISON KAREN S	713 CARRBORO LN	Modesto CA 95357	\$26.00
079-007-040-000	VILLALOVOS ART ROBERT & YOLANDA	709 CARRBORO LN	Modesto CA 95357	\$26.00
079-007-041-000	HARPER MICHAEL P & LILLIE M	700 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-042-000	JACKSON JONATHAN & ADONA	704 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-043-000	DIAS JEREMIAH A ET AL	708 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-044-000	SAMRA GURDIP & PREET	712 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-045-000	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-046-000	MEZA JACQUELINE M	720 CHADBURN CT	Modesto CA 95354	\$26.00
079-007-047-000	TRUESDAIL SHELBY J	724 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-048-000	BAHI EILEEN	721 CHADBURN CT	Modesto CA 95354	\$26.00
079-007-049-000	IBARRA JUANA	717 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-050-000	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-051-000	OROZCO VANESSA G ET AL	709 CHADBURN CT	Modesto CA 95357	\$26.00
079-007-052-000	CHAPARRO PABLO	705 CHADBURN CT	Modesto CA 95355	\$26.00
079-007-053-000	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-007-054-000	LUTZOW JOHN P	3721 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-007-055-000	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-007-056-000	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-007-057-000	DAVIS JAMES R & DAVIS LETECIA B	3709 CREEDMOOR AVE	Modesto CA 95354	\$26.00
079-008-001-000	BUAYA DAVID TR	620 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-002-000	ALI SYED ARIF & ARIF SHAZIA	616 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-003-000	CONCHAS SANDRA H	612 N MC CLURE RD	Modesto CA 95356	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-008-004-000	RENO FRED W	608 N MC CLURE RD	Modesto CA 95354	\$26.00
079-008-005-000	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	Modesto CA 95354	\$26.00
079-008-006-000	CHAND VIJAY V ET AL	600 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-007-000	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-008-000	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	Modesto CA 95354	\$26.00
079-008-009-000	MOUNDI HARINDER KAUR & GURDIAL SINGH	556 N MC CLURE RD	Modesto CA 95354	\$26.00
079-008-010-000	BORGES FRANK J	552 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-011-000	MILLER THOMAS H TR	548 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-012-000	RODRIGUEZ JOHN MIGUEL & NORMA	544 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-013-000	HAFIZ ABDUL HABID ET AL	540 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-014-000	TAGRE JOSE ABEL & TERRIE MARIE TRS	536 N MC CLURE RD	Modesto CA 95357	\$26.00
079-008-015-000	RODRIGUEZ ROBERTA L & GUILLEN OSCAR J	501 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-016-000	SABLOK SATISH KUMAR & RENUKA TRS	505 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-017-000	DUENAS ALFREDO JR & LUNA LESLY GUADALUPE ESCAMILLA	509 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-018-000	KINCHELOE KAREN TR	513 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-019-000	SHARMA UMA LATA TR	517 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-020-000	CARDOSO JOHN P	521 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-021-000	BATES SEAN & LAURA	525 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-022-000	ZERMENO RAUL R & MARIA LETICIA TRS	529 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-023-000	LAKHANPAL PARMINDER SINGH & KULDEEP	533 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-024-000	MONTGOMERY KENNITHA	601 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-025-000	JEET JERMYS & KUMARI RONITA	605 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-026-000	BROWER PROPERTIES 3 LLC	609 REDFIELD AVE	Modesto CA 95357-1555	\$26.00
079-008-027-000	KUMAR PRANEEL	613 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-028-000	CV RESIDENTIAL LLC	617 REDFIELD AVE	Modesto CA 95357	\$26.00
079-008-029-000	CHRISTENSEN KYLER	3516 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-030-000	BROWN CAROL C TR	3520 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-031-000	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	Modesto CA 95354	\$26.00
079-008-032-000	HARDY RICK L & LYNN P	3528 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-033-000	VEGA DANIEL & MARILYN	3532 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-034-000	CARRILLO OLIVIA ET AL	3536 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-035-000	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-036-000	MENDOZA RAFAEL ROSALES & IRMA	3604 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-037-000	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-038-000	BROWN DALE LEE & VANESSA MARIE	3612 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-039-000	MONIZ HENRY III & KRISTY	3616 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-040-000	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	Modesto CA 95357-1528	\$26.00
079-008-041-000	SINGH SHALVIN V & SEN ADREEN JYOTISH	3624 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-042-000	MALLEY KATHERINE TR	3628 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-043-000	RODRIGUEZ-ZAVALTA ENRIQUE & FLORES-SANTOS NEREYDA	3632 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-044-000	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-045-000	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	Modesto CA 95357	\$26.00
079-008-046-000	STAMPS GENE A & GLORIA M	532 WILMONT LN	Modesto CA 95357	\$26.00
079-008-047-000	JIMENEZ GERARDO	536 WILMONT LN	Modesto CA 95357-1579	\$26.00
079-008-048-000	MATULIS ERIC A	3633 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-049-000	CHIU JOSEPH CHI TSUN & LEE HELEN LAI TRS	3629 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-050-000	FARA AHMED & FARA MUFDHILA	3625 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-051-000	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-052-000	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-053-000	SINGH PREM	3613 HIGHMORE LN	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-008-054-000	WHITAKER SAUDIA F	3609 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-055-000	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-056-000	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-057-000	VELAZQUEZ MANUEL D JR & ELENA	3533 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-058-000	POSLANIEC COBY L	3529 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-059-000	SINGH MOHINDER	3525 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-060-000	MEDINA ROBERTO LEON TRS & MARIA DE LOS ANGELES TR	3521 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-061-000	AVILA ELISEO G ET AL	3517 HIGHMORE LN	Modesto CA 95357	\$26.00
079-008-062-000	KAUR NAVDEEP & SINGH DALVIR	3513 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-003-000	MARTINEZ CRYSTAL TR	3629 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-004-000	POK NAVEEN & VEULVILAVONG AMMONE	3625 ARDIA AVE	Modesto CA 95353	\$26.00
079-009-005-000	SANCHEZ BRITTANY & FEDERICO	3621 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-006-000	DALMAN NINON M	3617 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-007-000	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-008-000	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-009-000	RAFIQYAAR BAKTASH & NAJIA	3605 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-010-000	VAZQUEZ DANIEL ET AL	3601 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-011-000	NAIRN DENNIS & REBECCA	3533 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-012-000	MONDRAGON LUIS JR	3529 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-013-000	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-014-000	NAGI WALED ET AL	3521 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-015-000	RODRIGUEZ REYES ORNELLAS & MARIA CARMEN	3517 ARDIA AVE	Modesto CA 95357-1501	\$26.00
079-009-016-000	MARTINEZ TONY R JR	3513 ARDIA AVE	Modesto CA 95357	\$26.00
079-009-017-000	FIGUEROA JASMINE E	3512 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-018-000	GREWAL JASKIRAN	3516 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-019-000	LOPEZ RAMIRO CHAVEZ & FONSECA DORA MARIA SOTO	3520 BALFOUR LN	Modesto CA 95357-1504	\$26.00
079-009-020-000	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-021-000	TOBON LAURO I CORTES & CORTES MARY CARMEN	3528 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-022-000	COLLS LUIS R TR	3600 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-023-000	CUX O SURUY EDGAR & BORRAYO VILMA A COZOJAY	3604 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-024-000	AMEREL CLEVE & ROSA	3608 BALFOUR LN	Modesto CA 95357-1508	\$26.00
079-009-025-000	JOHNSON SOUNITA & MICHAEL	3612 BALFOUR LN	Modesto CA 95354	\$26.00
079-009-026-000	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-027-000	LEE DAVID S & HU YANTING	3620 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-028-000	RAMPONI-CHAVEZ JUDY	3624 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-029-000	SANCHEZ HUGO & ZENaida	3628 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-030-000	KRUSE JAMES E & BULAWIT JENA M	3632 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-031-000	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	Modesto CA 95357	\$26.00
079-009-032-000	CERVANTES JUAN MANUEL OCEGUERA & CASILLAS ROCIO ME	516 WILMONT LN	Modesto CA 95357	\$26.00
079-009-033-000	ORPUT STACY	520 WILMONT LN	Modesto CA 95351	\$26.00
079-009-034-000	KHOKHAR MAHMOOD ET AL	524 WILMONT LN	Modesto CA 95355	\$26.00
079-009-035-000	BIZZINI KELLY A	528 WILMONT LN	Modesto CA 95357	\$26.00
079-009-036-000	MARTINEZ PEDRO & HERNANDEZ APRIL	3628 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-037-000	RAMIREZ JESUS ET AL	3624 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-038-000	CERDA CENDEJAS GONZALO ET AL	3620 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-039-000	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	Modesto CA 95357-1534	\$26.00
079-009-040-000	CASTRO MARIA	3612 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-041-000	VIZCARRA JOSE A	3608 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-042-000	FERREZ LIDIA E ET AL	3604 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-043-000	ZAYA SAMIA	3600 HIGHMORE LN	Modesto CA 95354	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-009-044-000	CHIU CHARLES	3528 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-045-000	FORBES DEENA M ET AL	3524 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-046-000	ROMERO-CORONEL VICTOR HUGO & ANAYA CRISTINA CONDE	3520 HIGHMORE LN	Modesto CA 95355	\$26.00
079-009-047-000	MANI LOGESH & SADHANA	3516 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-048-000	KUMAR RENUKA ET AL	3512 HIGHMORE LN	Modesto CA 95357	\$26.00
079-009-049-000	ESQUIVEL DIANA ACEVES DE	3513 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-050-000	PRECIADO CINDY	3517 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-051-000	KUMAR AMAR	3521 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-052-000	SINGH MOHINDER	3525 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-053-000	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-054-000	OSHANA DOONA H	3533 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-055-000	RUVALCABA VERONICA LOPEZ	3601 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-056-000	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	Modesto CA 95354	\$26.00
079-009-057-000	VALADEZ JENISSA	3609 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-058-000	CABRAL FREDERICK M & GLORIA VASQUEZ	3613 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-059-000	WASPE LAWRENCE E TR	3617 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-060-000	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-061-000	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	Modesto CA 95357	\$26.00
079-009-062-000	DAVIS RODGER & STACY	3633 ARDIA AVE	Modesto CA 95357	\$26.00
079-010-001-000	HORLICK LUPE CASTILLO ET AL	609 WADDELL WAY	Modesto CA 95357	\$26.00
079-010-002-000	ORTEGA ANGEL GABRIEL	613 WADDELL WAY	Modesto CA 95357-14	\$26.00
079-010-003-000	WILLALPANDO KAREN	617 WADDELL WAY	Modesto CA 95357	\$26.00
079-010-004-000	LEWIS LA VONA L TR	621 WADDELL WAY	Modesto CA 95357	\$26.00
079-010-005-000	JOHAL TAJINDER & KAUR GURPREET	625 WADDELL WAY	Modesto CA 95357-14	\$26.00
079-010-006-000	BROWER PROPERTIES 2 LLC	629 WADDELL WAY	Modesto CA 95351	\$26.00
079-010-007-000	SUKHRAM RAAKHEE FELICIA	633 WADDELL WAY	Modesto CA 95357	\$26.00
079-010-008-000	OLVERA JOSE A & SILVIA E	637 WADDELL WAY	Modesto CA 95357	\$26.00
079-010-009-000	PRASAD BINESARI ET AL	3700 CREEDMOOR AVE	Modesto CA 95357-1414	\$26.00
079-010-010-000	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-011-000	TRIO DONNA M	3708 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-012-000	PRASAD RAKESH	3712 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-013-000	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	Modesto CA 95357-1414	\$26.00
079-010-014-000	STOCKAND MIMI MARY TR	3720 CREEDMOOR AVE	Modesto CA 95357-1414	\$26.00
079-010-015-000	ANDRADE ALEX V ET AL	3724 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-016-000	GONZALES JOSEPH R	3728 CREEDMOOR AVE	Modesto CA 95357-1417	\$26.00
079-010-017-000	BRECKENRIDGE PROPERTY FUND 2016 LLC	3732 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-018-000	GARIBAY GABRIELA & VICTOR ALVAREZ	3736 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-019-000	TORRES NAILELY RODRIGUEZ	3800 CREEDMOOR AVE	Modesto CA 95357-1418	\$26.00
079-010-020-000	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	Modesto CA 95357-1418	\$26.00
079-010-021-000	SALDANA BENJAMIN	3808 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-022-000	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	Modesto CA 95355	\$26.00
079-010-023-000	XIAOKUN ZHI	3816 CREEDMOOR AVE	Modesto CA 95357-1418	\$26.00
079-010-024-000	AYALA JAOQUIN & BARTOLOTTA BENJAMIN	3900 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-025-000	JAMES GLORIA R	3904 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-026-000	RIVERA PAUL C & CARMEN	3908 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-027-000	KUMAR ABINESH	3912 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-028-000	NAMO ALEN	3916 CREEDMOOR AVE	Modesto CA 95357	\$26.00
079-010-029-000	DYRCZ JEFFREY LEE TR	636 CODINGTON WAY	Modesto CA 95357	\$26.00
079-010-030-000	BATTH GURMEET & MANJIT K	632 CODINGTON WAY	Modesto CA 95357	\$26.00
079-010-031-000	LYND RICHARD CARROLL	628 CODINGTON WAY	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-010-032-000	DOYLE MICHAEL JOSEPH ET AL	624 CODINGTON WAY	Modesto CA 95357	\$26.00
079-010-033-000	OROZCO VINCENT A & SABRINA E	620 CODINGTON WAY	Modesto CA 95357	\$26.00
079-010-034-000	KING VERONICA	3925 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-035-000	HALE DENNA MICHAEL ET AL TRS	3921 DILLINGHAM AVE	Modesto CA 95357-1425	\$26.00
079-010-036-000	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-037-000	GALLEGOS ELIDIA	3913 DILLINGHAM AVE	Modesto CA 95357-1425	\$26.00
079-010-038-000	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-039-000	MARIGMEN VALERIANO M	3905 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-040-000	VHAN SUNILA TR	3901 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-041-000	PERA ADRIAN C	3825 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-042-000	BRESHEARS DONALD K	3821 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-043-000	DELGADO MIGUEL	3817 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-044-000	JESUS MANUEL A & MARY L TRS	3813 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-045-000	LUGO ALEJANDRA	3809 DILLINGHAM AVE	Modesto CA 95357-1423	\$26.00
079-010-046-000	MAYA JUAN PABLO BEJARANO	3805 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-047-000	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	Modesto CA 95354	\$26.00
079-010-048-000	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-049-000	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-050-000	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-051-000	KUMAR ASHOK	3713 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-052-000	MADRIGAL ROBERT	3709 DILLINGHAM AVE	Modesto CA 95357-1421	\$26.00
079-010-053-000	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-010-054-000	JIAO HUIYING TR	3701 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-001-000	MOUNBUA CHANH ET AL	3700 DILLINGHAM AVE	Modesto CA 95354	\$26.00
079-011-002-000	VARGAS EDWARD J	3704 DILLINGHAM AVE	Modesto CA 95357-1420	\$26.00
079-011-003-000	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-004-000	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-005-000	BAIJAN GEORGE & YOUNAN MARIAM	3716 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-006-000	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-007-000	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-008-000	ALVES JASON L	3800 DILLINGHAM AVE	Modesto CA 95357-1422	\$26.00
079-011-009-000	WONG SHERRE L TR	3804 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-010-000	COLIN JOSE LUIS FLORES & REMIGIO MARTHA MARISOL MA	3808 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-011-000	KINGSLEY AMBER NICOLE	3812 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-012-000	ESCOBAR EVELYN	3816 DILLINGHAM AVE	Modesto CA 95351	\$26.00
079-011-013-000	THOMPSON JAMES ROBERT JR	3820 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-014-000	CABRALES ALEJANDRO	3824 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-015-000	MARTINHO THERESA SILVA TR	3900 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-016-000	CONTRERAS JAVIER	3904 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-017-000	CABRERA MELINDAS	3908 DILLINGHAM AVE	Modesto CA 95357-1424	\$26.00
079-011-018-000	VASQUEZ ROSA	3912 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-019-000	BAXTER RACHEL	3916 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-020-000	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-021-000	SAENGSOORY TONY & SAENGSOORY MARY	3924 DILLINGHAM AVE	Modesto CA 95357	\$26.00
079-011-022-000	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	Modesto CA 95357-1584	\$26.00
079-011-023-000	TODD BRIAN EDWARD & TRISHA ANN	612 CODINGTON WAY	Modesto CA 95357	\$26.00
079-011-024-000	REGALADO JUAN	608 CODINGTON WAY	Modesto CA 95357	\$26.00
079-011-025-000	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	Modesto CA 95357	\$26.00
079-011-026-000	GARCIA MARIO F ET AL	600 CODINGTON WAY	Modesto CA 95357-1584	\$26.00
079-011-027-000	BAUTISTA IRENE R TR	3925 ELLENBORO AVE	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-011-028-000	MUSQUEZ MACARIO F & LISA M	3921 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-029-000	DOMINGUEZ NATALIA M ET AL	3917 ELLENBORO AVE	Modesto CA 95357-1443	\$26.00
079-011-030-000	MCKAY JAMES ALLEN & MARY LOU TRS	3913 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-031-000	FERNANDEZ ELMA M TR ET AL	3909 ELLENBORO AVE	Modesto CA 95351-3528	\$26.00
079-011-032-000	FANG SUSAN XIUYA	3905 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-033-000	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-034-000	LOVE JAMES H & BRENDA W TRS	3825 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-035-000	LEVCHENKO LAURIE	3821 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-036-000	KIRKBRIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-037-000	GALLARDO CLAYTON LEON & VICTORIA SUSANNE	3813 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-038-000	PADILLA ROBERTO	3809 ELLENBORO AVE	Modesto CA 95357-1441	\$26.00
079-011-039-000	SPECK HALEY	3805 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-040-000	ZAMORA ROBERTO CARLOS LULE & REZA PATRICIA	3801 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-041-000	BRAZIL JOHN WARREN & MARY	3725 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-042-000	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-043-000	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-044-000	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	Modesto CA 95351-1439	\$26.00
079-011-045-000	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-046-000	BURCIU VASILE & TABITA	3705 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-011-047-000	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-001-000	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	Modesto CA 95357	\$26.00
079-012-002-000	BETYAGHOUB VILHAM & LINDA	545 WADDELL WAY	Modesto CA 95357	\$26.00
079-012-003-000	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	Modesto CA 95357	\$26.00
079-012-004-000	KUWAMOTO LARRY & BETTY TRS	553 WADDELL WAY	Modesto CA 95357	\$26.00
079-012-005-000	CHAND ATISH & REENA TRS	557 WADDELL WAY	Modesto CA 95357	\$26.00
079-012-006-000	PEERA ALBERTA	601 WADDELL WAY	Modesto CA 95357	\$26.00
079-012-007-000	SUAREZ-MILLAN THANIA A	3700 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-008-000	ROMO YESENIA MARENTES	3704 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-009-000	MOORE MICHAEL	3708 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-010-000	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-011-000	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-012-000	NUNEZ SANDRA SERRANO & JAVIER	3720 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-013-000	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-014-000	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-015-000	BARRIENTOS JAVIER & ARCADIA	3804 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-016-000	CORRAL SANDRA	3808 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-017-000	CHUANG TINA Y	3812 ELLENBORO AVE	Modesto CA 95357-1440	\$26.00
079-012-018-000	AGAS JANELYN RUIZ & EDGAR AGNE	3816 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-019-000	MADEROS KATHLEEN J	3820 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-020-000	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	Modesto CA 95357-1440	\$26.00
079-012-021-000	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-022-000	BP 4 LLC	3904 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-023-000	SOLOMON JEAN M TR	3908 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-024-000	BLACKWELL ROBERT ERIC & REBECCA	3912 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-025-000	NAVARRETTE DANIEL & MONIQUE MARY	3916 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-026-000	BARCELO PATRICIA	3920 ELLENBORO AVE	Modesto CA 95357-1442	\$26.00
079-012-027-000	SOLOMON BREANNA M ET AL	3924 ELLENBORO AVE	Modesto CA 95357	\$26.00
079-012-028-000	SALINAS ELIZABETH & ALBERT	556 CODINGTON WAY	Modesto CA 95357	\$26.00
079-012-029-000	AUSTIN BEVERLY	552 CODINGTON WAY	Modesto CA 95357	\$26.00
079-012-030-000	VALLADOLID RAMIRO & DE VALLADOLID MA CRUZ COBARRUB	548 CODINGTON WAY	Modesto CA 95350	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-012-031-000	CHAIRES MICHAEL	544 CODINGTON WAY	Modesto CA 95357	\$26.00
079-012-032-000	TRICON SFR 2020-2 BORROWER LLC	540 CODINGTON WAY	Modesto CA 95357	\$26.00
079-012-033-000	MC CLELLAN BRYCE	3925 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-034-000	WILDEMAN GALEN J TR	3921 GATESVILLE AVE	Modesto CA 95354	\$26.00
079-012-035-000	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-036-000	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-037-000	ORNELAS GABRIEL M & KATLYN T	3909 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-038-000	TORRES VICTOR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-039-000	OLMOS GUADALUPE	3901 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-040-000	VAZQUEZ ALBERTO SANDOVAL & REYES NANCY J SANDOVAL	3825 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-041-000	TUERS LENORE TR	3821 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-042-000	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-043-000	AGUIRRE WILIBALDO PLANCARTE	3813 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-044-000	BUSH CHARLES F III & DONNA TRS	3809 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-045-000	PENA JOSEPH	3805 GATESVILLE AVE	Modesto CA 95354	\$26.00
079-012-046-000	SOUSA DENA JOYCE ET AL	3801 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-047-000	SHEPHERD NORMAN E & LISA N	3725 GATESVILLE AVE	Modesto CA 95357-1445	\$26.00
079-012-048-000	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-049-000	RUSSELL GARRICK	3717 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-050-000	JENSEN STEVEN H & TONJA R	3713 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-051-000	PATEL JAGUBHAI ET AL	3709 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-012-052-000	SUWANSUPA EK & MALITA THICK	3705 GATESVILLE AVE	Modesto CA 95326	\$26.00
079-012-053-000	MUTOZA CRAIG J	3701 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-001-000	ELDWIN INVESTMENTS INC	521 WADDELL WAY	Modesto CA 95357	\$26.00
079-013-002-000	KING RACHELLE D VARGAS TR	525 WADDELL WAY	Modesto CA 95357	\$26.00
079-013-003-000	ROCHA JAMES JOHN TRS ET AL	529 WADDELL WAY	Modesto CA 95354	\$26.00
079-013-004-000	VANDERHEIDEN ROBIN	533 WADDELL WAY	Modesto CA 95357	\$26.00
079-013-005-000	CORREA ARMANDO M JR & IRMA A	537 WADDELL WAY	Modesto CA 95356	\$26.00
079-013-006-000	RIVERA GRISELDA	3700 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-007-000	BATEMAN WALTER	3704 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-008-000	BRINKMAN LYNN MARIE & RICKY DALE	3708 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-009-000	REYES RENE ET AL	3712 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-010-000	LE CANH & TIEU MY HA	3716 GATESVILLE AVE	Modesto CA 95357-1444	\$26.00
079-013-011-000	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-012-000	CASAS MARCELLA THERESA	3724 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-013-000	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	Modesto CA 95357-1446	\$26.00
079-013-014-000	NEVAREZ AMELIA & JOSE JR	3804 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-015-000	GOLIB VILMA	3808 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-016-000	PARKINSON MARK & DIANNE	3812 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-017-000	BROWN WILLIAM K & SHAMIRAN A TRS	3816 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-018-000	STELLER BERTHA G	3820 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-019-000	TAPIA YER YANG ET AL	3824 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-020-000	PHILLIPS AUDREY M	3900 GATESVILLE AVE	Modesto CA 95357-1448	\$26.00
079-013-021-000	ELLIOTT CRAIG	3904 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-022-000	WADE THAREN SCOTT II	3908 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-023-000	GUARDADO ARIEL	3912 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-024-000	JOLLIFF GARTH E & COEY-JOLLIFF KATHERINE A TRS	3916 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-025-000	BAXTER RACHEL A	3920 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-026-000	EVANS GALEN	3924 GATESVILLE AVE	Modesto CA 95357	\$26.00
079-013-027-000	FARIAS ROBERTO F & ELIZABETH	536 CODINGTON WAY	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-013-028-000	MORENO EDUARDO MARTINEZ	532 CODINGTON WAY	Modesto CA 95350-1575	\$26.00
079-013-029-000	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	Modesto CA 95357-1412	\$26.00
079-013-030-000	OCHOA SANJUANA	524 CODINGTON WAY	Modesto CA 95357	\$26.00
079-013-031-000	MIRANDA SERGIO & SANDRA C	520 CODINGTON WAY	Modesto CA 95357-1412	\$26.00
079-013-032-000	DELACRUZ JENNIFER ROBYN	3925 LAURENBURG AVE	Modesto CA 95357-1455	\$26.00
079-013-033-000	LE NHI UYEN	3921 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-034-000	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-035-000	GUZMAN JONATHAN	3913 LAURENBURG AVE	Modesto CA 95357-1455	\$26.00
079-013-036-000	MEZA RICARDO ET AL	3909 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-037-000	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-038-000	JOSEPHSON JOSEPH CLAYTON	3901 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-039-000	MELENDEZ MARIA & WALKER DANIEL	3825 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-040-000	TREVINO TONY & GERALDINE	3821 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-041-000	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-042-000	PINAL RAMIRO ET AL	3813 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-043-000	AQUINO J GABRIEL MENDOZA & MENDOZA NIEVES	3809 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-044-000	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-045-000	BUENROSTRO JAIRO CORNEJO	3801 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-046-000	DUNN JAY ALAN TR	3725 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-047-000	WATKINS WALLY T & LAUREN A	3721 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-048-000	CHAND VIJAY ET AL	3717 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-049-000	SABINIANO MARLON N	3713 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-050-000	OSHANA ASNAT	3709 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-051-000	GARDUNO IRINEO ET AL	3705 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-013-052-000	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-001-000	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	Modesto CA 95357	\$26.00
079-014-002-000	CABAGNOT DOLORES R & FLYNN G	501 WADDELL WAY	Modesto CA 95357	\$26.00
079-014-003-000	CRUZ ZANDHER LYN ET AL	505 WADDELL WAY	Modesto CA 95357	\$26.00
079-014-004-000	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	Modesto CA 95357	\$26.00
079-014-005-000	NOUN SAMNANG	513 WADDELL WAY	Modesto CA 95357	\$26.00
079-014-006-000	SANCHEZ JOSE L & MADRIGAL ALICIA	517 WADDELL WAY	Modesto CA 95357	\$26.00
079-014-007-000	BERNS KENNETH	3700 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-008-000	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-009-000	MILTON JEANNIE	3708 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-010-000	MONK NIAAMORE	3712 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-011-000	DIXON GARY W TR	3716 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-012-000	PEREZ KIMBERLY ANN	3720 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-013-000	WARNER JO ANNE TR	3724 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-014-000	GARCIA THERESA L	3800 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-015-000	BERGHORST REBECCA L ET AL	3804 LAURENBURG AVE	Modesto CA 95354	\$26.00
079-014-016-000	GLOVER KEITH R & MENDOZA ARACELI CORRAL	3808 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-017-000	DHIR ASHIKA ET AL	3812 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-018-000	JIMENEZ LUIS F ET AL	3816 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-019-000	HUYNH NGOCDUNG THI ET AL	3820 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-020-000	CASTANEDA JOSE J & MARGARET	3824 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-021-000	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-022-000	SEUGA HOWLAND P	3904 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-023-000	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-024-000	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-025-000	OAKLEY CHRISTOPHER PERRY & JACQUELINE	3916 LAURENBURG AVE	Modesto CA 95357	\$26.00

Fee Parcel	Owner	Address	City State Zip	2024/25 Ast.
079-014-026-000	TRAN TRUYEN THANH & NGUYEN HUNG P	3920 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-027-000	THOMPSON JAMIE ROBERTA	3924 LAURENBURG AVE	Modesto CA 95357	\$26.00
079-014-028-000	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	Modesto CA 95357	\$26.00
079-014-029-000	PRASAD SURESH TR	512 CODINGTON WAY	Modesto CA 95357	\$26.00
079-014-030-000	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	Modesto CA 95357	\$26.00
079-014-031-000	ISHAK MAHER & ESHAK MADLIEN	504 CODINGTON WAY	Modesto CA 95357-1412	\$26.00
079-014-032-000	ROCHA ROBERTO T	500 CODINGTON WAY	Modesto CA 95357	\$26.00
079-014-033-000	ATWOOD BOBBY D	3925 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-034-000	BEST JERROLIN E	3921 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-035-000	WHITE LAWRENCE	3917 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-036-000	BLACKWELL WILLIAM L JR & EVONI V	3913 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-037-000	VACA ANDRES SERVIN	3909 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-038-000	CHAU VINCENT	3905 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-039-000	ROSAS CLAUDIA L & SAMUEL	3901 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-040-000	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-041-000	FAMA JOSELITO & DOROTEA L TRS	3821 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-042-000	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-043-000	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-044-000	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-045-000	HERNANDEZ PEDRO A AGUILAR ET AL	3805 WILKESBORO AVE	Modesto CA 95357-1493	\$26.00
079-014-046-000	ROGERS MEGAN ET AL	3801 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-047-000	BATTAN KRISHAN RAAJ & MARIA TORRES	3725 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-048-000	PAVLACKY TIMOTHY MICHAEL & LEANN SUE	3721 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-049-000	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	Modesto CA 95357-1491	\$26.00
079-014-050-000	POWLEY ANAMARIA	3713 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-051-000	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	Modesto CA 95357-1491	\$26.00
079-014-052-000	WARD JODY LEE & CHEN QIAO	3705 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-014-053-000	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-001-000	COLLINS TOMMYS	440 WADDELL WAY	Modesto CA 95357	\$26.00
079-016-002-000	BIRD BYRON M	3704 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-003-000	BARNES REECE WAYNE	3708 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-004-000	BIERMAN ALLEN	3712 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-005-000	PRASAD VIJAY	3716 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-006-000	GONZALEZ JOSE II	3720 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-007-000	GONZALEZ JAIME J & SAUCEDA PERLA R	3800 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-008-000	DINIS JORGE M	3804 WILKESBORO AVE	Modesto CA 95357-1492	\$26.00
079-016-009-000	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	Modesto CA 95354-1024	\$26.00
079-016-010-000	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	Modesto CA 95357-1492	\$26.00
079-016-011-000	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-012-000	HARO JAVIER	3820 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-013-000	TORRES LUIS BENITEZ	3824 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-014-000	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-015-000	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	Modesto CA 95354	\$26.00
079-016-016-000	VILLASENOR RICARDO & ANA L RAMINEZ DE	3908 WILKESBORO AVE	Modesto CA 95357-1494	\$26.00
079-016-017-000	MANSOUR ALEN M	3912 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-018-000	SANTOS SABINO DE JESUS DE LOS	3916 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-019-000	GUZMAN HORACIO GARNICA & ALICIA BARBOSA	3920 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-020-000	SOLOORIO SAMMY	3924 WILKESBORO AVE	Modesto CA 95357	\$26.00
079-016-021-000	SINGH AJESH & AACHAL	440 CODINGTON WAY	Modesto CA 95357	\$26.00
079-016-022-000	JOHNSON ALOMA J & VELTON JR	436 CODINGTON WAY	Modesto CA 95357	\$26.00

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**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-115**

**RESOLUTION ACCEPTING THE ANNUAL FIRE INSPECTION REPORT FOR
2023**

WHEREAS, the California Code of Regulations Title 19 requires specific buildings to be inspected annually. CCR T-19 13146.4(a) states that “Every city or county fire department or district is required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3”; and

WHEREAS, this report is being presented to the Council as our “administering authority” to receive acceptance in order fulfill this requirement; and

WHEREAS, each year the state requires annual inspections in two types of occupancies, Hotels/Apartments and Schools (both public and private); and

WHEREAS, in the City of Modesto there are 627 Hotel/Apartment Occupancies, 80 of which (12%) had completed inspections in 2023. There are 74 School Occupancies, 1 of which (1%) had a completed inspection in 2023 set.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the annual fire inspection report for 2023.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-116**

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION AND ACCEPTING AN AWARD FOR THE FISCAL YEAR 2023 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT IN THE AMOUNT OF \$5,149,722 TO FUND NINE (9) FIREFIGHTER POSITIONS AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE APPLICATION

WHEREAS, the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program is one of three grant programs that constitute the Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA's) focus on enhancing the safety of the public and firefighters with respect to fire and related hazards. The purpose of the SAFER Program is to award grants directly to eligible fire departments to assist with staffing and deployment capabilities to respond to emergencies; and

WHEREAS, the Notice of Funding Opportunity was posted on grants.gov on Wednesday, March 6, 2024. The application period opened March 11, 2024 and will close April 12, 2024; and

WHEREAS, this grant is 100% funded for regular salary and benefits for the position of firefighter at B step with no match requirement for the three-year period. Any additional costs associated with employment would be at the responsibility of the City. This would include any one-time initial costs of PPE, tools and equipment, as well as covering any contract-negotiated cashouts; and

WHEREAS, if awarded and accepted, we will be able to maintain our constant staffing as well as add nine (9) relief firefighters to relieve the burden of the overtime and additional work hours for our firefighters; and

WHEREAS, the FY 2023 SAFER grant is 100% funded for Step B Firefighter wages and salary benefits for the three-year grant period and the total amount requested is \$5,149,722. The City Contribution for Year 1 includes personal protective equipment, comp time cashout, holiday comp time cashout, new hire physicals and background checks, and 5% relief incentive pay. The City contribution for Years 2 and 3 includes comp time cashout, holiday comp time cashout, and 5% relief incentive pay. The reduction in overtime with the relief firefighter positions will net the City's savings of: Year 1 - \$430,000, Year 2 - \$690,000, Year 3 - \$679,500, for a total net savings of \$1,799,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the submission of an application and accepting an award for the Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$5,149,722 to fund nine (9) firefighter positions and authorize the City Manager, or his designee, to submit the application..

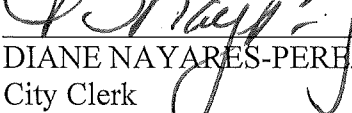
BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documents and agreements related to the grant application and acceptance, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PERETZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-117**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE PURCHASE AGREEMENT WITH CURTIS BLUE LINE (FKA L.N. CURTIS AND SONS) FOR PERSONAL PROTECTION EQUIPMENT TO INCREASE THE AGREEMENT IN THE AMOUNT OF \$2,148,082 TO A REVISED TOTAL AMOUNT NOT TO EXCEED \$3,448,082 OVER FIVE YEARS AND AUTHORIZE THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Modesto Fire Department (MFD) provides personnel protection equipment (PPE) to protect from both known and unknown occupational safety and health hazards; and

WHEREAS, most individual PPE items have a set service life based on National Fire Protection Association's standards, and MFD's current PPE used has a 10-year lifespan and must be replaced after 10 years, regardless of condition; and

WHEREAS, each MFD personnel is provided two sets of PPE, so that when one is contaminated, personnel have a clean set; and

WHEREAS, on December 7, 2021, by Resolution 2021-463, Council authorized the award of bid for the purchase of personal protection equipment on an "as needed" basis to L.N. Curtis and Sons, Oakland, CA for the Modesto Fire Department, for a two-year agreement with three one-year extension options, for an annual estimated cost of \$260,000, and a total cost not to exceed \$1,300,000 over five years; and

WHEREAS, with the completion of four Fire Academy classes there were 32 new personnel in 2022 and 17 new personnel in 2023, with each new hire that adds 2 more sets of PPE, increasing our needs significantly over the original estimation of our costs. Additionally, staffing for the Modesto Fire Department has increased with City entering into contracts with Oakdale, Ceres, Salida, and grant funds; and

WHEREAS, the increase in staffing occurred after the original agreement was in place. With current inflation rates, the vendor received multiple price increases from their suppliers over the last two years creating added unforeseen costs. The vendor submitted a price increase request of 18.91% with supporting documents, due to the increase in cost and availability of raw material and increase in labor cost. With 3 years left on the agreement we anticipate the need to increase funding by \$2,148,082 to cover our anticipated annual spending and potential price increases in the following years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) "Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a First Amendment to the Purchase Agreement with Curtis Blue Line (FKA L.N. Curtis and Sons) for personal protection equipment to increase the agreement in the amount of \$2,148,082 to a revised total amount not to exceed \$3,448,082 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to execute the Purchasing agreement amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-118**

RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING SERVICES AUTHORITY TO ISSUE CHANGE ORDERS ON THE TUOLUMNE RIVER REGIONAL PARK (TRRP) NON-MOTORIZED BOAT LAUNCH PROJECT FROM THE CONTRACTED CONTINGENCY AMOUNT OF EIGHT PERCENT (8%) (\$132,716) TO FIFTEEN- AND ONE-HALF PERCENT (15.5%) (\$257,138) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$1,658,955 WITH HARRIS BUILDERS, INC., OF HILMAR, CA, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,916,093

WHEREAS, on July 11, 2023, by Resolution No. 2023-346, Council approved the plans and specifications for the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project located at Neece Drive, accepted the bid, and approved a construction contract with Harris Builders, Inc. of Hilmar, CA., in the amount of \$1,658,955 plus \$132,716 in contingency (if needed), for a total amount not to exceed \$1,791,671; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 1994-443 on July 19, 1994, revised on July 9, 2019, by Council Resolution No. 2019-326, and revised a second time on September 12, 2023, by Council Resolution No. 2023-405, established an agreement change order authority of 10% for construction contracts greater than \$1,000,000 but less than \$10,000,000; and

WHEREAS, the contingency policy is utilized for each construction contract awarded by the City, it is not written into each contract, nor is it a guaranteed amount included in the final compensation to the contractor; and

WHEREAS, prior to bidding a project, staff works diligently to ensure all projects and bid packages contain well-defined scopes of work and all projects stay within budget; and

WHEREAS, change orders provide parties the flexibility to address unexpected changes in project scope and unforeseen conditions to add or delete work as necessary in an expedient and efficient manner; and

WHEREAS, Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project change order costs are expected to exceed the contingency amount allowed by policy due to necessary design adjustments due to unknown and unsuitable construction conditions in the river and unforeseen conditions such as an unexpected early pulse flow in the river; and

WHEREAS, staff is requesting authorization to increase the Director of Engineering Services authority to issue change orders from eight percent (8%) (\$132,716) to fifteen- and one-half percent (15.5%) (\$257,138) of the original construction contract price.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Engineering Services to issue Change Orders on the Tuolumne River Regional Park (TRRP) Non-Motorized Boat Launch Project from the contracted contingency amount of eight percent (8%) (\$132,716) to fifteen and one half percent (15.5%) (\$257,138) of the original construction contract price of \$1,658,955 with Harris Builders, Inc., of Hilmar, CA, for a total amount not to exceed \$1,916,093.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-119**

RESOLUTION APPROVING THE AGREEMENT WITH GROUND ZERO ANALYSIS, INC., MODESTO, CA, FOR ENVIRONMENTAL MONITORING OF METHANE GAS AND GROUNDWATER TESTING, AND REPORTING FOR THE CARPENTER ROAD LANDFILL AND THE COMPOST FACILITY FOR A TOTAL AMOUNT NOT TO EXCEED \$332,923 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns the closed Carpenter Road Landfill and is responsible for monitoring and mitigation required by state and local agencies therein. The Carpenter Road Landfill is a 39-acre facility, located on the east and west sides of Carpenter Road between Kenneth and Robertson Roads and the Tuolumne River. It accepted municipal solid waste from 1956 to 1968; and

WHEREAS, in October 2014, following occasional spikes in gas emissions and detection of volatile organic compounds in groundwater, a Corrective Action Plan and Post Closure Maintenance Plan was submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) proposing removal and relocation of waste from the eastern fill to the western fill. In March 2015, a Cleanup and Abatement Order was issued to the City of Modesto for the Carpenter Road Landfill by the California Regional Waste Quality Control Board to complete the clean closure corrective action by January 15, 2017. Unanticipated weather and permitting delays have caused the clean closure project to have an anticipated completion of 2022; and

WHEREAS, there are a total of seven methane gas monitoring probes, five on the western fill and two on the eastern fill, and nine groundwater monitoring wells, six on the western fill and three on the eastern fill; and

WHEREAS, the City of Modesto's Composting Facility operates at 7001 Jennings

Rd and composts over 50,000 tons of organic material annually. During design and relocation of the facility in 2011, installation of groundwater monitoring wells was deferred. Through Notice of Applicability General Order 2015-0121-DWQ-R5S003, the CVRWQCB required that groundwater monitoring wells be installed and functional in 2018. CVRWQCB requires a monitoring program detailed in the Monitoring and Reporting Program of Order WQ 2015-0121-DWQ “General Waste Discharge Requirements for Composting Operations; and

WHEREAS, the CVRWQCB requires quarterly sampling pursuant to the instructions in General Sampling Requirements (Section A5) of six wells and sample analysis must be conducted by a laboratory certified by the State Water Board’s Environment Laboratory Accreditation Program; and

WHEREAS, on June 23, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility. On January 31, 2023, The California Department of Corrections and Rehabilitation (CDCR) issued IFB C5611173-D for Landfill Sampling, Testing, Monitoring and Equipment Maintenance and Repair Services on the California State Contracts Register. On February 15, 2023, proposals were opened at The State of California. Two bids were received and based on the lowest bid, one contract was awarded to Ground Zero Analysis, Modesto, CA. Based on the responsive and responsible bidder offering the Landfill Sampling, Testing, Monitoring and Equipment Maintenance and Repair Services, City staff recommends to award to Ground Zero Analysis, Modesto, CA for Environmental Monitoring of Methane Gas and Groundwater

Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility for a five year agreement, in the amount of \$302,657, plus \$30,266 for additional services for a total not to exceed amount of \$332,923 over five years; and

WHEREAS, for the Carpenter Road landfill and the Compost facility to be in compliance with CalRecycle and the CVRWQCB, quarterly monitoring of gas probes and monitoring wells are required along with semiannual and annual reporting to the State; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 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) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and.

WHEREAS, by utilizing the California Department of Corrections and Rehabilitation’s Bid Process, the City is complying with the requirements of MMC 8-8.203 for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for the Carpenter Road Landfill and the Compost Facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Ground Zero Analysis, Inc., Modesto, CA, for Environmental Monitoring of Methane Gas and Groundwater Testing, and Reporting for

the Carpenter Road Landfill and the Compost Facility for a total amount not to exceed \$332,923 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is 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 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-120**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY FOR THE SOUTH MODESTO AREA STRENGTHEN & REPLACE WATER MAINS PROJECT, IN AN AMOUNT NOT TO EXCEED \$12,850,000, RESCINDING RESOLUTION NO. 2024-098, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the South Modesto Area Strengthen & Replace Water Mains Project is comprised of two neighborhoods, Bret Harte and Parklawn, and

WHEREAS, the old undersized water mains in these neighborhoods are prone to leaks and will be replaced with new City standard water mains, valves, fittings, service laterals, and fire hydrants to improve system reliability, flows and pressures, and

WHEREAS, Stanislaus County (County) will also be improving existing infrastructure in the Bret Harte and Parklawn neighborhoods, referred to as County Areas 10 and 24, respectively, with funding received from the American Rescue Plan Act (ARPA), and

WHEREAS, due to the ARPA funding having a deadline for the expenditure of funds by Winter 2025, the County's design efforts are underway for Areas 10 and 24, and

WHEREAS, to increase efficiency, minimize disruption, and ensure both City and County projects are completed on time and compatible during construction, the City and County have agreed to collaborate on the design and construction efforts in the Parklawn and Bret Harte neighborhoods, and

WHEREAS, this collaboration includes partnering with the County's design engineer for the preparation of construction documents, and

WHEREAS, the final bid documents will include both the County's infrastructure improvements and the City's water system improvements, and

WHEREAS, the Memorandum of Understanding will stipulate the roles and responsibilities of each party for the design and construction of the project, along with the reimbursement requirements of costs associated with the amendment to the County's current Engineering Services Agreement with Michael Baker International and their sub-consultant Carollo Engineers to expand the scope of work to include the City's water system improvements, and

WHEREAS, this City Council previously adopted Resolution 2024-098 to approve the MOU. However, the estimated cost of construction has increased, and so it is necessary to rescind Resolution 2024-098 and adopt this resolution to authorize the Memorandum of Understanding with the revised cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding regarding the reimbursement of costs related to the South Modesto Area Strengthen & Replace Water Mains Project between the City of Modesto and Stanislaus County in an amount not to exceed \$12,850,000.

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.

BE IT FURTHER RESOLVED that Resolution No. 2024-098 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-121**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE TRANSPORT OF NON-HAZARDOUS WASTEWATER DEBRIS TO DISPOSAL SITE SERVICES TO COMPACTOR MANAGEMENT COMPANY LLC, UNION CITY, CA, FOR A (2) TWO-YEAR AGREEMENT WITH (3) THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$50,000 AND A TOTAL AMOUNT NOT TO EXCEED \$282,050 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Wastewater Screening and Grit (Grit) removal is part of the City's wastewater treatment process. Grit (dirt, rocks, sand, eggshells, etc.) enters the Sutter Wastewater Treatment plant through pipelines from the City's collection system; and

WHEREAS, part of the treatment process is to isolate and remove these items so that the grit can be profiled and properly disposed of at a permitted landfill; and

WHEREAS, to dispose of Wastewater Screening and Grit the City must contract with a trucking company to move the bins filled with the grit to the closest landfill that is approved by the Central Valley Regional Water Quality Control Board to accept wastewater solids; and

WHEREAS, on October 27, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services; and

WHEREAS, on December 8, 2023, the Purchasing Division issued IFB No. 2324-44, for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services on the City's Planet Bids public bidding website; and

WHEREAS, on January 11, 2024, City staff scheduled a mandatory site walk for prospective bidders, three (3) vendors attended; and

WHEREAS, on January 23, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Two (2) chose to respond, there were no local bids received; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the transport of non-hazardous wastewater debris to disposal site services to Compactor Management Company LLC, Union City, CA.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreement for the Transport of Non-Hazardous Wastewater Debris to Disposal Site Services to Compactor Management Company LLC, Union City, CA, for a (2) two-year agreement with (3) three one-year extension options, for an estimated annual amount of \$50,000 and a total amount not to exceed \$282,050 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 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-122**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DUKE’S ROOT CONTROL SERVICE, FOR SEWER ROOT CONTROL SERVICES BY \$54,121 FROM \$65,879 TO A REVISED ANNUAL ESTIMATED AMOUNT OF \$120,000, TO BE APPLIED TO AGREEMENT YEARS THREE (3), FOUR (4), AND FIVE (5), AND AN ADDITIONAL 25% TO BE INCLUDED IN AGREEMENT YEARS FOUR (4) AND FIVE (5), AND A NEW TOTAL AMOUNT NOT TO EXCEED \$551,758 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the Utilities Department, Wastewater Division requires services to control and prevent root intrusion in the sewer pipes. As tree roots enter the sewer system pipes through cracks and joints, they create blockages and impede normal system flows. This often results in a sanitary system overflow (SSO). In addition, damage to the pipes lead to significant repair costs and the risk of hefty fines from the State and exposure to lawsuits from Environmental groups in the event SSOs occur; and

WHEREAS, chemical root control is the most efficient and effective method of managing root intrusion into the sewer pipes due to it requiring less time, labor, and equipment while not adversely affecting the trees. The City has successfully used this method of root control for several years; and

WHEREAS, on July 06, 2021, by Resolution No. 2021-266, Council approved an agreement for the furnishing of root control services with Duke’s Root Control, Inc., for an estimated annual amount of \$65,879, and a total amount not to exceed \$329,395 over five (5) years; and

WHEREAS, sewer lines requiring root treatment are identified and indefinitely scheduled through regular preventative maintenance work orders and over the years, staff has continued to identify new locations within the system requiring treatment; and

WHEREAS, as the number of sewer lines with active root PMs continues to grow, the agreement amount is no longer enough to treat all of the sewer lines according to schedule; and

WHEREAS, sewer root control has often been delayed or rolled over to the next year to stay within Agreement constraints, resulting in a compounding effect over time and required an increase to the agreement to ensure all lines are maintained properly; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the first amendment increasing the agreement amount with Duke’s Root Control Service, for sewer root control services by \$54,121 from \$65,879 to a revised annual estimated amount of \$120,000, to be applied to agreement years three (3), four (4), and five (5), and an additional 25% to be included in agreement years four (4) and five (5), and a new total amount not to exceed \$551,758 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, are hereby authorized to execute the first 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 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-123**

RESOLUTION APPROVING THE FOURTH AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH BAY CITY ELECTRIC WORKS, LIVERMORE, CA FOR THE GENERATOR REPAIR SERVICE AND PREVENTATIVE MAINTENANCE SERVICES BY \$360,000 FROM \$575,000 FOR A NEW TOTAL AMOUNT OF \$935,000 AND EXTENDING THE TERM OF THE AGREEMENT FROM MAY 10, 2024, TO AUGUST 31, 2024, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FOURTH AMENDMENT

WHEREAS, on May 9, 2017, by Resolution 2017-188, Council approved the award of bid for generator preventative maintenance and repairs services for the Water and Wastewater Divisions for a two-year agreement to Central California Generator of Riverbank, California, with three (3) one-year extension options for an estimated annual cost of \$115,000 and a total combined cost not to exceed \$575,000 over five years, through May 10, 2022; and

WHEREAS, in October 2020, a new Agreement with the same terms and conditions was issued to Bay City Electric Works of Livermore, California (“Bay City”) due to the acquisition of Central California Generator and assumption of their contracts. The balance of the previous agreement was \$124,850.60, leaving \$450,149.40 remaining on the agreement with Bay City; and

WHEREAS, on December 14, 2021, by Resolution 2021-492, Council approved the First Amendment to the Agreement with Bay City, extending the termination date from May 10, 2022, to November 10, 2022, with no increase in spending authority; and

WHEREAS, on November 17, 2022, the Director of Finance approved the Second Amendment to the Agreement with Bay City, extending the termination date from November 10, 2022, to November 10, 2023, with no increase in spending authority; and

WHEREAS, on October 5, 2023, the Director of Finance approved the Third Amendment to the Agreement with Bay City, extending the termination date from November 10, 2023, to May 10, 2024, with no increase in spending authority; and

WHEREAS, the City of Modesto Utilities Department, Public Works Department, Fire Department, and Police Department operate several facilities that require generator maintenance and repair services; and

WHEREAS, staff are requesting one additional term extension, as well as an increase in spending authority of \$360,000 through the term of the agreement, for a new not to exceed amount of \$935,000 through August 31, 2024.; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(e) where the Purchasing Manager, in his or her discretion, determines that the term of an existing agreement should be extended for a period of no greater than one (1) year to allow the City to complete a formal bidding process for a long-term agreement or to avoid disruption to City projects or services.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Fourth Amendment increasing the Agreement amount with Bay City Electric Works, Livermore, CA for the Generator Repair Service and Preventative Maintenance Services by \$360,000 from \$575,000 for a new total amount of \$935,000 and extending the term of the Agreement from May 10, 2024, to August 31, 2024.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the fourth 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 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-124**

**RESOLUTION APPROVING THE RELOCATION REQUEST FOR
MEDALLION WELLNESS FROM 1313 MCHENRY AVENUE TO 408
PARADISE ROAD WITH THE GRANTING OF A RESIDENTIAL PROXIMITY
WAIVER**

WHEREAS, on December 19, 2018, by Resolution 2018-566, the City Council issued a commercial cannabis permit to the following commercial cannabis retail business, Medallion Wellness, located at 1313 McHenry Ave.; and

WHEREAS, legal counsel for Phenos Collective Inc. and Medallion Wellness requested a relocation of Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road on September 8, 2023; and

WHEREAS, City staff along with the current cannabis consultant, HDL, conducted a thorough review of the relocation application which included a review of zoning, proximity requirements, security and site plans, lease agreements, tax payments, as well as an initial site visit; and

WHEREAS, the application was found to be complete with the proposed new location being properly zoned in a commercial type C-2 zone. The security and site plans were found to be compliant with both California Department of Cannabis Control regulations and the requirements of the Modesto Municipal Code. A lease agreement was provided showing that the property will be secured during the permit period, and the business was found to be current on all City taxes and fees; and

WHEREAS, City Staff noted no unpermitted cannabis activities during an initial site visit on October 19, 2023; and

WHEREAS, commercial cannabis land uses are required to comply with minimum proximity requirements pursuant to section 10-3.703 of the Modesto Municipal code including distances of:

- Six hundred (600) feet from schools, childcare centers, or youth centers
- One hundred (100) feet from residential properties
- Two hundred (200) feet from parks or libraries; and

WHEREAS, during the application review process it was noted that the only proximity issue with the 408 Paradise Road location was its proximity to a residential property located at 315 Sutter Avenue. This residence was noted as being approximately ninety-three (93) to ninety-six (96) feet away; and

WHEREAS, the applicant subsequently requested a waiver of the residential proximity requirements pursuant to section 10-3.703 (c) of the Modesto Municipal Code which allows for the granting of a proximity waiver at the discretion of the decision maker when the applicant can show that an actual impassible physical barrier exists between the land uses or parcels. The applicant has agreed to construct an eight (8) foot wrought iron fence around the east side of the dispensary between the facility and the residence. This fence qualifies for the consideration of a proximity waiver; and

WHEREAS, the relocation request was heard at a properly noticed public hearing of the Cannabis Program and Permit Review Committee on January 10, 2024 with the committee recommending to forward the relocation request of Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a residential proximity waiver to Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the relocation request for Medallion Wellness from 1313 McHenry Avenue to 408 Paradise Road with the granting of a Residential Proximity Waiver.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

RECUSE: Councilmembers: Alvarez

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-125**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR HOT PATCH SERVICES TO ADAMS UNDERGROUND III OF WATERFORD, CA AS PRIMARY CONTRACTOR, AND UNITED PAVEMENT MAINTENANCE, INC. OF HUGHSON, CA AS SECONDARY CONTRACTOR, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$3,500,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED \$20,570,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, City Departments require contractual assistance to perform hot patch work throughout Modesto as well as outlying areas in the City's regional water systems, including Salida, Del Rio, Grayson, Empire, and sections within Ceres and Turlock. Hot patchwork consists of permanent asphalt repairs when street cuts are made to complete repairs and improvements to City infrastructure; and

WHEREAS, on July 31, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Hot Patch Services, and

WHEREAS, on October 6, 2023, the Purchasing Division issued Invitation for Bids (IFB) No. 2324-16, Hot Patch Services, on the City's Planetbids public bidding website under various commodity codes, and nineteen (19) bidders downloaded the IFB document; and

WHEREAS, on November 14, 2023, bids were formally opened in the City Clerk's Office and broadcast via Microsoft Teams Livestream, and

WHEREAS, four (4) vendors chose to respond, all four were found to be responsive, and there were no local bids received; and

WHEREAS, based on providing the lowest responsive and responsible bids, City staff recommends the award of bid for the furnishing of hot patch services to Adams Underground III of Waterford, CA, as primary contractor, and to the second lowest bidder, United Pavement Maintenance, Inc. of Hughson, CA; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures. An Award of Bid and Agreement for hot patch services to Adams Underground III of Waterford, CA, and United Pavement Maintenance, Inc. of Hughson, CA, conforms to the Modesto Municipal Code because the City complied with formal bid procedures, and Adams Underground III and United Pavement Maintenance, Inc. were the lowest responsive and responsible bidders.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreements for Hot Patch Services to Adams Underground III of Waterford, CA as primary contractor, and United Pavement Maintenance, Inc. of Hughson, CA as secondary contractor, for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of \$3,500,000 and a total combined amount not to exceed \$20,570,000 over five years; and authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements 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 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-126**

**RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE MUNICIPAL ELECTION WHICH
WAS HELD IN THE CITY OF MODESTO ON MARCH 5, 2024, AND
DECLARING THE RESULTS OF SAID ELECTION AND SUCH OTHER
MATTERS AS PROVIDED BY LAW**

WHEREAS, on Tuesday, March 5, 2024, a Municipal Election was held in the City of Modesto (herein called “City”) to elect the following:

1. One City Mayor for a four-year term,

WHEREAS, said election was held on Tuesday, March 5, 2024, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Stanislaus County Registrar of Voters, at the request of the City Council, canvassed the returns of said regular municipal election in accordance with law, and reported the results of the election to the City Clerk, which the City Clerk certified to the Council by a Certificate of Canvass and Statement of Votes dated March 21, 2024, a copy of which is **attached** hereto marked **Exhibit “A”** and made a part hereof.

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

1. Said election results as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed, approved, and declared.
2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is **attached** hereto

marked as **Exhibit “A”** and made a part hereof, shows a complete tabulation of the following:

- (A) The whole number of votes cast for the City of Modesto Mayor.
 - (B) The names of the persons voted for.
 - (C) For what office each person was voted for.
 - (D) The number of votes given in the City to each person.
3. That, at said Regular Municipal Election, the following named person having received a majority of the votes cast for the elective office, as designated on **Exhibit “A”**, are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

Sue Zwahlen Mayor, for a term of four (4) years, City of Modesto

4. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of "votes (ballots) cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (4) The number of votes given in the City for each person.
5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE**

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
March 5, 2024


I, Diane Nayares-Perez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk-Recorder's Office, on March 5, 2024, to publicly canvass the returns of the City of Modesto Municipal Election held on March 5, 2024 in accordance with the law. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Mayor, City of Modesto		
Sue Zwahlen	25,954	81.52%
Sebastian Jones	3,266	10.26%
Dewey L. Bedford, Jr.	2,617	8.22%
Total Votes Cast for Mayor	31,837	100%
Non-Qualified Write-Ins:	454	

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
City of Modesto	115,190	35,413	30.74%

The number of votes given at each precinct is set forth in the attached Stanislaus County Registrar of Voters Statement of Vote for the March 5, 2024 Primary Election

March 29, 2024


 DIANE NAYARES-PEREZ, CMC
 City Clerk
 City of Modesto



**STATEMENT OF THE VOTE
FOR
STANISLAUS COUNTY**

STATE OF CALIFORNIA

**-CAST AT THE-
PRESIDENTIAL PRIMARY ELECTION**

-HELD-

TUESDAY, MARCH 5, 2024

**STATE OF CALIFORNIA
COUNTY OF STANISLAUS**

} **ss.**

I, DONNA LINDER, County Clerk-Recorder & Registrar of Voters for the County of Stanislaus, State of California, in accordance with the provisions of Section 15301 of the California Elections Code, do hereby certify that the within is a true and correct statement of result of the votes cast in this county at the Presidential Primary Election as determined by the official canvass of the returns of said election.

I hereby set my hand and official seal this 21st day of March 2024 at the County of Stanislaus.



A handwritten signature in blue ink that reads "Donna Linder".

Donna Linder
County Clerk-Recorder & Registrar of Voters
County of Stanislaus
State of California



Donna Linder
COUNTY CLERK-RECORDER
REGISTRAR OF VOTERS &
COMMISSIONER OF CIVIL MARRIAGE

REGISTRAR OF VOTERS
ELECTIONS DIVISION:
1021 "I" STREET, SUITE 101, Modesto, CA 95354
Telephone: (209) 525-5200, ESPAÑOL: (209) 525-5230
TOLL-FREE: (833) 772-2260, TTY: (833) 646-2136
Facsimile: (209) 525-5802

**CERTIFICATION OF
STANISLAUS COUNTY CLERK-RECORDER
& REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS OF THE
MARCH 5, 2024
PRESIDENTIAL PRIMARY ELECTION**

STATE OF CALIFORNIA
COUNTY OF STANISLAUS } ss.

I, DONNA LINDER, County Clerk-Recorder & Registrar of Voters for the County of Stanislaus, State of California, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the Presidential Primary Election held in said County on March 5, 2024, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this 21st day of March 2024 at the County of Stanislaus.



Donna Linder
County Clerk-Recorder & Registrar of Voters
County of Stanislaus
State of California



Donna Linder
COUNTY CLERK-RECORDER
REGISTRAR OF VOTERS &
COMMISSIONER OF CIVIL MARRIAGE

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TOLL-FREE: (833) 772-2260, TTY: (833) 646-2136
Facsimile: (209) 525-5802

HELP AMERICA VOTE ACT OF 2002
CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA
COUNTY OF STANISLAUS

} ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) 52 U.S.C. § 21083), I, DONNA LINDER, County Clerk-Recorder & Registrar of Voters for the County of Stanislaus, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Presidential Primary Election held on March 5, 2024, in the County of Stanislaus, State of California, and all elections consolidated therewith.

I hereby set my hand and official seal this 21st day of March 2024, at the County of Stanislaus.



County Seal

Handwritten signature of Donna Linder

Donna Linder
County Clerk-Recorder & Registrar of Voters
County of Stanislaus
State of California

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OFFICIAL BALLOTS

Run Time 10:18 AM
Run Date 03/21/2024

STANISLAUS COUNTY, CALIFORNIA

PRESIDENTIAL PRIMARY ELECTION

3/5/2024
Page 12

Official Results

Registered Voters
85934 of 285977 = 30.05%
Precincts Reporting
161 of 161 = 100.00%

City of Modesto Mayor - NONPARTISAN - Vote for ONE

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
60	60	100.00%	35,413	115,190	30.74%

Choice	Party	Vote Center		Vote By Mail		Total	
SUE ZWAHLEN		1,130	67.46%	24,824	82.30%	25,954	81.52%
SEBASTIAN JONES		299	17.85%	2,967	9.84%	3,266	10.26%
DEWEY L BEDFORD JR.		246	14.69%	2,371	7.86%	2,617	8.22%
Cast Votes:		1,675	100.00%	30,162	100.00%	31,837	100.00%
Undervotes:		223		2,934		3,157	
Overvotes:		2		5		7	
Rejected write-in votes:		39		415		454	
Unresolved write-in votes:		0		0		0	

Proposition 1 - NONPARTISAN

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
161	161	100.00%	85,934	285,977	30.05%

Choice	Party	Vote Center		Vote By Mail		Total	
NO		3,662	67.66%	43,217	56.80%	46,879	57.52%
YES		1,750	32.34%	32,867	43.20%	34,617	42.48%
Cast Votes:		5,412	100.00%	76,084	100.00%	81,496	100.00%
Undervotes:		195		4,098		4,293	
Overvotes:		6		6		12	
Rejected write-in votes:		0		0		0	
Unresolved write-in votes:		0		0		0	

City of Modesto Mayor - NONPARTISAN

Precinct	Cumulative Totals			SEBASTIAN JONES	DEWEY L BEDFORD JR.	SUE ZWAHLEN
	Party Member Registration	Party Member Ballots Cast	Turnout (%)			
117001	2,089	478	22.9	50	37	340
117002	2,183	970	44.4	62	39	747
117003	1,030	156	15.1	28	14	101
117004	2,371	301	12.7	53	42	184
117005	1,744	232	13.3	50	27	134
117007	2,201	808	36.7	64	58	620
117008	1,877	438	23.3	83	41	274
117009	2,184	653	29.9	48	46	483
117010	1,828	759	41.5	45	38	620
117011	2,122	540	25.4	56	44	388
117012	1,902	637	33.5	59	60	447
117014	2,387	573	24.0	63	47	424
117015	2,397	795	33.2	71	79	567
117021	1,773	688	38.8	54	54	515
117023	602	65	10.8	4	12	47
117027	2,270	854	37.6	58	49	692
117028	2,162	743	34.4	53	56	558
117030	1,782	521	29.2	47	57	368
117036	2,192	721	32.9	51	52	544
117039	1,953	666	34.1	31	40	530
117042	2,043	925	45.3	61	42	738
117043	1,913	647	33.8	73	43	467
117044	2,221	790	35.6	65	65	564
117046	2,192	616	28.1	69	51	443
117047	2,138	958	44.8	68	48	731
117049	1,550	200	12.9	39	18	135
117052	1,856	732	39.4	68	46	552
117053	1,737	365	21.0	56	26	247
117054	1,175	373	31.7	26	20	298
117059	1,591	543	34.1	42	52	392
117062	2,665	657	24.7	86	55	461
117063	2,492	300	12.0	48	27	201
117064	2,135	514	24.1	58	51	354
117069	1,823	540	29.6	64	54	374
117070	2,120	849	40.0	71	53	639
117072	2,229	729	32.7	75	64	491
117074	2,325	946	40.7	63	43	718
117076	2,091	658	31.5	58	57	472
117083	2,275	879	38.6	72	49	653
117084	1,439	435	30.2	30	34	337
117085	1,723	493	28.6	48	47	349
117086	1,774	449	25.3	59	39	298
117088	1,806	616	34.1	59	35	440
117090	1,846	811	43.9	41	50	637
117091	2,222	853	38.4	76	68	611
117093	2,163	843	39.0	77	56	609
117095	2,090	641	30.7	62	49	466
117096	1,870	491	26.3	41	49	357
117101	2,325	700	30.1	66	44	532
117104	1,960	456	23.3	36	37	340
117107	2,244	831	37.0	64	54	626
117111	1,521	499	32.8	65	33	344
117112	2,030	549	27.0	45	53	396
117114	629	89	14.1	10	15	62
117121	1,822	407	22.3	53	38	293
117136	2,233	655	29.3	61	54	461
117154	2,213	622	28.1	76	39	436

City of Modesto Mayor - NONPARTISAN

Cumulative Totals	Party Member Registration	Party Member Ballots Cast	Turnout (%)	SEBASTIAN JONES	DEWEY L BEDFORD JR.	SUE ZWAHLEN
Precinct						
117165	1,549	500	32.3	43	33	359
117174	2,111	654	31.0	62	34	488
117196	0	0	0.0	0	0	0
Vote Center Totals	115,190	1,941	1.7	299	246	1,130
Vote By Mail Totals	115,190	33,472	29.1	2,967	2,371	24,824
Grand Totals	115,190	35,413	30.7	3,266	2,617	25,954

City of Modesto Mayor - NONPARTISAN

Vote Center Totals						
District	Party Member Registration	Party Member Ballots Cast	Turnout (%)	SEBASTIAN JONES	DEWEY L BEDFORD JR.	SUE ZWAHLEN
STANISLAUS COUNTY, CALIFORNIA	115,190	1,941	1.7	299	246	1,130
STATEWIDE DISTRICT	115,190	1,941	1.7	299	246	1,130
COUNTYWIDE DISTRICT	115,190	1,941	1.7	299	246	1,130
5TH CONGRESSIONAL DISTRICT	95,287	1,730	1.8	250	209	1,025
13TH CONGRESSIONAL DISTRICT	19,903	211	1.1	49	37	105
STATE BOARD OF EQUALIZATION DISTRICT 1	115,190	1,941	1.7	299	246	1,130
4TH SENATORIAL DISTRICT	115,190	1,941	1.7	299	246	1,130
22ND ASSEMBLY DISTRICT	115,190	1,941	1.7	299	246	1,130
1ST SUPERVISORIAL DISTRICT	26,328	451	1.7	53	47	270
2ND SUPERVISORIAL DISTRICT	0	0	0.0	0	0	0
3RD SUPERVISORIAL DISTRICT	39,331	633	1.6	120	72	369
4TH SUPERVISORIAL DISTRICT	46,322	835	1.8	117	121	485
5TH SUPERVISORIAL DISTRICT	3,209	22	0.7	9	6	6
CITY OF MODESTO	115,190	1,941	1.7	299	246	1,130
Vote Center Totals	115,190	1,941	1.7	299	246	1,130

City of Modesto Mayor - NONPARTISAN

Vote By Mail Totals

District	Party Member Registration	Party Member Ballots Cast	Turnout (%)	SEBASTIAN JONES	DEWEY L BEDFORD JR.	SUE ZWAHLEN
STANISLAUS COUNTY, CALIFORNIA	115,190	33,472	29.1	2967	2371	24824
STATEWIDE DISTRICT	115,190	33,472	29.1	2967	2371	24824
COUNTYWIDE DISTRICT	115,190	33,472	29.1	2967	2371	24824
5TH CONGRESSIONAL DISTRICT	95,287	30,196	31.7	2506	2074	22571
13TH CONGRESSIONAL DISTRICT	19,903	3,276	16.5	461	297	2253
STATE BOARD OF EQUALIZATION DISTRICT 1	115,190	33,472	29.1	2967	2371	24824
4TH SENATORIAL DISTRICT	115,190	33,472	29.1	2967	2371	24824
22ND ASSEMBLY DISTRICT	115,190	33,472	29.1	2967	2371	24824
1ST SUPERVISORIAL DISTRICT	26,328	8,290	31.5	747	539	6079
2ND SUPERVISORIAL DISTRICT	0	0	0.0	0	0	0
3RD SUPERVISORIAL DISTRICT	39,331	10,269	26.1	962	855	7469
4TH SUPERVISORIAL DISTRICT	46,322	14,490	31.3	1190	936	10984
5TH SUPERVISORIAL DISTRICT	3,209	423	13.2	68	41	292
CITY OF MODESTO	115,190	33,472	29.1	2967	2371	24824
Vote By Mail Totals	115,190	33,472	29.1	2,967	2,371	24,824

City of Modesto Mayor - NONPARTISAN

Grand Totals

District	Party Member Registration	Party Member Ballots Cast	Turnout (%)	SEBASTIAN JONES	DEWEY L BEDFORD JR.	SUE ZWAHLEN
STANISLAUS COUNTY, CALIFORNIA	115,190	35,413	30.7	3266	2617	25954
STATEWIDE DISTRICT	115,190	35,413	30.7	3266	2617	25954
COUNTYWIDE DISTRICT	115,190	35,413	30.7	3266	2617	25954
5TH CONGRESSIONAL DISTRICT	95,287	31,926	33.5	2756	2283	23596
13TH CONGRESSIONAL DISTRICT	19,903	3,487	17.5	510	334	2358
STATE BOARD OF EQUALIZATION DISTRICT 1	115,190	35,413	30.7	3266	2617	25954
4TH SENATORIAL DISTRICT	115,190	35,413	30.7	3266	2617	25954
22ND ASSEMBLY DISTRICT	115,190	35,413	30.7	3266	2617	25954
1ST SUPERVISORIAL DISTRICT	26,328	8,741	33.2	800	586	6349
2ND SUPERVISORIAL DISTRICT	0	0	0.0	0	0	0
3RD SUPERVISORIAL DISTRICT	39,331	10,902	27.7	1082	927	7838
4TH SUPERVISORIAL DISTRICT	46,322	15,325	33.1	1307	1057	11469
5TH SUPERVISORIAL DISTRICT	3,209	445	13.9	77	47	298
CITY OF MODESTO	115,190	35,413	30.7	3266	2617	25954
Vote Center Totals	115,190	1,941	1.7	299	246	1,130
Vote By Mail Totals	115,190	33,472	29.1	2,967	2,371	24,824
Grand Totals	115,190	35,413	30.7	3,266	2,617	25,954

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-127**

**RESOLUTION APPROVING THE ESTABLISHMENT OF INTER-FUND
LOANS FROM THE GENERAL FUND TO FUND 3224- CITY-LED SPECIFIC
PLAN FUND, FOR CITY-LED SPECIFIC PLANS IN AN AMOUNT NOT-TO-
EXCEED \$675,000 FOR CITY-LED SPECIFIC PLANS AND AUTHORIZING
THE CITY MANAGER TO CARRY OUT THE NECESSARY BUDGET
ADJUSTMENTS FOR UP TO THE TOTAL AMOUNT OF \$675,000 TO
IMPLEMENT THIS ACTION**

WHEREAS, the City’s planning approach is to define future Specific Plan areas and require a comprehensive, holistic planning process in advance of annexations; and

WHEREAS, the use of specific plan documents to guide growth is authorized by California Government Code Sections §65450 through §65457; and

WHEREAS, specific plans are beneficial when planning large land areas or complex development projects because they provide a comprehensive document that contains all the land use and infrastructure policies necessary to fully address the potential impacts of the project, and to implement subsequent development requests; and

WHEREAS, in the last 24 months staff has seen an unprecedented increase in developer and development inquiries, all which require the preparation of a specific plan; and

WHEREAS, to assist with development within the city, staff is proposing to authorize \$675,000 from the General Fund to assist with preparing specific plans; and

WHEREAS, the City will prioritize the preparation of respective specific plans based on factors such as community needs development goals, economic impact, and alignment with broader citywide objectives, as well as budget allocation and policy considerations; and

WHEREAS, per the Modesto Municipal Code Section 10-9.1101, the City will

establish a specific plan reimbursement fee to recover the expenses of any approved specific plan; and

WHEREAS, reimbursement fees are payable upon submission of a development application within the specific plan area; and

WHEREAS, it is possible the City will not be fully reimbursed if development does not occur to the full extent anticipated by the specific plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the establishment of inter-fund loans from the General Fund to Fund 3224-City-Led Specific Plan Fund, for City-Led Specific Plans in an amount not to exceed \$675,000 for the City-Led Specific Plans.

BE IT FURTHER RESOLVED that the City Manager is authorized to carry out the necessary budget adjustments for up to the total of \$675,000 to implement this action.

BE IT FURTHER RESOVLED that the interest rates on such loans will be equal to the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding the application submittal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-128**

RESOLUTION APPROVING THE CONSULTANT SERVICES AGREEMENT WITH DE NOVO PLANNING GROUP FOR SPECIFIC PLAN SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED \$650,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in the last 24 months staff has seen an unprecedented increase in developer and development inquiries, all which require the preparation of a specific plan; and

WHEREAS, to assist with development within the city, staff is proposing to authorize \$675,000 from the General Fund to assist with preparing specific plans; and

WHEREAS, the Community and Economic Development Department has determined that contracting with private firms is the most efficient way to continue providing specific plan services; and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Specific Plan Consulting Services, a Request for Qualifications (RFQ) to perform Specific Plan Consulting Services was initiated; and

WHEREAS, the De Novo Planning Group of El Dorado Hills, CA, was deemed qualified to prepare specific plans; and

WHEREAS, the support from De Novo Planning Group for specific plan consultation eliminates the need to send out repetitive Request for Proposals (RFPs) for to prepare specific plans; and

WHEREAS, the approval for the (Specific Plan Consulting Services) to (De Novo

Planning Group) conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services and at least three informal proposals were obtained.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Consultant Services Agreement with De Novo Planning Group for Specific Plan Services for a total amount not to exceed \$650,000 over three years.

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

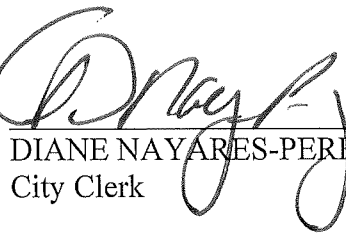
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-129**

**RESOLUTION APPROVING THE FOURTH AMENDMENT TO THE
CONSTRUCTION MANAGEMENT SERVICES AGREEMENT WITH WSP USA
INC. FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE
1 PROJECT, INCREASING THE AGREEMENT AMOUNT BY \$149,697 FROM
\$13,140,236 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$13,289,933, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE
THE FOURTH AMENDMENT**

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

WHEREAS, on June 25, 2019, by Resolution No. 2019-295, City Council approved an Agreement with WSP USA Inc. for Construction Management Services in the amount of \$8,973,533, plus \$897,353 in additional services, for a total amount of \$9,870,886; and

WHEREAS, on September 28, 2021, by Resolution 2021-372, City Council approved the First Amendment to the Agreement with WSP USA Inc. for Construction Management Services in the amount of \$1,721,080, plus \$172,108 in additional services, for a total amount of \$1,893,188; and

WHEREAS, on August 23, 2022, by Resolution 2022-348, City Council approved the Second Amendment to the Agreement with WSP USA Inc. for Construction Management Services in the amount of \$621,745, plus \$62,175 in additional services, for a total amount of \$683,920; and

WHEREAS, on February 14, 2023, by Resolution 2023-52, City Council approved the Third Amendment to the Agreement with WSP USA Inc. for Construction

Management Services in the amount of \$629,311, plus \$62,931 in additional services, for a total amount of \$692,242, for a total amount of \$13,140,236; and

WHEREAS, the primary construction work for the project was deemed complete as of December 29, 2023; and

WHEREAS, the project closeout process has just begun and ongoing plant establishment and maintenance will be required until June 2025; and

WHEREAS, on March 20, 2024, WSP submitted a Fourth Amendment Request to the Construction Management Services Agreement in the amount of \$149,697; and

WHEREAS, Staff recommends approving the Fourth Amendment to the Agreement with WSP USA Inc. to complete the scope of Construction Management Services for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the agreement amount by \$149,697 from \$13,140,236 for a new total amount not to exceed \$13,289,933.


BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the Fourth 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 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

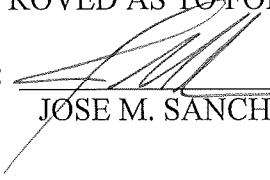
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-130**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR SEWER & STORM PIPE AND FITTINGS TO THE FERGUSON WATERWORKS, MODESTO, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ANNUAL ESTIMATED COST OF \$175,000 AND A TOTAL COST NOT TO EXCEED \$875,000 OVER FIVE YEARS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, Sewer and Storm Water Collections Divisions maintains over 670 miles of sewer system, 13,000 maintenance holes, 9,500 rock wells, 170 miles of storm drains, and 24 storm basins, and

WHEREAS, these items are currently being purchased by obtaining three quotes, and staff decided that these should be competitively bid, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Invitation for Bids (IFB) for the purchase of sewer & storm pipe and fittings, and

WHEREAS, the Purchasing Division issued IFB No. 2324-43 for the purchase of sewer & storm pipe and fittings, and

WHEREAS, nineteen prospective bidders downloaded the bid, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, one of which was a local vendor, and

WHEREAS, both companies responded with responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bids for the purchase of sewer & storm pipe and fittings to Ferguson Waterworks, Modesto, CA for a two (2) year agreement with three (3) one-

year extension options at the sole discretion of the City, for an estimated annual cost of \$175,000 and a total not to exceed \$875,000 over five (5) years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, the award of bids for the purchase of sewer & storm pipe and fittings to Ferguson Waterworks, Modesto CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the Wastewater Division for the purchase of sewer & storm pipe and fittings Ferguson Waterworks, Modesto, CA for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual amount not to exceed \$175,000 and a total amount not to exceed \$875,000 over five (5) years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to issue the sewer & storm pipe and fittings 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 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-131**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE PURCHASING AGREEMENT WITH FERGUSON WATERWORKS, MODESTO, CA FOR THE PURCHASE OF CIRCLE CLAMPS, GASKETS AND PIPE COUPLINGS, BY INCREASING THE ESTIMATED ANNUAL AMOUNT BY \$295,000 TO \$870,000 ANNUALLY, TO A NEW TOTAL AMOUNT NOT TO EXCEED \$2,995,000 OVER FIVE (5) YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Finance Department, Central Stores Division inventories circle clamps, gaskets, pipe couplings, and tapping sleeves for the Utilities Department, Water and Wastewater Divisions, and

WHEREAS, these items are used in repairing and maintaining city water and sewer lines, and

WHEREAS, on July 14, 2020 by Resolution 2020-306, Council approved a one (1) year purchase agreement with four (4) 1-year extension options, and

WHEREAS, on June 14, 2022 by Resolution 2022-271, Council approved a first amendment to agreement to increase the annual amount from \$340,000 to \$575,000, and

WHEREAS, supply chain issues resulting from COVID19, and weather-related manufacturing shutdowns have created an unstable market, and

WHEREAS, the polyvinyl chloride (PVC) market has increased exponentially over the past several years and has yet to stabilize, and

WHEREAS, the cost of fuel has risen over 90% since January 2021, and

WHEREAS, staff continues to monitor supply chain trends on a regular basis, validating market pricing; and.

WHEREAS, Modesto Municipal Code Section 8-3.204(f) exempts from the

formal bidding “Where the Purchasing Manager in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approve a Second Amendment to the Purchasing Agreement with Ferguson Waterworks, Modesto, CA, for the purchase of circle clamps, gaskets, and pipe couplings by increasing the estimated annual amount by \$295,000 to \$870,000 annually, to a new total amount not to exceed \$2,995,000 over five (5) years.


BE IT FUTHER RESOLVED, that the Director of Finance, or her designee, is 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 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-132**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR UNIFORM AND LAUNDRY SERVICES TO ARAMARK UNIFORM SERVICES, BURBANK, CA, FOR A THREE (3) YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL ESTIMATED AMOUNT OF \$160,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,120,000 OVER SEVEN YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of uniform and laundry services, and

WHEREAS, the Purchasing Division issued RFP 2324-10 for uniform and laundry services for Citywide departments on the City's website under commodity codes for clothing athletic, casual, dress, uniforms blended fabric, uniforms cotton, uniforms synthetic fabric, work clothes, laundry and dry cleaning services, laundry and linen services, and rental or lease services of clothing services, and

WHEREAS, the proposals were formally opened in the City Clerk's office. Five (5) companies chose to respond, one of which was a local vendor. All companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of eight (8) City staff members evaluated and graded the proposals which included a representative from almost every City department, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal and contract for the furnishing of uniform and laundry services for Citywide use to Aramark Uniform Services, Burbank, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, the award of proposal of RFP 2324-10 and agreement for uniform and laundry services for Citywide use to Aramark Uniform Services, Burbank, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for uniform and laundry services for Citywide use to Aramark Uniform Services, Burbank, CA, for a three (3) year agreement with four (4) one-year extension options, for an annual estimated amount of \$160,000 and a total amount not to exceed \$1,120,000 over seven years and authorizing the City Manager, or his designee, to execute the agreement

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the uniform and laundry services 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 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-133**

RESOLUTION APPROVING THE AGREEMENT FOR POLLING AND SURVEY ADMINISTRATION SERVICES TO ZENCITY TECHNOLOGIES, INC. WILMINGTON, DE, AND THE FIRST AMENDMENT TO PROBOLSKY RESEARCH, SAN FRANCISCO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$175,200 AND TOTAL AMOUNT NOT TO EXCEED \$839,900 OVER FIVE YEARS FOR THE COMBINED TOTAL OF ALL AGREEMENTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND AMENDMENT

WHEREAS, the City Manager authorized the Human Resources Department to issue a Request for Proposals (RFP) for polling and survey administration services, and

WHEREAS, on November 20, 2023, the Human Resource Department issued RFP INF 24-21 for Polling and Survey Administration on the City's PlanetBids public bidding website under various commodity codes.¹ Prospective bidders were notified online and via email of the bid opportunity. Twenty-three (23) companies downloaded the RFP document from PlanetBids, and

WHEREAS, following the request, proposals were received and opened via email. Six (6) companies provided responsive and responsible proposals to conduct polling and survey administration, and

WHEREAS, an evaluation committee comprised of three (3) City staff members which included the Director of Finance, Director of Utilities, and the Human Resources Manager evaluated the proposals. The evaluation was based on the ability to address all RFP Requirements, Qualifications, References and Costs, and

¹ 91800- Consulting Services, 91806-Administrative Consulting, 91858-Governmental Consulting, 96100-Miscellaneous Services, No. 1 (Not otherwise classified), 96160-Public Opinion Surveys, and 96200-Miscellaneous Services, No. 2 (Not otherwise classified)

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for the Polling and Survey Administration services to Probolsky Research, San Francisco, CA, and Zencity Technologies, Inc, Wilmington, DE, and

WHEREAS, agreements with two firms will afford the City the specialized expertise needed to address the various polling and survey administration both internally with the City of Modesto employees and externally with the City of Modesto residents, and

WHEREAS, an agreement with the first firm chosen, Probolsky Research, was approved effective February 9, 2024 under the City Manager's authority, in an amount not to exceed \$79,100 due to the City's needs to expedite an internal survey, and

WHEREAS, in accordance with Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow the formal bid procedures. In accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. The approval for Polling and Survey Administration Services to Probolsky Research and Zencity Technologies conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services. However, staff received six (6) proposals and evaluated them based on the ability to address all the RFP requirements, Qualifications, References, and cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement for Polling and Survey Administration Services to Zencity Technologies, Inc. Wilmington, DE, and the First Amendment to Probolsky Research, San Francisco, CA, for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of \$175,200 and total amount not to exceed \$839,900 over five years for the combined total of all agreements

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and 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 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-134**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF
MODESTO TO AMEND THE CLASSIFICATIONS OF POLICE PARK
RANGER AND EMERGENCY MEDICAL SERVICES QUALITY
IMPROVEMENT COORDINATOR**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2023-268 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to change the range for the classifications of Police Park Ranger to salary range 1119 and to change the title and range for the classification of Emergency Medical Services (EMS) Quality Improvement Coordinator to salary range 442.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which April 23, 2024, falls.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-135**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR ON-CALL PLUMBING SERVICES TO MARK III CONSTRUCTION, DBA M3 SERVICES SACRAMENTO, CA AND CHAMPION INDUSTRIAL CONTRACTORS, INC. MODESTO, CA FOR A THREE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR A COMBINED ANNUAL ESTIMATED AMOUNT OF \$115,000, AND A COMBINED TOTAL AMOUNT NOT TO EXCEED \$593,127 OVER FIVE YEARS BETWEEN THE TWO AGREEMENTS, AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ADJUST FINANCIAL AMOUNTS BETWEEN BOTH PROVIDERS WITHOUT EXCEEDING AN ESTIMATED ANNUAL COST OF \$115,000 AND OVERALL COST OF \$593,127 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto, Public Works Department, Building Services Division is responsible for maintaining facilities within the City of Modesto. The current city-wide On-Call Plumbing Services agreement which includes maintenance, repair, and emergency services is near the end of the term of the agreement; and

WHEREAS, the Building Maintenance Division is required to do an Invitation for Bids (IFB) for On-Call Plumbing Services. Through the issuance of an IFB, the Building Maintenance Division will be able to better manage the On-Call Plumbing Services within the City of Modesto under a consolidated agreement rather than several different vendors handling different buildings and requests; and

WHEREAS, on November 18, 2018, by Resolution No. 2018-496, Council authorized the award of bid for the furnishing of On-Call Plumbing Services at city properties to Champion Industrial Contractors, Inc., for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$68,000 and a total amount not to exceed \$361,089 over five years; and

WHEREAS, on September 26, 2023, by Resolution No. 2023-428, Council authorized the first amendment for On-Call Plumbing Services with Champion Industrial Contractors, to increase the agreement amount by \$86,250 to a total revised amount not to exceed \$432,370 through the term of the agreement, extending the term date from November 5, 2023, to May 5, 2024; and

WHEREAS, on May 15, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for On-Call Plumbing Services. On October 20, 2023, the Purchasing Division issued IFB No.2023-02 for On-Call Plumbing Services on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, based on the City's need for a pool of vendors and only receiving two bids which were inconsistent with markup percentages and contract cost, this combined with errors and incomplete information within the bid submittals, these bids were rejected; and

WHEREAS, on December 20, 2023, the Purchasing Division issued IFB No. 2324-02RB for On-Call Plumbing Services on the City's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online and via email of the bid opportunity. Fifteen companies downloaded the IFB document from PlanetBids; and

WHEREAS, on January 23, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Three companies chose to respond, there was one local bid received. Based on providing the lowest responsive and responsible bid, City staff recommended to award the On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial

Contractors, Inc. Modesto, CA for the total amount not to exceed \$593,127 between the two agreements; and

WHEREAS, staff recommends a separate agreement for M3 Services and Champion Industrial Contractors due to the bid pricing and to ensure that one vendor is not overwhelmed by the workload requested or due to response time. The two vendors will rotate services as needed per the direction of the Public Works Department, Building Maintenance Division; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City Staff recommends the award of On-Call Plumbing Services to Mark III Construction, DBA M3 Services Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA; and

WHEREAS, below is a breakdown of estimated yearly expenses for on-call plumbing services at City properties. Staff has included potential Consumer Price Index increases (5%) for Years 3, 4, and 5.

Description	Year 1	Year 2	Year 3	Year 4	Year 5	Total
On-Call Plumbing	\$ 115,000	\$ 115,000	\$ 115,000	\$ 115,000	\$ 115,000	\$ 575,000
Consumer Price Index (5%)			\$5,750	\$6,037	\$6,340	\$18,127
Total for 5-Yr Contract	\$ 115,000	\$ 115,000	\$ 120,750	\$121,037	\$121,340	\$593,127

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the furnishing of on-call plumbing services at City properties to Mark III Construction, DBA M3 Sacramento, Ca and Champion

Industrial Contractors, Inc., Modesto, CA, for a three year agreement with two one-year extension options, for an annual cost not to exceed \$115,000 and a total amount not to exceed \$593,127 over five years, which includes potential Consumer Price Index increases.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to adjust financial amounts between both providers without exceeding the estimated annual cost of \$115,000 and overall cost of \$593,127.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-136**

RESOLUTION ACCEPTING THE STATE WATER RESOURCES CONTROL BOARD EXPEDITED DRINKING WATER GRANT PROGRAM AWARD OF UP TO \$7,115,592 FOR THE RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT CONSOLIDATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A FUNDING AGREEMENT

WHEREAS, in 1992, the City entered into a Mutual Aid Agreement with the Riverdale Park Tract Community Services District (District) for an emergency water service connection, as a short-term back-up potable water supply to their independent single-well water system in the event their capability to supply potable water was compromised, and

WHEREAS, in 2016, the Stanislaus County Department of Environmental Health issued a Compliance Order to the District for exceeding maximum contaminate levels of uranium over an extended period of time, and

WHEREAS, in 2018, the District, working with Self Help Enterprises and with assistance from the City completed a Feasibility Study which concluded that the best option for the District to mitigate it's groundwater contaminant issue was to consolidate their water system with the City of Modesto's water system and destroy their groundwater well, and

WHEREAS, on October 8, 2019, by Resolution No. 2019-460, Council authorized the submittal of a grant application to the State Revolving Fund Program on behalf of the District to secure funding to make significant improvements to the water system in order to meet City Standards as required for the City to take possession of the water system, and

WHEREAS, the City conducted analysis to determine the capital improvements required to provide a potable and reliable water supply to the District's customers on a

permanent basis. Self Help Enterprises, acting as facilitator for the District, and utilizing separate State funds, hired O'Dell Engineering and, working with the City, developed design plans based on this analysis and per City Standards for the construction of the improvements project, and

WHEREAS, on March 2, 2021, by Resolution No. 2021-79, Council approved a water system consolidation agreement with the District which, upon completion of capital improvements, the District would be dissolved and their customers transitioned to City water services, and

WHEREAS, on August 25, 2023, the City received a Preliminary Funding Award Notification from the State Water Resources Control Board (SWRCB) for the Riverdale Park Tract Community Services District Consolidation Project, and

WHEREAS, on March 19, 2024, the City received the final grant agreement from the SWRCB which includes funding for the construction, City staff time, water service and meter connection fees, and other expenses associated with the consolidation of the District's water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of an Expedited Drinking Water Grant Program Award of up to \$7,115,592 for the Riverdale Park Tract Community Services District Consolidation Project, and

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant agreement and all grant-related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SÁNCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-137**

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM REVENUE AND EXPENSE BUDGETS IN THE COMBINED AMOUNT OF \$11,273,412 TO FUND THE CONSTRUCTION PHASE OF THE RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT CONSOLIDATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$11,273,412, in order to fund the Riverdale Park Tract Community Services District Consolidation Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$11,273,412.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

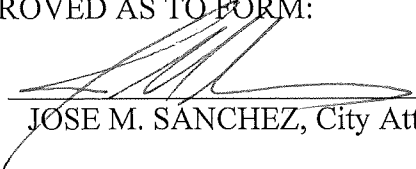
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-138**

RESOLUTION OF INTENTION TO ANNEX ASSESSOR PARCEL NUMBERS (APNS) 077-008-039 AND 077-008-040 TOTALING APPROXIMATELY 33.694 ACRES, TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX ON THE PROPERTIES LOCATED WITHIN THE ANNEXATION MAP (ANNEXATION #20)

WHEREAS, pursuant to chapter 2.5 Division 2 of Title 5 (commencing with Section 5311) of the Californian Government Code, commonly known as the “Mello-Ross Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory; and

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

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

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-686, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District; and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1; and

WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District; and

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

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexation Nos. 11, 12, 13, 14, 15, 16, 17, 18, and 19; and

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

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

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

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

1. The above recitals are true and correct.
2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled “Annexation Map No. 11 of Community Facilities District No. 2004-1 (Village One #2)” on file

with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled “Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, the map entitled “Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57, the map entitled “Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 98, the map entitled “Annexation Map No. 15 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at Page 52, the map entitled “Annexation Map No. 16 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 67, the map entitled “Annexation Map No. 17 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 87, and the map entitled “Annexation Map No. 18 of the Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 6 of Maps of Assessment and Community Facilities Districts at page 5, the map entitled “Annexation No. 19 of Community Facilities District No. 2004-1 (Village

One#2)” on file with the County Recorder at Book 6 of Maps of Assessment and Community Facilities Districts at pages 19 and 20. The territory proposed to be annexed to the District (the “Territory”) is described in **Exhibit A, attached** hereto.

3. The boundaries of the Territory are also shown on the maps thereof, entitled “Annexation Map No. 20 of Community Facilities District No. 2004-1 (Village One #2)”, City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The maps shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.
4. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.
5. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax

component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

6. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday June 11, 2024, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95354, such time being not less than 30 or more than 60 days following the adoption hereof.
7. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.
8. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

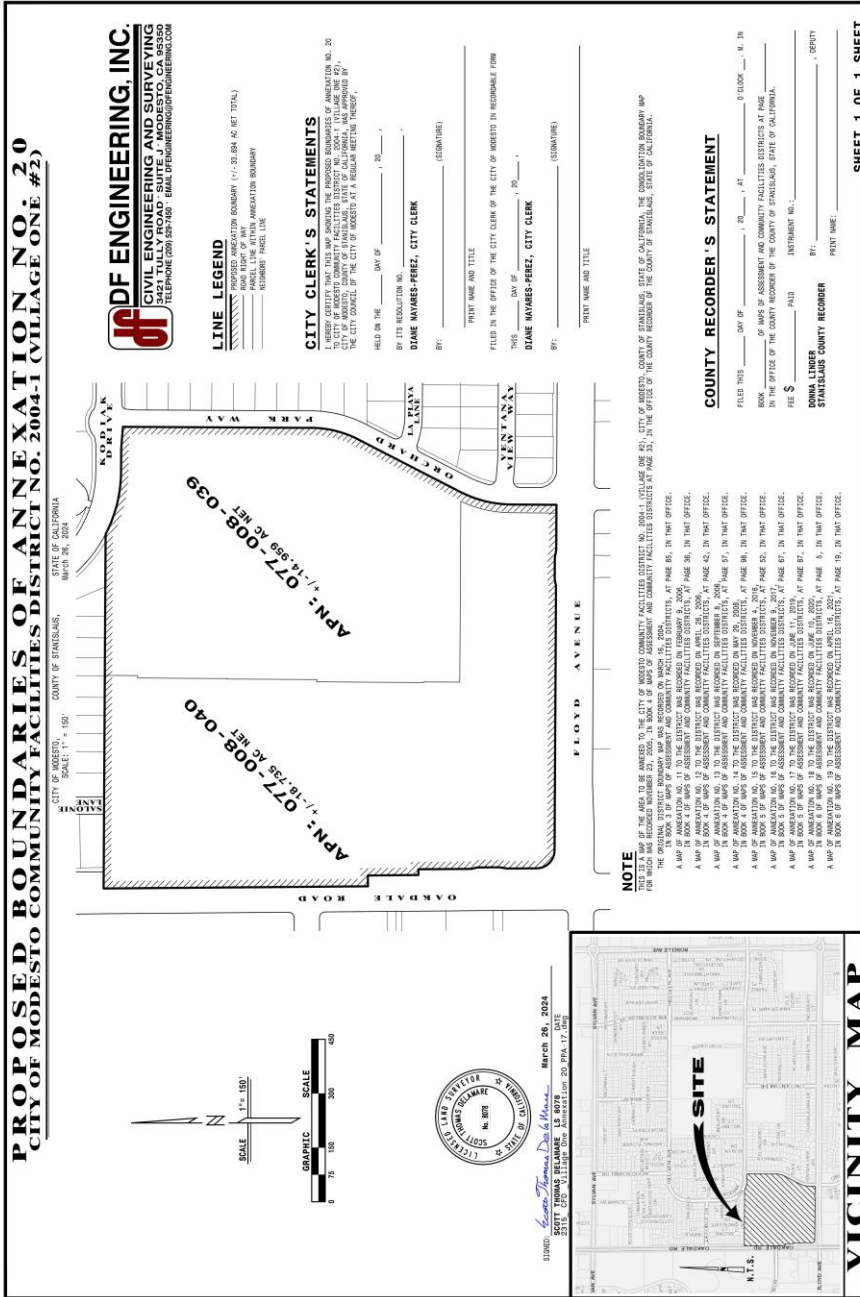
ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-139**

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH SAMEDAY BACKFLOW SERVICE, FOR BACKFLOW PREVENTION TESTING SERVICES AND REPAIRS BY \$425,000 FROM \$225,000 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$650,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the State of California Health and Safety Code requires annual testing of backflow prevention assemblies owned and operated by the City; and

WHEREAS, pursuant to Modesto Municipal Code 11-1.113 and California Health and Safety Codes 116800-116820, all backflow prevention assemblies are to be tested annually at the owner/water (City's) account holder's expense; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for Backflow Prevention Testing Services on November 5, 2021; and

WHEREAS, a purchasing agreement with Dan Ely Backflow Services, Turlock, CA was executed in an amount not to exceed \$125,000 over five years; and

WHEREAS, on August 25, 2022, Dan Ely sent the City a 30-day notice of termination letter and recommended Sameday Backflow Service as an alternative; and

WHEREAS, staff determined Sameday Backflow Service as a capable and responsible replacement to assume the agreement; and

WHEREAS, on October 1, 2022, Sameday Backflow Service assumed the Backflow Prevention Testing Services Agreement under the existing terms; and

WHEREAS, on September 12, 2023, by Resolution 2023-411, Council approved the First Amendment increasing the Agreement amount to a new total not to exceed \$225,000 due to increased levels of theft and vandalism; and

WHEREAS, Park Operations staff have continued to require a high volume of repairs and/or replacements of backflows; and

WHEREAS, the number of repairs has increased tenfold from 4 repairs to 33 repairs in one year; and

WHEREAS, staff have been unable to meet these demands in-house and have used the Agreement to supplement the need; and

WHEREAS, for purposes of the City-wide agreement, staff is estimating \$100,000 per year for repairs/replacements which is estimated to repair 90 backflows annually; and

WHEREAS, staff is recommending compensation for the Agreement to be increased by \$425,000 for a total amount of \$650,000 for the entire agreement to provide sufficient funding for backflow testing and repair services through the end of the agreement; and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on April 30, 2027; and

WHEREAS, this item was presented to the Safety and Communities Committee on April 15, 2024 and was recommended to forward to Council for approval; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are

granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the Agreement amount with Sameday Backflow Service, for Backflow Prevention Testing Services and Repairs by \$425,000 from \$225,000 to a new total amount not to exceed \$650,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-140**

**RESOLUTION APPROVING THE FIRST AMENDMENT WITH HDR
ENGINEERING, INC. FOR THE FEASIBILITY STUDY FOR THE CITY OF
MODESTO'S COMPOST FACILITY, INCREASING THE AGREEMENT
AMOUNT BY \$96,062 FROM \$97,055 TO A NEW REVISED TOTAL AMOUNT
NOT TO EXCEED \$193,117 OVER THE TERM OF THE ORIGINAL
AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City of Modesto Compost Facility was created and began operation in January 1997 to comply with Assembly Bill (AB) 939's 50% waste diversion requirement; and

WHEREAS, in September 2016, Governor Brown signed the Short-Lived Climate Pollution Reduction Act Senate Bill (SB 1383)¹ into law, establishing emission reduction targets statewide to reduce organic waste to landfill by 75% and recovering 20% of edible food waste for human consumption by 2025; and

WHEREAS; the Compost Facility's primary and state mandated purpose is to process the City's diverted yard waste, paper waste and food waste materials into a reusable soil amendment product (compost), thus keeping these materials from entering the landfill and lowering the City's disposal rate. A secondary purpose of the facility is to then market and sell the finished compost to farmers, landscapers, and backyard gardeners, which in turn helps keep the facility sustainable. Compost is also donated to community gardens and landscape projects, parks, schools, churches, and has been used in City projects; and

¹ <https://www.calrecycle.ca.gov/organics/slcp>

WHEREAS, annually, the Facility receives approximately 50,000 tons of raw compostable waste materials and processes it into about 25,000 tons of compost; and

WHEREAS, on June 14, 2022, by Resolution No. 2022-276, Council approved new solid waste rates. The new rates took effect on July 1, 2022. A compost facility improvement fee was added to both residential rates and commercial rates. These fees will be solely utilized for facility improvements; and

WHEREAS, on December 6, 2022, by Resolution No. 2022-466, Council approved an agreement with HDR Engineering, Inc. to conduct a Feasibility Study for the City's Compost Facility. On October 24, 2023, by Resolution No. 2023-472, Council approved the proposed plan and recommendations from HDR Engineering to expand and improve the existing City of Modesto Compost Facility; and

WHEREAS, the purpose of the Compost Facility Feasibility Study is to explore the viability of an improved and expanded Compost Facility that will help the City achieve SB 1383's mandated organic waste diversion goals; and

WHEREAS, both the regional air district (San Joaquin Valley Air Pollution Control District Rule (SJVAPCD) 4566) and the regional water board (General Waste Discharge Requirements for Composting Operations, Order WQ 2020-0012—DWQ) require improvements to the heavy equipment operations, working surfaces, and material processing operation to protect the air and groundwater quality, respectively; and

WHEREAS, these two regulatory permitting agencies and SB 1383 require the City to undertake substantial infrastructure, site electrifications, labor, and heavy equipment improvements to maintain the Compost Facility; and

WHEREAS, HDR Engineering, Inc. evaluated the facility's ability to comply with

California Department of Resources Recycling and Recovery (CalRecycle), SB 1383, San Joaquin Valley Air Pollution Control District, and the Regional Water Board requirements and met with City staff to evaluate key considerations in the future of the facility, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, to increase efficiency and avoid delays or disruptions to City projects or service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with HDR Engineering, Inc. of Folsom, CA for the Feasibility Study for the City of Modesto’s Compost Facility, increasing the amount by \$96,062 from \$97,055 to a new revised total amount not to exceed \$193,117 over the term of the original Agreement.

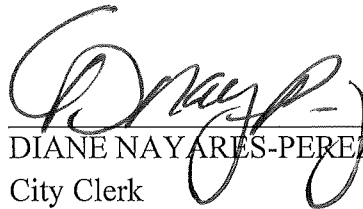
BE IT FURTHER RESOLVED, that the City Manager, or his designee is authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-141**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE JENNINGS WELL TREATMENT IMPROVEMENTS PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO TNT INDUSTRIAL CONTRACTORS INC., OF SACRAMENTO, CA, IN THE AMOUNT OF \$1,135,700, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$170,355, 15% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$1,306,055 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the Jennings Well provides potable water to the Regional Water Recycling Facility - Jennings Campus (RWRJ-JC), for Operations and Maintenance staff, and

WHEREAS, the Jennings Well has historically exceeded the secondary Maximum Contaminant Levels for chloride, manganese, sulfate, hardness, electrical conductance and total dissolved solids, and

WHEREAS, after reviewing the Technical Memorandum prepared by West Yost Associates, staff recommended proceeding with the improvements as recommended by the engineering consultant, and

WHEREAS, the improvements will include replacing the existing well pump with a higher head unit, adding a pressure tank, a water softener, and a packaged reverse osmosis treatment unit, and

WHEREAS, the project was advertised for bids on January 31, 2024, and

WHEREAS, on March 5, 2024, bids were publicly opened, pursuant to City Charter Section 1307, two bids were received and TNT Industrial Contractors Inc., of Sacramento, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the award of Contract for the construction of the Jennings Well Treatment Improvements Project to TNT Industrial Contractors Inc., of Sacramento, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and TNT Industrial Contractors Inc. was the lowest responsive and responsible bidder, and

WHEREAS, staff recommends awarding the Contract to TNT Industrial Contractors Inc., of Sacramento, CA, and

WHEREAS, the City's "Change Order Approval Policy" establishes a Contract change order authority of 10% for Construction Contracts of this dollar value. However, after reviewing the plans and specifications, and given the nature of this project where unforeseen utilities or buried structures, and other unaccounted for issues may arise, it is likely that this project could exceed the Director's Authority of 10% (\$113,570) of the Construction Contract amount of \$1,135,700, and

WHEREAS, the City Council desires to increase the Director's Authority to issue change orders to 15% (\$170,355) of the Construction Contract amount.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Jennings Well Treatment Improvements Project; accepts the bid and awards a Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA , in the amount of \$1,135,700, and authorizes the Director of Engineering Services to approve Change Orders up to the

cumulative amount of \$170,355, 15% of the original Contract price, for a total payment amount not to exceed \$1,306,055.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen


NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-142**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, OF SACRAMENTO, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION SERVICES FOR THE JENNINGS WELL TREATMENT IMPROVEMENTS PROJECT, IN THE AMOUNT OF \$78,700, PLUS \$7,870 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$86,570 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on May 10th, 2022, by Resolution No. 2022-220, Council approved an agreement with West Yost Associates (West Yost) for Engineering Design Services for the Jennings Well Improvements Project, and

WHEREAS, Engineering Support During Construction will be needed from West Yost to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in his or 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”, and

WHEREAS, considering the current staff workload, resources and expertise required for this project and that West Yost is the Engineer-of-Record, Engineering Support During Construction services will be needed from West Yost to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, hiring an engineering firm other than West Yost would result in increased costs and inefficiencies because such firm will not have West Yost's familiarity and experience with the project given its role as engineer-of-record.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Support During Construction Agreement with West Yost for the Jennings Well Treatment Improvements Project in the amount of \$78,700, plus \$7,870 for additional services, if needed, for a total amount not to exceed \$86,570.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen


NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-143**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$1,666,175 TO
FUND THE CONSTRUCTION PHASE OF THE JENNINGS WELL
TREATMENT IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE
RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$1,666,175, in order to fund the Jennings Well Treatment Improvements Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$1,666,175.

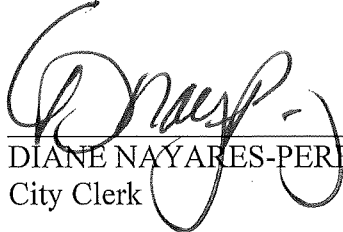
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-144**

**RESOLUTION ACCEPTING THE SPENCER/MARSHALL NEIGHBORHOOD
SEWER IMPROVEMENTS (POCKET AREA 7), PHASES 1 & 2 AS COMPLETE,
AND ANNEXING THE IMPROVEMENTS INTO MODESTO MUNICIPAL
SEWER DISTRICT NO. 1**

WHEREAS, on September 3, 2019, by Resolution No. 2019-398, Council approved an Agreement with Stanislaus County for City engineering staff to provide engineering design support services during construction of the West Modesto Sewer Infrastructure Project - Spencer Marshall Neighborhood (Pocket Area 7) Phases 1 & 2, and

WHEREAS, the West Modesto Sewer Infrastructure Project - Spencer Marshall Neighborhood (Pocket Area 7) Phases 1 & 2 is also known as Spencer Marshall Neighborhood Sewer Improvements (Pocket Area 7) Phases 1 & 2, and

WHEREAS, on April 22, 2020, the Stanislaus County Local Area Formation Commission approved the Out-of-Boundary Sewer Service Application for the Spencer Marshall Neighborhood Sewer Improvements (Pocket Area 7), and

WHEREAS, on May 3, 2021, the Stanislaus County Public Works Department submitted a Notice of Completion to the Stanislaus County Recorder's Office for Phase 1 of the Spencer Marshall Neighborhood Sewer Improvements (Pocket Area 7), and

WHEREAS, on January 4, 2022, the Stanislaus County Public Works Department submitted a Notice of Completion to the Stanislaus County Recorder's Office for Phase 2 of the Spencer Marshall Neighborhood Sewer Improvements Project (Pocket Area 7), and

WHEREAS, the City of Modesto received from the Stanislaus County Public Works department final confirmation of completions and obligations and recorded plans pertaining

to the Spencer Marshall Neighborhood Sewer Improvements Project (Pocket Area 7) Phases 1 & 2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Spencer Marshall Neighborhood Sewer Improvements (Pocket Area 7) Phases 1 & 2 are hereby accepted as complete, and the annexing of the improvements into Modesto Municipal Sewer District No. 1 is approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-145**

RESOLUTION APPROVING A BLANKET WILL SERVE LETTER FOR 44 PARCELS IN THE SPENCER/MARSHALL NEIGHBORHOOD, POCKET AREA 7, PHASES 1 & 2, ALLOWING CONNECTION TO THE CITY OF MODESTO'S SANITARY SEWER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE WILL SERVE LETTER

WHEREAS, the Spencer/Marshall Neighborhood (Pocket Area 7, Phases 1 & 2) is an unincorporated, disadvantaged community located on the west side of the City of Modesto with 44 parcels, that rely on septic systems, and

WHEREAS, the Spence/Marshall Neighborhood's septic systems are failing and pose a threat to the public health and ground water quality, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to the Spencer/Marshall Neighborhood and is prepared to provide sewer services to the Spencer/ Marshall Neighborhood, and

WHEREAS, on September 3, 2019, Council, by Resolution No. 2019-398, approved a Memorandum of Agreement with the County for City engineering staff to provide sewer design services for the Spencer/Marshall Neighborhood Sewer Improvement Project, and

WHEREAS, the Agreement requires that the Stanislaus County Public Works Department construct the Spencer/Marshall Neighborhood sewer improvements to City Standards, and

WHEREAS, a Measure H Sewer Advisory Vote was approved to allow City sewer extension in the Spencer/Marshall Neighborhood, and

WHEREAS, per the Agreement, the County is to transfer ownership of the sewer improvements upon Notice of Completion filed by the County and upon inspection and approval by the City, and

WHEREAS, the Phases 1 & 2 sewer improvements have been constructed and are ready to be serviced by the City, and

WHEREAS, the property owner will be required to pay connection fees and enter into an Outside Service Agreement for their property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Blanket Will Serve Letter for 44 Parcels in the Spencer/Marshall Neighborhood, Pocket Area 7, Phases 1 & 2, and allows connection to the City of Modesto's sanitary sewer system.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen


NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-146**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH TRIHYDRO CORPORATION, OF LARAMIE, WY FOR THE NITRATE/ARSENIC/URANIUM REMEDIAL INVESTIGATION/FEASIBILITY STUDY IN THE AMOUNT OF \$26,172, FOR AN AGREEMENT TOTAL REVISED AMOUNT NOT TO EXCEED \$2,162,570 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on June 12, 2018, by Resolution No. 2018-232, Council approved an Agreement with Jacobson James & Associates, of Roseville, CA for the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study in the amount of \$2,136,398, and

WHEREAS, on June 1, 2021, Trihydro Corporation acquired Jacobson James & Associates, and

WHEREAS, the study focused initially on four City owned properties to be utilized as sites for aquifer recharge, and

WHEREAS, through the course of the study one property was deemed not to be feasible long term and the consultant's scope of work was expanded to include a fifth City owned property and the Initial Study and Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA) necessary to transition the Project into the next phase, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is

appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services”, and

WHEREAS, a First Amendment to the Trihydro Agreement is necessary to ensure that the current phase of the Project is completed, and

WHEREAS, staff is recommending a first amendment to the agreement with Trihydro Corporation, formerly Jacobson James & Associates, in the amount of \$26,172, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services”, and

WHEREAS, a First Amendment to the Trihydro Agreement is necessary to ensure that the current phase of the Project is completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Consultant Services Agreement with Trihydro Corporation, of Laramin, WY for the Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study in the amount of \$26,172, for an Agreement total revised amount not to exceed \$2,162,570.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-147**

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF \$26,172 TO BE TRANSFERRED INTO THE NITRATE/ARSENIC/URANIUM REMEDIAL INVESTIGATION/FEASIBILITY STUDY PROJECT FROM WATER FUND RESERVES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$26,172, in order to fund the Modesto Wellfield Nitrate/Arsenic/Uranium Remedial Investigation/Feasibility Study Project, and

WHEREAS, the Fiscal Year 2023-24 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of \$26,172.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-148**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH THE SALVATION ARMY FOR THE OPERATION OF THE DAY CENTER IN THE AMOUNT NOT TO EXCEED \$262,680 WITH A TERM OF MAY 1, 2024 TO SEPTEMBER 30, 2024 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE AGREEMENT FOR THE CONTINUED OPERATIONS OF THE PROGRAM

WHEREAS, the City received an allotment of funds from the United States Department of Treasury through the Coronavirus Local Fiscal Recovery Fund established by the American Rescue Plan Act (“ARPA”); and

WHEREAS, on June 22, 2021, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward, hereinafter referred to as “Modesto Forward”, to support local recovery from the pandemic; and

WHEREAS, on June 6, 2023, by Resolution No. 2023-251, Council approved the Pandemic Recovery Strategy – Modesto Forward for the reallocation of ARPA funding to Homeless Services (Day Center, Safe Park, and Bridge Housing); and

WHEREAS, on May 9, 2023, through resolution 2023-227, The City of Modesto approved the allocation of reallocated ESG-CV funds and approved an agreement with the Salvation Army in an amount not to exceed \$569,546 for the operation and management of a Day Center with the end term of the agreement of June 30, 2024; and

WHEREAS, as of November 1, 2023, the Salvation Army, has operated the Day Center which serves as a drop-in site for clients and non-clients to be able to support in Salvation Army activities throughout the day and supports individuals experiencing homelessness; and

WHEREAS, on October 2023, the City was notified by The Salvation Army regarding their operating deficit and thus began discussion between the City and the Salvation Army which discussing the Berberian Shelter's budget and the costs of sustaining their operation long-term; and

WHEREAS, since the start of the program, the Day Center has expended \$118,039 through end of March 2024, which is lower than what was anticipated and contracted, leaving a larger portion of ESG-CV funding that must be expended by June 30, 2024; and

WHEREAS, the City performed an in-depth analysis of the costs associated with operating the day center and shelter and concluded to meet the ESG-CV expenditure deadline, City staff is recommending a First Amendment to the Agreement with the Day Center to shift the remaining ESG-CV funds to support the operations of the Salvation Army's Berberian Shelter; and

WHEREAS, to extend operations of the Day Center, City staff is recommending an allocation of American Rescue Plan Act (ARPA), through an Agreement in the amount not to exceed \$262,680, with a commencement date of May 1, 2024, through September 30,2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Modesto Forward Grant Agreement with the Salvation Army for the operations of the Day Center in the amount not to exceed \$262,680.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: Bavaro

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-149**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH THE SALVATION ARMY FOR THE OPERATION OF THE BERBERIAN SHELTER IN THE AMOUNT NOT TO EXCEED \$300,000, WITH A TERM OF JUNE 1, 2024 TO SEPTEMBER 30, 2024, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THE OPERATIONS OF THE PROGRAM

WHEREAS, the City received an allotment of funds from the United States Department of Treasury through the Coronavirus Local Fiscal Recovery Fund established by the American Rescue Plan Act (“ARPA”); and

WHEREAS, on June 22, 2021, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward, hereinafter referred to as “Modesto Forward”, to support local recovery from the pandemic; and

WHEREAS, the City’s current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities; and

WHEREAS, the City’s 2020-2025 Consolidated Plan identified housing and homelessness as key priorities, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19; and

WHEREAS, on June 6, 2023, by Resolution No. 2023-251, Council approved the Pandemic Recovery Strategy – Modesto Forward for the reallocation of ARPA funding to Homeless Services (Day Center, Safe Park, and Bridge Housing); and

WHEREAS, on October 2023, the City was notified by The Salvation Army regarding their operating deficit and thus began discussion between the City and the

Salvation Army which discussing the Berberian Shelter's budget and the costs of sustaining their operation long-term; and

WHEREAS, the City performed an in-depth analysis of the costs associated with operating the day center and shelter, City staff is recommending an Agreement with the Salvation Army to operate the Berberian shelter to help cover the defect of the operations cost; and

WHEREAS, to extend operations of the Berberian Shelter, City staff is recommending an allocation of ARPA funding in the amount of \$300,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Modesto Forward Grant Agreement with the Salvation Army for the operation of the Berberian Shelter in the amount not to exceed \$300,000, with a term from June 1, 2024 to September 30, 2024.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Ricci, Williams, Wright, Mayor Zwahlen


NOES: Councilmembers: Bavaro

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-150**

**RESOLUTION APPROVING AN AGREEMENT WITH THE SALVATION
ARMY FOR THE OPERATION OF THE BERBERIAN SHELTER IN AN
AMOUNT NOT TO EXCEED \$375,000 OF ESG-CV FUNDS TO SUPPORT
SHELTER OPERATIONS WITH A TERM FROM JANUARY 1, 2024
THROUGH MAY 31, 2024, AND AUTHORIZING THE CITY MANAGER OR
HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE AGREEMENTS**

WHEREAS, the City received an allotment of funds from the United States Department of Treasury through the Coronavirus Local Fiscal Recovery Fund established by the American Rescue Plan Act (“ARPA”); and

WHEREAS, on June 22, 2021, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward, hereinafter referred to as “Modesto Forward”, to support local recovery from the pandemic; and

WHEREAS, the City’s current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities; and

WHEREAS, The City’s 2020-2025 Consolidated Plan identified housing and homelessness as key priorities, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19; and

WHEREAS, on June 6, 2023, by Resolution No. 2023-251, Council approved the Pandemic Recovery Strategy – Modesto Forward for the reallocation of ARPA funding to Homeless Services (Day Center, Safe Park, and Bridge Housing); and

WHEREAS, on May 9, 2023, through resolution 2023-227, The City of Modesto approved the allocation of reallocated ESG-CV funds and approved an agreement with

the Salvation Army in an amount not to exceed \$569,546 for the operation and management of a Day Center with the end term of the agreement of June 30, 2024; and

WHEREAS, on October 2023, the City was notified by The Salvation Army regarding their operating deficit and thus began discussion between the City and the Salvation Army which discussing the Berberian Shelter's budget and the costs of sustaining their operation long-term; and

WHEREAS, the City performed an in-depth analysis of the costs associated with operating the day center and shelter, City staff is recommending an Agreement with the Salvation Army to operate the Berberian shelter to help support the operating cost of the shelter; and

WHEREAS, to support the Berberian Shelter, City staff is recommending reallocating ESG-CV funding in the amount of \$375,000 with a term from January 1, 2024 to May 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with the Salvation Army for the operation of the Berberian Shelter in the amount not to exceed \$375,000 of ESG-CV funds and with a term from January 1, 2024 to May 31, 2024.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: Bavaro

ABSENT: Councilmembers: Escutia-Braaton

ATTEST:



DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-151**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH THE SALVATION ARMY FOR THE OPERATION OF THE SAFE PARKING PROGRAM IN THE AMOUNT NOT TO EXCEED \$103,033 FOR A GRAND TOTAL AMOUNT OF \$264,755, EXTENDING THE TERM TO SEPTEMBER 30, 2024, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE ANY REQUIRED AGREEMENTS FOR THE OPERATIONS OF THE PROGRAM AND TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City received an allotment of funds from the United States Department of Treasury through the Coronavirus Local Fiscal Recovery Fund established by the American Rescue Plan Act (“ARPA”); and

WHEREAS, the City’s current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities; and

WHEREAS, the City’s 2020-2025 Consolidated Plan identified housing and homelessness as key priorities, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from COVID-19; and

WHEREAS, on June 22, 2021, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward, hereinafter referred to as “Modesto Forward”, to support local recovery from the pandemic; and

WHEREAS, on July 12, 2022, the City Council adopted Resolution No. 2022-329, Council approved a not-to-exceed award to the Salvation Army in the amount of \$200,000 for the operation of the safe parking program; and

WHEREAS, the Salvation Army submitted a budget amount of \$161,722 for the operation of the Safe Parking program with an initial term through December 31, 2023 or until funds are expended; and

WHEREAS, the initial funding allocated to the program are approaching full expenditure in order to extend operations of the Safe Parking program, City staff is recommending an additional allocation of ARPA funding in the amount of \$103,033 for a new contract amount not to exceed \$264,755 and extending the term through September 30, 2024, and

WHEREAS, the City staff is finalizing negotiations with the County of Stanislaus, and Stanislaus Foods to extend the term of the lease through September 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with The Salvation Army for the operation of the Safe Parking program in the amount not to exceed \$103,033 for a grand total amount of \$264,755 and extending the term to September 30, 2024.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute any required agreements for the operations of the program and to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: Bavaro

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-152**

RESOLUTION AMENDING THE FISCAL YEAR 2023-2024 MULTI-YEAR FUND BUDGET FOR PROJECT NUMBER 101460 FOR THE SALVATION ARMY'S DAY CENTER, BERBERIAN SHELTER AND SAFE PARKING PROGRAMS USING EMERGENCY SOLUTIONS GRANT CARES ACT (ESG-CV) REALLOCATED FUNDS AND AMERICAN RESCUE PLAN ACT (ARPA) FUNDS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on May 9, 2023, through Resolution 2023-227, the City approved the allocation of reallocated Emergency Solutions Grant CARES Act (ESG-CV) funds and approved an agreement with Salvation Army in an amount not to exceed \$569,546 for the operation and management of a Day Center with the end term of the agreement of June 30, 2024, and

WHEREAS, on May 9, 2023, through Resolution 2023-228, the multi-year budget was amended for Fiscal Year 2022-2023 to transfer budgets for the Emergency Solutions Grant CARES Act (ESG-CV) funds, and

WHEREAS, the Salvation Army's Day Center budget must be amended to transfer the amount of \$375,000 in Emergency Solutions Grant CARES Act (ESG-CV) funds to the Salvation Army's Berberian Shelter Operations as outlined in **Exhibit A**, and

WHEREAS, the Salvation Army's Day Center budget is to be allocated with American Rescue Plan Act (ARPA) funds in an amount of \$262,680 as approved by Resolution 2023-251 as outlined in **Exhibit A**, and

WHEREAS, the Salvation Army's Berberian Shelter Operations budget is to be allocated with American Rescue Plan Act (ARPA) funds in an amount of \$300,000 as approved by Resolution 2023-251 as outlined in **Exhibit A**, and

WHEREAS, the Salvation Army's Safe Parking budget is to be allocated with American Rescue Plan Act (ARPA) funds in an amount of \$88,755 as approved by Resolution 2023-251 as outlined in **Exhibit A**, and

WHEREAS, the Salvation Army's Safe Parking budget is currently allocated with American Rescue Plan Act (ARPA) funds in an amount of \$14,278 as approved by Resolution 2021-194 as outlined in **Exhibit A**, and

WHEREAS, activity delivery for staff time shall not exceed an additional amount of \$50,000 in ESG-CV funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the fiscal year 2023-2024 multi-year fund budget for the project number 101460 for the Salvation Army's Day Center, Berberian operations and Safe Parking programs using Emergency Solutions Grant CARES Act (ESG-CV) reallocated funds and American Rescue Plan Act (ARPA) funds.

BE IT FURTHER RESOLVED; that the City Manager or his designee is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: Bavaro

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-2024

City of Modesto

Community & Economic Development Department

Community Development Division

Resolution 2023-227

Funds Reimbursed with Entitlement Federal Funds
--

Emergency Solutions Grant CARES (ESG-CV)
--

FUND 1180

PROJECT 101460

ADJUSTMENT

Salvation Army Day Center - Direct Grant	54706	\$	(375,000.00)
Salvation Army Berberian Operations - Direct Grant	54706	\$	375,000.00
Services City Forces - Interfund	54500	\$	50,000.00
TOTAL Expenses		\$	425,000.00

FISCAL YEAR 2023-2024

City of Modesto

Community & Economic Development Department

Community Development Division

Resolution 2021-194

Funds Reimbursed with Entitlement Federal Funds
--

American Rescue Plan Act (ARPA)

FUND 1390

PROJECT 101520

ADJUSTMENT

Salvation Army Safe Parking - Direct Grant	54706	\$	14,278.00
TOTAL Expenses		\$	14,278.00

FISCAL YEAR 2023-2024

City of Modesto

Community & Economic Development Department

Community Development Division

Resolution 2023-251

Funds Reimbursed with Entitlement Federal Funds
--

American Rescue Plan Act (ARPA)

FUND 1390

PROJECT 101549

ADJUSTMENT

Salvation Army Day Center - Direct Grant	54706	\$	262,680.00
Salvation Army Berberian Operations - Direct Grant	54706	\$	300,000.00
Salvation Army Safe Parking - Direct Grant	54706	\$	88,755.00
TOTAL Expenses		\$	651,435.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-153**

RESOLUTION APPROVING THE 2024-2025 ANNUAL ACTION PLAN, 2024-2025 ANNUAL U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ALLOCATION IN THE ESTIMATED AMOUNT OF \$2,861,451, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS, AMEND ALLOCATIONS, INCORPORATE COMMENTS RECEIVED PRIOR TO THE CLOSE OF THE PUBLIC COMMENT PERIOD, MAKE ANY OTHER TECHNICAL ALTERATIONS AS REQUIRED BY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION AND ACCEPTANCE OF THE PROGRAM YEAR 2024-2025 ANNUAL ACTION PLAN FUNDING, AND AUTHORIZATION TO SUBMIT THE 2024 ANNUAL ACTION PLAN INCLUDING APPLICABLE DOCUMENTATION AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto 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, the City of Modesto's Program Year (PY) 2024-2025 Annual Action Plan represents the fifth (5th) plan of the City of Modesto's 2020-2024 Consolidated Plan; and

WHEREAS, the PY 2024-2025 AAP identifies the expected resources to be available and the projects to be funded during the program year to address community priority needs as identified in the Consolidated Plan; and

WHEREAS, CDBG funds support a range of eligible projects to benefit low- and moderate-income individuals, families, and neighborhoods, and

WHEREAS, CDBG funds must be allocated to eligible activities within the allowable project categories to support the goals and objectives identified within the Consolidated Plan to address community needs; and

WHEREAS, up to fifteen percent (15%) of the overall CDBG allocation for public service activities may be used to fund CDBG Public Services grants awarded to eligible organizations that serve low- and moderate-income residents; and

WHEREAS, the ESG program supports essential services to homeless individuals and families through street outreach and engagement, rapid re-housing assistance, homeless prevention, homeless management information system support, and provision of vital services in emergency shelters; and

WHEREAS, the HOME program supports projects that purchase, construct, and/or rehabilitate affordable housing for rent or homeownership to low-income individuals; and

WHEREAS, citizen participation is a key component of the Annual Action Plan process; and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Program Year 2024-2025 Annual Action Plan; and

WHEREAS, a series of community meetings were held during the month of April and May 2024 to provide information about the City's HUD programs and discuss the PY 2024-2025 Annual Action Plan; and

WHEREAS, any comments obtained from the community meetings will be incorporated into the Program Year 2024-2025 Annual Action Plan; and

WHEREAS, in compliance with the Citizen Participation Plan requirements, a 30-day public period to review and comment on the draft documents opened April 07, 2024 and will close with a public hearing at the City Council meeting on May 07, 2024; and

WHEREAS, in Program Year 2024-2025, the City is estimated to receive \$2,861,451 million from the three federal programs; and

WHEREAS, the Program Year 2024-2025 Annual Action Plan will not be submitted to HUD until the actual allocations have been released and the allocations are adjusted proportionally up or down based on the regulatory requirements for each funding source.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2024-2025 Annual Action Plan, 2024-2025 annual U.S Department of Housing and Urban Development allocation in the estimated amount of \$2,861,451.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute any related program agreements, contracts, amend allocations up or down as needed to meet the regulatory requirements outlined within the Federal Regulations, incorporate comments received prior to the close of the public comment period, make any other technical alterations as required by U.S. Department of Housing and Urban Development, or other documentation required for implementation and acceptance of the program year 2024-2025 Annual Action Plan funding.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is submit the 2024 Annual Action Plan including applicable documentation and to make the necessary steps to implement the provision of this resolution.

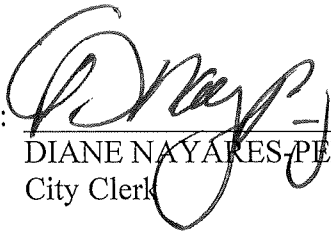
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

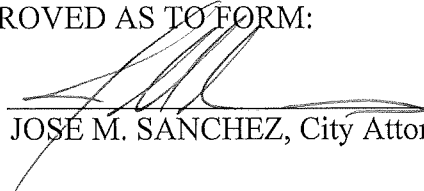
ABSENT: Councilmembers: Escutia-Braaton

RECUSE: Councilmembers: Williams

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-154**

**RESOLUTION APPROVING THE ACTUAL ALLOCATION OF FUNDS
OUTLINED IN THE FINAL PROGRAM YEAR 2024-2025 ANNUAL ACTION
PLAN BUDGET TO REFLECT PROPOSAL SUBMITTED TO THE U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE
NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS
RESOLUTION**

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the CDBG and HOME grant programs also generate program income and revolving loan fund income which further fund the grant programs and are to be used under similar rules and regulations as grant funding, and

WHEREAS, HUD requires these amounts to be presented to the City Council each year in an Annual Action Plan (AAP), and

WHEREAS, the Program Year 2024-25 Annual Action Plan proposed budget is an estimate based on prior year awards and will be update to reflect the actual award allocations that will be adjusted proportionally up or down based on the regulatory requirements for each funding source prior to being submitted to the U.S. Department of Housing and Urban Development, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, according to HUD rules and regulations, substantial amendments to an AAP must be presented to the City Council for approval, while unsubstantial amendments, remaining consistent with the AAP, can be made in IDIS by City staff, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, synchronization of the City's financial system and IDIS necessitates budget adjustments within the City's financial system, and

WHEREAS, budget adjustments are necessary to revise CDBG, HOME and ESG budgets included in the City of Modesto 2024-25 Annual Operating, Multi-Year and Capital Improvement Budgets, and

WHEREAS, budget amendments performed under the authority of this resolution will be presented to the Finance Committee and the Council as part of the existing Monthly Budget Adjustment Report process, and

WHEREAS, the authority of this resolution will not be used to satisfy any HUD rules or regulations requiring information to be presented to the City Council or the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving the actual allocation of funds outlined in the final program year 2024-2025 annual action plan budget to reflect proposal submitted to the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

RECUSE: Councilmembers: Williams

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-155**

**RESOLUTION SETTING FORTH MODESTO’S COMMITMENT TO
CREATING EQUITABLE PARKS, AND PROTECTIVE AND HEALTHY
ENVIRONMENTS**

WHEREAS, the Park Youth Committee (PYC) was formed by the Tuolumne River Trust (TRT) in cooperation with the All Children Thrive (ACT) initiative to work on the Modesto Park Equity project which is a youth-led initiative, with an overall mission to increase safe park access and recreation for all Modesto residents; and

WHEREAS, increasing opportunities for physical activity, building a connection with nature and outdoor experiences directly benefits cognitive development for people of all ages; and

WHEREAS, access to local open spaces with equitable amenities, infrastructure and programs are crucial for youth and community health and well-being; and

WHEREAS, having access to green open spaces provides benefits to both physical and mental health, safe opportunities for the exploration of nature, and strengthens communities by providing a space for all to come together; and

WHEREAS, the PYC supports the efforts of the Modesto Police Department’s Park Ranger Program to address and improve current societal issues and decrease activities at parks that prevent residents from safely accessing their neighborhood park; and

WHEREAS, multiple barriers, such as lack of fully developed streets or transportation infrastructure on County streets, inadequate overhead lighting, stray dogs, illegal activities and blight, were identified at James Marshall and Robertson Road Park neighborhoods which prevent residents from safely accessing or using these parks; and

WHEREAS, community participatory data is collected and implemented in the decision making process for park improvement prioritization and selection; and

WHEREAS, in an effort to sustain equitable practices this Park Equity Resolution was prepared with the goal that Modesto's parks are safe, attractive, and well-maintained facilities that will reflect the public's needs and interests and will welcome residents of all ages, cultural backgrounds, and physical capabilities to recreate in Modesto's parks and open spaces; and

WHEREAS, this Resolution envisions Modesto's park system providing accessible recreational, physical and cultural opportunities for all Modesto residents, with affordable and inclusive programming focused on community development and connections; and

WHEREAS, one of the main tenants of the proposed Resolution is that all Modesto residents deserve safe, healthy, accessible parks and open spaces; and

WHEREAS, Parks Planning and Development staff will continue to evaluate the parks system for deferred and preventative maintenance needs that further the goal of park equity throughout the city and will bring priority park improvement projects to Council for consideration; and

WHEREAS, Recreation and Park Operations staff will continue to evaluate the parks system and the recreational programming needs that further the goal of park equity throughout the city and will bring priority maintenance needs and program needs to Council for consideration; and

WHEREAS, the City of Modesto will continue current efforts to collaborate with Stanislaus County to address infrastructure in county islands to improve streets, sidewalks, and walkability to city parks; and

WHEREAS, the City of Modesto shall continue to support the Modesto Park Ranger program to address and improve current societal issues and activities at parks; and

WHEREAS, the City of Modesto has prioritized investment in parks and shall continue to prioritize park improvements; and

WHEREAS, during the Annual Budget Process, staff will continue updating the Council regarding the City's commitment to creating equitable parks and protective and healthy environments.

NOW, THEREFORE, BE IT RESOLVED that the City Council recognizes that systems, structures, and funding streams related to city parks play a pivotal role in shaping the growth, education, living conditions, and thriving opportunities for children and families in Modesto and are committed to enhancing these protective environments to better serve all residents.

BE IT FURTHER RESOLVED, the City of Modesto will take a holistic approach to addressing the economic, societal, and environmental barriers preventing residents from utilizing their public parks, while continuing to support safe, accessible, functional, and healthy parks and recreational programs across the City of Modesto for all residents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Escutia-Braaton

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-156**

RESOLUTION OF THE CITY OF MODESTO CALLING FOR THE HOLDING OF A MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, REQUESTING FROM THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE CITY OF MODESTO GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS, ELECTIONS DIVISION OF THE COUNTY OF STANISLAUS TO CONDUCT THE ELECTION ON BEHALF OF THE CITY OF MODESTO AND MODESTO CITY SCHOOLS

WHEREAS, the City of Modesto will hold a Municipal Election on November 5, 2024, for the purpose of electing three (3) Council Members (Districts 1, 3, and 6) for a term of four (4) years, and three (3) Modesto City Schools Board Members (Trustee Areas 2, 4 and 6) for a term of four (4) years, and

WHEREAS, the City of Modesto respectively requests that the Stanislaus County Registrar of Voters, Elections Division, furnish all other services, facilities, supplies, equipment, etc. necessary for the Municipal Election, and

WHEREAS, the City of Modesto City Clerk's Office will be responsible for issuing/collecting election information, publishing the Notice of Election, and the Nominees for Public Office, and

WHEREAS, the City of Modesto will reimburse the County of Stanislaus for all actual costs for services performed to conduct the Municipal Election on behalf of the City, and

WHEREAS, pursuant to Elections Code section 10403, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election.

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

Section 1. The City Council hereby calls for the holding of a General Municipal Election to be held on Tuesday, November 5, 2024, for the purpose of electing three (3) Council Members (Districts 1, 3, and 6) for a term of four (4) years, and three (3) Modesto City Schools Board Members (Trustee Areas 2, 4, and 6) for a term of four (4) years.

Section 2. The Council of the City of Modesto that it hereby formally requests from the Board of Supervisors of Stanislaus County, California, to consolidate the City of Modesto's Municipal Election with the County's General Election to be held on November 5, 2024, requesting the services of the Registrar of Voters, Elections Division, of the County of Stanislaus to conduct the election(s) on behalf of the City of Modesto.

Section 3. The consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the Elections Code of the State of California.

Section 4. The County Elections Official is authorized, at the City's expense, to provide all necessary election services in order to properly and lawfully conduct said election, including precinct workers and the procurement and furnishing of all official ballots, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election and to canvass the results of said election.

Section 5. That notice of the time and place of holding the election is given, and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.

Section 6. That the ballots to be used at the election shall be, in form and content, as required by law.

Section 7. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 8. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one (1) election, and only one (1) form of ballot shall be used.

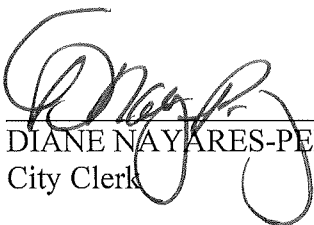
Section 9. In all particulars not recited in this resolution, said elections shall be noticed and held and all publications made as provided by law for holding municipal elections.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

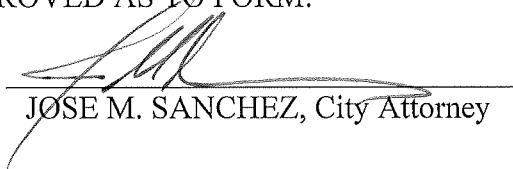
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-157**

**RESOLUTION ADOPTING REGULATIONS FOR CANDIDATES FOR
ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS
SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 5, 2024**

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, The City Council of the City of Modesto, does hereby resolve, declare, determine, and order as follows:

GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Modesto on November 5, 2024 may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed [in typewritten form] in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, candidates statements will be translated into all languages required by the County of Stanislaus. The County is required to translate candidate's statements into the following languages: Spanish.
- B. The County will print and mail sample ballots and candidates statements to all voters in Spanish. The County will make the sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

PAYMENT.

- A. Translations:
 - 1. The candidate shall be required to pay for the cost of translating the candidates statement into any required foreign language as specified in (A) and/or (B) of Section 2 above pursuant to Federal and\or State law, but is requested as an option by the candidate.
- B. Printing:
 - 1. The candidate shall be required to pay for the cost of printing the candidates statement in English in the main voter pamphlet.
 - 2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of the Foreign Language Policy Section above, in the main voter pamphlet.

ESTIMATE OF PRINTING COSTS. The Stanislaus County Registrar of Voters has estimated the cost of printing, handling, translating, and mailing the candidate's

statement filed pursuant to this section, including cost incurred as a result of complying with the Voting Rights Act of 1965 (as amended). The estimated cost for printing a candidate's statement for the main voter pamphlet is \$1,000. The City Clerk shall require each candidate filing a statement to pay \$1,000 in advance as a condition of having his or her statement included in the voter's pamphlet. The estimate is only an approximation of the actual cost. Costs vary from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk will require the candidate pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount to the candidate and refund the excess amount paid after the election.

MISCELLANEOUS. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

That all previous resolutions establishing council policy on payment for candidates statements are repealed.

That this Resolution shall apply only to the election to be held on November 5, 2024 and shall then be repealed.

That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

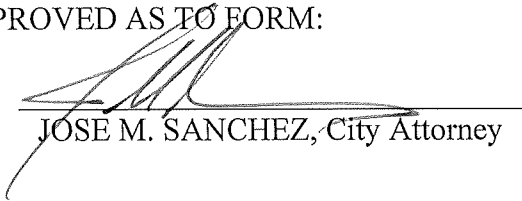
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-158**

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH RIVERA HEWITT PAUL, LLP IN THE AMOUNT OF \$150,000, FOR A TOTAL REVISED AGREEMENT AMOUNT NOT TO EXCEED \$550,000, FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on April 14, 2021, the City entered into a standard legal services agreement with Rivera Hewitt Paul, LLP for litigation, trial counsel, legal advice, representation and assistance to the City in police related matters; and

WHEREAS, on November 9, 2021, by Resolution No. 2021-439, Council approved a First Amendment in the amount of \$100,000 to this agreement, increasing the not to exceed amount to \$145,000 for continued representation; and

WHEREAS, on December 13, 2022, by Resolution No. 2022-477, Council approved a Second Amendment in the amount of \$255,000 to this agreement, increasing the not to exceed amount to \$400,000 for continued representation; and

WHEREAS, an increase to the Agreement budget is needed in the amount of \$150,000 to support continued services for RHP's assigned cases, for a total Agreement amount not to exceed \$550,000; and

WHEREAS, Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional

similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, the City Attorney's office has drafted a Third Amendment to the Legal Services agreement with Rivera Hewitt Paul, LLP for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP, in the amount of \$150,000, for a total agreement amount not to exceed \$550,000 for continued representation in police litigation matters as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such amendment 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 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment to the Legal Services (this “**Third Amendment**”), is made and entered into on 14th day of May 2024 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **RIVERA HEWITT PAUL, LLP** (“**Attorney**”), located at 11341 Gold Express Drive, Suite 160, Gold River, California 95670. 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 police matters including use of force and the discharge of a weapon; 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 \$400,000 to \$550,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Rivera Hewitt Paul dated April 14, 2021, amended by Resolution No. 2021-439 and Resolution No. 2022-477 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 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of five hundred fifty thousand dollars (\$550,000).”

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 April 14, 2021, 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:

Jose M. Sanchez, City Attorney

ATTEST:

Diane Nayaes-Perez, City Clerk

Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

**ATTORNEY:
RIVERA HEWITT PAUL LLP**

Federal I.D. No.

State I.D. No.

City of Modesto Business Op. Tax Cert. 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

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-159**

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH CASTILLO, MORIARTY, TRAN & ROBINSON TO ADJUST HOURLY RATES FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on September 22, 2022, the City entered into a Legal Services Agreement with Castillo, Moriarty, Tran & Robinson (CMTR) to represent the City in police litigation matters for an amount not to exceed \$45,000; and

WHEREAS, on February 14, 2023, by Resolution No. 2023-45, Council approved a First Amendment to the Legal Services Agreement with CMTR in the amount of \$200,000 for a total Agreement amount of \$245,000 for continued representation in police litigation matters; and

WHEREAS, on April 9, 2024, by Resolution No. 2024-109, Council approved a Second Amendment to the Legal Services Agreement with CMTR in the amount of \$250,000 for a total Agreement amount of \$495,000 for continued representation in police litigation matters; and

WHEREAS, CMTR has requested an increase to their hourly rates. The rates under these legal services agreements have not been adjusted since the City entered into the Agreement in 2022. Further, such rates have not been adjusted since 2019, under the Agreement the City had with Allen, Glasessner, Hazelwood & Werth, LLP, prior to switching to CMTR when the representatives serving the City formed CMTR, which means that the attorneys assisting the City under CMTR have not received a rate increase since that date; and

WHEREAS, the rate adjustment will reflect an increase from \$225 to \$250 an hour for Partners, \$215 to \$225 for Associates, and \$105 to 115 for Paralegals. These rates will be effective May 1, 2024; and

WHEREAS, this amendment, too, will not increase the not to exceed amount; it will only increase the hourly rates; and

WHEREAS, Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, the City Attorney’s office has drafted a Third Amendment to the Legal Services agreement with Castillo, Moriarty, Tran & Robinson for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson to adjust hourly rates for continued representation in police litigation matters and further authorizes the City Attorney to execute such Third Amendment in a form substantially similar to **Exhibit A**.

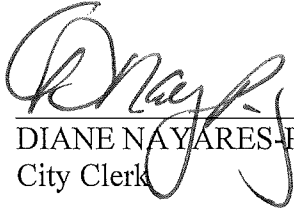
BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

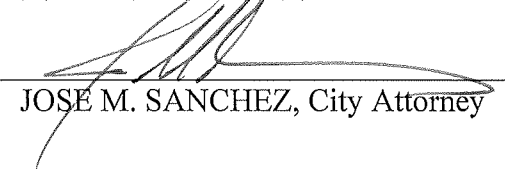
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment to the Legal Services (this “**Third Amendment**”), is made and entered into on 14th day of May 2024 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **CASTILLO, MORIARTY, TRAN & ROBINSON** (“**Attorney**”), located at 75 Southgate Ave., Daly City, California 94015. 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 police matters including use of force and the discharge of a weapon; 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 to adjust hourly rates.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Castillo, Moriarty, Tran & Robinson dated September 22, 2022 and amended by Resolution No. 2023-45 and Resolution No. 2024-109 is amended as follows:

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

Hourly Rates:

Partner:	\$250	per hour
Associate:	\$225	per hour
Paralegal:	\$115	per hour

“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 four hundred, ninety-five thousand dollars (\$495,000).”

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 September 22, 2022, 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:

Jose M. Sanchez, City Attorney

ATTEST:

Diane Nayares-Perez, City Clerk

Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

**ATTORNEY:
CASTILLO, MORIARTY, TRAN & ROBINSON**

88-3503648
Federal I.D. No.

202022214002
State I.D. No.

____ N/A _____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY (*check one*):

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

Signature of Authorized Person

____ Partner _____
Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-160**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND
AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of \$167,114 is necessary to re-establish/increase the revenue and expense budgets in Fund 1170 and project 101343 as it was previously budgeted in operating fund 1170 as part of the program year 2020/2021 HOME Investment Partnerships Program (HOME) grant entitlement funds. This amount reflects the available balance in HUD's (Department of Housing and Urban Development) reporting system and the allocation is from prior program years that have not yet been utilized. The funding will be used on administrative costs for a wide range of activities related to affordable housing. There is no impact to the General Fund.

PARKS, NEIGHBORHOODS AND RECREATION

- A budget adjustment in the amount of \$127,500 is necessary to increase the General Fund revenue account 46006 – John Thurman Field Rental in Cost Center 34150, PRN – Event Services – John Thurman to account for the new rental agreement with The Baseball of Modesto, LLC which was approved by Council on 2/27/2024 per Resolution 2024-052. The agreement totals \$360,000; \$180,000 will be received in Fiscal Year 2023/2024 and the remaining \$180,000 will be received in Fiscal Year 2024/2025. This will result in budgeted total of \$197,500 which includes revenue received earlier in Fiscal Year 2023-2024 from the previous agreement.

PUBLIC WORKS-MEASURE L

- A budget adjustment in the amount of \$550,460 is necessary in the Measure L – Capital Projects Fund (3300) to reduce the transfer in and expense budget from Project 101572 – HAWK 16th at H and I and Project 101573 – Advance School Beacons. The funds reduced from these projects are being reallocated to Project 101581 – Ethernet Switches. The funds are being reallocated as the projects have been completed and funding is needed to purchase ethernet switches for various signal locations. In addition the transfer out from Measure L – Road Tax Fund (1410) will be moved to the new project and will still be using funds from the Traffic Management category of Measure L funds.

UTILITIES

- A budget adjustment in the amount of \$75,000 is necessary in the Water Fund (4100) to establish the expense budget for Project 101585 – PFAS Litigation. This Project will pay for legal expenses related to PFAS litigation. Due to the need to begin work on the project, a budget adjustment in the amount of \$25,000 was completed on the Budget Manager's authority. The adjustment will increase the budget by an additional \$50,000 for a total project budget of \$75,000.
- A budget adjustment in the amount of \$100,546 is necessary in the Water Fund – CIP Projects (4180) to increase the expense budget for Project 101512 – South Modesto

Areas Strengthen & Replace Water Mains – Phase 1 project. The increase in budget is necessary to match the Memorandum of Understanding with Stanislaus County for the City's portion of the anticipated project construction expenses.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-161**

RESOLUTION ACCEPTING THE GRAYSON COMMUNITY STRENGTHEN & REPLACE WATER MAINS PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING \$2,830,219 TO D.A. WOOD CONSTRUCTION, INC., OF OAKDALE, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the water mains serving the Grayson Community were aging, undersized steel mains that needed upsizing; and

WHEREAS, the Grayson Community Strengthen & Replace Water Mains project rehabilitated approximately 9,428 linear feet of water mains in the town of Grayson; and

WHEREAS, the water mains bounded by Mary Street to the south, River Road to the west, Minnie Street to the North and Charles Street to the East were prone to leaks and low pressure; and

WHEREAS, the project replaced the existing system with City Standard PVC water mains, valves, and hydrants to improve system reliability, flows, and pressures; and

WHEREAS, bids were advertised on January 11, 2023, and were publicly opened on February 14, 2023, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and D.A. Wood Construction, Inc., of Oakdale, CA., was the lowest responsible bidder; and

WHEREAS, on April 11, 2023, by Resolution 2022-178, Council awarded a contract to D.A. Wood Construction, Inc., in the amount of \$2,696,561; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of June 19, 2023. All contract work was completed on January 20, 2024; and

WHEREAS, the total project costs were \$3,166,712, which included design, construction, and construction administration costs. The total project amount originally budgeted was \$3,523,000 which included \$2,966,217 for the construction contract and contingency with D.A. Wood Construction, Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value; and

WHEREAS, however, on April 11, 2023, by Resolution 2023-179, Staff requested authorization to increase the contract change order budget to 10% (\$269,656) due to design build elements in the project; and

WHEREAS, there were twelve change orders on this project with an overall increase of \$133,658; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

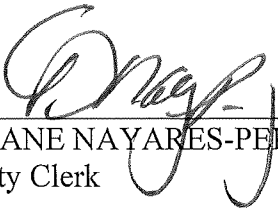
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Grayson Community Strengthen & Replace Water Mains project as complete, releasing securities, releasing payments totaling \$2,830,219 to D.A. Wood Construction, Inc., of Oakdale, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-162**

**RESOLUTION AUTHORIZING SUBMITTAL OF A STATE OF CALIFORNIA
GRANT APPLICATION FOR ACTIVE TRANSPORTATION PROGRAM (ATP)
– CYCLE 7 FUNDS IN THE AMOUNT OF \$11,500,000 AND \$3,480,000 IN
LOCAL MEASURE L FUNDS FOR A TOTAL PROJECT AMOUNT OF
\$14,980,000 FOR THE ENCINA AVENUE AND LINCOLN AVENUE
PEDESTRIAN/BICYCLE TRAIL CORRIDOR PROJECT, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL NECESSARY
GRANT DOCUMENTS**

WHEREAS, the State Active Transportation Program (ATP) was created by Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) and Senate Bill 1 (SB 1) (Chapter 5, Statutes of 2017) which directs additional funding from the Road Maintenance and Rehabilitation Account to the ATP program to encourage increased use of active modes of transportation, such as biking and walking; and

WHEREAS, the California Transportation Commission (CTC) adopts the guidelines for the ATP program no later than the date designated in statute of each odd-numbered year, however, the Commission may elect to adopt the program annually; and

WHEREAS, the 2025 ATP guidelines were adopted by the Commission at their meeting on March 21-22, 2024 and the call for projects was announced the same day; and

WHEREAS, the 2025 ATP funding estimate of approximately \$569 million was also adopted at the March 21-22, 2024 meeting; and

WHEREAS, all funds will be awarded based on a competitive application process; and

WHEREAS, the scoring rubric for this ATP cycle was posted on the Commissions website on March 29, 2024 and the application deadline is June 17, 2024; and

WHEREAS, the 2025 ATP guidelines do not require a funding match; however, the adopted scoring rubrics awards between zero and five points based on the amount of non-ATP funding pledged to a project; and

WHEREAS, five points are awarded if more than 20% of the total project cost is with leveraged funds; and

WHEREAS, with the highly competitive nature of AP funds, it is advantageous for a local agency to contribute more than 20% of the total project cost and receive the full five points for this portion of the rubric; and

WHEREAS, the grant application will be for \$11.5 million in ATP funds; and

WHEREAS, due to the competitive nature of this grant funding and to maximize the allowable points for leveraging funds, the grant application will also show a local match of \$3.48 million from the Measure L Local control funds, which includes categories for Local Streets & Roads, Traffic Management and Bike & Pedestrian.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a State of California grant application for Active Transportation Program (ATP) – Cycle 7 funds in the amount of \$11,500,000 and \$3,480,000 in Local Measure L Funds for a total project amount of \$14,980,000 for the Encina Avenue and Lincoln Avenue Pedestrian/Bicycle Trail Corridor Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-163**

RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH CALTRANS FOR THE PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA&ED) PHASE OF THE STANDIFORD AVENUE AT STATE ROUTE 99 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE COOPERATIVE AGREEMENT

WHEREAS, the State Route 99/Standiford Interchange was constructed incrementally in response to changing demands and available funding over time; and

WHEREAS, the purpose of this project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the State Route 99 highway and within the vicinity of the local transportation network of SR-99/Standiford Interchange through reconstruction; and

WHEREAS, the first phase of the Project is termed Project Initiation Document (PID) phase; and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule; and

WHEREAS, the use of State funds for capital improvements on the State Highway System (SHS) requires an approved PID; and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to begin the environmental project phase and the Cooperative Agreement for the PID phase was approved on April 5, 2021 by Resolution No.2021-127; and

WHEREAS, the Project Approval and Environmental Document (PA&ED) phase develops and establishes the State and Federal approvals necessary for the Project to move to the final PS&E project phase; and

WHEREAS, the PID phase is nearing completion with a draft report currently under review by Caltrans; and

WHEREAS, the project is now ready to move to the second PA&ED phase of development; and

WHEREAS, approval of the Cooperative Agreement for PA&ED with Caltrans is the next step towards progressing the study and reconstruction of the SR99/Standiford Interchange project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Cooperative Agreement with Caltrans for the Project Approval and Environmental Document (PA&ED) Phase of the Standiford Avenue at State Route 99.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Cooperative 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 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-164**

RESOLUTION APPROVING THE AGREEMENT FOR THE PURCHASE OF OPERATIONAL SUPPLIES TO THE HOME DEPOT USA, INC BY UTILIZING THE COMPETITIVE BIDDING PROCESS FROM MARICOPA COUNTY, AZ FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$320,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,600,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, The Home Depot provides paint and painting supplies, maintenance, repair and operational supplies and equipment; and

WHEREAS, The Home Depot has store fronts located in Stanislaus County which include Modesto, Riverbank, Ceres and Turlock with supplies readily available to employees; and

WHEREAS, on March 8, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for operational supplies for City departments; and

WHEREAS, in 2016, Maricopa County, AZ coordinated with a cooperative agency, OMNIA Partners to issue Request for Proposal (RFP) #16154-RFP under Contract No. 16154 for Maintenance Supplies, Industrial Supplies and Related Products and Services; and

WHEREAS, this RFP was advertised through Honolulu Star, Daily Journal of Commerce Oregon, and US Communities to publicly solicit this RFP; and

WHEREAS, on September 22, 2016, five (5) proposals were received during the public bid opening at Maricopa County Office of Procurement services; and

WHEREAS, based on the firm's qualification, product lines and services proposed, and price outlined in the RFP, five (5) contracts were awarded for this

commodity which includes the operation supplies, industrial supplies, and related products; and

WHEREAS, City staff recommends to award to The Home Depot to purchase operational supplies for a two year agreement with three one-year extension options, for an annual estimated amount \$320,000 and a total amount not to exceed \$1,600,000 over five years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the OMNIA Partners, the City is complying with the requirements defined under this code for the procurement for the purchase of operational supplies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement for the purchase of operational supplies to The Home Depot USA. Inc by utilizing the Competitive Bidding Process from Maricopa County, AZ for a two-year Agreement with three (3) one-year extension options, for an

annual estimated amount \$320,000 and a total amount not to exceed \$1,600,000 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 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-165**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE FOR FOUR (4) HALF-TON CREW CAB SHORT BED PICKUP TRUCKS TO NAPA FORD, NAPA, CA FOR AN AMOUNT NOT TO EXCEED \$240,754; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE FOR A TOTAL AMOUNT NOT TO EXCEED \$276,868

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, the City Manager authorized the Purchasing Manager to solicit the procurement for the various pickup trucks for City operating departments during the Fiscal Year 2023-2024; and

WHEREAS, on January 9, 2024, the Purchasing Division issued IFB 2324-37 for the Four (4) Half Ton Crew Cab Short Bed Pickup Trucks on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, prospective bidders were notified online and via email of the bid opportunity; and

WHEREAS, fifteen (15) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on February 06, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream and one (1) chose to respond; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the four (4) Half Ton Crew Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA for the total amount not to exceed \$240,754.

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for four (4) Half Ton Crew Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and purchase for four (4) Half Ton Crew Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA for an amount not to exceed \$240,754.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price, for a total amount not to exceed \$276,868.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-166**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE FOR FIVE (5) HALF-TON EXTENDED CAB SHORT BED PICKUP TRUCKS TO NAPA FORD, NAPA, CA FOR AN AMOUNT NOT TO EXCEED \$288,234; AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE FOR A TOTAL AMOUNT NOT TO EXCEED \$331,470

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs and a Fleet Replacement List is submitted to Council and is approved as part of a new fiscal year's Public Works Fleet Budget; and

WHEREAS, the City Manager authorized the Purchasing Manager to solicit the procurement for the various pickup trucks for City operating departments during the Fiscal Year 2023-2024; and

WHEREAS, on January 9, 2024, the Purchasing Division issued IFB #2324-38 for the five (5) Half-Ton Extended Cab Short Bed Pickup Trucks on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, prospective bidders were notified online and via email of the bid opportunity; and

WHEREAS, thirteen (13) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on February 06, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream and three (3) chose to respond; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended to award the five (5) Half-Ton Extended Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA for the total amount not to exceed \$288,234; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for five (5) Half-Ton Extended Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and purchase for five (5) Half-Ton Extended Cab Short Bed Pickup Trucks to Napa Ford, Napa, CA for an amount not to exceed \$288,234.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order for a total amount not to exceed \$331,470.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-167**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM NATIONAL PURCHASING PARTNERS LLC, DBA NPPGOV, LEAGUE OF OREGON CITIES, WITH L.N. CURTIS AND SONS DBA CURTIS BLUE LINE, WALNUT CREEK, CA, FOR THE PURCHASE OF PROTECTIVE HELMETS FOR A TOTAL AMOUNT NOT TO EXCEED \$170,383; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, recognizing the paramount importance of officer protection, the Modesto Police Department has historically equipped its personnel with essential protective gear, including protective ballistic helmets; and

WHEREAS, these helmets have been indispensable in shielding officers from harm, thus enabling them to effectively protect our community; and

WHEREAS, the current helmets, acquired in the early 2000s, have surpassed their operational lifespan, and

WHEREAS, the Modesto Police Department researched new ballistic helmet technology to determine if there were safer options available; and

WHEREAS, the research team found the Busch helmet to be a significant update to the department's current helmet that is lightweight enough to be comfortable to wear during the duty day and provide an effective level of protection from a larger caliber of bullet; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 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) "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.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. By utilizing the competitive bidding process of National Purchasing Partners DBA NPPGov, the City is complying with the requirements defined under this code for protective ballistic helmets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the Competitive Bidding Process from National Purchasing Partners LLC, DBA NPPGov, League of Oregon Cities, with L.N. Curtis and Sons DBA Curtis Blue Line, Walnut Creek, CA, for the purchase of protective helmets for a total amount not to exceed \$170,383.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-168**

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH CLARK PEST CONTROL INC., MODESTO CA, FOR A CITY-WIDE PEST CONTROL SERVICES TO EXECUTE THE YEAR SIX AND YEAR SEVEN EXTENSION OPTIONS AND INCREASING BY \$9,300 FROM \$52,630 TO A NEW ESTIMATED ANNUAL AMOUNT OF \$61,930 WITH A REVISED TOTAL AMOUNT NOT TO EXCEED \$393,410, EXTENDING THE TERM OF THE AGREEMENT FROM APRIL 30, 2024 TO APRIL 30, 2026, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City owns, operates and manages a variety of public access facilities throughout the City that require pest control services; and

WHEREAS, on May 14, 2019, by Resolution 2019-230, Council authorized the agreement with Clark Pest Control Inc., Modesto, CA, by utilizing the competitive process with Stanislaus County General Services Agency, for the purchase of city-wide pest control services, for a five-year agreement with two one-year extension options, for an annual cost not to exceed \$42,630 per year for routine pest control service in years one and two and \$10,000 per year for site additions, site removals, extra services, or service changes, as authorized by the Director of Finance or her designee, with any cost increases in years three through five not to exceed 2% per year and requiring negotiation with the purchasing division, for a total amount not to exceed \$269,550; and

WHEREAS, on May 24, 2023, a First Amendment was approved under the authority of the City Manager to extend the Original Term of the agreement for an additional year to April 30, 2024; and

WHEREAS, the original agreement was approved for five years with the option of two additional years, however the remaining two years of funds were not captured within the original agreement; and

WHEREAS, the annual cost included routine pest control at 84 sites monthly and at 15 sites on a quarterly basis; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in Modesto Municipal Code (MMC) 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, staff recommends the Second Amendment of this Agreement for city-wide pest control services increasing the estimated annual amount by \$9,300 from \$52,630 to a new estimated annual amount of \$61,930 and a revised total amount not to exceed \$393,410. Building Services staff, in partnership with the Purchasing Division, will manage the agreement for pest control services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the second amendment to the agreement with Clark Pest Control INC., Modesto Ca, for a city-wide pest control services to execute the year six and year seven extension options and increasing by \$9,300 from \$52,630 to a new estimated annual amount of \$61,930 with a revised total amount not to exceed \$393,410.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-169**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH MSC INDUSTRIAL SUPPLY CO. INC., W. SACRAMENTO, CA., BY UTILIZING THE COMPETITIVE BID PROCESS WITH SOURCEWELL, FOR THE PURCHASE AND MAINTENANCE OF BIN STOCK ITEMS, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$204,000, AND A TOTAL AMOUNT NOT TO EXCEED \$1,150,764, OVER FIVE YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Fleet Services, Compost, and Wastewater Divisions have an ongoing need for the purchase and maintenance of bin stock items for the repair and maintenance of City vehicles, equipment, and water recycling facilities; and

WHEREAS, having an outside service that continuously stocks these types of materials is cost effective and saves time by reducing work stoppages and Staff man-hours that would be spent monitoring weekly usage and inventory; and

WHEREAS, the time spent ordering each consumable item when needed is inefficient and cost prohibited; and

WHEREAS, on January 4, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the Purchase and Maintenance of Bin Stock Items; and

WHEREAS, on July 26, 2022, Sourcewell issued RFP #091422 under Contract #091422-MSI for Facility MRO, Industrial, and Building-Related Supplies and Equipment on the Sourcewell Procurement Portal, New York State Contract Reporter, DCJ Oregon, The Oklahoman, McClatchy, USA Today, and Alberta Purchasing Connection; and

WHEREAS, on September 14, 2022, proposals were opened electronically on the Sourcwell Procurement Portal. Twenty (20) proposals were received and based on the scoring evaluation and criteria outlined in the RFP, six (6) contracts were awarded for this commodity which includes the Facility MRO, Industrial, and Building-Related Supplies and Equipment; and

WHEREAS, Sourcwell is a cooperative agency which streamlines the procurement process by developing IFBs or RFPs for national competitive solicitations the meet or exceed local requirements. The competitive process is continually refined to best meet agency needs and allows Sourcwell to offer exceptional products from nationally acclaimed vendors; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost saving interest of the City would be served. By utilizing Sourcwell, the City is complying with the requirements defined under this code for the purchase and maintenance of bin stock items.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreement for the purchase and maintenance of bin stock items to MSC Industrial Supply Co. Inc., W. Sacramento, CA., for a (2) two-year agreement with (3) three one-year extension options, for an annual estimated amount of \$204,000, and a total amount not to exceed \$1,150,764, over five years.

BE IT FURTHER RESOLVED that the Director of Finance, 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 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-170**

**RESOLUTION DECLARING FORMATION OF THE MODESTO
TOURISM MARKETING DISTRICT PURSUANT TO THE PROPERTY
AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994 FOR A
RENEWED TEN-YEAR TERM**

WHEREAS, the City of Modesto (City) created the MTMD on May 7, 2019 by Resolution No. 2019-213; and

WHEREAS, the MTMD was created for a four (4) year and eleven (11) month term which ends on June 30, 2024; and

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes the City to renew business improvement districts upon petition by a weighted majority of the business owners located within the boundaries of the district; and

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the MTMD have petitioned the City Council to renew the MTMD; and

WHEREAS, the renewed MTMD will include all lodging businesses with twenty (20) rooms or more, existing and in the future, available for public occupancy within the boundaries of the City of Modesto; and

WHEREAS, included with the petitions was a Management District Plan (Plan) summary that describes the proposed assessment to be levied on certain lodging businesses, existing and in the future, available for public occupancy within the MTMD

to pay for marketing and sales promotions, and other improvements and activities set forth in the Plan; and

WHEREAS, the Plan establishes that the assessment is imposed for a specific benefit received by the businesses paying the assessment is no more than necessary to cover the costs to the City in providing the specific benefit, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the specific benefits or specific government services received by the payor; and

WHEREAS, the assessed lodging businesses within the MTMD will receive a specific benefit from the activities and improvements set forth in the Plan; and

WHEREAS, on March 12, 2024 at 5:30 PM at the City Council Chambers located at 1010 10th Street, Lower Level, Modesto, CA 95354, the City Council adopted a Resolution of Intention, Resolution No. 2024-087; and

WHEREAS, the public meeting and public hearing to consider the renewal of the MTMD have been properly noticed in accordance with Streets and Highways Code §36623; and

WHEREAS, on May 7, 2024 at 5:30 PM at the City Council Chambers located at 1010 10th Street, Lower Level, Modesto, CA 95354, the City Council held a public meeting regarding the renewal of the MTMD, and the City Council heard comments from the public and interested parties regarding the renewal of the MTMD and the levy of the proposed assessment; and

WHEREAS, on May 14, 2024 at 5:30 PM at the City Council Chambers located at 1010 10th Street, Lower Level, Modesto, CA 95354, the City Council held a public hearing regarding the renewal of the MTMD, and the City Council heard and received all

objections and protests, if any, to the renewal of the MTMD and the levy of the proposed assessment; and

WHEREAS, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the renewed MTMD which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business; and

WHEREAS, Streets and Highways Code sections 36625 and 36660 specify that the MTMD may be renewed through adoption of a Resolution of Formation; and

WHEREAS, the City Council desires to adopt this Resolution to renew the MTMD for a ten year term.

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

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.
2. The MTMD is hereby renewed for a ten (10) year term, beginning July 1, 2024, or as soon as possible thereafter, and ending ten (10) years from its start date.
3. The Plan dated January 10, 2024, and included as an attachment to the City Council staff report dated May 14, 2024, is hereby adopted and approved.
4. The activities to be provided to benefit businesses in the MTMD will be funded by the levy of the assessment. The revenue from the assessment

levy shall not be used: to provide activities that directly benefit businesses outside the MTMD; to provide activities or improvements outside the MTMD; or for any purpose other than the purposes specified in this Ordinance, the Resolution of Intention, and the Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the MTMD boundaries to create a specific benefit to the assessed businesses may be provided, but shall be limited to marketing or signage pointing to the MTMD.

5. The City Council finds as follows:
 - a) The activities funded by the assessment will provide a specific benefit to assessed businesses within the MTMD that is not provided to those not paying the assessment.
 - b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
 - c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
 - d) Assessments imposed pursuant to the MTMD are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect

any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the “MTMD Assessment” or “Tourism Assessment”.

6. The assessments levied for the MTMD shall be applied towards marketing and sales promotions to market MTMD lodging businesses as tourist, meeting and event destinations, and other improvements and activities as set forth in the Plan.
7. Assessments levied on lodging businesses pursuant to this ordinance shall be levied on the basis of benefit. Because the services provided are intended to increase sleeping room rentals, an assessment based on gross short-term sleeping room rental revenue is the best measure of benefit.
8. The assessments for the entire MTMD will total approximately \$430,540 in year one (1).
9. Bonds shall not be issued to fund the MTMD.
10. The MTMD shall include all lodging business with twenty (20) rooms or more, existing and in the future, located within the boundaries of the City of Modesto. A boundary map as shown in **Exhibit A** is **attached** hereto and incorporated herein by reference.
11. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the MTMD assessment is levied as long as they are used consistent with the requirements set forth herein.

12. The assessments to fund the activities and improvements for the MTMD will be collected by the City on a quarterly basis and is subject to change as determined by the City, and in accordance with Streets and Highways Code §36631.
13. The City Council, through adoption of this Ordinance and the Plan, has the right pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the MTMD as defined in Streets and Highways Code §36612. The City Council has determined that Visit Modesto, Inc. shall be the MTMD Owners' Association. The City Council may, from time to time, identify an alternative qualified entity to serve as Owner's Association of the MTMD.
14. Visit Modesto, Inc., pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the MTMD.
15. The MTMD renewed pursuant to this Ordinance will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).
16. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the renewal of the MTMD and to levy the assessments.

17. Adoption of this Ordinance shall constitute the levy of an assessment in each fiscal year referred to in the Plan.

BE IT FURTHER RESOLVED that the proposed Resolution is exempt from CEQA under the general rule in CEQA Guidelines section 15061(b)(3), that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The Resolution adopts an assessment that will be used for tourism marketing activities. It does not authorize or finance any development, improvements or any other project with the potential to have a significant effect on the environment.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation from and after thirty (30) days after its adoption..

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

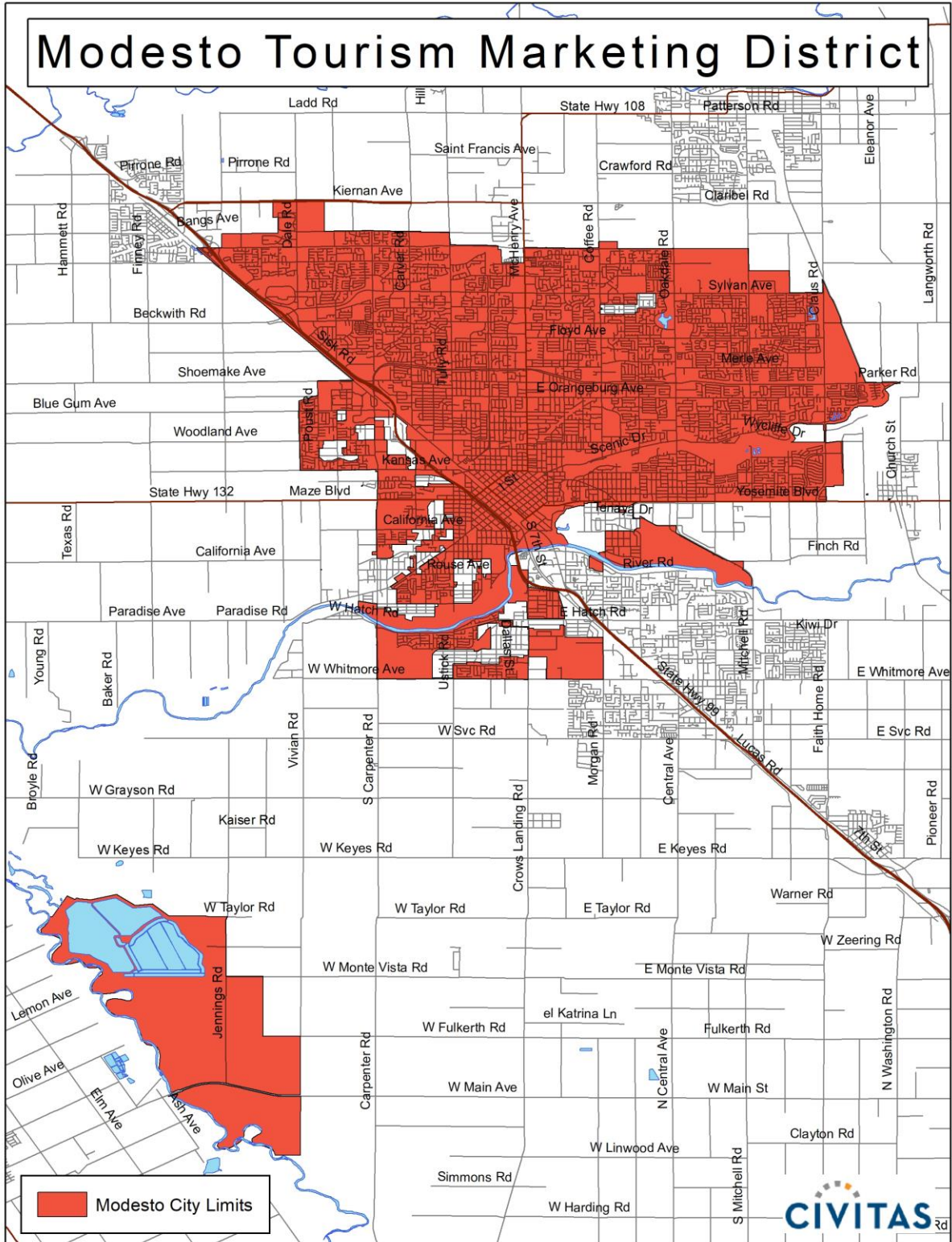
ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-171**

**RESOLUTION APPROVING THE APPLICATION AND ISSUANCE OF A
PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT
COMPANY TO MEDIWEST NON-EMERGENCY MEDICAL
TRANSPORTATION IN THE CITY OF MODESTO**

WHEREAS, Mediwest Non-Emergency Medical Transportation has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS, the City allows non-emergency medical transport companies to apply for a non-emergency transport permit. In addition to the application, the transport company is required to pay a filing fee of \$1,000 and provide all the necessary documents and information as outlined in Modesto Municipal Code 3-9.01 to 3-9.20. Once the application, documentation, and necessary fees have been received by the Modesto Police Department (MPD), a background investigation must be completed by the department. Upon successful completion of the background investigation, the application proceeds to a hearing before the City Council to determine whether the public convenience and necessity require the proposed services; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Mediwest Non-Emergency Medical Transportation, In per Modesto Municipal Code Section 3-9.05; and

WHEREAS, Council approval is required for Mediwest Non-Emergency Medical Transportation to function as a non-emergency medical transport service provider within the City of Modesto; and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on May 14, 2024, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Mediwest Non-Emergency Medical Transportation for a non-emergency medical transport service within the City of Modesto; and

WHEREAS, Modesto City Council finds that Mediwest Non-Emergency Medical Transportation will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Mediwest Non-Emergency Medical Transportation and issues Mediwest Non-Emergency Medical Transportation a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-172**

RESOLUTION COMBINING THE CITY MANAGER’S DRAFT BUDGET AND THE MAYOR’S FINAL BUDGET MODIFICATIONS INTO THE PROPOSED BUDGET FOR FISCAL YEAR 2024-25, AND NOTICING A PUBLIC HEARING TO BE HELD JUNE 4, 2024, FOR COUNCIL’S CONSIDERATION AND ADOPTION OF THE FISCAL YEAR 2024-25 PROPOSED BUDGET AND RELATED ACTIONS

WHEREAS, the Finance Committee heard the City Manager’s Draft Budget on April 15th, April 16th, and April 17th, 2024, through a series of Budget Workshops, and

WHEREAS, the Finance Committee approved the City Manager’s Draft Budget with a 3-0 vote and approved the budget to be moved on to Council for final review and adoption, and

WHEREAS, the City’s Charter, Article XIII Section 1303 and Section 1304 requires that the Mayor has the opportunity to make any final budget modifications to the City Manager’s Draft Budget at least 45 days prior to the end of the fiscal year and adoption by City Council, and

WHEREAS, the Mayor has presented her Final Budget Modifications Message of the City Manager’s Draft Budget to City Council and has presented no changes and recommended that the Draft Budget be moved forward to Council as the City of Modesto’s Fiscal Year 2024-25 Proposed Budget for adoption consideration, and

WHEREAS, the City of Modesto’s Fiscal Year 2024-25 Proposed Budget will be inclusive of the City Manager’s Draft Budget and the Mayor’s Final Budget Modifications and will be heard at a public hearing scheduled to be held on June 4, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the combination of the City Manager’s Draft Budget as well as

the Mayor's Final Budget Modifications into the City of Modesto's Fiscal Year 2024-25 Proposed Budget and that a public hearing will be held on June 4, 2024, for the adoption of the Fiscal Year 2024-25 Proposed Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

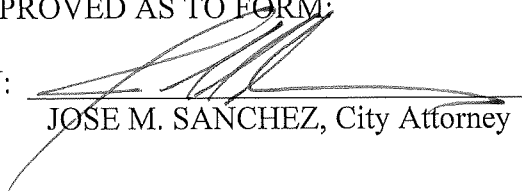
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-173**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF STANISLAUS FOR THE REPLACEMENT OF THE FIRE-LIFE SAFETY PANEL AT 3705 OAKDALE ROAD, A CO-OWNED CITY OF MODESTO AND COUNTY OF STANISLAUS EMERGENCY SERVICES AND COMMUNICATIONS FACILITY AND APPROVING THE TOTAL PROJECT BUDGET NOT TO EXCEED \$300,000, TO BE JOINTLY AND EQUALLY FUNDED BY THE CITY OF MODESTO AND COUNTY OF STANISLAUS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, on October 3, 1997, the City of Modesto (City) and County of Stanislaus (County) jointly purchased the property located at 3705 Oakdale Road from AT&T Communications Inc. The purpose was to jointly provide emergency dispatch and emergency services from a single facility. On September 1, 1999, the City and County entered into a Joint Exercise of Powers Agreement to begin providing these services; and

WHEREAS, the current fire-life safety panel (panel) that controls the facility's fire systems is the original system that was in place at the time of purchase, and it is estimated to have been installed in the 1980s. In 2019, the manufacturer of the panel ceased providing support and service to the current fire-life safety system; and

WHEREAS, Staff has been forced to purchase parts through third party vendors with increasing difficulty and cost in sourcing; and

WHEREAS, as equal owners of the building and equipment, the City and County agreed to have the County's General Services Agency (GSA) be responsible for providing building maintenance. Given the current condition of the panel, the, GSA recommends replacing the panel and devices; and

WHEREAS, by replacing the system with a state-of-the-art fire-safety system panel, the jointly owned building will have a reliable system that will provide the needed

service to the building. Further, the life expectancy of this new panel will be approximately 7 to 10 years; and

WHEREAS, the **attached** MOU memorializes the project's scope of work and cost, project management and cost sharing terms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with the County of Stanislaus for the replacement of the Fire-Life Safety Panel at 3705 Oakdale Road, a Co-owned City of Modesto and County of Stanislaus Emergency Services and Communications Facility and approving the total project budget not to exceed \$300,000, to be jointly and equally funded by the City of Modesto and County of Stanislaus.

BE IT FURTHER RESOLVED that the City Manager, or his designee is hereby authorized to execute the Memorandum of Understanding, 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 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MEMORANDUM OF UNDERSTANDING
BETWEEN
COUNTY OF STANISLAUS
AND THE CITY OF MODESTO
FOR REPLACEMENT OF
THE FIRE-LIFE SAFETY PANEL AT 3705 OAKDALE ROAD**

This MEMORANDUM OF UNDERSTANDING (the “**MOU**”) is made and entered into by and between the CITY OF MODESTO (“**City**”) and the COUNTY OF STANISLAUS (“**County**”) as of May 1, 2024 or upon execution of the MOU by both parties, whichever is earlier (“**Effective Date**”).

RECITALS

WHEREAS, the City and the County each own a ½ interest in that certain real property located at 3705 Oakdale Road pursuant to that certain Grant Deed recorded on October 3, 1997 as Document No. 97-0077969-00, Official Records of Stanislaus County (“**Property**”); and

WHEREAS, the City and the County operate a shared State and Regional 911 Dispatch Center on the Property; and

WHEREAS, the fire-life safety panel (“**Panel**”) has been in operation since at least the 1980’s; and

WHEREAS, the Panel is no longer supported by its manufacturer, and the City and the County have been informed that parts for the Panel are becoming obsolete; and

WHEREAS, both the City and the County have been advised by their respective fire agencies that the Panel should be replaced at the earliest convenience; and

WHEREAS, in consideration of these facts, the City and County agree to share in the cost of replacement of the Panel, which has been estimated to not exceed \$300,000.

NOW THEREFORE, in consideration of the mutual promises covenants, terms and conditions hereinafter contained, the City and County hereby agree as follows:

TERMS AND CONDITIONS

1) **Scope of Work.** The scope of work includes the design, purchase and installation of the replacement Panel, connection to existing devices, and testing of the system (“**Project**”). It is estimated that the Project will be complete 120 days from award of the Job Order or delivery of the Panel, whichever is later.

2) Project Management. The County's General Services Agency Director /Purchasing Agent shall act as Project Manager for the Project. The County intends to utilize its Job Order Contracting Program to complete the work. As Project Manager, the County is authorized to award a Job Order and manage the Project in accordance with laws applicable to the County. The County's Project Management will include, but is not limited to, the following:

- a) Review any special conditions, special inspections, special reports, etc. that may be required.
- b) Review design and construction contract documentation.
- c) Evaluate and approve the construction contractor's Job Order proposal.
- d) Procure any needed professional services to assist with the project as needed, including, but not limited to design, testing, code review, etc.
- e) Secure needed 24-hour fire-watch services through its Agreement for security services.
- f) Review, respond to and approve Requests for Information, Change Orders, etc.
- g) Conduct field construction review.
- h) Participate in a final field construction inspection.
- i) Approve the Project as complete.
- j) Record a Notice of Completion for the Project.
- k) Review Project close-out documentation.
- l) Manage any warranty issues during the 2-year warranty period.

3) Cost of Project. The budget for the Project is estimated to be \$300,000 including design, testing, code review, professional fees, construction management fees, and the Job Order cost paid to the contractor (collectively, "Project Costs"). The budget includes a 15% contingency of \$25,113 for unforeseen costs.

4) Cost Sharing. The City and the County agree to each pay 50% of Project Costs including contingency in equal shares (not to exceed \$150,000 each, except as set forth in paragraph 4(d) below). The City's portion is payable as follows:

- a) The City shall transmit to the County \$87,500, which represents one-half City's share of Project Costs, within 30 days of the Effective Date of this MOU.

- b) Upon completion of the Project, the County shall invoice the City for the balance of the City's share of the Project Costs incurred, not to exceed \$87,500, except as provided in paragraph 4(d), below.
 - c) The panel will be under warranty for up to two years from substantial completion of the Project. The County may invoice the City one final time at the end of the two-year period for costs incurred during the warranty phase of the Project, so long as the total costs billed to the City do not exceed \$150,000, except as provided in paragraph 4(d) below.
 - d) Should the County or the Contractor encounter an unforeseen cost that results in costs exceeding the Project Costs and above the \$150,000 for the City and \$150,000 for the County, the City and the County agree to meet in good faith to equitably fund the additional costs.
- 5) Term. The term of this MOU shall be from the Effective Date through final payment to the County.
- 6) Entire Agreement. This MOU contains the entire agreement of the parties hereto, relating to the Project, and supersedes any prior written or oral agreements between them concerning the subject matter contained herein. The provisions of this MOU may be modified at any time by written agreement of the parties. Any such written agreement shall be ineffective to modify this MOU in any respect unless in writing and signed by the parties against whom enforcement of the modification or discharge is sought.
- 7) Counterparts, Electronic Signature. This MOU may be executed and delivered in counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. Further, this MOU may be executed by facsimile or electronic signature, and any such facsimile or electronic signature by any party hereto shall be deemed to be an original signature and shall be binding on such party to the same extent as if such facsimile or electronic signature were an original signature.

SIGNATURE PAGE ATTACHED

IN WITNESS WHEREOF, the City and the County have entered into this MOU as of the Effective Date set forth above.

<p>CITY OF MODESTO</p> <p>By: Title:</p>	<p>STANISLAUS COUNTY, a political subdivision of the State of California</p> <hr/> <p>Andrew Johnson GSA Director/Purchasing Agent</p> <p>APPROVED AS TO FORM: Thomas Boze, County Counsel</p> <p><i>Thomas E. Boze</i> By: <u>Thomas Boze (May 6, 2024 17:08 PDT)</u></p> <p>APPROVED AS TO CONTENT: Stanislaus County OES</p> <p>By: <i>Erik Klewmyz</i></p>
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**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-174**

RESOLUTION APPROVING A FIFTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY DISPATCH SERVICES, TO EXTEND THE AGREEMENT TO DECEMBER 31, 2024, MODIFY THE GOVERNING BODY STRUCTURE OF THE COMMISSION, UPDATE QUORUM AND ACTION REQUIREMENTS AND PROVIDE FOR AGENCY MEMBER LIAISON TO ASSIST THE DISPATCH DIRECTOR, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND APPOINTING MAYOR ZWAHLEN AND COUNCILMEMBER BAVARO AS COMMISSIONERS TO THE CONSOLIDATED EMERGENCY DISPATCH AGENCY AND COUNCILMEMBER WRIGHT AS AN ALTERNATE COMMISSIONER

WHEREAS, on September 1, 1999, the City of Modesto (“City”) and the County of Stanislaus (“County”) entered into the Joint Exercise of Powers Agreement between the City and the County for Emergency Dispatch Services (“Agreement”), creating a joint powers agency for the purpose of providing dispatch services; and

WHEREAS, on August 23, 2016, by Resolution 2016-329, Modesto and the County entered into the First Amendment to the Agreement, amending the Term and Termination sections to make clear that the Agreement would continue until terminated by either Modesto or the County pursuant to Section 6 of the Agreement. Section 6.1 was amended to require that any Member can terminate the Agreement at any time by providing a written notice of intent to terminate at least twenty-four (24) months in advance of the desired termination date; and

WHEREAS, on October 27, 2021, by Resolution No. 2021-413, Council authorized the City Manager to provide the Consolidated Emergency Dispatch Agency Commission and County of Stanislaus with a written notice of an intent to terminate the Joint Exercise Powers of Authority Agreement between the City of Modesto and the

County of Stanislaus for emergency dispatch services effective January 1, 2024 in accordance with Section 6.1 of the agreement in order to evaluate the future of emergency dispatch services; and

WHEREAS, on May 3, 2022, by Resolution No. 2022-203, Council approved a Second Amendment of the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, amending sections of the agreement related to the Commission Members, the Dispatch Advisory Board, and Technical Advisory Committee to more efficiently align with the responsibilities of the public officials engaging with the operational leadership of SR911; and

WHEREAS, on December 6, 2022, by Resolution No. 2022-457, Council approved a Third Amendment of the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, amending portions of Section 8 to allow appointment of the most appropriate agency officials to serve on the Commission; and

WHEREAS, on December 8, 2023, Modesto and the County entered into the Fourth Amendment to the Agreement, extending the Agreement to June 30, 2024; and

WHEREAS, Modesto and the County agree to amend the Agreement for a fifth time to extend the term of the Agreement to December 31, 2024, modify the governing body structure of the Commission, update quorum and action requirements and provide for Agency Member Liaison to assist the Dispatch Director.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fifth Amendment to the Joint Exercise of Powers Agreement

between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services to extend the agreement to December 31, 2024, modify the governing body structure of the Commission, update quorum and action requirements and provide for Agency Member Liaison to assist the Dispatch Director, as **attached** hereto and in a form approved by the City Attorney.

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

BE IT FURTHER RESOLVED that Mayor Zwahlen and Councilmember Bavaro are hereby appointed as Commissioners and Councilmember Wright as an Alternate Commission Member to serve on the Consolidated Emergency Dispatch Agency Commission.

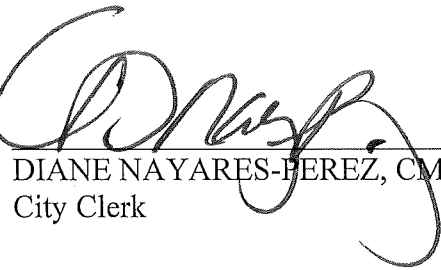
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**FIFTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT
BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS
FOR EMERGENCY DISPATCH SERVICES**

This Fifth Amendment to the Joint Exercise of Powers Agreement (“Fifth Amendment”) is made by and between the City of Modesto (“Modesto”), a charter city and municipal corporation in the State of California, and the County of Stanislaus (“County”), a political subdivision of the State of California as of _____, 2024.

RECITALS

WHEREAS, on September 1, 1999, Modesto and the County entered into the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services (“Agreement”), creating a joint powers agency for the purpose of providing dispatch services; and

WHEREAS, on August 23, 2016, Modesto and the County entered into the First Amendment to the Agreement; and

WHEREAS, in October 2021, Modesto provided written notice of its intent to terminate the Agreement, effective January 1, 2024; and

WHEREAS, on May 3, 2022, Modesto and the County entered into the Second Amendment to the Agreement; and

WHEREAS, on December 6, 2022, Modesto and the County entered into the Third Amendment to the Agreement; and

WHEREAS, on December 8, 2023, Modesto and the County entered into the Fourth Amendment to the Agreement, extending the term of the Agreement to terminate on June 30, 2024; and

WHEREAS, Modesto and the County agree to amend the Agreement for a fifth time to extend the term of the Agreement, the governing body structure of the Commission and to designate Agency Member Liaison to assist the Dispatch Director as set forth in this Fifth Amendment.

NOW, THEREFORE, Modesto and the County hereby agree as follows:

AGREEMENT

1. Section 5, “Term,” of the Agreement is hereby amended as follows:

“5. Term.

5.1 This Agreement shall become effective as of September 1, 1999, and shall continue in full force and effect until ~~June 30, 2024~~ **December 31, 2024**, (“Termination Date”), unless Modesto and the County mutually agree to extend the Agreement.

- 5.2 Modesto and the County shall work in good faith to make appropriate arrangements to independently or jointly provide Emergency Dispatch Services on or before the Termination Date.
- 5.3 Modesto and the County shall work in good faith to ensure that all indebtedness, claims, and liabilities incurred by the Agency are fully and completely satisfied on or before the Termination Date.
- 5.4 All property owned by the Agency shall be distributed equally to Modesto and the County, unless otherwise approved by the Members on or before the Termination Date.”

2. Section 8, “Commission,” of the Agreement is hereby deleted and replaced to change the membership of the Commission to two (2) Modesto representatives and two (2) County representatives to read as follows:

“8. Commission.

- 8.1 Commission. The Agency shall be administered by a four (4)-member commission (the “Commission”), as permitted under Section 6506 of the Government Code, which shall consist of:
 - 8.1.1 Two (2) members of the Modesto City Council, selected by the City Council. The City Council shall also select one (1) alternate to serve in the absence of one of the two (2) Modesto selected members. The alternate under this Section shall also be a member of the Modesto City Council.
 - 8.1.2 Two (2) members of the County’s Board of Supervisors, selected by the Board of Supervisors. The Board of Supervisors shall also select one (1) alternate to serve in the absence of one of the two (2) County selected members. The alternate under this Section shall also be a member of the County’s Board of Supervisors.
- 8.2 Individual Capacity. Each member of the Commission shall serve in his or her individual capacity as a member of the Commission.
- 8.3 Term of Service.
 - 8.3.1 The Commissioners appointed by the City Council (and the alternate) shall serve at the pleasure of the City Council.
 - 8.3.2 The Commissioners appointed by the Board of Supervisors (and the alternate) shall serve at the pleasure of the Board of Supervisors.
- 8.4 Reimbursement of Expenses. Members of the Commission and their alternates shall not receive any compensation for serving as such, but shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a member or alternate if the Commission shall so determine.”

3. Section 9.5, "Quorum; Actions," of the Agreement is hereby amended as follows:

"9.5 Quorum; Actions. ~~Three~~ ~~Four~~ Commissioners shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. Except as otherwise provided by law, the Commission shall take no action except upon the affirmative vote of three ~~four~~ members."

4. Section 12, "Other Officers and Employees," of the Agreement is retitled to "Other Officers, Employees, and Member Liaisons," and amended to include Agency Member Liaisons as follows:

"12. Other Officers, ~~and Employees,~~ and Agency Member Liaisons.

12.1. In furtherance of its purpose as provided in Section 2.1 hereof, the Commission shall have the power to appoint such other officers and employees as it may deem necessary, and to retain independent accounts, counsel, engineers, architects, construction managers and other consultants.

12.2. Modesto and the County shall each assign one (1) Agency Member Liaison. The Agency Member Liaisons shall perform the following functions:

12.2.1. Provide Day-to-day oversight and support for the Dispatch Director;

12.2.2. Work with the Dispatch Director to guide development of operational policies, strategic plans, and Capital Improvement Plans;

12.2.3. Monitor performance outcomes and changes to service levels as needed; and

12.2.4. Provide the Commission with feedback related to the Dispatch Director's performance during the Director's evaluation."

5. All other terms and conditions in the Agreement shall remain in full force and effect to the extent they are not in conflict with this Fifth Amendment.

6. The signatures of Modesto and the County to this Fifth Amendment may be executed and acknowledged on separate pages or in counterparts, which, when attached to this Fifth Amendment, shall constitute one complete Fifth Amendment.

IN WITNESS WHEREOF, Modesto and the County have executed this Fifth Amendment on the day and year first above written.

CITY OF MODESTO

COUNTY OF STANISLAUS

Joseph P. Lopez, City Manager

Jody Hayes, Chief Executive Officer

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

Thomas E. Boze, County Counsel

Jose M. Sanchez, City Attorney

By: _____
Marc Hartley, Chief Deputy County Counsel

Date: _____

Date: _____

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-175**

**RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT FOR THE
FISCAL YEAR 2024-2025 ANNUAL BUDGET**

WHEREAS, Proposition IV of the California State Constitution requires the City to establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIII B of the California Constitution specifies that appropriations made by state and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the staff has been consistently using the change in population within the city limit of Modesto and change in California per capita personal income every year when calculating the appropriation limit, and

WHEREAS, the appropriation limit calculated for Fiscal Year 2024-25 is \$606,178,733 and

WHEREAS, this calculation was made available for public viewing at least fifteen days prior to the Council meeting. A copy of Schedule A and the calculation detail is on file at the City of Modesto Finance Department.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the appropriation limit for fiscal year 2024-2025, including the price and population factors to be used in the calculation, is hereby established as shown on Schedule A, **attached** hereto, and made a part hereof.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is

hereby authorized to take the necessary steps to implement the provisions of this resolution.

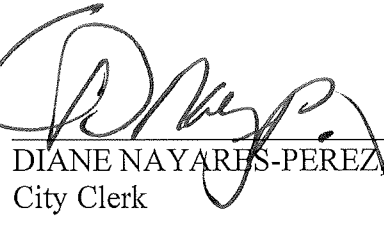
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

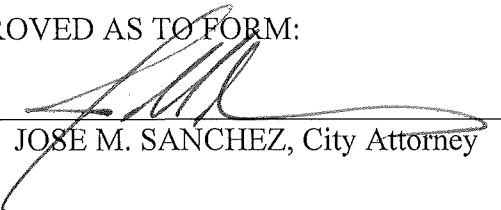
ATTEST.


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

FISCAL YEAR 2024-25

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2023-24 Appropriation Limit	<u><u>\$581,968,829</u></u>
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Adjustment Factors

Per Capita Personal Income Change	3.62%
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Population Change (Modesto)	0.52%
-----------------------------	-------

Per Capita converted to a ratio	1.0362
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Population converted to a ratio	1.0052
---------------------------------	--------

Calculation of factor for FY 2024-25	1.0416
--------------------------------------	--------

Adjustment	<u>\$24,209,903</u>
------------	---------------------

FY 2024-25 Appropriation Limit	<u><u>\$606,178,733</u></u>
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Article XIII B places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-176**

**RESOLUTION APPROVING PAYMENT OF VARIOUS EQUIPMENT
MAINTENANCE AGREEMENTS FOR FISCAL YEAR 2024-2025 WITH
MULTIPLE EQUIPMENT MANUFACTURERS FOR ALL CITY
DEPARTMENTS, FOR AN ANNUAL ESTIMATED COST NOT TO EXCEED
\$854,598; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE EQUIPMENT MAINTENANCE AGREEMENTS ASSOCIATED
WITH THE ITEMS IN EXHIBIT A – FISCAL YEAR 2024-2025 EQUIPMENT
MAINTENANCE AGREEMENTS (LESS THAN \$100,000)**

WHEREAS, the City purchases office and operational equipment through the purchasing bidding process based on the requirements of the City of Modesto Municipal Code Title 8 Chapter 3, and

WHEREAS, as part of the bidding process for the office equipment, for purchases such as copiers, the City has frequently selected a local vendor to provide maintenance service due to the quick turnaround in service that can be provided with a local vendor compared to a vendor located outside of the Modesto area, and

WHEREAS, as part of preparation of the annual fiscal year budget, the annual costs for this maintenance service has been historically approved by Council through the annual budget adoption process, and

WHEREAS, the Finance Department and Information Technology Department will bring an item to Council every fiscal year to provide transparency for all maintenance agreements being utilized by City Departments; The Purchasing Division will continue to evaluate the cost-effective use of these maintenance agreements especially as the equipment ages over the depreciated life of the asset, and

WHEREAS, **Exhibit A** is an itemized list of the equipment maintenance agreements being utilized by City departments for agreements less than \$100,000 under the City Manager's approval authority, and

WHEREAS, there were no itemized equipment maintenance agreements utilized by the City departments greater than \$100,000 which would require authorization by City Council, and

WHEREAS, per MMC 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the formal proposal procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, the purchase may be exempt from the formal bid process.

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Modesto that it hereby authorizes the payment of various equipment maintenance agreements for Fiscal Year 2024-2025 with multiple equipment manufacturers for all City Departments, for an annual estimated cost not to exceed \$854,598, contingent on Council approval of the Fiscal Year 2024-2025 City of Modesto budget.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the equipment maintenance agreements for an estimated annual cost not to exceed \$854,598.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 24-25 Maintenance Cost	Funding Source
3SI SECURITY SYSTEMS	Investigatory Tool	\$ 2,297	General Fund
AMERICAN CHILLER CO.	Heating and Cooling of the Modesto Centre Plaza	\$ 95,700	Centre Plaza
AMANO	PARCS	\$ 66,550	Parking Services
ACCRUENT	CMMS	\$ 7,962	Building Services Fund
ACTION TARGET, INC.	Target shooting system at the Tactical Training Center	\$ 7,256	General Fund
AIR WEST FILTRATION / BENZ AIR	Station Facilities	\$ 35,444	General Fund
AIRGAS	Life saving equipment	\$ 6,600	General Fund
AMERICAN BARCODE AND RFID	Annual Services Agreement for Barcode Machine	\$ 1,674	General Fund
ARC DOCUMENT SOLUTIONS	Printing of Maps for Planning division	\$ 3,720	General Fund
ARC DOCUMENT SOLUTIONS	Plotters are used to print large sized maps of job sites, etc.	\$ 8,580	Water Fund
BMI IMAGING	Fujitsu scanner is used by Records to scan and store electronic records for storage.	\$ 2,303	General Fund
BOSS BUSINESS SYSTEMS	Copier for Jennings WWTP - Training Center	\$ 2,420	Wastewater Fund
CA HEALTH AND SAFETY	Breathing equipment	\$ 11,000	General Fund
CA REDING	Printing for day-to-day work activities	\$ 3,153	General Fund
CA REDING	Printing for day-to-day work activities	\$ 7,545	General Fund
CA REDING	Copier Maintenance	\$ 6,193	Fleet Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 909	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 900	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 932	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 899	General Fund
DELTA WIRELESS	Radio Communications equipment	\$ 48,317	General Fund
EKC ENTERPRISES	Fire alarm and fire sprinklers	\$ 5,125	Water Fund
EXCEL FITNESS	Fitness equipment	\$ 1,861	General Fund
FARO TECHNOLOGIES	Annual Calibration and Certification of 3-D Laser Scanner to Diagram traffic collisions and homicide scenes	\$ 7,907	General Fund
FIRE SERVICE SPECIFICATION & SUPPLY	Life saving equipment	\$ 5,581	General Fund
HERITAGE-CRYSTAL CLEAN, LLC.	Parts cleaner for fire fighting equipment	\$ 5,581	General Fund
IMAGEWARE SYSTEMS	Annual hardware maintenance for hardware system in creating ID badges for department	\$ 10,527	General Fund
KODAK ALARIS	Printing for day-to-day work activities	\$ 2,792	General Fund
LEHR	Annual Maintenance for LPR systems	\$ 53,149	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 745	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 24-25 Maintenance Cost	Funding Source
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 5,581	Capital Improvement Fund
LUCAS BUSINESS SYSTEMS	Scan documents, limited color copy use	\$ 745	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at MYC	\$ 242	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities. Copier located in MCP office.	\$ 3,737	Center Plaza
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities at SCC	\$ 1,063	General Fund
LUCAS BUSINESS SYSTEMS	Printing and making copies for in-house programs and public on an as needed basis. Copier located in PRN alley.	\$ 8,470	General Fund
LUCAS BUSINESS SYSTEMS	Printer	\$ 2,420	Building Services Fund
LUCAS BUSINESS SYSTEMS	Copier for day-to-day	\$ 880	Surface Transportation Fund
LUCAS BUSINESS SYSTEMS	Copier for Sutter WWTP - Building 3 - Maintenance	\$ 799	Wastewater Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 5,315	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 1,815	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 3,235	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 3,190	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 5,585	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 8,712	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 8,504	General Fund
LUCAS/INLAND	Copier, Fax, Scanner	\$ 8,504	General Fund
MO-CAL OFFICE SOLUTIONS	PRN Mailroom	\$ 8,470	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day to day at NCAMP	\$ 1,000	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day to day at Museum	\$ 600	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day to day at PRN/TSP near Recreation	\$ 1,500	General Fund
MO-CAL OFFICE SOLUTIONS	Copier, Fax, Scanner	\$ 770	Information Technology
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 3,645	Water Fund
MO-CAL OFFICE SOLUTIONS	Printer	\$ 2,792	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copy documents for City Manager, Council and Auditor's office	\$ 6,589	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Jennings WWTP - Administration	\$ 4,085	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 1 - Administration	\$ 6,600	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 3,449	Capital Improvement Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 3,449	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 24-25 Maintenance Cost	Funding Source
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 17,356	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 3,160	Green Waste Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 1,128	Surface Transportation Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	\$ 3,721	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	\$ 3,721	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier Maintenance	\$ 1,921	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 2 - Collections	\$ 7,321	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier is used to make copies, scan, fax	\$ 8,300	Water Fund
MO-CAL OFFICE SOLUTIONS	Copier	\$ 840	Solid Waste Fund
MO-CAL OFFICE SOLUTIONS	Copier	\$ 811	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 1,210	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for IT	\$ 500	IT Funds
MO-CAL OFFICE SOLUTIONS	Department Copier/Printer/Scanner	\$ 3,900	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for day-to-day	\$ 1,200	Surface Transportation Fund
MO-CAL OFFICE SOLUTIONS	Accounting Copier	\$ 1,238	General Fund
MANTECH - FORMERLY MANSI INC.	Mansci Lab Equipment Extended Warrant	\$ 5,500	Wastewater Fund
MOBILE SPIKE	Mobile Spike Strips	\$ 11,000	General Fund
NEC CORPORATION OF AMERICA	Automated Fingerprint Identification System - fingerprinting	\$ 13,330	General Fund
OPEX	Envelope Opener - opens mixed sized envelopes	\$ 746	Water Fund
OPEX	Mail Opener & sorter	\$ 4,193	Water Fund
PARKEON	Off street pay stations	\$ 4,650	Parking Services Fund
PARKFOLIO	Off street pay stations /connectivity	\$ 5,007	Parking Services Fund
PUNTES TECHNOLOGIES	Copier, Fax, Scanner	\$ 1,772	General Fund
QUADIENT	Mail Room Postage & Label Machine	\$ 16,119	General Fund
(UBEO) RAY MORGAN CO.	Copier for Building Safety and Neighborhood Preservation	\$ 3,965	General Fund
(UBEO) RAY MORGAN CO.	Large Format Printer/Scanner	\$ 6,000	Wastewater Fund
(UBEO) RAY MORGAN CO.	Copier for Sutter WWTP - Environmental Services	\$ 4,620	Wastewater Fund
(UBEO) RAY MORGAN CO.	Copier is used to make copies	\$ 4,235	Water Fund
(UBEO) RAY MORGAN CO.	Copier is used to make copies	\$ 4,235	Water Fund
(UBEO) RAY MORGAN CO.	Copier for Customer Service - Finance	\$ 1,577	Water Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 24-25 Maintenance Cost	Funding Source
SCANNER ONE	Check Scanner - uploads to RemitPlus for Electronic check file to bank	\$ 900	Water Fund
SCANTRON	Scantron Reader for Recruitment Tests	\$ 1,623	General Fund
SEAL ANALYTICAL	Seal Lab Equipment Service Contract	\$ 9,900	Wastewater Fund
SMILE BUSINESS PRODUCTS INC	Department Copier-LITT Store	\$ 440	General Fund
SMILE BUSINESS PRODUCTS INC	Department Copier-JEFF Store	\$ 440	General Fund
SMILE BUSINESS PRODUCTS INC	Purchasing Copier	\$ 1,318	General Fund
SMILE BUSINESS PRODUCTS INC	Day to day copy purposes, parts, labor, staples, maintenance and support ending 4/21/21-501 N Jefferson site	\$ 2,200	General Fund
SSD SYSTEMS	Alarm service	\$ 2,791	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 770	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 770	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 770	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 770	General Fund
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STRYKER SALES CORPORATION	Life saving equipment	\$ 770	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 770	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 24-25 Maintenance Cost	Funding Source
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
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STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
STRYKER SALES CORPORATION	Life saving equipment	\$ 2,119	General Fund
TECA Data Safe Corporation (CYBERNETIC)	Tape Library Backup/Utility Billing System	\$ 6,164	Water Fund
TECHNOLOGY UNLIMITED	MAINTENANCE CASH COUNTER BALANCING ROOM	\$ 550	Water Fund
THE RADAR SHOP	Annual Calibration and Certification and repair of Radar and Lidar Guns for mitigating traffic safety.	\$ 5,581	General Fund
TRANE	MCP Fountain Maintenance - Annual	\$ 5,500	Center Plaza
SPECIAL SERVICES GROUP	Annual maintenance of GPS Vehicle Trackers	\$ 9,700	General Fund
SPECIAL SERVICES GROUP	Annual maintenance of GPS Vehicle Trackers	\$ 9,700	General Fund
VERTIV	Annual Maintenance for Battery Backup for MPD Servers	\$ 13,500	General Fund
WEST COAST DOOR AND GATE	Station facility	\$ 54,759	General Fund
ZOOM IMAGING	Department Copier	\$ 1,241	General Fund
ZOOM IMAGING	Copier for day-to-day	\$ 1,554	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	\$ 1,288	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	\$ 1,041	Surface Transportation Fund
ZOOM IMAGING	Copier for day-to-day	\$ 1,333	Airport Fund
ZOOM IMAGING	Printer/Copier	\$ 2,791	Capital Improvement Fund
ZOOM IMAGING	Copier for Sutter WWTP - Building 2 - Collections	\$ 1,757	Wastewater Fund
	TOTAL	\$ 854,598	

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-177**

**RESOLUTION APPROVING THE PAYMENT OF SOFTWARE
MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2024-2025 IN
AN AMOUNT NOT TO EXCEED \$9,824,473; AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE TO EXECUTE ROUTINE RENEWAL
AGREEMENTS ASSOCIATED WITH THE ITEMS IN EXHIBIT A AND
EXHIBIT B - SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR
FISCAL YEAR 2024-2025**

WHEREAS, the City has an ongoing need for software maintenance support agreements for software assets utilized by the City of Modesto, and

WHEREAS, the expenditures for software maintenance support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the approval for payment of software maintenance support invoices presented for Fiscal Year 2024–2025 in an amount not to exceed \$9,824,473.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves payment for invoices for various software maintenance support agreements from software vendors or their representatives for Fiscal Year 2024-2025 in an amount not to exceed \$9,824,473, contingent on Council approval of the Fiscal Year 2024-2025 City of Modesto budget.


BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute the software maintenance support agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 24-25 Under \$100K**

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Activation	Case Management System	Activation	ITD	5230			7/1/2024	6/30/2025	\$2,792
Cricut	Image templates and marketing materials development tool	Cricut	PRN	0100			1/10/2024	1/9/2025	\$120
Canva	Marketing materials development tool	Canva	PRN	0100			1/10/2024	1/9/2025	\$300
PosterMyWall	Marketing materials development	PosterMyWall	PRN	0100			2/10/2024	2/9/2025	\$320
Crime Free Easy Tracking	Dynamic Design - Multi User Internal WEB Easy Tracking Software and Annual Subscription Renewal. Used to track crime free housing inspections and number and details of each complex.	Dynamic Design Software	MPD	0100		197135	3/1/2025	2/28/2026	\$440
Forensic Explorer	By GetData Forensics Company. High Tech Crimes Unit investigatory tool.	Getdata Forensics USA	MPD	0100	2019-317	210925	11/30/2024	11/29/2025	\$550
Loftware	Barcode and Labeling System	Loftware	FIN	0100		161871	7/1/2024	6/30/2025	\$555
Message On Hold System	Message On Hold System for MPD	Spectrio	MPD	0100			2/28/2025	3/1/2026	\$750
NIGP Consulting	NIGP 5-Digit Commodity Code License Renewal	Periscope Holdings	FIN	0100	2019-317	159089	7/1/2024	6/30/2025	\$880
IP2	Annual Location License	IP2	MPD	0100		PCard	11/24/2021	12/3/2024	\$880
X-Ways Software Forensics	Forensics investigatory tool. (2 user BYOD licenses)	X-Ways Software Technology	MPD	0100		PCard	3/9/2025	3/9/2026	\$1,000
Scantron	Scanner hardware support for HR	Scantron Corporation	HUR	0100	2019-317	157641	6/12/2022	6/11/2023	\$1,105
Trackers for ISD (PCU)	4 GPS Trackers used by PCU for stolen items	3SI Security	MPD	0100			9/1/2023	8/31/2024	\$1,500
Critical Reach	Critical Reach APBnet Bulletin Service Annual Fee for use of software, servers, network bandwidth & user support	Critical Reach	MPD	0100	2019-317	214917	1/1/2022	12/31/2024	\$1,700
IA Pro - Blue Team	Blue Team Annual Maintenance including all software upgrades, associated materials and technical support via phone and e-mail	CI Technologies	MPD	0100		207516	8/1/2024	7/31/2025	\$1,760
Rentalscape	Software to track Short Term Rentals (STR) and provide business address	Deckard	FIN	0100			9/29/2024	9/28/2025	\$1,800
Crash Data Recorder	Annual Software Subscription to Crash Data Recorder (CDR). This is utilized by the Traffic Unit for imaging Air Bag Control Modulators in the event of a fatal accident.	Crash Data Group, Inc.	MPD	0100	2019-317	P-card	8/22/2021	8/22/2024	\$2,000
When2Work	Recreation division staff scheduler	When2Work	PRN	0100			2/18/2024	2/17/2025	\$2,000
TSI Incorporated	Annual maintenance and calibration of the fit testing machines to ensure they are calibrated to the original manufacturer's specifications/the National Institute of Standards and Technology (NIST) *Paid for two calibrations in 2 year service agreement	TSI Incorporated	MFD	0100		203798	6/14/2025	6/14/2026	\$2,112

**Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 24-25 Under \$100K**

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
GO ANYWHERE MFT 5.4.4 (PD)	Managed File Transfer software used to manage data from various databases and servers both internal and external to City. Project execution can be automated and triggered by various methods. Used to help centralize data file transfers. Useful in creating	HelpSystems	MPD	0100	2019-317	227620	6/30/2022	6/30/2023	\$2,150
Hyland - XML index	XML Index Document import processor	Hyland	MPD	0100			4/30/2025	4/30/2027	\$2,200
LETS	Software Used by CNT for Communication	LETS	MPD	0100			7/1/2025	6/30/2025	\$2,500
Ecite Software	Ecite Software Annual Maintenance	Crossroads	MPD	0100		227626	6/30/2022	6/30/2024	\$2,750
FARO SCENE	3D Scene Maintenance Software Licensing and Maintenance Agreement for the Faro Technologies Laser Scanner. This software is used to capture and process datapoints into diagrams and is used by both Traffic Officers for collision scenes and ISD Detectives	Faro Technologies	MPD	0100		208007	8/13/2024	8/14/2025	\$2,860
CopLink Export	CopLink export from Inform RMS	Central Square Technologies	MPD	0100		205436	8/1/2021	6/30/2025	\$3,000
IAProfessional & BlueTeam Suite	Internal affairs case management and Officer in-field use of force reporting.	CI-Technologies	MPD	0100	2019-317	207516	8/1/2024	7/31/2025	\$3,080
Commercial Real Estate Exchange	Commercial Real Estate information	Crexi	CED	0100			12/31/2023	12/30/2024	\$3,180
DogTeam Pro	Web & App base K9 Activity reporting; statistical system	DogTeam Pro	MPD	0100			4/1/2025	3/30/2026	\$3,200
TLOxp TransUnion	TLO Monthly Subscription to database. Utilized by Crime Analysts as an investigatory tool. Monthly charge is based on usage.	Trans Union Risk and Data Solutions	MPD	0100			7/1/2024	6/30/2025	\$3,300
NEC Software Assurance	Software assurance which provides the ability for IT staff to contact DTC/NEC for system support, access to software upgrades and services for the department's Voice over IP phone system.	DTC - Digital Telecommunications Corp	MPD	0100		205348	6/30/2024	5/29/2025	\$3,520
Publish PDF	Publish PDF of approved RMS reports to network file share	Central Square Technologies	MPD	0100		158186	7/26/2024	7/25/2025	\$3,850
Callyo	Software for ISD	Callyo	MPD	0100			7/1/2024	6/30/2025	\$3,888
Cradle Point for POD Cameras	Renewal of 14 licenses for the cradle point for POD Cameras and Armadillo	Cradle Point - NetCloud	MPD	0100	2022-256	236207	11/25/2024	11/24/2025	\$4,500
Crimemapping.com	Public Facing police incident map for citizens to view. Also for Annual renewal of End User License & Software Support Agreement for CrimeMapping software. Crime Analyst crime mapping tool.	CentralSquare Technologies	MPD	0100	2019-317	211918	12/31/2021	12/31/2024	\$4,500

**Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 24-25 Under \$100K**

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
SitStat Licensing	Emergency operations situational awareness platform and resource alerting system - 15 licenses @ \$300.00 / each.	Stanislaus County of Emergency Services	MFD	0100			11/1/2024	11/1/2025	\$4,950
CopWare: Legal Sourcebook, California Codes, and Mobile App	"California Peace Officers Legal Sourcebook Site License for 201-300 Sworn Officers. Provides sworn personnel with an on-line resource for accessing this information. California Peace Officers Legal Sourcebook and California Codes Mobile App License for 2	CopWare	MPD	0100	2019-317	227668	6/30/2024	6/30/2025	\$5,000
Magnet IEF	SMS Magnet IEF; SMS Magnet IEF Triage Module; SMS Magnet IEF Module Mobile Artifacts; SMS Magnet IEF Module Business Applications. Investigatory tool.	Magnet Forensics	MPD	0100	2022-256	210063	1/1/2024	12/31/2025	\$5,060
PowerDMS	Paperless Daily Observation Reports for Field Training Program & Manual for training	PowerDMS	MPD	0100		213900	12/1/2021	12/1/2024	\$5,500
CoStar	Commercial Real Estate Information	CoStar	CED	0100	2019-317	160991	3/31/2022	3/31/2023	\$5,867
ACCRUENT CMMS - PRND	Annual tech support and web hosting for our daily work order maintenance system at 501 N Jefferson St site	ACCRUENT LLC (formerly Maintenance Connection)	PRN	0100		TBD	6/1/2023	6/1/2024	\$6,105
Training Software - Lefta	Training Software used to keep track of the POST-mandated training that officers complete.	Lefta	MPD	0100			7/1/2024	6/30/2025	\$8,700
NEC AFIS	Renewal of Annual Maintenance and Support for the NEC AFIS (Automated Fingerprint Identification System) used by the Police Department to take and send fingerprints to DOJ as part of background process for new applicants.	NEC Corporation of America	MPD	0100	2019-317	184833	9/30/2024	9/29/2025	\$8,800
Imageware	Annual Software and Hardware Maintenance LE Renewal for Imageware. Imageware is a software and hardware system utilized in creating police department employee ID badges.	Imageware	MPD	0100	2019-317	205572	6/30/2022	6/30/2023	\$9,570
Public Safety Citizen Reporting Module	On-line reporting system allowing citizens to file police reports online.	Central Square Technologies	MPD	0100	2018-210	193836	7/1/2024	6/30/2025	\$9,900
Software for ID Employee Badges	Annual Software and Hardware Maintenance LE Renewal for Imageware. Imageware is a software and hardware system utilized in creating police department employee ID badges.	Genetec Security Desk	MPD	0100			7/1/2024	6/30/2026	\$10,000

**Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 24-25 Under \$100K**

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
PINS Advantage	Electronic Insurance Certificate Management System	PINS	HUR	0100			10/24/2024	10/23/2025	\$10,500
GovInvest	Labor Tracking Software	GovInvest, Inc.	HUR	0100			7/2/2024	7/1/2025	\$13,000
Covert Track Service	Annual Maintenance for GPS Trackers for Investigations	Special Services Group LLC	MPD	0100	2019-317	213785	2/18/2024	2/16/2025	\$13,500
Video Collection - FirstTwo	Annual license for FirstTwo which integrates Fusus and provides real time public data, mapping, and social media marking in real time	FirstTwo	MPD	0100			4/1/2025	3/30/2026	\$13,500
PerfectMind	Perfect Mind, Recreation Software, used for Facility Rentals and Program Registrations	PerfectMind	PRN	0100	2017-243	164471	6/27/2024	6/26/2027	\$14,566
CLEAR Search	CLEAR Search Software utilized by Crime Analysts as an investigatory tool as a subscription service. Paid monthly	Thomson-Reuters	MPD	0100			7/1/2022	6/30/2024	\$15,400
NEC Phone System Software	NEC Software system for MPD Phone System	DTC - Digital Telecommunications Corp	MPD	0100		199223	6/30/2024	5/29/2025	\$15,400
Debt Mgmt Software	Debt Mgmt Software	Debtbook	FIN	0100			1/14/2024	1/13/2025	\$16,000
Netmotion Software	Mobility application for 127 devices and 1 additional server police module	Mobile Wireless - NetMotion	MPD	0100	2019-317	216630	4/1/2025	3/31/2026	\$17,000
Vector Solutions - CrewSense	Fire Crew call back scheduling / hiring system	Vector Solutions	MFD	0100	2021-226	207580	7/1/2024	6/30/2025	\$17,851
Veritone - RIPA	Annual license for Veritone for state mandated RIPA reporting	Veritone	MPD	0100			1/1/2025	12/31/2026	\$19,000
HDL Interface Oracle/SpryPoint Go Live	HDL Interface Oracle/SpryPoint Go Live	HDL Prime Interface	FIN	0100			7/2/2024	6/30/2025	\$20,000
Vertiv	Battery back up service for MPD servers	Vertiv	MPD	0100			3/1/2025	2/28/2026	\$22,000
Vigilant - EA	Contract with Vigilant for annual ESA subscription for 29 LPR Camera license keys & VS ISA Integration service for non-Vigilant LPR Cameras	Vigilant	MPD	0100		215175	1/1/2025	12/31/2026	\$22,000
HDL Prime	Business license, TOT, Cannabis Tax Software application	HDL Companies Business License	FIN	0100	2021-226	185546	8/1/2024	7/31/2025	\$24,860
Target Solutions	Online Training System	Vector Solutions	MFD	0100	2021-226	211871	11/15/2024	11/14/2025	\$25,730
Cellebrite UFED Support and Cloud Analyzer	Cell phone digital forensic tool UFED UPC Ultimate X3 & UFED Cloud Analyzer and Dongels	Cellebrite UFED Analyzer	MPD	0100	2019-317	206864	9/30/2021	9/30/2024	\$27,500
NIBRS	Handle PDF Documents	Central Square Technologies	MPD	0100		216520	10/1/2024	9/29/2025	\$27,500
Cordico App	Cordico App - For assistance with Officer Wellness used by Officers	Lexipol	MPD	0100			9/1/2023	8/31/2024	\$29,000

**Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 24-25 Under \$100K**

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
T2 Parking Citations	Cloud system for T2 Parking Citation processing and appeals. Online payment portal. Managed by Finance/Customer Service staff.	T2 Systems	FIN	0100	2021-226	191517	12/1/2024	11/30/2025	\$29,001
OnBase - PD	OnBase is used by MPD as our Enterprise Content Management System (ECM). Scanned images of Police Reports and post-mandated training related documents are stored in OnBase. OnBase Annual Maintenance and Support for LocalGovernment Web Server. OnBase Local	Hyland Software	MPD	0100	2019-317	199207	5/1/2024	4/30/2026	\$32,000
PLX	Annual renewal of annual maintenance and support services for Collection Maintenance Premium & Analytical Maintenance. Investigatory tools used by PD	Penlink	MPD	0100	2019-317	215174	1/1/2025	12/31/2026	\$33,000
Inform RMS	Police Field Reporting and Records Management System. MPD's Records Management System Licensing	Central Square Technologies	MPD	0100	2017-167	227933	11/2/2024	11/1/2025	\$35,000
InTime Scheduling & Timekeeping	InTime is used by the MPD to build the departments complex 24/7 patrol calendar. This includes rotating shifts, shift bidding by seniority, minimum staffing management, and outside work agreement management. Although InTime is a full Scheduling, Payroll,	InTime Solutions	MPD	0100	2019-317	228417	8/1/2024	7/31/2025	\$41,500
Lexipol LE	Annual renewal of Lexipol LE Policy Manual Update Subscription; LE Procedures Manual On-Line; LE Management Services. Utilized by MPD to provide online version of Policy Manual, policy manual updates; electronic signature tracking for disbursement to staff a	Lexipol	MPD	0100	2019-317	211134	10/1/2024	9/30/2025	\$50,000
Star Chase	GPS projectile subscription for Star Chase Launchers	Star Chase	MPD	0100		213787	12/20/2024	12/19/2027	\$50,000
Gray Shift - Gray Key	Forensic tool to extract data from iPhones	Gray Shift - Gary Key	MPD	0100		228742	8/4/2024	8/3/2026	\$52,500
Zoll Fire RMS & ePCR	Modesto Fire Department's Fire Records Management System and Electronic Patient Care Record	Zoll	MFD	0100	2020-277	156679	1/22/2025	1/21/2026	\$56,483
ESRI - ArcGIS 10.6 (PD)	It is a powerful GIS authoring, editing, and geoprocessing application that allows you to create beautiful maps, edit and manage spatial data, and perform the full spectrum of analyses needed to turn your raw data into valuable information. Annual Licensi	CyberTech	MPD	0100	2019-317	180418	2/14/2025	2/13/2026	\$57,750

**Exhibit A - Annual Software/Hardware Maintenance Agreements
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Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Vigilant - Maintenance	Software maintenance for LPRs, Software license Key Fee for each camera, Commercial Data Fee and Data Source Fee	Lehr	MPD	0100		197918	3/31/2025	3/31/2026	\$60,830
CAD System Maintenance	22-23 CAD System Maintenance MPD share of 911 Communications Center -billed by Stanislaus County	Central Square Technologies (Formerly Trittech)	MPD	0100	2019-317	N/A	4/30/2025	4/30/2026	\$77,000
GeoShield	GeoShield is a data integration and visualization platform, built on top of ESRI ArcGIS. GeoShield provides a map-based dashboard where Calls for Service, Records Management Incidents, Probationers, Police vehicle locations, cameras, and license plate rea	Spatialitics LLC	MPD	0100	2022-063		2/2/2025	2/1/2026	\$77,000
Neighborly	Cloud based HUD project and grant management	Benevate dba Neighborly Software	CED	1133	2021-436		8/23/2021	12/1/2023	\$39,000
Star*Net Pro	STAR*NET Pro (Annual Maintenance Subscription)	MicroSurvey	ENG	1300	2019-317	158039	6/30/2023	6/29/2024	\$800
Star Net Pro	STAR*NET Pro Annual Maintenance Subscription (Engineering)	Microsurvey	UPP	1300			7/1/2024	6/30/2025	\$800
BlueBeam	Comprehensive AECO collaboration for companies and power users at unlimited project scale	BlueBeam	ENG	1300			12/19/2023	12/18/2024	\$1,600
StreetSaver	A computer-based pavement management system, that allows agencies better maintain their local streets and roads.	Metropolitan Transportation	ENG	1300	2019-317	Non PO Fe	3/1/2023	2/28/2024	\$4,500
LCP Tracker	Labor Compliance Software	LCP	ENG	1300			4/5/2022	4/4/2025	\$58,837
Trafficware (Synchro)	Trafficware advances motorists' quality of life and promotes green initiatives by optimizing the flow of motorist and pedestrian traffic, while also expediting the arrival of emergency vehicles and maintaining transit vehicle schedules.	Trafficware/Cubic	PWO	1700			3/16/2025	3/16/2026	\$530
AutoTURN Map	Performs turning movement analysis to check vehicle access and ensure vehicles have enough space to circulate around an area safely and efficiently	Transoft Solutions	PWO	1700		211471	10/31/2024	10/31/2025	\$550
Transparity (Traffic)	Application that manages communication with traffic signal equipment for programming, etc . Used by PW staff on 4th floor. Used to be "QuicNet" but upgraded on 6/25/2018 to Transparity.	McCain, Inc.	PWO	1700	2019-317	203341	9/1/2023	8/31/2026	\$12,950

**Exhibit A - Annual Software/Hardware Maintenance Agreements
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Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Parkfolio	Monthly connectivity charges with Level 3 Alarms, Statistics and CR Card for 5 multispace parking meters	Parkeon	PWO	4000		164219	1/1/2025	12/31/2026	\$3,720
FlowBird	Extended warranty and customer phone support for parking meter software & hardware	Parkeon	PWO	4000		198585	1/1/2025	12/31/2026	\$3,842
Automated Parking System	NowCare Premium Support Agreement Tech support for automated parking system software & hardware	Amano McGann Inc	PWO	4000	2019-317	173179	4/1/2025	3/31/2026	\$55,000
Lucity	Lucity provides asset and maintenance management software solutions. The Lucity suite offers you a comprehensive solution for Work Management. The Work modules allow you to establish your work flow, track customer requests, create work orders, establish	Lucity	UPP	4100	2018-117	143851	4/5/2023	4/4/2028	\$47,300
Efax LCMDData	Efax Service	LCMDData	FIN	4100			3/2/2024	3/1/2025	\$2,200
VMWare - SCADA Support	SCADA VMWare infrastructure Support	VMWare	UPP	4100		218657	3/27/2022	3/27/2025	\$2,745
RASWIN Sprypoint Migration	Point of Sale Cash Receipting System	Quadrant	FIN	4100	2021-226	168407	7/1/2024	6/30/2025	\$5,000
Express / WebView	Enterprise Content Management software that manages documents related to Customer Services. Primarily stores Utility Bills and related reports. WebView is web based interface to retrieve documents. Various types of documents can be archived. Ability t	S4i Systems	FIN	4100	2021-226	184356	7/1/2024	6/30/2025	\$5,100
RASWIN	RASWIN Point of Sale Cash Receipting System	Quadrant	FIN	4100			1/1/2025	12/31/2025	\$6,050
Vector Solutions Training	Online courses for CEU/Contact Hours for Water and Wastewater Divisions	Vector Solutions	UPP	4100			3/26/2025	3/24/2026	\$7,200
Remit Plus	Check scanning application to send check payments to bank	Jack Henry & Associates, Inc.	FIN	4100	2021-226	183868	7/1/2024	6/30/2025	\$7,500
Cisco ASA 5508-X AMP/IPS Subscription License	Cisco ASA5508 FirePOWER IPS and AMP Licenses for SCADA	Cisco	UPP	4100			5/15/2022	5/14/2025	\$8,800
infraMap	Utilized by the Water Department to perform valve turning, backflows, and 811 tickets (USA tracking). Disconnected use for Work Orders, Inspections, Isolation Traces, One-Click Reporting, Redlining and Data Collection. Directly control and record data fro	iWater	UPP	4100	2019-317	165580	11/1/2024	10/31/2025	\$10,000
Cisco ASA 5508-X SmartNet Support	Cisco ASA5508 Firewall Support for SCADA	Cisco	UPP	4100			5/15/2022	5/14/2025	\$11,119

**Exhibit A - Annual Software/Hardware Maintenance Agreements
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Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
InfoWater	Annual Maintenance & Software Agreements for InfoSWMM & InfoWater (Floating License #FLM43R10101-0001041) InfoWater is a fully GIS integrated water distribution modeling and management software application. Built atop ArcGIS™ using the latest Microsoft .N	Innovyze	UPP	4100	2019-317	163733	6/15/2021	8/14/2022	\$13,750
BEACON	Meter Reading system used by Water Services Division and used with Naviline Utility Billing.	Badger Meter	UPP	4100			12/8/2024	12/7/2025	\$30,000
ESRI - Water	ESRI - GIS for CMMS work order system (Lucity) - Water, Wastewater, Storm Drain, Forestry, Police, Fire, Electrical, etc.	ESRI	UPP	4100	2018-117	165677	7/19/2024	7/18/2025	\$71,500
WaterView	Uses GIS and high res aerial imagery to calculate water use efficiency, generate water use analytics, and supply detailed demographic data for water services division.	Eagle Aerial	UPP	4100			9/1/2024	8/30/2025	\$72,000
LexisNexis Risk: Skip Tracing	SkipTracing Services (Collection Process)	LexisNexis	FIN	41000100	2021-226	194004	6/1/2024	6/1/2025	\$6,732
MediaStar Digital Signage - Utilities	Application used to schedule, acquire and store video media. Electronic bulletin board used at the Corp Yard	Cabletime	UPP	41004210			7/1/2024	6/30/2025	\$6,991
HSQ - Phone Support	HSQ (SCADA)- CMMS manage and maintain regulatory process data	HSQ	UPP	41004210	2016-495	112702 A	11/1/2021	10/31/2026	\$53,000
Library Software	Safari Software	Surpass	UPP	4210			5/1/2025	6/30/2026	\$528
Enercalc SE Cloud	Structural Engineering Library	Enercalc	UPP	4210			3/31/2025	3/31/2026	\$1,760
IT Pipes	CCTV Inspection Software	IT Pipes	UPP	4210			1/31/2025	1/31/2026	\$2,475
IT Pipes	CCTV Inspection Software	IT Pipes	UPP	4210			1/31/2025	1/31/2026	\$2,475
InfoSWMM - Hydraulic Sewer Model	InfoSWMM - Hydraulic Sewer Model	Innovyze	UPP	4210			6/15/2021	8/14/2022	\$4,125
Rockwell TechConnect - HMI	Rockwell Factory Talk SE View, Studio 5000, RS Logix Support	Rockwell	UPP	4210			7/19/2024	7/20/2025	\$4,472
Zeno Track	Membrane Monitoring for Phase I. This is just a one year renewal till WIMS is in place we will not need.	Veolia WTS Services USA; FMA Suez	UPP	4210			2/20/2025	2/19/2026	\$6,334
Rockwell TechConnect - AssetCentre	Rocwell Factory Talk AssetCenter - PLC Asset Management Subscription License and Support	Rockwell	UPP	4210			5/14/2025	5/13/2026	\$7,700
AQ2 Discrete Analyzer	AQ2 DISCRETE ANALYZER, 090400, 090752	Seal Analytical	UPP	4210	2019-317	167757	10/11/2024	10/10/2025	\$8,630
Ignition SCADA	Ignition SCADA support for NVRWP	Inductive Automation	UPP	4210		155721	4/3/2025	4/2/2026	\$13,803

**Exhibit A - Annual Software/Hardware Maintenance Agreements
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Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
LabWorks	Laboratory Information Management System (LIMS) for Wastewater and Water	Labworks	UPP	4210	2019-317	144713	8/1/2024	7/31/2025	\$18,622
Linko Database Program	CROMEER Compliant Software	Aquatic Informatics (FMA Linko Technologies)	UPP	4210	020-516	194434	4/1/2025	3/31/2026	\$96,745
Maintenance Connection CMMS - Utilities	Maintenance Connection and MC Express; CMMS used to manage and maintain assets and coordinate maintenance of sewer plants	Accruent	UPP	42104280	2017-107	133621 A	4/24/2025	4/23/2026	\$7,700
Maintenance Connection CMMS	PRND (Park Ops) \$3800 Public Works - \$380 0 Public Works x2 - \$2376 Annual Tech Support Renewal \$1123 Total \$18,164	Maintenance Connection	UPP	42104480	2017-107	133621 A	4/24/2025	4/23/2026	\$31,768
InfoSWMM - Stormwater Modeling	InfoSWMM - Stormwater Modeling	Innovyze	UPP	4480			7/1/2024	6/30/2025	\$6,087
ConCentRICs Pervasive	Convention Center Resource Information and Control System (ConCentRICs) - Event Registration System	R I C CORP	PRN	4700	2019-317	194377	7/1/2024	6/30/2025	\$6,085
WasteWORKS/ WasteWIZARD	WasteWorks and WasteWizard software is a truck scale weight and material tracking database for the Compost Facility.	Carolina Software	PWO	4890	2019-317	162752	7/1/2024	6/30/2025	\$2,640
Zoom	Zoom Enterprise Licenses	Carahsoft	ITD	5230			12/14/2024	12/13/2025	\$34,516
Canva	Online graphic design platform that is used to create social media graphics and presentations.	Canva	ITD	5230			12/2/2024	12/1/2025	\$220
The Meeting Advantage	Web-based tool designed to solve one of the most painful and common realities in business — unfocused, ineffective and mediocre meetings.	The Table Group	ITD	5230			12/1/2023	11/30/2024	\$495
ARIN Public IP Address Fees	Public IP Addresses	ARIN	ITD	5230			7/1/2024	6/30/2025	\$1,000
Digicert	Digital Security Certificates for multiple Modesto domains	Digicert	ITD	5230			7/1/2024	6/30/2025	\$2,000
Oracle Supply Chain Management	Support# 5137117	Oracle	ITD	5230	2019-317	181146	7/1/2024	6/30/2025	\$2,102
Meraki TSP Public WiFi	WiFi license for City Hall Plaza, 1st and 2nd floor	Telcion	ITD	5230			3/14/2020	2/13/2023	\$2,314
BenefitFocus	Infrastructure health & monitoring software	Benefitfocus	ITD	5230			7/1/2024	6/30/2025	\$2,750
Discovery Attender	2 licenses for Software tool for Public Records Requests, Subpoena's, and etc.	Sherpa	ITD	5230	2019-317	PCard Pur	3/4/2025	3/3/2026	\$3,000
Oracle Tuning Pack	Support# 5721756	Oracle	ITD	5230	2019-317	162446	11/16/2024	11/15/2025	\$3,124
Nessus-Tenable	Vulnerability Scanner	CDWG	ITD	5230	2019-317	162468	10/8/2024	10/7/2025	\$3,182
Meraki WiFi	WiFi Licenses	Telcion	ITD	5230			3/14/2025	3/13/2026	\$3,509

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Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Manage Engine Password Manager Pro	Manage Engine Password Manager Pro: 15 Administrator licenses	CDWG	ITD	5230	2019-317	180144	5/18/2025	5/17/2026	\$3,621
PasswordManager Pro	Password Manager	PasswordManager	ITD	5230			7/1/2024	6/30/2025	\$5,000
Tenable Nessus	Vulnerability Scanner	Nessus	ITD	5230			7/1/2024	6/30/2025	\$5,000
Oracle Financials #1	Support# 5729309	Oracle	ITD	5230	2019-317	164492	11/21/2024	11/20/2025	\$5,192
ERP Project Costing	Support# 5163867	Oracle	ITD	5230	2019-317	181144	7/1/2024	6/30/2025	\$7,474
ShareGate	SharePoint Management Tool	ShareGate	ITD	5230			7/1/2024	6/30/2025	\$7,403
Oracle Human Resources #3	Support# 6853126	Oracle	ITD	5230	2019-317	161856	8/3/2024	8/2/2025	\$10,017
IdeaWake	Innovation idea collector, rating, ranking application for Employee Innovation Program	IdeaWake	ITD	5230			12/1/2024	11/30/2025	\$8,000
Toad for Oracle	Oracle Database Tool	DLT	ITD	5230	2019-317	178837	4/30/2025	4/29/2026	\$8,361
Oracle Human Resources #2	Support# 5896965	Oracle	ITD	5230	2019-317	181145	7/1/2024	6/30/2025	\$8,638
Oracle Human Resources #1	Support# 5109761	Oracle	ITD	5230	2019-317	181147	7/1/2024	6/30/2025	\$9,334
Box.com	Encrypted File Transfer	Box.com	ITD	5230			7/1/2024	6/30/2025	\$9,600
NextRequest	Public Records Management software.	NextRequest	ITD	5230		165169	9/1/2024	8/31/2025	\$9,700
NetFile Paperless Form 700 Suite	E-filing system for the 700 form. Manages tasks, forms, and filing. Completely web-based with a portal for public viewing.	NetFile	ITD	5230	2019-304	168574	10/23/2023	10/23/2024	\$10,000
Network Support Services	3rd Party Network Support Services	Telcion	ITD	5230			2/2/2025	2/1/2026	\$52,000
GO ANYWHERE MFT (City)	"GoAnywhere MFT - Managed File Transfer software used to manage data from various databases and servers both internal and external to City. Project execution can be automated and triggered by various methods. Used to help centralize data file transfers.	Fortra	ITD	5230	2021-226	180098, 1	7/1/2024	7/2/2025	\$11,100
KnowBe4	Cybersecurity Education Program	KnowBe4	ITD	5230				6/30/2024	\$13,000
Oracle Financials #2	Support# 18679065	Oracle	ITD	5230	2019-317	165168	8/9/2024	8/8/2025	\$16,185
Vertex Payroll Tax Q Series	Online resource to download tax files for integration into Oracle HRMS for payroll processing.	Vertex	ITD	5230	2019-317	160164	9/1/2024	8/31/2025	\$13,048
Dell/HP Servers	Dell/HP Server Maintenance	Dell/HP	ITD	5230			7/1/2024	6/30/2025	\$13,200
Netmotion Analytics	NetMotion Maintenance	Mobile Wireless, LLC	ITD	5230	2019-317	173142	1/17/2025	1/16/2026	\$13,200
WhatsUp Gold	Application Monitoring Software	IPSwitch	ITD	5230			2/28/2025	2/27/2026	\$13,208
Planet Bids	Bid Management Software	Planet Bids	ITD	5230	2019-317	161903	7/1/2024	6/30/2025	\$14,399
Hyland - SaaS Fees (Video Hosting)	Video Hosting for Agenda Management System	Hyland	ITD	5230	2019-474	169915	11/1/2024	10/31/2025	\$14,500

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Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Zoho ServiceDesk Plus	Helpdesk Service Desk Software	Zoho	ITD	5230		170547	2/4/2025	2/3/2026	\$15,427
Calm	Software Subscription for Mediatation and Mental Health	Calm Com, Inc.,	ITD	5230	251702	243310	12/8/2022	12/10/2026	\$15,720
Nimble Virtual Networking Storage	Nimble Disk Storage System	Nimble	ITD	5230			2/2/2025	2/1/2026	\$16,500
Xmedius	Voicemail System Maintence	DTC/NEC	ITD	5230			8/12/2022	8/11/2023	\$16,500
Planview PPM Pro	City-wide project and software portfolio management system.	Planview	ITD	5230	2019-317	172696	12/1/2024	11/30/2025	\$16,611
Register.com	Registration service for Modesto's 39 owned domain names	Register.com	ITD	5230	2019-317	Pcard Pur	9/22/2019	9/23/2028	\$18,200
Oracle Financials Expansion	True-up based upon the City's Annual Operating Budget	Oracle	ITD	5230			4/13/2025	4/12/2026	\$41,901
DTC - Telecommunications Services	NEC Phone System and Support	DTC	ITD	5230		189187	9/14/2024	9/13/2026	\$22,000
Genetec Security Desk	Annual Renewal for server federation and cameras for MPDs Video Surveillance System	Genetec	ITD	5230			11/1/2023	10/31/2024	\$22,000
Policy Management Software	City-wide Policy and Procedure Management Software	Navex Global Inc.	ITD	5230		196351	1/27/2025	1/26/2026	\$30,587
DocuSign	Electronic Signature System	DocuSign	ITD	5230	2019-475	172119	11/29/2024	11/28/2025	\$25,823
Cisco Duo MFA	Multi-Factor Authentication (MFA) 500 seats	Telcion	ITD	5230			9/5/2024	9/4/2025	\$27,500
Live Action NetTool	Network Monitoring Tool	Telcion	ITD	5230			1/10/2025	1/9/2026	\$31,025
Liebert Uninterruptible Power Supply (UPS)	Liebert Uninterruptable Power Supply (UPS)	Vertiv	ITD	5230	2019-317	149956	3/1/2025	2/28/2026	\$27,632
Meraki MDM	Mobile Device Management System Full Version	Telcion	ITD	5230		165596	8/3/2024	8/2/2025	\$27,895
Siteimprove	Website quality assurance and ADA (American Diasabilities Act) compliance	Siteimprove	ITD	5230	2019-317	148308	12/5/2021	12/4/2024	\$28,188
IVR & IVR Remote Desktop	Phone IVR system used by Finance/Customer Services (Utilities) and CED/Building Safety to allow citizens to phone in and pay utility bill or schedule permit inspections, etc.	Selectron	FIN	5230	2019-317	164522	11/1/2024	10/31/2025	\$32,312
AutoCAD	Engineering Plan Design Software	DLT	ITD	5230	2019-317	164472	10/17/2025	10/16/2024	\$33,000
Linux (Red Hat)	Red Hat Linux Licensing for Oracle EBS	CDWG	ITD	5230		114592	7/17/2024	7/16/2025	\$33,000
Metalic	Secured Disaster Recovery Backup	Meridian	ITD	5230			6/25/2025	6/24/2026	\$37,215
ArcTitan Filter Cloud Service	Email Message Archiver	Titan HQ	ITD	5230			7/28/2022	7/29/2023	\$37,689
Civic Plus - City Website	Content Management System and Hosting - Public Web Site	Civic Plus	ITD	5230	2018-409	150347	10/1/2024	9/30/2025	\$39,000
Hyland - OnBase Agenda	Agenda Management System	Hyland	ITD	5230	2019-474	165054	11/1/2024	10/31/2025	\$39,600
Proofpoint Enterprise Archive	Email archival system	Proofpoint	ITD	5230			5/9/2025	5/8/2026	\$42,350

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Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Proofpoint Email Security	Email security filter and spam blocker	Proofpoint	ITD	5230			5/9/2025	5/8/2026	\$42,720
Ivanti	Patch Management System	Ivanti	ITD	5230			1/15/2025	1/14/2026	\$45,325
NEC SV9300/UM8700 - PD	MPD PBX and Voicemail Maintenance	DTC	ITD	5230			6/1/2025	5/31/2026	\$46,824
NEC Phone System 9300 SW	City Phone System	DTC	ITD	5230		150135	12/11/2024	12/28/2025	\$46,825
Forcepoint Security Software	Web Filter 1200 seats total	ePlus	ITD	5230	2018-396	129355	12/20/2024	12/19/2025	\$49,500
Wordly	Council Interpretation System	Wordly	ITD	5230			8/1/2022	7/31/2023	\$38,500
Commvault	Disaster Recovery Software	Meridian	ITD	5230	2019-317	181143	6/8/2025	6/7/2026	\$48,256
Cisco Maintenance True-up Mid Agreement	Cisco SmartNET & Licensing Maintenance	Cisco	ITD	5230			7/1/2024	6/30/2025	\$10,236
GoModesto	GoModesto application used by the public on mobile devices to submit issues/requests to the city.GoModesto! is an intuitive, multi-lingual, on-the-go reporting tool allowing residents of Modesto to report issues like street flooding, light outages, ille	Central Square Technologies	ITD	5230	2019-317	169390	11/16/2023	11/15/2024	\$53,500
Oracle Analytics and Cloud	Oracle Analytics and Cloud Infrastructure	Oracle	ITD	5230	2023-136	273712	5/2/2023	5/1/2028	\$96,938
VXRail Maintenance	Annual Maintenance for VXRail, SAN, comm.	Dell/Kovarus	ITD	5230			8/1/2021	7/31/2026	\$55,000
Adobe Enterprise	Creative Cloud All Apps 30 : Professional 300	Carahsoft	ITD	5230			3/7/2025	3/6/2026	\$57,564
Server M1000 Maintenance	Hardware Maintence support for Dell M1000 server platform	Dell	ITD	5230			6/1/2025	5/31/2026	\$57,750
VMWare	Virtual Server Software	Kovarus	ITD	5230	2019-317	15439	3/27/2024	3/26/2027	\$36,713
Tyler Data Management	Data analytics and graphical presentation application	Tyler	ITD	5230			2/15/2025	2/14/2026	\$80,000
NeoGov Onboarding	Electronic Recruitment and Onboarding System including Modules: Perform, Custom Employee Integration, Insight, and Onboard	NeoGov	ITD	5230	2019-317	154814	2/15/2025	2/14/2026	\$91,582
PINS Advantage	Electronic Insurance Certificate Management System	PINS Advantage	ITD	5230	209-317	169499	10/27/2024	10/24/2025	\$9,900
Cummins - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Cummins	PWO	5400			10/1/2024	10/1/2025	\$550
Allison - Bus	Transit Maintenance Software for City Buses	Allison	PWO	5400			8/29/2024	8/29/2025	\$770
Allison - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Allison	PWO	5400			10/1/2024	10/1/2025	\$770
Detroit - Bus	Transit Maintenance Software for City Buses	Detroit	PWO	5400			9/3/2024	9/3/2025	\$770
Ford - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Ford	PWO	5400			10/1/2024	10/1/2025	\$1,870
Mitchell 1 Diagnostic - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Mitchell 1 Diagnostic	PWO	5400			10/28/2024	10/27/2025	\$2,750

**Exhibit A - Annual Software/Hardware Maintenance Agreements
FY 24-25 Under \$100K**

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Cummins - Bus	Transit Maintenance Software for City Buses	Cummins	PWO	5400			2/21/2025	2/22/2026	\$3,300
Mack/Volvo - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	Mack/Volvo	PWO	5400			10/1/2024	10/1/2025	\$3,465
John Deere - Fleet	Fleet Maintenance Software for Corp Yard & Cop Shop	John Deere	PWO	5400			10/1/2024	10/1/2025	\$5,280
CAT diagnostic software	Fleet Maintenance Software for Corp Yard & Cop Shop	CAT diagnostic software	PWO	5400			8/1/2024	8/1/2025	\$5,610
FA Suite Applications	Fleet Work Order System	AssetWorks	PWO	5409	2019-317	169900	12/1/2024	11/30/2025	\$41,150
Maintenance Connection CMMS - Public Works	Maintenance Connection - Annual Technical Support, including hosting, software maintenance, technical support, and upgrades, and 2 licenses; approx \$4500/yr. MC Express support & maintenance (approx \$610/yr).	Accruent	PWO	5800	2019-317	203454, 2	7/1/2024	6/30/2025	\$6,580

Total \$3,894,994

**Exhibit B - Annual Software/Hardware Maintenance Agreements
FY 24-25 Over \$100K**

Title	Description	Vendor	Department	Fund	Resolution	PO No.	Agreement Start	Agreement End	Projected Maintenance Cost
Cellebrite Premium iPhone	Premum Annual License Renewal and Android devices cracking technology	Cellebrite Premium iPhone	MPD	0100	2019-317	227934	2/14/2022	2/13/2024	\$121,000
Video Collection - Fusus	Software System for video & data collection	Fusus	MPD	0100			3/1/2025	2/28/2026	\$125,000
Cellebrite Guardian	Annual Software for phone/computer digital evidence storage	Cellebrite Guardian	MPD	0100			7/2/2024	7/1/2025	\$135,000
Peregrine	Investigative Software used by ISD and RTCC	Peregrine	MPD	0100			2/2/2024	2/1/2027	\$184,500
Coplink 4.9.1	COPLINK is a multi-agency data sharing platform. Modesto PD and Stanislaus County Sheriff's Office currently pay 50% each for the system that is housed at MPD. MPD, the Sheriff's Office, and the PD's of Oakdale, Ceres, and Turlock all have access. From t	ForensicLogic	MPD	0100	2023-218	182397	4/1/2023	3/31/2026	\$209,000
Officer Safety Plan 10	Officer Safety Plan - Evidence.com licensing 4 year contract - Year 2	Axon Enterprise	MPD	0100	2020-538	207362	1/14/2024	1/13/2025	\$1,029,366
SpryPoint Services	Utility Billing, CR and AR	SpryPoint	FIN	4100			11/1/2024	10/31/2025	\$423,960
E-Builder	e-Builder, Inc. Program Management Information System (Enterprise Capital Program license) unlimited licenses	e-Builder, Inc.	ENG	1300	2019-317	164095	7/1/2023	6/30/2024	\$103,714
Naviline Utility Billing	Naviline utility billing application. Naviline utility billing application includes Naviline Cash Receipts, Naviline CIS, Naviline Land Management, Naviline Accounts Receivable, Naviline Mobile Service Orders, Naviline ICIS VR Credit Card interface, Navili	CentralSquare	FIN	4100	2021-226	163267	11/1/2024	10/31/2025	\$128,500
Payflow Pro/BrainTree	Payment gateway for online payments for Parking Citations and payment gateway for IVR phone payments for Utility Billing	Payflow Pro/BrainTree	FIN	4100	2021-226	Pcard	7/1/2024	6/30/2025	\$161,500
IBM Qradar	SIEM	IBM	ITD	5230			5/31/2025	5/30/2026	\$102,854
CrowdStrike Falcon	Security endpoint protection and malicious activity monitoring and forensics	CrowdStrike	ITD	5230			4/26/2025	4/25/2026	\$105,774
Guardicore	Guardicore Security Segmentation	Akamai	ITD	5230			4/26/2025	4/25/2026	\$109,162
CGI Advantage Performance Budgeting (PB)	Budget Software that is used for department budget entry and generation of the entire operating budget for the City of Modesto. The software is operated as a Software as a Service (SAAS).	CGI	ITD	5230	2019-317	176344	4/1/2025	3/31/2026	\$112,200
Oracle Database	Support# 2344161	Oracle	ITD	5230	2019-317	180219	6/1/2025	5/31/2026	\$161,134
Oracle Cloud EBS OCI	Oracle Cloud Infrastructure	Oracle	ITD	5230	2024-015		5/2/2024	5/1/2029	\$162,646
ESRI - Small Government EA	It is a powerful GIS authoring, editing, and geoprocessing application that allows you to create beautiful maps, edit and manage spatial data, and perform the full spectrum of analyses needed to turn your raw data into valuable information.+	ESRI	ITD	5230	2019-317	176583	7/19/2024	7/18/2025	\$175,000
Final Cut Media	Council Production Services StanCo Partnership	FCM	ITD	5230			7/1/2019	6/30/2025	\$218,096
CommunityDev TRAKIT Permits	Cloud permit and case-tracking application used by many departments including CED, PW, UPP, etc.	CentralSquare	ITD	5230			5/20/2025	5/19/2026	\$243,820
Oracle E-Business Suite (COSMO)	City-wide ERP application for Finance and HR processes.	Oracle	ITD	5230	2019-317	180213	6/1/2025	5/31/2026	\$311,919
Cisco SmartNet	Licensing, support and maintenance for enterprise communication equipment	Telcion	ITD	5230			2/2/2025	2/1/2028	\$605,334
Microsoft Enterprise Agreement	Microsoft 365, Windows	Microsoft	ITD	5230			5/1/2023	4/30/2026	\$1,000,000

Total \$5,929,479

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-178**

**RESOLUTION APPROVING COMMUNITY AND SPECIAL EVENT
SPONSORSHIPS WITH DIRECT CONTRIBUTIONS OVER \$500 AND IN-KIND
SUPPORT VALUED AT \$5,000 OR MORE FOR FISCAL YEAR 2024-2025**

WHEREAS, community and special events provide community and economic benefits to Modesto; and

WHEREAS, each year the City receives more requests for in-kind and direct contribution sponsorships; and

WHEREAS, the City implemented Administrative Directive Policy Number 3.6 (AD 3.6) for Community and Special Event Sponsorships for the application of new and one-time City sponsorships; and

WHEREAS, sponsorship criteria requires events to have a social, educational, economic, or recreational benefit to the community; cannot be religious or political in nature or seek to support or oppose any religious or political viewpoints; are held at a City-owned building, property or street(s); are not less than 120 days from the date of event and does not conflict with other sponsored events on or around that date, and the applicant or organization is in good standing and has not received a sponsorship from the City within the last twelve months; and

WHEREAS, sponsorships are awarded based on the availability of City funding, staffing, and resources; and

WHEREAS, sponsorships may be awarded or denied in whole or in part; and

WHEREAS, AD 3.6 requires all requests for in-kind support valued at \$5,000 or more be approved by Council; and

WHEREAS, AD 3.6 requires all requests for monetary contributions over \$500 be approved by Council; and

WHEREAS, proposed City-sponsored events planned for Fiscal Year 2024-2025 requesting in-kind support valued at \$5,000 or more include:

- \$90,860 Graffiti Classic Car Parade, Northwest Modesto Kiwanis,
- \$30,545 4th of July Parade, Northwest Modesto Kiwanis,
- \$28,600 Cinco de Mayo Parade, South Modesto Businesses United,
- \$26,603 Veterans Day Parade, Veteran Organizations (local),
- \$15,000 Modesto Sister Cities International (same),
- \$14,600 MoBand – Concerts in the Park (same),
- \$10,750 Rockin’ Holidays, Chris Murphy,
- \$ 7,850 MLK Jr. Unity March & Service Event, Silver Squares Lodge #66,
- \$ 5,990 Peace Officers Memorial Run, MPOA; and

WHEREAS, proposed City sponsored events planned for Fiscal Year 2024-2025 requested direct contributions include:

- \$20,000 10K with a Cop, Project Blue (New),
- \$ 6,000 Love Modesto, same,
- \$ 6,000 First Fridays, Downtown Modesto Partnership,
- \$ 6,000 King-Kennedy Memorial Center Community Events, King-Kennedy Memorial Center Board of Directors,
- \$ 5,800 Freedom Fund Banquet and Community Service Award Event, National Association for the Advancement of Colored People – Stanislaus County,

- \$ 5,000 Annual MLK Jr. Unity March & Service Event (Silver Squares Lodge #66) (New),
- \$ 5,000 Annual Fundraising Benefit, West Modesto Community Collaborative,
- \$ 3,500 MLK Peace Life, PeaceLife Center,
- \$ 3,500 Breakfast with Santa, Parks, Recreation & Neighborhoods (New),
- \$ 3,000 Field of Dream, Miracle League of Stanislaus County,
- \$ 2,650 Stanislaus Partners in Education, same,
- \$ 2,500 DOMO Walls, Downtown Modesto Partnership,
- \$ 2,500 Dia de Los Muertos, Veterans in Community Advocacy; and

WHEREAS, a review of the requested sponsorships was presented to the Finance Committee as part of the Draft Proposed Fiscal Year 2024-25 Operating and Multi-Year Budget at the Fiscal Year 2024-2025 Budget Workshop held on April 17, 2024, at which the Committee approved the item by a vote of 3 to 0 and forwarded the item to Council for final review and adoption; and

WHEREAS, General Fund funding for City sponsorships is budgeted in various Fiscal Year 2024-2025 department operating budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following sponsorships with in-kind support valued at \$5,000 or more for Fiscal Year 2024-2025, contingent on Council approval of the Fiscal Year 2024-2025 City of Modesto budget:

- \$90,860 Graffiti Classic Car Parade, Northwest Modesto Kiwanis,
- \$30,545 4th of July Parade, Northwest Modesto Kiwanis,

\$28,600	Cinco de Mayo Parade, South Modesto Businesses United,
\$26,603	Veterans Day Parade, Veteran Organizations (local),
\$15,000	Modesto Sister Cities International (same),
\$14,600	MoBand – Concerts in the Park (same),
\$10,750	Rockin’ Holidays, Chris Murphy,
\$ 7,850	MLK Jr. Unity March & Service Event, Silver Squares Lodge #66,
\$ 5,990	Peace Officers Memorial Run, MPOA.

BE IT FURTHER RESOLVED that it hereby approves City sponsorship and direct contributions to the following for Fiscal Year 2024-2025g:

\$20,000	10K with a Cop, Project Blue (New),
\$ 6,000	Love Modesto, same,
\$ 6,000	First Fridays, Downtown Modesto Partnership,
\$ 6,000	King-Kennedy Memorial Center Community Events, King-Kennedy Memorial Center Board of Directors,
\$ 5,800	Freedom Fund Banquet and Community Service Award Event, National Association for the Advancement of Colored People – Stanislaus County,
\$ 5,000	Annual MLK Jr. Unity March & Service Event (Silver Squares Lodge #66) (New),
\$ 5,000	Annual Fundraising Benefit, West Modesto Community Collaborative,
\$ 3,500	MLK Peace Life, PeaceLife Center,
\$ 3,500	Breakfast with Santa, Parks, Recreation & Neighborhoods (New),


- \$ 3,000 Field of Dream, Miracle League of Stanislaus County,
- \$ 2,650 Stanislaus Partners in Education, same,
- \$ 2,500 DOMO Walls, Downtown Modesto Partnership,
- \$ 2,500 Dia de Los Muertos, Veterans in Community Advocacy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
 DIANE NAYARES-PEREZ, CMC,
 City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
 JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-179**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MARY E. GROGAN COMMUNITY PARK, PHASE 2 PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO GEORGE REED, INC., OF MODESTO, CA, IN THE AMOUNT OF \$4,491,279, PLUS \$359,302, IN CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$4,850,581 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, Mary E. Grogan Park is a 43-acre master planned Community Park that is located on City-owned property in the Village One Community Planning Area, in northeast Modesto; and

WHEREAS, in Phase 1, approximately twenty-eight (28) acres of the Community Park were constructed, which included seven (7) lighted soccer fields enclosed with a perimeter fence and gates, of which three (3) are synthetic turf fields; and

WHEREAS, Phase 2 is a 9-acre continuation of the updated master plan and is located on the northwest corner of Sylvan Avenue and Litt Road, and adjacent to Enochs High School; and

WHEREAS, the project will include the installation of a new irrigation system, landscape, drainage, hardscapes, lighting, security cameras, a three (3) stall bathroom building, shade structure, metal arbor structure, site furnishings, playground, and cricket pitch; and

WHEREAS, the project was advertised for bids on March 27, 2024; and

WHEREAS, bids were publicly opened on April 30, 2024, pursuant to City Charter Section 1307, and three bids were received; and

WHEREAS, George Reed, Inc., of Modesto, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Mary E. Grogan Community Park, Phase 2 Project, to George Reed, Inc., of Modesto, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the contract to George Reed, Inc., of Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Mary E. Grogan Community Park, Phase 2 Project, accepts the Bid, and awards a construction contract to George Reed, Inc., of Modesto, CA, in the amount of \$4,491,279 plus \$359,302 in contingency (if needed), for a total amount not to exceed \$4,850,581.

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 4th day of June, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Bavaro

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-180**

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101017 (MARY GROGAN PARK – PHASE 2) IN AN AMOUNT NOT TO EXCEED \$1,666,233 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City, under Project number 10107, will work Phase 2 of Mary E. Grogan Park, which includes the installation of a new irrigation system, landscape, drainage, hardscapes, lighting, security cameras, a three (3) stall bathroom building, shade structure, metal arbor structure, site furnishings, playground, and a cricket pitch; and

WHEREAS, Parks & Air Quality Capital Facility Fund (CFF) funding of \$1,666,233 must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to increase Project 101017 – Mary Grogan Park – Phase 2 in a total amount of \$1,666,233 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project 101017 (Mary Grogan Park – Phase 2) in an amount not to exceed \$1,666,233 in transfers, revenue and to budget expenditures to fund the project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Bavaro

ABSENT: Councilmembers: None

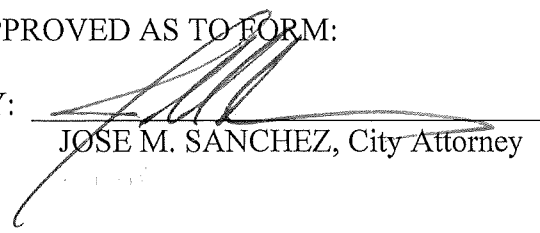
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-181**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE REBID CARPENTER ROAD AREA SOCCER COMPLEX, PHASE 2 PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO FRONTLINE GENERAL ENGINEERING CONSTRUCTION, INC., OF TRACY, CA, IN THE AMOUNT OF \$1,270,424, PLUS \$127,042, IN CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$1,397,466 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, Stanislaus Youth Soccer League has been working with the Tuolumne River Regional Park Joint Powers Agreement (TRRP JPA) and City of Modesto to fund and construct soccer fields and there exists a need for additional field in underserved areas of the community; and

WHEREAS, the City was awarded \$1,000,000 in grant funding by California State Parks through the Youth Soccer and Recreation Development Grant Program; and

WHEREAS, the project will construct two new soccer fields, site furnishings and a parking lot with landscaping & security lighting; and

WHEREAS, on May 2, 2023, a construction agreement was awarded to Machado & Sons Construction, Inc. of Turlock, CA; however, the construction agreement was terminated on December 11, 2023, requiring the project to be rebid; and

WHEREAS, the project was advertised for bids on March 12, 2024, bids were publicly opened on April 16, 2024, pursuant to City Charter Section 1307, and four bids were received; and

WHEREAS, bidder competition and participation were evident as the City received four bids; and

WHEREAS, Frontline General Engineering Construction, Inc., of Tracy, CA, was

determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the Carpenter Road Soccer Complex, Phase 2 Project to Frontline General Engineering Construction, Inc. of Tracy, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the Contract to Frontline General Engineering, Construction, Inc. of Tracy, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the rebid Carpenter Road Area Soccer Complex, Phase 2 Project, accepts the bid and approves a Construction Contract with Frontline General Engineering, Inc., of Tracy, CA, for a total of \$1,270,424 plus \$127,042 in contingency (if needed) for a total amount not to exceed \$1,397,466.

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 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-182**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL
IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101061
(CARPENTER ROAD AREA SOCCER) IN AN AMOUNT NOT TO EXCEED
\$130,000 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO
FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the City plans to build additional soccer fields on Carpenter Road under Project number 101061 partially funded by a grant from California State Parks, and partially funded by the City's Capital Improvement Budget; and

WHEREAS, Tuolumne River Regional Park Capital Improvement Program (TRRP CIP) funding of an additional \$130,000 must be allocated to fund a portion of the project; and

WHEREAS, the Fiscal Year 2023-2024 Capital Improvement Budget must be amended to fund Project 101061 – Carpenter Road Area Soccer in a total amount of \$130,000 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Capital Improvement Program Budget to fund project 101061 (Carpenter Road Area Soccer) in an amount not to exceed \$130,000 in transfers, revenue and to budget expenditures to fund the project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-183**

RESOLUTION APPROVING ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE JULY 1, 2024, AND RESCINDING RESOLUTION NO. 2023-355

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting; and

WHEREAS, the Airport must provide a facility that complies with Federal Aviation Administration (FAA) operational standards; and

WHEREAS, each year, Council can adjust the Airport rates and fees using the National Consumer Price Index (CPI) for All Urban Consumers, West Urban, published by the United States Department of Labor, Bureau of Labor Statistics; and

WHEREAS, these adjustments take place annually based on the CPI data. The last increase was implemented on July 11, 2023, by Resolution No. 2023-355; and

WHEREAS, the Airport reviewed the CPI data for the west region for the 12-month period starting January 1, 2023, through December 31, 2023, showing an increase of 3.6% to all Airport Rates and Fees; and

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

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

BE IT FURTHER RESOLVED that Resolution 2023-355 shall be rescinded.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 1, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**Modesto City-County Airport Rates & Fees
Effective July 1, 2024**

Attachment B

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

(a) T-Hangars and Storage Units as of July 2024 rounded to the nearest dollar:

Small T-Hangars \$208 per month

(No electricity provided)

Hangar A Units 2-12

Hangar B Units 2-9

Hangar C Units 2, 3, 7

Hangar D Units 2-5 & 7-9

Small T-Hangars \$243 per month

(Electricity provided)

Hangar A Unit 1

Hangar C Units 4-6

Hangar D Unit 6

Medium T-Hangars \$259 per month

(No electricity provided)

Hangar B Units 1, 10

Hangar C Unit 8

Hangar D Unit 10

Medium T-Hangars \$326 per month

(Electricity provided)

Hangar C Unit 1

Hangar D Unit 1

Hangar E Units 1-10

Hangar F Units 1-10

Hangar G Units 1-8, 10

Hangar H Units 1-8, 10

Hangar J Units 1-10

Hangar L Units 1-10

Large T-Hangars \$383 per month

(Electricity provided)

Hangar G Unit 9

Hangar H Unit 9

Hangar K Units 2-6, 8-11

Large Modified Box Hangar \$466 per month

(Electricity provided)

Hangar K Unit 1,7

**Modesto City-County Airport Rates & Fees
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Extra Large T-Hangars (Electricity provided) Hangar I Units 1-8	\$553 per month
Storage Units	
Hangar G Storage Unit	\$58 per month
Hangar H Storage Unit	\$58 per month
Hangar I Storage Unit	\$151 per month
Hangar J Storage Unit	\$58 per month
Hangar L Storage Unit	\$58 per month

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

(b) Corporate Executive Commercial Box Hangars

Hangar 1	\$2,004 per month
Hangar 2	\$1,632 per month
Hangar 3	\$895 per month
Hangar 4	\$1,525 per month
Hangar 5	\$1,518 per month
Hangar 6	\$895 per month
Hangar 7	\$895 per month

(c) Portable Hangars and Land Lease

Portable Hangars 1-14	\$82 per month
Land Lease - (per sq. ft.)	\$.066 per month

**Modesto City-County Airport Rates & Fees
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A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

SECTION 2. AIRPORT KEYS

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

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

- (a) Aircraft less than 12,500 lbs. maximum certificated gross landing weight
 - Permanent \$54 per month
 - Transient \$9.50 per day
- (b) Aircraft greater than 12,501 lbs. maximum certificated gross landing weight
 - Permanent \$91 per month
 - Transient \$18 per day

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

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

**Modesto City-County Airport Rates & Fees
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two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

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

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

Office Spaces/when Utilities furnished by Airport	\$1.33 per sq. ft.
Office Building(s) 1 & 2 Utilities furnished by Tenant	\$1.12 per sq. ft.

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

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

(a) Ticket counter	\$1.12 per sq. ft.
(b) Other areas	\$1.12 per sq. ft.

SECTION 6. UTILITY COST

(a) When electricity is provided, an additional utility rate will be included each month	\$.21 per sq. ft.
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SECTION 7. AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE.

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

- (a) All aircraft weighing less than 12,500 lbs. maximum certificated gross landing

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weight - \$0.00 per landing

- (b) All aircraft weighing greater than 12,501 lbs. maximum certificated gross landing weight – \$1.20 per 1,000 pounds per landing
- (c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 8. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

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

SECTION 9. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<u>Display Size</u>	<u>Display Only</u>	<u>Display & Telephone</u>
7.5” x 9.5”	\$21.00	\$32.00
7.5” x 21”	\$42.00	\$64.00
19” x 21”	\$53.00	\$74.00

SECTION 10. MODESTO CITY-COUNTY AIRPORT BASED COMMERCIAL SERVICES Any person engaging in a commercial enterprise based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of

**Modesto City-County Airport Rates & Fees
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\$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 11. FUEL FLOWAGE FEES. A fuel flowage fee of eight cents (\$.08094) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

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

Each such operator shall also pay to the City as a minimum an additional sum of ninety-six and no/100ths (\$96.00) dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 13. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto ten percent (10%) of gross receipt for each vehicle rental. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 14. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle in Terminal Building Parking Lots at the Modesto City-County Airport/Harry Sham Field shall pay eight and no/100ths (\$8.00) dollars per day.

**Modesto City-County Airport Rates & Fees
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SECTION 15. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 16. ADJUSTMENT OF RENTS, FEES AND CHARGES.

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

For other than fair market value adjustments, said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for All Urban Consumers, West Urban Area, published by the United States Department of Labor, Bureau of Labor Statistics (“Index”), with a base year of 1982 – 1984 = 100 (“Beginning Index”). In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-184**

RESOLUTION AWARDING THE SAFE STREETS AND ROADS FOR ALL AGREEMENT TO ALTA PLANNING + DESIGN, INC OF OAKLAND, CA, IN THE AMOUNT OF \$1,003,933 AND A 10 PERCENT CONTINGENCY AMOUNT OF \$100,393 FOR A TOTAL AMOUNT NOT TO EXCEED \$1,104,326, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the [Bipartisan Infrastructure Law](#)¹ (BIL) established a new Safe Streets and Roads for All (SS4A) Grant program with \$5 billion in appropriated funds over the next five years; and

WHEREAS, the primary goal of the SS4A grants is to improve roadway safety by supporting communities in developing comprehensive safety action plans based on a “Safe System Approach”, and implementing projects and strategies that significantly reduce or eliminate transportation-related fatalities and serious injuries involving pedestrians, bicyclists, public transportation, commercial vehicle operators, and motorists; and

WHEREAS, the City’s Traffic Engineering Division applied for this grant as approved by Council at the September 13, 2022 meeting by Resolution No. 2022-381; and

WHEREAS, the Traffic Engineering Division posted a public call for statements of qualifications and proposals to have a consultant develop a comprehensive action plan. The request was posted publicly on December 26th, 2023 and the proposals received were publicly opened at 11:00 a.m. on February 6, 2024, and later evaluated by the Director of Public Works for the consideration of Council; and

¹ <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/>

WHEREAS, the Director of Public Works has recommended that the proposal of \$1,003,933 received from Alta Planning + Design, Inc be accepted as the highest rated proposal received and that the contract be awarded to Alta Planning + Design, Inc; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services, to follow the formal bid procedures. An award of agreement for Alta Planning + Design conforms to the MMC because the City complied with the formal bid procedures and Alta Planning + Design was the highest ranked proposal based on the evaluation criteria.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications, accepts the bid in the amount of \$1,003,933, and a 10 percent contingency amount of \$100,393 for a total amount not to exceed \$1,104,326, and awards Alta Planning + Design, Inc the contract for the Safe Street and Roads for All agreement.

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 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-185**

RESOLUTION APPROVING AN AGREEMENT FOR THE PURCHASE OF SOFTWARE PROGRAMMING AND LICENSE UNDER THE COMPETITIVE BIDDING PROCESS FROM NASPO VALUEPOINT THROUGH THE STATE OF UTAH WITH CARAHSOFT TECHNOLOGY CORP. OF RESTON, VIRGINIA FOR A TOTAL AMOUNT NOT TO EXCEED \$193,365, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Solid Waste Division is responsible for solid waste code enforcement, including illegal dumping in the public right of way, service violations, contamination, and other waste-related violations; and

WHEREAS, City staff must maintain records on all waste collection, levels of services, inspections and route reviews, disposal sites, edible food recovery, waivers, shared containers, self-haul options, and related outreach and education as required by the State of California's waste enforcement agency, the Department of Resources, Recycling, and Recovery; and

WHEREAS, on September 11, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Purchase of Software Programming and License. On December 21, 2015, the State of Utah issued Request for Proposals (RFP) #CH16012 on behalf of NASPO ValuePoint for Cloud Solutions on the BidSync online portal. On March 10, 2016 proposals were opened at the State of Utah Division of Purchasing at 3150 State Office Building, Capitol Hill Salt Lake City, Utah 84114. 58 proposals were received and based on the evaluation committee and criteria outlined in the RFP, 36 contracts were awarded for this commodity which includes Cloud Solutions. Based on the responsive and responsible proposer offering Cloud Solutions that met the minimum qualifications methodology, approach, and cost scoring requirements. City staff

recommends to award to Carahsoft Technologies Corp. of Reston, Virginia to purchase software programming and license for an amount not to exceed \$193,365; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 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) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the State of Utah Department of Procurement competitive bidding process, the City is complying with the requirements of MMC 8-8.203 for the Purchase of Software Programming and Licensing with Carahsoft Technology Corp.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement for the purchase of software programming and license under the Competitive Bidding Process from NASPO ValuePoint through the State of Utah with Carahsoft Technologies Corp., of Reston, Virginia for a total amount not to exceed \$193,365.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-186**

RESOLUTION APPROVING THE FIRST AMENDMENT FOR THE AGREEMENTS WITH HERC RENTALS, MODESTO, CA, HOLT OF CALIFORNIA, SALIDA, CA, AND UNITED RENTALS, MODESTO, CA, FOR RENTAL FLEET SERVICES FOR THE AGREEMENTS FOR AN ANNUAL ESTIMATED COST INCREASE OF \$200,000 FROM \$400,000 TO \$600,000 AND A TOTAL REVISED NOT TO EXCEED A TOTAL AMOUNT OF \$3,000,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, various operational divisions within Parks, Recreation and Neighborhood, Utilities and Public Works Departments have a need for rental equipment for City projects and programs. Several of the City projects and programs, included but not limited to the Blight Abatement Program, Tree Maintenance Program, Street Light and Traffic Maintenance Program, and various Capital Improvement Program projects; and

WHEREAS, due to the supply chain challenges with the purchase of replacement fleet vehicles there are delays in receiving the new replacement vehicles by about 6-12 months which will increase the demand needed for rental equipment and vehicles; and

WHEREAS, the Public Works, Fleet Division is requesting an increase in funding to address the community and internal customer service requirements based on estimated costs incurred during the 2023-2024 fiscal year; and

WHEREAS, the City has increased services through Measure H as well as grant funded programs which has impacted the approved budget for temporary fleet equipment rentals. Additionally, market conditions, including increased costs for materials and labor have impacted the annual expenditure rates for these goods and services; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, with the increase of rentals due to additional funding sources and the competitive pricing already obtained through these agreements, the increase of these agreements amount will ensure the City obtains discount pricing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment for the Agreements with Herc Rentals, Modesto, CA, Holt of California, Salida, CA, and United Rentals, Modesto, CA, for Rental Fleet Services for the Agreements for an annual estimated cost increase of \$200,000 from \$400,000 to \$600,000 and a total revised not to exceed a total amount of \$3,000,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendments, 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 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-187**

RESOLUTION APPROVING THE SECOND AMENDMENT FOR THE PURCHASE OF BULK OILS AND LUBRICANTS WITH HUNT & SONS INC., CERES, CA, FOR AN INCREASE BY \$800,000 TO A NEW TOTAL AMOUNT OF \$1,743,201 OVER THE REMAINING DURATION OF THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the oils and lubricants are essential to the Modesto's fleet services.

All the oils and lubricants provided in this agreement are utilized in maintaining the City's fleet of vehicles and equipment in a safe and reliable condition. All the oils and lubricants are currently being pumped in bulk tanks. The bulk tanks contain several different fluids such as, automatic transmission fluid, light duty and heavy-duty engine oil, transmission oil, coolant, diesel exhaust fuel, tractor fluid, gear oil, and grease. The tank capacities range from 250 gallons to 500 gallons. These items are used for the various vehicles owned and/or operated by the City of Modesto; and

WHEREAS, on November 4, 2020, by Resolution No. 2020-462, Hunt & Sons, Inc. entered into an agreement with the City of Modesto to provide bulk oils and lubricants for the City of Modesto Fleet Services Division, for an estimated annual amount of \$97,320 and a total amount not to exceed \$486,602 over a five-year period; and

WHEREAS, on September 14, 2021, by Resolution No. 2021-365, Hunt & Sons, Inc. entered into the first amendment to the agreement with the City of Modesto to provide bulk oils and lubricants for the City of Modesto Fleet Services Division for an annual estimated cost increase of \$91,320 from \$97,320 to \$188,640 and a total revised

not to exceed amount increased by \$456,599 from \$486,602 to a new total amount of \$943,201; and

WHEREAS, the agreement originally established with Hunt and Sons, Inc. was based on an estimate of purchases from the three previous fiscal years. Since the date that the City entered the original agreement, the Fleet Services Division has acquired 150 additional units from Ceres and Oakdale Fire Departments, Ceres and Escalon Transit and additional City-owned vehicles. The Fleet Services Division also provides service and maintenance for the Stanislaus Regional Transit Authority (StanRTA) Joint Powers Agency vehicles, which includes an additional 25 full-size transit buses; and

WHEREAS, the Second Amendment requesting annual estimated cost increase to the purchasing agreement originally established with Hunt and Sons, Inc. was based on an estimate of purchases from the four previous fiscal years. Since that time, the Fleet Services Division has acquired 150 additional units from five additional Fire Districts, Stanislaus Regional Transit Authority (StanRTA) as well as additional internal City equipment to meet community expectations and service levels. The Fleet Services Division manages service and maintenance services for approximately 1,300 pieces of equipment, including 114 fire apparatus and over 130 buses; and

WHEREAS, an annual increase in the purchase of oil and lubricants this past year due to aging fleet and an increased number of units which accounts for the increased demand for fluids use and cost, along with unforeseen product shortages and price increases as observed throughout the automotive industry. Staff will be initiating a new Request for Proposal to advertise bulk fluids and oils to area vendors to verify the lowest cost services to the City. This process will allow bulk supply vendors to participate in

bidding opportunities for providing these products to the Public Works Fleet Services Division. Being able to bulk purchase the oils and lubricants needed to provide service and maintenance for our customers is not only critical for our operations, but it is critical for the citizens of Modesto and Stanislaus County; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in Modesto Municipal Code (MMC) 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, with the increase of usage due to fleet inventory and the competitive pricing already obtained through this agreement, the increase of the agreement amount will ensure the City obtains discount pricing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons, Inc., Ceres, CA, for an increase by \$800,000 to a new total amount of \$1,743,201 over the remaining duration of the agreement.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-188**

RESOLUTION APPROVING THE SECOND AMENDMENT FOR AN ON-SITE TIRE TECHNICIAN WITH FLEET TIRE INC. DBA BRANNON TIRE, STOCKTON, CA FOR TIRE SERVICES, INSPECTION, AND REPAIRS TO CITY VEHICLE TIRES FOR AN ANNUAL ESTIMATED COST INCREASE OF \$121,080 FROM \$88,920 TO \$210,000 AND A TOTAL REVISED NOT TO EXCEED AMOUNT FROM \$444,600 TO A NEW TOTAL AMOUNT OF \$654,600, AND EXTEND THE TERM OF THE AGREEMENT FROM JUNE 10, 2024, TO JUNE 10, 2025, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City has an ongoing need for an hourly tire service for heavy and light duty vehicle tire work that current staffing levels are unable to perform. It is anticipated these services are required up to three times per week for the maintenance of the City's vehicles, equipment, and other assets throughout the year. The City will provide air, jacks and jack stands, wheel balancer, a tire changer only for use on light duty vehicles and a tire gun. Specialized or additional equipment is to be provided by the vendor as needed; and

WHEREAS, on August 11, 2015, by Resolution No. 2015-292, Council approved a Purchasing agreement with Fleet Tire Inc. dba Brannon Tires of Stockton, CA. for the furnishing of tire recapping, flat repairs, tire mounting and balancing for the City's Fleet of vehicles of \$63,691 and over five years \$318,455; and

WHEREAS, on August 28, 2023, by City Manager authority, Brannon Tires entered into the first amendment to the agreement with the City of Modesto to execute the five-year extension and amend the pricing schedule with no increase in annual expenditures; and

WHEREAS, the Public Works, Fleet Division is requesting an On-Site Tire Technician to perform ongoing tire service, inspection and repairs to city vehicle tires,

trailers, light and heavy-duty trucks and heavy-duty off-road equipment preferably each week on Monday, Wednesday and Friday for approximately six hours per day. The technician will complete inspections which include, but are not limited to, checking for air pressure, flats, nails, cuts, cracks, defects, mismatched tires, irregular wear, tread depth or any other issues that may deem the tires unsafe for the equipment to be utilized. The technician will replace tires when the tread depth reaches the legal limits or when requested by Fleet staff, the technician shall fix repairable tires and or replace unusable tires using the City's inventory; and

WHEREAS, the purchasing agreement originally established with Brannon Tires was based on estimated costs from 2019-2020 fiscal year. As the City purchased additional vehicles, increased services through Measure H, and entered into service agreements with Stanislaus Regional Transit Authority Joint Powers Agency for 147 transit vehicles, and five fire districts to provide vehicle maintenance services, the demand for tire repairs have increased. Additionally, market conditions, including increased costs for materials and labor have impacted the annual expenditure rates for these goods and services; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 Where the Purchasing Manager, in his or her discretion, determines that the term of an existing agreement should be extended for a period of no greater than one (1) year to allow the City to complete a formal bidding process for a long-term agreement or to avoid disruption to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Agreement for an On-Site Tire Technician with Fleet Tire Inc. dba Brannon Tire, Stockton, CA. for tire services, inspection, and repairs to City vehicle tires for an annual estimated cost increase of \$121,080 from \$88,920 to \$210,000 and a total revised not to exceed amount from \$444,600 to a new total amount of \$654,600 and extend the term of the Agreement from June 10, 2024, to June 10, 2025.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-189**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR THE PURCHASE AND DELIVERY OF CHEMICALS FOR WASTEWATER TREATMENT TO THATCHER COMPANY OF CALIFORNIA, SACRAMENTO, CA, NORTHSTAR CHEMICAL, MODESTO, CA, AND UNIVAR SOLUTIONS, KENT, WA, FOR A ONE (1) YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$200,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED \$1,221,021 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto, Utilities Department Wastewater Services Division, uses sodium hypochlorite, sodium hydroxide, sulfuric acid, phosphoric acid, and citric acid as part of the wastewater treatment process. These chemicals are used to clean and maintain the Membrane BioReactors, extending the usable life of the membranes and ensuring membrane performance meets required water quality standards; and

WHEREAS, on January 3, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the purchase and delivery of Chemicals for Wastewater Treatment. On January 19, 2024, the Purchasing Division issued an Invitation for Bids (IFB) 2324-66 for Chemicals for Wastewater Treatment on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, Prospective bidders were notified online and via email of the bid opportunity. Twenty-four (24) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on February 27, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Three (3) chose to respond, there was one (1) local bid received; and

WHEREAS, based on the inability of any one company to provide all the chemicals required at the lowest price, City staff recommends splitting the award of the bid. City Staff recommended to award the Chemicals for Wastewater Treatment to Thatcher Company of California, Inc., Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions USA, LLC, Kent, WA; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. Based on providing the lowest responsive and responsible bid which confirms to the Modesto Municipal Code, 8-3.203, City Staff recommends the award of bid for purchase and delivery of chemicals for wastewater treatment to Thatcher Company of California, Inc, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions USA LLC, Kent, WA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and delivery of chemicals for wastewater treatment to Thatcher Company of California, Inc, Sacramento, CA, Northstar Chemical, Modesto, CA, and Univar Solutions USA LLC, Kent, WA, for a one (1)year agreement with four (4) one-year extension options at the sole discretion of the City, for an annual estimated amount of \$200,000 and a total combined amount not to exceed \$1,221,021 over five years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is authorized to adjust agreement totals between vendors based on contractor's availability and department's need, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements, 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 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-190**

**RESOLUTION APPROVING THE ADOPTION OF THE FISCAL YEAR 2024-25
ANNUAL AND MULTI-YEAR OPERATING BUDGETS AND THE 2024-25
CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF MODESTO AND
THE RELATED INTER-FUND TRANSFERS**

WHEREAS, pursuant to the Charter of the City of Modesto, the City Manager presented the preliminary Draft Operating Budget and Capital Improvement Program for Fiscal Year 2024-25 to the Finance Committee at Budget Workshops held on April 15, April 16, and April 17, 2024, and

WHEREAS, the Finance Committee reviewed the preliminary Draft Operating and Multi-Year Operating Budgets and the Capital Improvement Program in a series of televised public workshops on April 15, April 16, and April 17, 2024, and at a joint Planning Commission/Finance Committee meeting held on May 13, 2024, and

WHEREAS, the Finance Committee recommended the City Manager's preliminary Draft Operating and Multi-Year Budgets to the full City Council for consideration, and

WHEREAS, the Finance Committee recommended the proposed Capital Improvement Program budget to the full City Council for consideration, and

WHEREAS, in accordance with the City Charter, a duly noticed public hearing was scheduled on June 4, 2024, during which the City Council considered the recommendations of the Finance Committee relating to the preliminary Draft Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, prior to any discussion of the CIP budgets and prior to the final adoption, the City Council by separate motion considered each CIP project that could be

the source of a potential conflict of interest to one or more members of the City Council without the participation of those members, and

WHEREAS, the adoption of the Final Proposed Budget for FY 2024-25 includes the proposed Operating Budget, Multi-Year Operating Budget, Capital Improvement Program Budget, Approved Adjustments, Proposed Fiscal Year 2024-25 Measure H Spending Plan, Approved Addendums, Transfers In and Out, adoption of Budget Operating Policies and Financial Policies, and

WHEREAS, the effective date of the Adopted Budget for FY 2024-25 shall be July 1, 2024, and

WHEREAS, copies of the Final Proposed Operating and Multi-year Budgets and the Capital Improvement Program have been made available for inspection by the public at the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of the Final Proposed Operating Budget, Multi-Year Budget, and Capital Improvement Program Budget for Fiscal Year 2024-25 inclusive of the Mayor's Final Budget Modifications, Fiscal Year 2024-25 Measure H Spending Plan, Adjustments, and Addendums to be in effect July 1, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-191**

**RESOLUTION APPROVING THE BUDGET PRINCIPLES, AND THE
OPERATING BUDGET POLICY AS OUTLINED IN THE FISCAL YEAR 2024-
25 FINAL PROPOSED BUDGET**

WHEREAS, each year the City Council's Finance Committee makes recommendations regarding the upcoming Fiscal Year Operating Budget and Capital Improvement Program and Budget Principles, and

WHEREAS, in the development of the FY 2024-25 Operating Budget, the Finance Committee reviewed and recommended for City Council consideration the **attached** Budget Principles, and Operating Budget Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Budget Principles, and Operating Budget Policy as shown in **Attachment 4** and **Exhibit 3**, which are incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget

A structurally balanced budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2. Use of One-Time Resources

Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions

New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves

All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. Any use of the General Fund Emergency Reserves will require a majority vote of the Council.

5. Debt Issuance

Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation

Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects

Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8. Fees and Charges

The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.

9. Grants

Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of on-going programs.

10. General Plan

The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. Performance Measurement

All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.



CITY OF MODESTO OPERATING BUDGET POLICY

INTRODUCTION

The purpose of this policy is to identify roles, responsibilities, and actions related to the preparation and monitoring of the City of Modesto's annual operating budget. The operating budget is adopted annually at the fund level by the City Council. The budget provides a detailed estimate of how much the City needs to spend in its fiscal year to meet its ongoing financial obligations and provide programs and services.

RESPONSIBILITIES

Per the City Charter (Section 1302.1 through 1304), each year:

The City Manager shall, on or before December 15 of each year, submit to the Mayor and to the Council a five (5) year economic forecast of expenditures and revenues for each City Department.

On or before January 10, the members of the Council may submit individual written budget priorities to the Mayor for consideration. The Mayor shall, after consideration of any received written budget priorities, prepare and deliver to the Council the Mayor's Proposed Budget Priorities and Direction for both the City's Capital Budget and for the City's Operating Budget.

The Mayor shall, on or before February 15 of each year prepare and deliver to the Council the Mayor's Budget Message which shall include:

- a) A statement of the fiscal priorities which the City should adopt for the ensuing fiscal year; and
- b) Which City services, departments, offices or agencies the Mayor proposes to be expanded or reduced.

The Council shall hold a public hearing to consider the Final Mayor's Budget Message and to make any additions or revisions the Council deems advisable. Upon closing of the public hearing, the Council shall approve the Mayor's Budget Message as presented, or as revised.

The City Manager shall, on or before March 15 of each year, prepare and deliver to the Mayor and Council, a Capital and Operating Mid-Year Budget Report for each department, office, or agency.

By April 30 of each year, the City Manager shall send to Council a draft budget consisting of a careful estimate of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards, and commissions of the City, over which the City Manager has control during the next ensuing year. The City Manager shall also include in the draft budget an estimate of the amount of income/revenues that are to be included as part of the

draft budget. The draft budget shall accurately reflect the recommendations and priorities specified in the Final Mayor's Budget Message as adopted by the Council.

At least forty-five (45) days prior to the new fiscal year, the Mayor shall prepare and deliver to the Council the Mayor's Final Budget Modifications of the draft budget as submitted by the City Manager. Following the receipt of the Mayor's Final Budget Modifications, the Council shall consider and review the draft budget as submitted by the City Manager together with the Mayor's Final Budget Modifications and make such revisions as the Council may deem advisable. The resulting document shall be deemed the "Proposed Budget."

After the creation of the "Proposed Budget" document, the Council shall determine the time for the holding of a public hearing upon the "Proposed Budget" and a notice shall be posted not less than ten (10) days prior to said hearing. This public hearing will be used by the Council to allow for interested persons desiring to be heard an opportunity to speak upon the "Proposed Budget."

At the conclusion of the public hearing, the Council shall further consider the "Proposed Budget" and make any revisions that it may deem advisable; and thereafter it shall adopt the budget with revisions, if any. Any revisions may add or increase programs or amounts or may delete or decrease programs or amounts except expenditures required by law or for debt service provided that no budget revision to the budget shall increase proposed expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.

The Mayor is responsible for preparing and delivering to the City Council the Mayor's Proposed Budget Priorities and Direction for capital and operating budgets, the Mayor's budget message, and final budget modifications.

The City Manager is responsible for preparing and delivering to the Mayor and Council a five-year forecast of expenditures and revenues, mid-year budget reports, and a draft budget.

The City Council is responsible for reviewing the proposed budget, holding a public hearing, revising the draft budget as needed, and approving the budget.

Under the Modesto Municipal Code (MMC) 2-3.401, the Budget Division is responsible for annually preparing and submitting to the City Manager a proposed preliminary budget prior to the beginning of the next succeeding fiscal year, and to ensuring monies are available and appropriated.

POLICY

Budget Development

1. It is the policy of the City of Modesto to prepare an annual budget using the accounting basis that is in conformance with generally accepted accounting principles (GAAP). To prepare the organization's budget, the Budget Manager shall gather proposed budget information from all Department directors (and others with budgetary responsibilities).
2. Budgets proposed and submitted by each department should be accompanied by a narrative explanation of the sources and uses of funds and explaining all material fluctuations in budgeted amounts from prior years. All requests for additional personnel shall include a narrative explaining the need for an increase in staff potential duties for the new

- employee and expected salary. All requests for capital shall include a narrative explaining the reason for the need of the respective item.
3. After appropriate revisions and a compilation of all department budgets a draft of the organization-wide budget is prepared by the Budget Manager. The appropriated budget is prepared by:
 - Fund (e.g. General Fund)
 - Department (e.g. Police).
 - Division (e.g. Field Operations)
 - Revenue/Expense Account (e.g. Sales and Use Tax/Office Supplies)
 4. The draft of the organization-wide budget, individual departments' budgets as well as the narratives, and multi-year project budgets are presented to the City Manager for discussion, revision, and initial approval. Each individual capital request is evaluated to determine whether the capital item is needed to clear a safety issue a legal requirement or to improve customer service. This process is separate from the creation and adoption of the City's Capital Improvement Program (CIP). The policy for the CIP adoption follows a different set of guidelines. All request for additional staff are reviewed for viability based on the economic condition of the City.
 5. At a public hearing the Mayor submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them. The proposed budget is presented to City Council for discussion, revision and adoption.
 6. Public hearings are conducted at City Hall to obtain citizen input. Prior to July 1, the budget is adopted by motion of the City Council.
 7. It is the policy of the City of Modesto to adopt a final budget prior to July 1 of the new fiscal year. The purpose of adopting a final budget at this time is to allow adequate time for the Budget Division to input the budget into the accounting system and establish appropriate budget and reporting procedures to ensure proper classification of activities and comparison of budget versus actual once the year begins.
 8. The City will prepare and annually refine written goals and policies to guide the preparation of financing, spending, and performance plans for the City budget. Proposed budgets will comply with the adopted budget polices and Council priorities.
 9. Department and program managers will not exceed the Council-approved appropriations in any fund. The City Council may approve modifications to these appropriations throughout the year as warranted by revenue collections and activity demands.
 10. Enterprise funds and other non-general fund operations should be self-supporting and should maintain reserve levels that are adequate to protect against fluctuations in revenue and expenditure levels. Activities that deviate from this requirement shall be identified for the City Council annually at the time of budget adoption. Exempt from this requirement are those funds that account solely for grant funds.
 11. Interest shall be allocated quarterly to all funds based on their average monthly balances during each quarter.
 12. Costs charged between funds such as force-account labor and other direct costs shall be charged on the basis of actual cost and not on the budgeted amount, unless a separate contract exists between the managers of the two programs allowing the use of the budgeted amount as the basis for the charge.
 13. Appropriations for certain grants and on-going Capital Improvement Program projects that were authorized in previous years and that are not fully expended shall be deemed valid until revoked. Appropriations related to certain developer-funded expenditures may also be treated as multi-year appropriations.

Inter-fund Transfers and Loans

1. Ongoing operating program costs will not exceed the amount of ongoing revenue to finance those costs. Inter-fund loans will not be used as a funding mechanism to address ongoing gaps between revenues and costs. If a new program is added on an ongoing basis, an ongoing revenue source will be identified to fund the program costs. Any available carryover balance will only be used to offset one-time costs.
2. Unless direction is given at the time an inter-fund transfer is approved that the amount to be transferred between funds is not subject to adjustment based on a share of cost formula, all inter-fund transfers shall be based upon the sending fund's pro rata share of any project costs or other obligation that is the basis for the transfer. Therefore, a reconciliation of the share of costs allocable to the fund(s) from which resources are to be transferred shall be performed prior to the year-end closing of the city's financial records and shall become the basis for determining the actual amount of any resources to be transferred. It is the intent of this policy that any transfers designed to provide a subsidy to the operations of another fund shall not exceed the amount needed to provide sufficient resources to make revenues equal expenditures unless other direction is provided by the City Council.
3. All inter-fund transfers and their purpose shall be identified to the Council annually, at the time of the budget adoption.
4. All inter-fund transfers between a fund and Capital or Non-Capital project shall not lapse at the end of the fiscal year but instead shall remain active until the project is completed and the funding is no longer needed. Inter-fund transfers will be evaluated at each year-end and then the remaining funds will be re-appropriated in the new fiscal year as the inter-fund transfer continues on for the continuing project.
5. Loans between funds and loans to other component units of the city should be considered in light of a multi-year business plan that demonstrates a reasonable ability to repay the loan. All inter-fund loans and loans to component units, either existing or proposed, shall be identified for the City Council at the time of budget adoption. Generally, inter-fund loans and loans to component units shall be established with a repayment deadline that reflects the earliest feasible opportunity for repayment of the loan. Interest rates charged on the loan shall be based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding a payment date.
 - a. Note that the terms and conditions for existing loans between the City and the former Redevelopment Agency are governed by one or more separate resolutions adopted at the time the loans were approved and are subject to the laws put into place by recent redevelopment dissolution legislation passed by the State of California.

Reserves

1. *General Fund Reserve:* The Council has adopted a policy that uses the Fund Balance Guidelines for the General Fund that has been established by the Government Finance Officers Association (GFOA). The Council has established the following policies pertaining to General Fund reserves:
 - The General Fund's minimum reserve requirement should be maintained at a level of no less than two months of the General Fund's regular operating expenditures. The amount of General Fund reserves are to be calculated as the total of the Emergency Reserves category.
 - Any unassigned reserves/carryover in the General Fund at the end of a fiscal year will be distributed out based upon the following guidelines:
 - 1/4 of the unassigned reserves/carryover will be assigned to the Emergency Reserves category.

- 1/4 of the unassigned reserves/carryover will be assigned to fund pension obligations (i.e. pension trust funding, etc.)
 - 1/4 of the unassigned reserves/carryover will be assigned to fund deferred maintenance.
 - 1/4 of the unassigned reserves/carryover will be assigned to the Innovation Fund category.
2. *Fund Replacement Reserves:* In order to provide future resources for the replacement or repair of depreciable assets, each fund shall establish a list of depreciable assets, including useful lives and replacement costs that will determine the amount to be set-aside annually to allow the timely replacement or repair of these assets. Each program manager shall also establish a plan for funding the reserve and shall disclose the adequacy of the reserve level annually to the City Council as part of the annual budget adoption process.

Fund Balance Information Requirements

1. The requirements of GASB Statement No. 54 are intended to enhance the usefulness, including the understandability, of fund balance information, in the financial statements. The City will spend the most restricted dollars before less restricted, given equal eligibility, in the following order:
- Non-Spendable - if funds become spendable (inventories, prepaid amounts)
 - Restricted (grants, bond proceeds)
 - Committed (capital acquisitions, pending projects)
 - Emergency Reserves (set aside funds in the General Fund that can only be appropriated through Council action)
 - Assigned (purchase orders, encumbrances)
 - Unassigned (residual fund balance after deducting the other fund balance categories)

Budget Adjustment Authority

1. Any adjustment that would appropriate any amount from the General Fund Emergency Reserves must receive Council approval to be appropriated. The authority to approve any other type of budget adjustment in the amount of \$25,000 or less is delegated to the Office of Performance Management and Budget Director. The authority to approve any other type budget adjustment between \$25,001 and \$50,000 is delegated to the City Manager.
2. Authority for any budget adjustment over \$50,000 is delegated to the parties shown below with the exception of appropriations from the General Fund Emergency Reserves:
- City Council
 - Appropriation of undesignated reserves
 - Appropriation of new revenues
 - Does not include Developer Payments
 - Budgeting inter-fund transfers
 - Does not include adjustments to budgeted transfers where the intent is to subsidize an enterprise operation as shown in item (v) under the City Manager's budget adjustment authority
 - Creation of inter-fund loans
 - Creation of, or increase in, any multi-year appropriation except for the allocation of interest
 - Addition of permanent staff positions
 - Appropriation of payments for new indebtedness including operating leases
 - All other budgetary actions not delegated to another official

- City Manager
 - Adjust appropriations between departments within a fund
 - Change any capital equipment appropriation
 - Appropriate reserves, excluding General Fund Emergency Reserves, for litigation on a case-by-case basis
 - Adjustments to Inter-fund transfers intended to balance enterprise fund operations where the cumulative total of any adjustment does not increase the original City Council approved appropriation by more than \$50,000
 - Appropriate Developer Payments not previously budgeted
 - Annexation Deposits
 - Special District Formation Deposits
 - Developer Deposits to be recognized as revenue

- Office of Performance Management and Budget Director
 - Appropriate unbudgeted grant interest
 - Revise the allocation of Internal Service Fund charges between departments, provided that the total allocated amount does not increase (any such changes to the allocation shall not result in an increase or decrease to the total amount of discretionary appropriations provided to the affected departments)
 - Changing any CIP line item appropriation
 - Revoke multi-year appropriations
 - Close Capital Improvement Program or Non-Capital projects
 - Make technical budget corrections to implement the intent of Council-approved actions and resolutions
 - Transfer fiscal appropriations between sub-funds of a single fund (except where this changes appropriation amounts for temporary agency labor and/or capital equipment purchases over \$25,000)
 - Make adjustments to funds or cost centers when they are closed and encumbrances need to be cleared out and budgets need to be reduced to \$0 as part of the close-out process to ensure all activity is closed out for audit purposes

- Department Director
 - Transfer appropriations within a department, within a single fund (excludes appropriations related to capital equipment, capital improvement program)
 - Acting as a designee of the City Manager, the Parks, Recreation, & Neighborhoods Director shall be authorized to appropriate private donations or grants made to the Fund Development Program of the Parks, Recreation, & Neighborhoods Department for specified purposes up to \$25,000

Monitoring Performance

1. It is the policy of the City of Modesto to monitor its financial performance by comparing and analyzing actual results with budgeted results. This function shall be performed periodically by the Budget Manager.
2. Budgetary review
 - Budget-to-actual comparisons are made on a monthly basis by the Budget Division.
 - Budget-to-actual comparisons are presented for City Council review at mid-year and on an as needed basis.
 - Budget-to-actual comparisons are provided in the annual comprehensive financial report (ACFR) for each individual governmental fund, for which an appropriated annual budget has been adopted.

3. The City maintains an encumbrance accounting system of purchase orders and contracts as a means of accomplishing budgetary control. Purchase orders are reviewed to ensure that funds are available and that requests are properly authorized prior to being released to vendors.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-192**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF
MODESTO TO CREATE NEW CLASSIFICATIONS AND AMEND EXISTING
CLASSIFICATIONS**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2023-268 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. **CLASSIFICATION PLAN AMENDED.** The Position Classification Plan of the City of Modesto is hereby amended as per **EXHIBIT 5**.
2. **EFFECTIVE DATE.** This Resolution shall become effective the pay period in which July 1, 2024 falls, (Pay Period beginning June 18, 2024).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**Classification Plan Amendments
FY 2024/2025
Effective June 18, 2024
Exhibit 5**

QTY	Dept	OPN	Position Title	Description of Adjustment	Salary Range Assignment	Division	Cost Center
1.00	CMD	New	Office of Performance Management and Budget Director	Add to class plan at range 1426	1426	CPBM,Administration	11110
1.00	CMD	0042	Budget Manager	Range Change/Union Change (1) Budget Manager from range 2,452, to range 447	447	CPBM,Budget	11210
1.00	ENG	D142	Senior Civil/Traffic Engineer	Range change from 451 to 456 (includes market adj)	456	ENG,Construction	13210
1.00	ENG	1404	Assistant City Engineer	Range change from 455 to 460 (includes market adj)	460	ENG,Transportation	13220
3.00	ENG	0137/0138/ 0143	Senior Civil/Traffic Engineer	Range change from 451 to 456 (includes market adj)	456	ENG,Transportation	13220
2.00	FIN	1468/1469	Senior Storeskeeper	Range change (2) Senior Storeskeeper from range 118 to range 120	120	FIN,LIT Mark Up	12530/12531
1.00	FIN	New	Revenue Collections and Compliance Supervisor	Add to class plan at range 440	440	FIN,Utilities and Collections	12470
1.00	IT	New	Principal Database Administrator	Add to class plan at range 445	445	IT,Network/Data Center	17710
1.00	MPD	1625	Administrative Office Assistant III	Change status to confidential/ union change from MCEA (115) to MCMA (415)	415	MPD,Measure H - EWS Response	18221
1.00	MPD	New	Police Range and Training Center Technician (Eliminate Police Range and Training Center Coordinator class)	Add to class plan at range 1135	1135	MPD>Tactical Training Center	14430
1.00	MPD	New	Police Technician Supervisor	Add to class plan at range 428	428	MPD>Real Time Crime Center	14326
2.00	MPD	1569/1570	Public Safety Outreach Supervisor	Title Change/Range change/Union change/reclass (2) Public Safety Outreach Supervisor MPNSA (1126) to MCMA (428)	428	MPD,CHAT CGRT	14346
1.00	PRN	0088	Events Supervisor (eliminate Senior Events Coordinator class)	Title change/reclass from Senior Events Coordinator to Events Supervisor	437	PRN,Cultural Services	34200
1.00	PW	0147	Senior Civil/Traffic Engineer	Range change from 451 to 456 (includes market adj)	456	PW,Traffic Engineering	59510
2.00	UTIL	0153/0163	Associate Civil/Traffic Engineer	Range change from 444 to 448 (includes market adj)	448	UTL,Wastewater Engineering	42026
1.00	UTIL	0139	Senior Civil/Traffic Engineer	Range change from 451 to 456 (includes market adj)	456	UTL,Wastewater Engineering	42026
1.00	UTIL	0140	Senior Civil/Traffic Engineer	Range change from 451 to 456 (includes market adj)	456	UTL,Wastewater Engineering	42027
1.00	UTIL	0144	Senior Civil/Traffic Engineer	Range change from 451 to 456 (includes market adj)	456	UTL,Water Resources	42028
1.00	UTIL	0084	Electrical Supervisor (Eliminate Electrical Supervisor - Utilities class)	title/range change/reclass from Electrical Sup - Utilities job spec to be combined with Elec Supervisor (PW), Range change from 439 to 442(includes market adj)	442	Sutter Plant Maintenance	44313
4.00	UTIL	0660/0661 0664/0665 0666/0667 1256/1257	Electrician (Eliminate Electrical and Instrumentation Technician Class)	Title/range change/reclass from Electrical and Instrumentation Technician to Electrician (combine w/ PW job spec) range 136 (includes market adj)	136	Sutter Plant Maintenance Water Wells and Tanks	44313/45050
1.00	UTIL	0668	Senior Electrician (Eliminate Senior Electrical and Instrumentation Technician class)	Title/range change/reclass from Senior Electrical and Instrumentation Technician to Senior Electrician range 140(includes market adj)	140	Sutter Plant Maintenance	44313

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-193**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2024-25 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council Resolution pursuant on June 06, 2023, as part of the Annual Budget of the City of Modesto for Fiscal Year 2023-24, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

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, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which July 1, 2024 falls, (Pay Period beginning June 18, 2024), unless otherwise noted, and

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 2024-25 Operating Budget for various departments as **attached in Exhibit 6.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Position Allocation Amendment
 FY 2024/2025
 Effective June 18, 2024
 Exhibit 6

QTY	OPN	Description of Adjustment	Position	Department	Division	Current CC#	CC# Moving To	Division Moving To
1.00	0888	Move (1) Police Community Services Officer II from cc 19220 to cc 19511	Police Community Services Officer II	Modesto Police Department - MPD	MPD.Investigative Services	19220	19511	MPD.Measure H - Area Command
1.00	0894	Move (1) Police Community Services Officer II from cc 19420 to cc 19321	Police Community Services Officer II	Modesto Police Department - MPD	MPD.Records and Support	19420	19321	MPD.Measure H - Field Operations
1.00	0900	Move (1) Police Community Services Officer II from cc 19460 to cc 19570	Police Community Services Officer II	Modesto Police Department - MPD	MPD.Police Abandoned Vehicles	19460	19570	MPD.Police Abandoned Vehicles
1.00	0905	Move (1) Police Community Services Officer II from cc 19330 to cc 19550	Police Community Services Officer II	Modesto Police Department - MPD	MPD.Traffic Safety	19330	19550	MPD.Traffic Safety
1.00	1093	Move (1) Police Officer from cc 19220 to cc 19222	Police Officer	Modesto Police Department - MPD	MPD.Investigative Services	19220	19222	Services
1.00	1094	Move (1) Police Officer from cc 19220 to cc 19520	Police Officer	Modesto Police Department - MPD	MPD.Investigative Services	19221	19520	MPD.Alternative Response Unit
1.00	1111	Move (1) Police Officer from cc 19320 to cc 19321	Police Officer	Modesto Police Department - MPD	MPD.Field Operations	19320	19321	MPD.Measure H - Field Operations
1.00	0134	Move (1) Police Sergeant from cc 19330 to cc 19550	Police Sergeant	Modesto Police Department - MPD	MPD. Traffic Safety	19330	19550	MPD. Traffic Safety
1.00	1135	Move (1) Police Officer from cc 19320 to cc 19550	Police Officer	Modesto Police Department - MPD	MPD.Field Operations	19320	19550	MPD. Measure H - Traffic Safety
1.00	1149	Move (1) Police Officer from cc 19330 to cc 19551	Police Officer	Modesto Police Department - MPD	MPD.Traffic Safety	19330	19550	MPD.Traffic Safety
1.00	1157	Move (1) Police Officer from cc 19330 to cc 19551	Police Officer	Modesto Police Department - MPD	MPD.Traffic Safety	19330	19550	MPD.Traffic Safety
1.00	1158	Move (1) Police Officer from cc 19220 to cc 19530	Police Officer	Modesto Police Department - MPD	MPD.Investigative Services	19220	19530	MPD.Crime Reduction Team
1.00	1302	Move (1) Neighborhood Preservation Supervisor from cc 19227 to cc 19560	Neighborhood Preservation Supervisor	Modesto Police Department - MPD	MPD.Neighborhood Preservation	19227	19560	MPD.Neighborhood Preservation
1.00	1303	Move (1) Administrative Office Assistant II from cc 19227 to cc 19560	Administrative Office Assistant II	Modesto Police Department - MPD	MPD.Neighborhood Preservation	19227	19560	MPD.Neighborhood Preservation
1.00	1318	Move (1) Police Aniaml Control Officer II from cc 19450 to cc 19540	Police Animal Control Officer II	Modesto Police Department - MPD	MPD.Animal Control Services	19450	19540	MPD.Animal Control
1.00	1352	Move (1) Police Community Services Officer II from cc 19220 to cc 19511	Police Community Services Officer II	Modesto Police Department - MPD	MPD.Investigative Services	19220	19511	MPD.Area Command
1.00	1373	Move (1) Police Officer from cc 19320 to cc 19321	Police Officer	Modesto Police Department - MPD	MPD.Field Operations	19320	19321	MPD.Measure H - Field Operations
1.00	1383	Move (1) Police Lietenant from cc 19320 to cc 19510	Police Lietenant	Modesto Police Department - MPD	MPD.Investigative Services	19220	19510	MPD.Area Command
1.00	1389	Move (1) Code Enforcement Officer from cc 19227 to cc 19560	Code Enforcement Officer II	Modesto Police Department - MPD	MPD.Neighborhood Preservation	19227	19560	MPD.Neighborhood Preservation
1.00	1405	Move (1) Maintenance Worker II from cc 19320 to cc 19550	Maintenance Worker II	Modesto Police Department - MPD	MPD.Field Operations	19321	19520	MPD.Alternative Response Unit
1.00	1457	Move (1) Police Community Services Officer II from cc 19320 to cc 19321	Police Community Services Officer II	Modesto Police Department - MPD	MPD.Field Operations	19320	19321	MPD.Measure H - Field Operations
1.00	1458	Move (1) Public Safety Outreach Specialist from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
1.00	1459	Move (1) Public Safety Outreach Specialist from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
1.00	1460	Move (1) Public Safety Outreach Specialist from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
1.00	1461	Move (1) Public Safety Outreach Specialists from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
1.00	1536	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1537	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1538	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1539	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1545	Move (1) Public Safety Outreach Specialist from cc 19206 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.HUD ARPA Outreach Division	19206	19523	MPD. CHAT CCPR
1.00	1546	Move (1) Public Safety Outreach Specialist from cc 19206 to cc 19524	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.HUD ARPA Outreach Division	19206	19524	MPD. Real Time Crime Center
1.00	1551	Move (1) Police Technician from cc 19320 to cc 19324	Police Technician	Modesto Police Department - MPD	MPD.Field Operations	19320	19324	MPD. CHAT CCPR
1.00	1569	Reallocate/reclass (1) Senior Public Safety Outreach Specialist to PS Outreach Supervisor	Public Safety Outreach Supervisor	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD. CHAT CCPR
1.00	1570	Reallocate/reclass (1) Senior Public Safety Outreach Specialist to PS Outreach Supervisor	Public Safety Outreach Supervisor	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD. CHAT CCPR
1.00	1571	Move (1) Police Crime and Intelligence Analyst II from cc 19396 to cc 19523	Police Crime and Intelligence Analyst II	Modesto Police Department - MPD	MPD.CHAT	19397	19524	MPD. CHAT CCPR
1.00	1572	Move (1) Public Safety Outreach Specialists from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
1.00	1573	Move (1) Public Safety Outreach Specialists from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
1.00	1574	Move (1) Public Safety Outreach Specialists from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
1.00	1575	Move (1) Public Safety Outreach Specialists from cc 19396 to cc 19523	Public Safety Outreach Specialist	Modesto Police Department - MPD	MPD.CHAT	19396	19523	MPD.CHAT CCPR
0.50	1576	Change (1) 1.0 FTE to (1) .50 PTE (1576 1.0 FTE)	Police Cadet II	Modesto Police Department - MPD	MPD.Investigative Services	19220	n/a	n/a
1.00	1577	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1578	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1579	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1580	Move (1) Maintenance Worker II from cc 19220 to cc 19521	Maintenance Worker I	Modesto Police Department - MPD	MPD.Investigative Services	19220	19521	Response Unit
1.00	1581	Move (1) Police Civilian Investigator from cc 19220 to cc 19222	Police Civilian Investigator	Modesto Police Department - MPD	MPD.Investigative Services	19220	19222	Services
1.00	1582	Move (1) Police Civilian Investigator from cc 19220 to cc 19222	Police Civilian Investigator	Modesto Police Department - MPD	MPD.Investigative Services	19220	19222	Services
1.00	1615	Move (1) Code Enforcement Officer from cc 19228 to cc 19561	Code Enforcement Officer II	Modesto Police Department - MPD	MPD.Measure H - Neigh. Preservation	19228	19561	Preservation
1.00	1616	Move (1) Code Enforcement Officer from cc 19228 to cc 19561	Code Enforcement Officer II	Modesto Police Department - MPD	MPD.Measure H - Neigh. Preservation	19228	19561	Preservation
1.00	1640	Move (1) Police Aniaml Control Officer II from cc 19451 to cc 19541	Police Animal Control Officer II	Modesto Police Department - MPD	MPD.Measure H - Animal Control	19451	19541	MPD. Measure H - Animal Control
1.00	1648	Move (1) Police Park Ranger from cc 19226 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19226	19522	Program
1.00	1649	Move (1) Police Park Ranger from cc 19226 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19226	19522	Program
1.00	1650	Move (1) Police Park Ranger from cc 19226 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19226	19522	Program
1.00	1651	Move (1) Police Park Ranger from cc 19226 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19226	19522	Program
1.00	1668	Move (1) Police Lietenant from cc 19321 to cc 19511	Police Lietenant	Modesto Police Department - MPD	MPD.Measure H - Field Operations	19321	19511	MPD.Measure H - Area Command
1.00	1667	Move (1) Police Civilian Supervisor from cc 19421 to cc 19511	Police Civilian Supervisor	Modesto Police Department - MPD	MPD.Measure H - Rec and Support	19421	19511	MPD.Measure H - Area Command
1.00	1669	Move (1) Police Park Ranger from cc 19225 to cc 19522	Police Park Ranger	Modesto Police Department - MPD	MPD. Park Ranger Program	19225	19522	Program
1.00	1678	Move (1) Code Enforcement Officer from cc 19228 to cc 19561	Code Enforcement Officer II	Modesto Police Department - MPD	Preservation	19228	19561	Preservation
0.50	1680	Change (1) 1.0 FTE to (1) .50 PTE	Police Cadet II	Modesto Police Department - MPD	MPD.Investigative Services	19220	n/a	n/a

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-194**

RESOLUTION APPROVING THE CITY'S PANDEMIC RECOVERY STRATEGY, MODESTO FORWARD, FOR THE REALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS DEFINED UNDER EXHIBIT A AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE PROGRAMS AND FUNDING ALLOCATION

WHEREAS, since the adoption of the local health emergency, the City has implemented a variety of measures and programs to help slow the spread of COVID-19 and mitigate the associated impact of the pandemic, and

WHEREAS, the response has included safe transit opportunities available at no cost, open-air program for restaurants, business enforcement and monitoring programs, small business grants, adjustments/closures to city facilities, in-door shelter for at-risk homeless individuals, and telecommuting opportunities for employees, and

WHEREAS, the City also has directly supported the County with making testing centers and a vaccine clinic available that are directly managed and supported by City personnel, and

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act a \$1.9 trillion emergency relief measure intended to provide relief to address the impact of COVID-19, and

WHEREAS, the American Rescue Plan Act is making available \$45,897,056 to the City of Modesto to help address the local impact of COVID-19, and

WHEREAS, the Treasury Department has released interim guidance to-date and considers the following 6 categories as allowable uses: Public Health Response, Address Negative Economic Impact, Supporting Hardest-Hit Communities and Families,

Replacing Lost Public Sector Revenue, Investments in Water and Sewer Infrastructure, and Investments in Broadband, and

WHEREAS, on August 10, 2023, the Treasury Department released on its website the 2023 Interim Final Rule which implemented three new eligible uses authorized in the Consolidated Appropriations Act (CAA), 2023 which included Emergency Relief from Natural Disasters, Surface Transportation Projects and Title I projects, and

WHEREAS, on May 25, 2021, by Resolution 2021-194, the City Council approved the original spending plan for the allocation made available in May 2021, and

WHEREAS, under Resolution 2022-237 on July 12, 2022 Year 2 expenditure plan was approved based on soliciting priorities from the public and the Council at the three standing City Council Committees: Economic Development, Safety and Communities, and Finance, and

WHEREAS, Council approved under Resolution 2023-251, several ARPA programs to be reallocated to new or existing ARPA programs based on these new funding sources available for these programs such as Measure H and other grant funding sources, and

WHEREAS, as the Treasury obligation deadline of December 31, 2024, is closely approaching, City staff have determined the below ARPA programs will be unable to meet the obligation deadline or new funding sources have been identified to fund these programs; and below is summary of the Council approved ARPA program being proposed to be reallocated to an existing or new ARPA program, and

ARPA Programs - Removed	Reason for Reallocation	ARPA allocation Amount being Removed
General Fund Reserve FY 22-23	Remaining ARPA Funds available	\$ 3,182,825
Hazard Pay	Revised due to final allocation	\$ 1,384
Dispatch 911 Project	New Funding Source/Timeline	\$ 936,884
Mental Health Clinician Program	New Funding Source	\$ 800,000
Deferred Maintenance at Parks & Public Facilities	Timeline and Project Increases	\$ 234,231
EIFD - Additional Funding	Timeline	\$ 218,286
Downtown Development	Timeline	\$ 239,600
Revolving Loan for Water and Sewer Connection Fees	Timeline	\$ 910,000
Blight Abatement - Housing Rehab	Timeline	\$ 184,280
Quiet Zones	Timeline	\$ 585,051
Expanded Wi-Fi Downtown	New Funding Source	\$ 200,000
TSP Battery Backup System Upgrade	New Funding Source	\$ 50,000
Park Ranger Program	New Funding Source	\$ 100,000
	Totals Removed from ARPA	\$ 7,642,541

WHEREAS, based on these priorities, staff reviewed various community partner funding request and key priorities for the community and evaluated these new program programs to ensure they complied with the eligible expenses based on the guidance that had been made available by the Treasury Department, and

WHEREAS, the proposed recommendations for the reallocation of the new ARPA programs and funding contributions are identified under **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City’s Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act funds defined under **Exhibit A**.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to carry out the necessary steps to implement the programs and funding allocations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**EXHIBIT A
REALLOCATION OF NEW OR EXISTING ARPA PROGRAMS**

NEW: ARPA Programs	New ARPA allocation Amount
General Fund Reserve - FY 24-25	\$ 2,000,000
First Tee and Boys and Girls Club - Funding Contribution	\$ 500,000
Dryden Clubhouse Renovation (Design)	\$ 400,000
Cesar Chavez Renovation Project (Additional Funding)	\$ 1,867,541
Martin Luther King Renovation Project - Funding	\$ 1,400,000
Gallo Arts Center - Funding Contribution	\$ 25,000
Awesome Spot (Additional Funding)	\$ 600,000
Graffiti Car Museum - Funding Contribution	\$ 350,000
Stanislaus County Library - Funding Contribution	\$ 500,000
	\$ 7,642,541

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-195**

RESOLUTION APPROVING AN AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIREFIGHTERS' ASSOCIATION (MCFFA) FOR A TERM OF JULY 1, 2024 TO JUNE 30, 2028, AND RELATED SALARY SCHEDULES; 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 City Firefighters' Association (MCFFA) expires on June 30, 2024, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MCFFA have reached agreement on language changes for a successor MOU and have memorialized such changes in the Tentative Agreement between the CITY and MCFFA ("Tentative Agreement"), **attached** hereto as **Exhibit A**, and

WHEREAS, the City Council desires to approve the salary and benefit changes as described in the Tentative Agreement, and

WHEREAS, except as provided in the Tentative Agreement, the remaining provisions of the July 1, 2022, through June 30, 2024 MOU between the CITY and MCFFA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MCFFA and shall be consistent with the Tentative Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Tentative Agreement, **attached** hereto as **Exhibit A**, containing the language changes for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Firefighters' Association (MCFFA), which covers a term from July 1, 2024, through June 30, 2028, and related salary schedules, **attached** hereto as **Exhibits B through M**.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to take the necessary administrative action to implement the Tentative Agreement, and to prepare and execute the successor MOU to reflect the changed in the Tentative Agreement and consistent with this Resolution. Upon execution of the updated MOU, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Tentative Agreement Between
City of Modesto
and
Modesto City Fire Fighters Association (MCFFA)
May 14, 2024

The City of Modesto, hereby referred to as “City,” and the Modesto City Fire Fighters Association, hereby referred to as “MCFFA” agree to this Tentative Agreement (TA) regarding language for the successor Memorandum of Understanding (MOU) by and between the City and the MCFFA. All other provisions of the MOU shall remain in effect. This tentative agreement is contingent upon ratification by the unit and approval by the City Council.

SUMMARY

- 1) Wages
 - a) June 18, 2024, 6% base wage increase
 - b) July 1, 2025, 6% base wage increase
 - c) June 30, 2026, 5% base wage increase
 - d) June 29, 2027, 4% base wage increase
- 2) UAL
 - a) Change in application of funds
- 3) Bilingual Pay
 - a) 4.0% Incentive
- 4) Cafeteria Plan
 - a) Proposed increases as described in chart
- 5) Longevity Pay:
 - a) 6 years of service 2.5%
 - b) 12 years of service 4.0%
 - c) 18 years of service 6.0%
 - d) 24 years of service 8.0%
- 6) Certification Pay
 - a) Effective July 1, 2024, 1.0% per cert up to max of 4.0%
 - b) Effective July 1, 2026, 1.0% per cert up to max of 5.0%
- 7) CTO
 - a) Accrual cap of 144 annually and accrual restrictions
- 8) Special Assignment: Pay equal to Step D or 10% above current base pay

LANGUAGE

Article 2. TERM OF MEMORANDUM

- a) The term of this Memorandum of Understanding shall be the period of July 1, 202~~42~~ through June 30, 202~~84~~, inclusive.
- b) The CITY and MCFFA agree to begin subsequent negotiations no later than January 15, 202~~84~~.

Article 4. SALARY RATES AND STEP ADVANCES

- a) The parties jointly agree that the following base salary ranges and rates shall be applicable on the dates indicated for classifications in this Unit for the period commencing July 1, 202~~42~~ and ending June 30, 202~~84~~.

Classification Title	Ranges Effective 7/1/22	
	56 Hour	40 Hour
Firefighter Trainee	205	905
Firefighter	209	709
Fire Engineer	213	713
Fire Captain	219	719

- b) For purposes of this Agreement, base salary range shall mean the salary range assigned to a specific classification as provided in Section (a) of this Article. Base salary rate shall mean the hourly rate of pay established pursuant to the step placement within the base salary range as provided in this Agreement. Salary ranges shall be those provided in Exhibits A through I (Schedule of Salary Ranges) of this Agreement. Paid time worked shall be based upon the regular rate of pay with the computation rounded to the nearest cent. Regular rate shall be defined as wages paid by an employer for a payroll period (i.e. base pay, incentive pay, certificate pay), of pay for purposes of overtime earned under the Fair Labor Standards Act ("FLSA) includes certain payments to employees beyond the base rate of pay as defined by the FLSA.
- c) Effective June ~~1822~~, 202~~44~~, the salary ranges shall be adjusted upward by ~~five~~~~six~~~~two~~ and ~~one~~~~half~~ percent (~~65.02.5~~%) as provided in Exhibits A through C of this Agreement.

Effective July~~ne~~ ~~21~~, 202~~52~~, the salary ranges shall be further adjusted upward by an additional ~~six~~~~five~~~~two~~ and ~~one~~~~half~~ percent (~~65.02.5~~%) as provided in Exhibits D through F of this Agreement.

Effective June 30, 2026, the salary ranges shall be adjusted upward by an additional five percent (5.0%) as provided in Exhibits through of this agreement.

Effective June 29, 2027, the salary ranges shall be adjusted upward by an additional four percent (4.0%) as provided in Exhibits through of this agreement.

~~Effective April 16, 2019, each employee shall contribute one (1.0%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization Bases.~~

~~Effective July 21, 2020, each employee shall contribute an additional three percent (3.0%) for a total of four percent (4.0%) to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases, with the exception that from July 21, 2020 through June 7, 2021, the four percent (4%) contribution shall be used to fund a portion of the Employer Share of the normal cost versus being contributed to an agreed upon base on the CalPERS Safety Schedule of Amortization and effective June 8, 2021 the four (4%) contribution shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue to until such liability is paid in full.~~

~~Effective June 21, 2022, each Employees shall contribute an additional two and one-half percent (2.5%) for a total of six and one-half (6.5%) of salary as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrue Liability (UAL) and shall continue until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to Fire employees.~~

Effective June 18, 2024, each employee shall contribute ~~up to five percent (5%)~~ employee contributions shall only may be applied of salary to the CalPERS Unfunded Accrued Liability (UAL) as determined by the City for the best benefit of the City budget, and an additional one and one-half percent (1.5%) of salary as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrue Liability (UAL). These contributions shall continue until such liability is paid in full. ;

In contributing to their statutorily and MOU required retirement contributions, PEPRAs employees shall not exceed the agreed upon total additional contribution ~~levels noted above for each year listed; sixteen percent (16%) for June 2021 and of~~ eighteen and one-half percent (18.5%) ~~for June 2022~~. Should the PEPRAs contribution requirements exceed ~~the percentages noted above~~ twelve percent (12%), PEPRAs employees shall have their additional MOU contributions to the City's Base account adjusted downward accordingly so that the total contributions do not exceed eighteen and one-half percent (18.5%). This provision does not impact any contribution requirements under PEPRAs or CalPERS law, and does not impact any contributions for CalPERS Classic employees. ~~The cap of eighteen and one-half percent (18.5%) shall remain in effect for the duration of this successor Memorandum of Understanding.~~

- d) When an employee is promoted, the calculation for the salary increase shall be based on the employee's base salary, excluding any Relief pay, incentive pay or acting pay.

e) Each salary range shall consist of ~~five~~ six (56) steps, A through ~~FE~~. Progression through the steps shall be based upon both length of service and job performance.

1) Step A will normally be paid upon initial employment. The initial salary may be set at a higher step only upon approval of the department head and/or City Manager. In cases of exceptional performance, employees hired at higher than Step A, may be considered for their first step increase after thirteen (13) pay periods.

2) Step B shall be paid upon completion of 13 pay periods with an overall "Meets Expectations" performance evaluation.

3) Steps C and D shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" performance evaluation.

4) Step E shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" evaluation and a current certification as an EMT or Paramedic. Failure to maintain such certification shall result in automatic reduction to Step D.

4)5) Step F shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" evaluation and a current certification as an EMT or Paramedic. Failure to maintain such certification shall result in automatic reduction to Step E.

~~Effective July 1, 2023, each salary range shall consist of six (6) steps, A through F, as provided in Exhibits G through I. Progression through the steps shall be based upon both length of service and job performance. Effective July 1, 2023, employees who have been in Step E for 26 pay periods or more shall be placed into Step F.~~

~~1) Step A will normally be paid upon initial employment. The initial salary may be set at a higher step only upon approval of the department head and/or City Manager. In cases of exceptional performance, employees hired at higher than Step A, may be considered for their first step increase after thirteen (13) pay periods.~~

~~2) Step B shall be paid upon completion of 13 pay periods with an overall "Meets Expectations" performance evaluation.~~

~~3) Steps C through E shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" performance evaluation.~~

~~4)1) Step F shall be paid upon completion of 26 pay periods with an overall "Meets Expectations" evaluation and a current certification as an EMT or Paramedic. Failure to maintain such certification shall result in automatic reduction to Step E.~~

f) Merit step increases within the established salary range, may be granted in addition to those above, upon approval of the City Manager.

g) When a step increase is denied, there shall be another performance evaluation of the employee within thirteen (13) pay periods from the effective date of the denied increase.

There is no right of appeal to the withholding of a step increase, but the reasons for withholding shall be given in writing to the employee.

- h) Due to performance deficiency, lack of application, indifferent attitude, or other legitimate reasons, an employee's step may be reduced to a lower step upon recommendation of the department head and approval of the City Manager. There is no right of appeal due to the lowering of steps, but the reasons for such shall be given in writing to the employee.

This Tentative Agreement shall be presented to the Modesto City Council for approval and shall not be binding until so approved.

Article 8. SPECIAL ASSIGNMENTS

a) ~~Employees may be assigned by the Fire Chief to serve in long-term special assignments on a 40 hour or 56-hour work schedule. These assignments include, but are not limited to, assignments in Fire Investigations, Fire Prevention, EMS, and the Training Division. Effective July 1, 2024, when employees are assigned to these positions, they shall receive special assignment pay equivalent to "D" step D of the Captain pay schedule, or ten percent (10%) above their base pay, whichever is greater. Employees starting at "D" step D of the Captain pay schedule are eligible for step increases based on Article 4. This does not include temporary or modified duty assignments. Employees may be assigned by the Fire Chief to serve in the long-term 40-hour assignments. These assignments include, but are not limited to, assignments in Fire Investigations and in the Training Division. Effective October 23, 2001, when employees are assigned to these positions, they shall receive special assignment pay equivalent to "C" step of the Captain pay schedule, or seven and one-half percent (7.5%) above their base pay, whichever is greater. This does not include temporary or modified duty assignments.~~

~~b) Employees assigned by the Fire Chief to serve as Fire Investigators on a 56-hour work schedule shall receive special assignment pay equivalent to "C" step of the Captain pay schedule, or their regular pay if they hold the rank of Captain, whichever is greater.~~

Article 12. CERTIFICATE INCENTIVE PAY

Employees who hold certificates identified below shall be eligible for certification incentive pay.

a) ~~Effective July 1, 2024~~², employees shall receive one-half percent (1.00-5%) for each qualifying certificate listed below, for up to a maximum of ~~four~~^{two and one-half} percent (4.02-5%) certification incentive pay.

~~a)b)~~ Effective July 1, 2026, employees shall receive one percent (1.0%) for each qualifying certificate listed below, for up to a maximum of five percent (5.0%).

~~b)c)~~ Qualifying certificates:

- 1) Certificates below held from the Office of the California State Fire Marshal or the equivalent California Joint Apprentice Committee Program shall be eligible for compensation:

Fire Investigator – 1A, 1B, 1C
Fire Inspector (or Prevention) – 1A, 1B, 1C, 1D
Fire Instructor – 1A, 1B, 1C, or I, II, III
Fire Command – 1A, 1B, 1C
Fire Management 1
Plans Examiner (or Checker) – 1A, 1B, 1C
Fire & Life Safety Educator – 1A, 1B, 1C
Fire Science or Fire Technology Certificate
Structural Collapse Rescue Systems 2
Rope Rescue Technician
Boat Operator
Wildland Firefighter – Equivalent courses in series.
Fire Apparatus Driver/Operator or Engineer or Equivalent (Equivalent to completion of 1A and 1B)
Driver Operator 1A
Driver Operator 1B
Fire Control 5 (ARFF – Aircraft Rescue and Fire Fighting)
Company Officer – 2A, 2B, 2C, 2D, 2E
Fire Marshal – 1A, 1B, 1C, 1D, 1E
Chief Officer – 3A, 3B, 3C, 3D
Fire fighter 1: 1A, 1B, 1C
Fire fighter 2: 2A
Emergency Vehicle Tech: 1A, 1B, 1C
Fire apparatus driver/Operator: 1C, 1D, 1E, 1F
State Certified Prescribed Burn Boss
JAC Engineer

Article 13. LONGEVITY INCENTIVE PAY

- a) Effective ~~June 18, 2024~~ June 18, 2024, employees shall be eligible for Longevity Incentive Pay for the following years of service

- 1) ~~6~~10 years of service ~~2.5%~~2.0%
- 2) ~~12~~15 years of service ~~4.0%~~3.5%
- 3) ~~18~~20 years of service ~~6.0%~~5.0%
- ~~3)4)~~ 24 years of service 8.0%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

Article 16. OVERTIME, COMPENSATORY TIME, HIRE-BACK, CALL-BACK

- a) The work period for fire suppression employees working shifts shall be twenty-four (24) days. The first day of the work period for Platoon A shall be April 22, 1985; for Platoon B shall be April 19, 1985; and, for Platoon C shall be April 16, 1985 all at 0700 hours. The work schedule provides for 192 hours of work within the twenty-four (24) day work period. Employee hours are equalized to 56 hours in a week for payroll computation purposes. The ten (10) additionally scheduled hours above the maximum hours standard as allowed in 29 CFR Section 553.230, are only paid at overtime rates if the employee works more than 182 scheduled hours in the twenty-four (24) day work period. "4850 time" shall be treated as time worked for purposes of computing overtime.
- b) The work period for non-shift employees ("40 hour" employees) shall be fourteen (14) days and shall coincide with the City's standard pay period cycle. The work period shall commence at 12:01 a.m. Tuesday and conclude at 12:00 a.m. (midnight) two weeks thereafter. The average non-overtime work week shall be forty (40) hours. The Fire Chief may authorize alternate work schedules for non-shift employees, not to exceed eighty (80) non-overtime hours in the fourteen (14) day work period.
- c) Employees shall not work overtime without the express direction of their supervisor and approval of the Fire Chief or designee.
- d) All overtime worked must be reported by the employee to the supervisor the day or shift following the day or shift the overtime was worked.
- e) Overtime shall be compensated at time and one-half of the employee's regular rate of pay for each minute worked. For shift employees, overtime pay rates shall be for all time worked over one hundred eighty-two (182) hours in a twenty-four (24) day work period. For non-shift employees, overtime pay rates shall be paid for all time scheduled and worked over eighty (80) hours in the fourteen (14) day work period. Paid leave time shall be considered as time actually worked for purposes of computing overtime, except that the three (3) hours of regularly scheduled overtime in each week must be actually worked to be paid at overtime rates as required by Article 14(a) above.
- f) The City may authorize working out of rank to ensure minimum staffing levels. Working "out of rank" will allow a Captain to work as an Engineer or Firefighter, an Engineer to work as a Firefighter as long as all necessary signoffs are complete. With the implementation of this temporary assignment, there shall be no changes to the current Rank/Pay structure. When working out of rank at a lower rank, the individual employee shall not have his/her base wage reduced to the lower ranking base salary. Further, the same restrictions for working out of class as defined by Government Code Section 20480 shall apply to working out of rank.
- g) The Opt Out allowance paid pursuant to the Cafeteria Plan shall be treated as a lump sum payment to an hourly rate employee for the purposes of overtime compensation pursuant to the method of 29 C.F.R. 778.110(b). Unlike the Opt Out allowance, all other remunerations not subject to exclusion pursuant to 29 U.S.C. 207(e) shall be treated as they have been, and shall be included in the regular rate and paid at one-and one-half times the regular rate for overtime hours.

- h) If requested by the employee, overtime for non-shift employees may be recorded as compensatory time off (CTO). CTO will be credited at one and one-half (1½) times the amount of hours worked. Each employee shall be paid, as part of the last paycheck received in September, December, March and June for all compensatory time over one hundred forty-four (144) hours. Employees may request payment of compensatory time to be included in any other regular paycheck so long as the request is for at least twenty (20) hours and sufficient notice, as determined by the Finance Director, is provided. Employees may also request and with the consent of the Fire Chief or designee be granted compensatory time off. Prior to the employee's reassignment from a 40-hour non-shift schedule to a 56-hour shift schedule, all compensatory time off shall be paid to the employee at the employee's then current regular rate of pay.
- i) If requested by an employee, overtime for shift employees may be recorded as compensatory time off (CTO). CTO will be credited at one and one-half (1½) times the amount of hours worked. Each employee shall be paid, as part of the last paycheck received in September, December, March and June for all compensatory time over one hundred forty-four (144) hours. Effective January 1, 2025, employees shall be allowed to earn up to a maximum of one hundred forty-four (144) hours of CTO per calendar year. Once the employee has reached one hundred forty-four (144) cap for the year, all additional other overtime shall be paid in cash. The employee's CTO bank shall begin accruing the first full pay period containing January 1 of each year and shall be cashed out of all remaining CTO hours the last pay period of the year. Employees may request payment of compensatory time to be included in any other regular paycheck so long as the request is for at least twenty (20) hours and sufficient notice, as determined by the Finance Director, is provided. Employees may also request and with the consent of the Fire Chief or designee be granted compensatory time off. Prior to the employee's reassignment from a 56-hour shift schedule to a 40-hour non-shift schedule, all compensatory time off shall be paid to the employee at the employee's then current regular rate of pay. ~~CTO earned in a fiscal year must be used or cashed out by the last paycheck received in June; no CTO balance will be carried over into the new fiscal year. If an employee has a remaining CTO balance after the last paycheck in June, it will be cashed out in the next pay period at the employee's then current regular rate of pay.~~
- j) Shift employees who are on duty at the time of a call for service, and who are required to continue on the call beyond the end of their regular shift, shall be paid overtime for time beyond the end of shift. Such overtime shall be paid at the end of the pay period in which the duty was performed.
- k) Employees who are "hired-back" to meet the manpower requirements of the Minimum Staffing Policy shall be paid overtime for all such duty. Travel time will be paid only from duty station to duty station. Anyone responding to work from any other location will be paid from the time of arrival at the assigned duty station. Such overtime shall be paid at the end of the pay period in which the duty was performed.
- l) Employees who are "called-back" to work on an emergency basis (including Fire Investigations and emergency support activities) shall be paid a minimum of four

(4) hours of overtime. "Emergency Basis" also includes staffing needs as a result of extended automatic or mutual aid.

- m) When a 40-hour non-shift employee works overtime in a shift capacity, the hourly rate of pay used to calculate overtime compensation arising out of the hours worked on shift, shall be derived from the 112 hour Salary Schedule and shall exclude any special assignment pay attributable to the employee's 40-hour special assignment.
- n) FLSA overtime shall be calculated at the conclusion of each work period and shall be paid with the payroll check received no later than the next full pay period.
- o) Personnel working a 56-hour work schedule who represent MCVFA during contract negotiations with the CITY of Modesto will be relieved from their regular shift for 12 hours when they attend negotiation sessions.
- p) Fire Department employees are required to receive an annual physical. This physical shall be paid for by the CITY, when performed by the CITY contract physician. Employees obtaining their annual physical from their private physician shall incur all costs. The CITY shall pay the employee three (3) hours of overtime pay to obtain all phases of this physical. Those employees required to obtain a HazMat physical shall be paid four (4) hours of overtime.
- q) All other administrative policies and procedures regarding overtime shall be as contained in the Personnel Rules and Personnel Administrative Orders and the Minimum Staffing Policy.

New Article. BILINGUAL INCENTIVE PAY

1. Employees who communicate orally in Spanish and/or Southeast Asian languages common to this area, who pass the CITY's proficiency examination and who agree to utilize this skill in the course of their duties, shall be eligible for four percent (4.0%) Bilingual Pay. In the event an employee is multilingual, the maximum Bilingual Pay received by any employee remains at four percent (4.0%).
2. Proficiency in oral communications will be determined by an oral examination. Examination boards/panels will be convened as deemed necessary by the CITY. Three (3) people, recognized as being bilingual by the CITY, will sit on the examination panel. To pass the examination, two (2) of the three (3) panel members must agree that the employee is proficient in oral bilingual communication. Alternative methods of testing may be provided by the City. If an employee passes the examination, Bilingual Pay will begin at the start of the next pay period.
3. Other languages may also qualify for bilingual pay if a need is determined by the CITY. In this event, the above stated procedures will be utilized.
4. Bilingual Pay is compensation for active utilization of the bilingual skills in the workplace. Employees receiving Bilingual Pay who are out of the workplace for more than six (6) consecutive full pay periods shall cease receiving Bilingual Pay

unless the absent employee is on 4850 time. Employees absent on 4850 time shall cease receiving Bilingual Pay when the absence extends beyond twelve (12) full pay periods. Bilingual Pay shall resume immediately upon the employee's full time return to the workplace.

5. The Fire Chief reserves the right to discontinue any employee's Bilingual Pay if the Chief determines that the bilingual services are not being effectively provided.

Article 22. CAFETERIA PLAN

a) All employees in regular positions budgeted for forty (40) hours or more per pay period shall be eligible to participate in the Cafeteria Plan described in this Article. Each such employee may select among the following options and specify what portion of the amount designated below will be applied. The cafeteria allowance amounts listed in (b) (1) below, include the required minimum health contribution, as set forth by Government Code Section 22825.

b) Eligible employees shall be entitled to the following monthly allowances:

1) Total Allowance (monthly) – Health & Cafeteria Plan

	<u>20252</u>	<u>20263*</u>	<u>20274*</u>	<u>2028*</u>
Employee Only	<u>\$769839</u>	<u>\$800873</u>	<u>\$832907</u>	<u>\$865</u>
Employee + 1	<u>\$1,5394,253</u>	<u>\$1,6004,303</u>	<u>\$1,6644,355</u>	<u>\$1,731</u>
Family	<u>\$2,0044,577</u>	<u>\$2,0854,640</u>	<u>\$2,1684,706</u>	<u>\$2,255</u>
Opt Out	\$550	\$550	\$550	\$550

**The rates in 20263 and 20274 shall take effect in the pay period that includes PERS rate changes for the applicable calendar year.*

- 2) The City's contribution and the employee deduction (if any) shall be processed for payment two (2) pay periods in advance of the dates listed above.
- 3) The Opt Out allowance applies to employees who waive health, dental and vision coverage, or who waive health but continue to carry dental and vision coverage.

c) The Cafeteria Plan shall include the following options:

- 1) Health, Dental and Vision Insurance. This option provides a monthly allowance toward the combined total premium for the health, dental and vision insurance program provided by the CITY not to exceed the stated monthly maximum benefit of the Cafeteria Plan. All employees shall select this option at least to the level that provides for health, vision and dental coverage for the individual employee, provided that employees may

request a waiver of the health coverage from the Human Resources Department. Such waiver shall only be granted if the employee shows proof of other health insurance coverage. Effective August 1, 2002, an employee who has waived health coverage may also elect to waive dental and vision coverage, provided that the employee shows proof of other dental coverage. Dental and vision coverage may only be waived together, and may not be separately waived. Should an employee who has obtained a waiver to this provision lose such alternative coverage, the employee shall notify the Human Resources Department within five (5) work days and enroll in a CITY provided insurance program. The election to waive coverage may only be exercised during the City's open enrollment period or in coordination with spouse/registered domestic partner's open enrollment period, or within thirty (30) days of a qualifying life change event.

- 2) Additional Insurance Programs. This option provides a monthly allowance toward payment of premiums for additional insurance programs sponsored by MCFFA or the CITY.
 - 3) Cash. That portion of the allowance not utilized for option (1) or (2) above shall be paid to the employee as cash. Such cash shall be subject to all applicable provisions of the tax code.
- c) The CITY shall continue an IRS section 125 program for pre-tax deductions for the employee share of health, dental and vision insurance premiums for dependent care costs, and for unreimbursed medical expenses

Article 32.HOLIDAYS

a)Fire Suppression Assignments

- 1) All employees assigned to fire suppression shall earn holiday time at the rate of one hundred thirty-two (156) hours per year, or one-half (1/2) of a twenty-four (24) hour shift per holiday.
- 2) Holiday time shall be advanced at the rate of seventy-eight (78) hours in January and seventy-eight (78) hours in July. Holiday time shall be considered earned by an employee at a rate of thirteen (13) hours per month.
 - i. During the first two (2) years of employment, holiday time will be accrued as the observed holiday occurs. For those employees accruing holiday time, Admission Day shall be accrued in January.
- 3) The following days are considered observed holidays for all employees assigned to fire suppression:
 - a. New Year's Day
 - b. Dr. Martin Luther King Jr. Day
 - c. Presidents' Day
 - d. Caesar Chavez Day
 - e. Memorial Day

- f. Juneteenth
- g. Independence Day
- h. Labor Day
- i. Admission Day
- j. Veterans' Day
- k. Thanksgiving Day
- l. Day after Thanksgiving
- m. Christmas Day

- 4) Employees may use holiday hours for time off at any point during the advanced period and do not need to wait until it is earned. Employees who leave the City employment before earning their advanced holiday time shall return to City any over used hours.
- 5) For employees assigned to fire suppression, there shall be three (3) holiday boards, separate from vacation boards, for the purpose of selecting holiday time off.
- 6) Employees who work a callback shift on the day they are scheduled to use a holiday shall only be eligible to take the overtime in cash. Employees may work a scheduled holiday only by the approval of the Fire Chief or his designee.
- 7) All employees assigned to fire suppression shall have the option to cash out Holiday hours at time and one-half pay.
- 8) All employees assigned to fire suppression may elect to cash out earned holiday hours in the pay periods that contain June 15 and December 15 each year. The holiday hours cashed out shall be limited to the amount of holiday hours the employee has earned at the time of the requested cash out. Holiday hours may be cashed out at twelve (12) or more hours. Notification of the number of hours to cash out shall be made to the Fire Department timekeeper no later than the Friday preceding the end of the pay period.
- 9) All holiday time credit shall be used, or cashed out, during the year in which it is earned.
- 10) Personnel who change from a 56-hour work schedule to a 40-hour work schedule shall have their current year Holiday balance adjusted by a factor of 0.667 (2/3rds) to equal the non-shift holiday accrual.

b) Non-shift Assignments

- 1) All employees in long term 40-hour non-shift assignments shall earn holiday time at the rate of one hundred four (104) hours per year, or eight (8) hours per holiday.
- 2) Holiday time shall be advanced at the rate of fifty-two (52) hours in January and fifty-two (52) hours in July. Holiday time shall be considered earned by an employee at a rate of eight and two thirds (8 2/3) hours per month.

- i. During the first two (2) years of employment, holiday time will be accrued as the observed holiday occurs. For those employees accruing holiday time, Admission Day shall be accrued in January.
 - 3) The following days are considered observed holidays for all employees in long term 40-hour non-shift assignments:
 - a) New Year's Day
 - b) Dr. Martin Luther King Jr. Day
 - c) Presidents' Day
 - d) Caesar Chavez Day
 - e) Memorial Day
 - f) Juneteenth
 - g) Independence Day
 - h) Labor Day
 - i) Admission Day
 - j) Veterans' Day
 - k) Thanksgiving Day
 - l) Day after Thanksgiving
 - m) Christmas Day
 - 4) Holidays which fall on a Saturday shall be observed on the previous Friday. Holidays which fall on a Sunday shall be observed on the following Monday. When an employee is required to work on a holiday that falls within their regularly scheduled work week, they shall be paid time and one-half for hours actually worked on the holiday.
 - 5) All employees in long-term 40-hour non-shift assignments shall have the option to cashout holiday hours at time and one-half pay.
 - 6) All employees in 40-hour non-shift assignments may elect to cash out earned holiday hours in the pay periods that contain June 15 and December 15 each year. The holiday hours cashed out shall be limited to the amount of the holiday hours the employee has earned at the time of the requested cash out. Holiday hours may be cashed out at eight (8) or more hours. Notification of the number of hours to cash out shall be made to the Fire Department timekeeper no later than the Friday preceding the end of the pay period.
 - 7) All holiday time shall be used, or cashed out during the year in which it is earned.
 - 8) Personnel who change from a 40-hour work schedule to a 56-hour work schedule shall have their current year Holiday balance adjusted by a factor of 1.5 to equal the shift holiday accrual.
- c)All other administrative policies and procedures shall be as contained in the Personnel Rules and Personnel Administrative Orders.

Article 33. VACATION

- a) Vacation leave for fire suppression personnel on shift shall be earned based on the following schedule:

<u>Years of Service</u>	<u>Vacation Hours Earned Per Pay Period</u>
0 – 5	5.538
6	8.307
7	8.861
8	9.415
9	9.953
10	10.523
11	11.076
12	11.353
13	11.630
14	11.907
15	12.184
16	12.461
17	12.738
18	13.015
19	13.292
20	13.569
21 or more	13.846

- b) Personnel who change from a 56-hour work schedule to a 40-hour work schedule shall have their current year vacation accrual adjusted on a prorated basis and then the current amount of accrued vacation time multiplied by a factor of 0.556 to equal the adjusted accrued vacation time.
- c) Personnel who change from a 40-hour work schedule to a 56-hour work schedule shall have their current year vacation accrual adjusted on a prorated basis and then the current amount of accrued vacation time multiplied by a factor of 1.8 to equal the adjusted accrued vacation time.
- d) Vacation time shall be accrued from the date of employment.
- e) During the first two (2) years of employment, employees may use only the amount of vacation time accrued at the time vacation begins. In subsequent years, annual vacation time may be credited in advance although all of the time may not be earned at the time the vacation starts. Vacation time will be advanced in the pay period in which January 1 falls and will be available for use that same pay period. In the event an employee leaving CITY service has taken vacation leave prior to the time all of the leave is earned, the employee shall reimburse the CITY for time used but not earned.

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.

- f) After one (1) year of service, employees are expected to take vacation leave to which they are entitled. An employee shall not carry into a new calendar year vacation hours exceeding twice their annual allowance. Employees exceeding twice their annual allowance at the end of a calendar year will not be advanced additional vacation hours until accrual is reduced to twice their annual rate. Vacation time earned during this time will be forfeited. Notwithstanding any other provisions contained herein, the City Manager may authorize an accelerated vacation accrual rate or waive the accumulation maximum for an employee to meet the needs of the service.
- g) All employees assigned to fire suppression shall have the option to cash out up to a maximum of three (3) vacation days (maximum seventy-two hours) per calendar year at their regular rate of pay.
- h) Vacations shall be scheduled with both due regard for the employee's wishes and the needs of the CITY. Employees who work a callback shift on the day they are scheduled to use a vacation day shall only be eligible to take the overtime in cash. Employees may work a scheduled vacation day only by the approval of the Fire Chief or his designee.
- i) Employees separating from CITY service shall have the option to have earned but unused vacation leave deposited into their CVRMT account or paid out in cash to the employee at the base rate of pay at the time of separation. ~~consistent with the terms of Article 21(b).~~
- j) The number of vacation boards available per work shift shall be four (4) with the exception of all holidays listed in Article 32 where the available vacation boards shall be five (5).
- k) 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 32, where the available vacation boards shall be six (6).
- l) For the term of the contracts of Fire Protection Services between the City and Ceres, the number of vacation boards shall be seven (7) and five (5) holiday boards.
- m) For the term of the contracts of Fire Protection Services between the City and Ceres, for the "Special" or "City recognized" holiday, the vacation board shall be increased by one.

Article 34. SICK LEAVE


- a) After completion of six (6) full pay periods, an employee may use sick leave. Sick leave may be used in five (5), twelve (12), or twenty-four (24) hour increments. With the approval of the Fire Chief or designee, an employee may use sick leave in time increments other than those listed above for serious health conditions as defined by the Family Medical Leave Act.

- b) Starting with the first full pay period following appointment, sick leave shall be accrued at the rate of 3.7 hours per pay period for those on a forty (40) hour work schedule, 5.5 hours per pay period for those on a fifty-six (56) hour work schedule.
- c) Employees on a forty (40) hour work schedule may accrue a maximum of two thousand (2,000) hours of sick leave. Employees on a fifty-six (56) hour work schedule may accrue a maximum of three thousand (3,000) hours of sick leave.
- d) Sick leave shall not accrue when an employee is absent on any leave other than vacation leave, 4850 time, bereavement leave, compensatory time off, holiday leave, jury duty, temporary military leave or other protected leaves.
- e) In order to qualify for sick leave, an employee must be unfit for their work as a result of illness or injury. Sick leave shall not be used for an injury or illness arising out of or incurred in connection with outside employment.
- f) In order to receive sick leave, an employee must follow procedure 12.8.1. Any changes to this procedure, if not agreed upon by both parties. Both parties agree to meet and confer.
- g) Employees may use sick leave for occasional dental, pregnancy, or medical appointments for themselves, when it is not reasonably feasible to do so during off duty time.
- h) Employees may use up to one-half of their annual sick leave accrual in any calendar year to attend to the illness of the employee's child, parent, spouse or registered domestic partner as provided in Section 233 of the Labor Code. The Fire Chief may also arrange for employees to use a reasonable amount of accrued sick leave to obtain medical or nursing care for immediate family members who are ill. Immediate family includes a spouse or registered domestic partner, son, daughter, mother, father, sister, brother, mother-in-law, father-in-law, grand-parent, stepson, stepdaughter, foster child, and foster parent of the employee or any individual with the prior approval of the Fire Chief. Sick leave beyond this point, though, may not be used to stay home with an ill member of the family, except in the case of critical illness as determined by the CITY.
- i) Employees who retire through the Public Employees' Retirement System after five (5) years of service in good standing, shall have ninety (90) percent of the first two thousand (2,000) hours of unused sick leave paid at the employee's then current baseregular rate of pay.
- j) In lieu of the foregoing paragraph, during the months of February and October, employees with a minimum sick leave balance of three hundred sixty (360) hours, [two hundred sixty (260) hours for employees assigned to forty hour shifts] may convert any excess balance to deferred compensation, in conformance with IRS regulations, according the following formula. The CITY shall deposit into the employee's deferred compensation account eighty-five percent (85%) of the then current regular hourly rate for each hour designated. In no event shall an employee convert in excess of one thousand eight hundred (1,800) hours during the course of his/her career. Should an employee retire before converting the maximum number of hours he/she could have cashed out at retirement, the employee shall receive the balance of the hours that would

have been granted under the foregoing paragraph less any hours converted under this program.

- k) Leave for disability covered by workers' compensation shall conform to the provisions of Section 4850 of the State Labor Code. Under state law, sworn safety members of the Fire Department receive full pay, including sick leave credit, up to one year for line-of-duty disability, and there is no charge against the employee's accrued sick leave under such circumstances. An employee who has exhausted 4850 times and whose sick leave has expired because of an on-the-job injury may be granted additional sick leave upon recommendation of the City Manager and approval of the City Council.
- l) The CITY may exercise its right to reopen negotiations to revise CITY's sick leave plan if the Internal Revenue Service determines that employee sick leave is non-elective deferred compensation under IRS Section 457 and thereby taxable in the year it is earned, not the year it is taken.
- m) All other administrative procedures and policies shall be as contained in the Personnel Rules and Personnel Administrative Orders.
- n) Personnel who change from a 56-hour work schedule to a 40-hour work schedule shall have their current year sick accrual adjusted by a factor of two thirds (0.667) to equal the adjusted accrued sick time.
- o) Personnel who change from a 40-hour work schedule to a 56-hour work schedule shall have their current year sick accrual adjusted by a factor of one and one half (1.5) to equal the adjusted accrued sick time.


CITY OF MODESTO



Christina Alger
Director of Human Resources


5/22/24
Date

**MODESTO CITY FIRE FIGHTERS
ASSOCIATION**



Sterling Butts
Lead Negotiator

5/22/24
Date



Dan Koontz
Representative

5/22/2024
Date



Ruben Esparza
MCCFA President

5-22-2024
Date

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 80 HOUR SCHEDULE
EFFECTIVE JUNE 18 2024

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0701	32.26	33.87	35.57	37.35	39.21	41.17	2,580.80	2,709.60	2,845.60	2,988.00	3,136.80	3,293.60	5,591.74	5,870.80	6,165.47	6,474.00	6,796.40	7,136.14
0702	33.07	34.72	36.46	38.28	40.19	42.20	2,645.60	2,777.60	2,916.80	3,062.40	3,215.20	3,376.00	5,732.14	6,018.14	6,319.74	6,635.20	6,966.27	7,314.67
0703	33.89	35.59	37.37	39.24	41.20	43.26	2,711.20	2,847.20	2,989.60	3,139.20	3,296.00	3,460.80	5,874.27	6,168.94	6,477.47	6,801.60	7,141.34	7,498.40
0704	34.74	36.48	38.30	40.22	42.23	44.34	2,779.20	2,918.40	3,064.00	3,217.60	3,378.40	3,547.20	6,021.60	6,323.20	6,638.67	6,971.47	7,319.87	7,685.60
0705	35.61	37.39	39.26	41.22	43.28	45.45	2,848.80	2,991.20	3,140.80	3,297.60	3,462.40	3,636.00	6,172.40	6,480.94	6,805.07	7,144.80	7,501.87	7,878.00
0706	36.50	38.32	40.24	42.25	44.36	46.58	2,920.00	3,065.60	3,219.20	3,380.00	3,548.80	3,726.40	6,326.67	6,642.14	6,974.94	7,323.34	7,689.07	8,073.87
0707	37.41	39.28	41.25	43.31	45.47	47.75	2,992.80	3,142.40	3,300.00	3,464.80	3,637.60	3,820.00	6,484.40	6,808.54	7,150.00	7,507.07	7,881.47	8,276.67
0708	38.35	40.26	42.28	44.39	46.61	48.94	3,068.00	3,220.80	3,382.40	3,551.20	3,728.80	3,915.20	6,647.34	6,978.40	7,328.54	7,694.27	8,079.07	8,482.94
0709	39.31	41.27	43.33	45.50	47.78	50.16	3,144.80	3,301.60	3,466.40	3,640.00	3,822.40	4,012.80	6,813.74	7,153.47	7,510.54	7,886.67	8,281.87	8,694.40
0710	40.29	42.30	44.42	46.64	48.97	51.42	3,223.20	3,384.00	3,553.60	3,731.20	3,917.60	4,113.60	6,983.60	7,332.00	7,699.47	8,084.27	8,488.14	8,912.80
0711	41.30	43.36	45.53	47.80	50.19	52.70	3,304.00	3,468.80	3,642.40	3,824.00	4,015.20	4,216.00	7,158.67	7,515.74	7,891.87	8,285.34	8,699.60	9,134.67
0712	42.33	44.44	46.67	49.00	51.45	54.02	3,386.40	3,555.20	3,733.60	3,920.00	4,116.00	4,321.60	7,337.20	7,702.94	8,089.47	8,493.34	8,918.00	9,363.47
0713	43.39	45.55	47.83	50.22	52.73	55.37	3,471.20	3,644.00	3,826.40	4,017.60	4,218.40	4,429.60	7,520.94	7,895.34	8,290.54	8,704.80	9,139.87	9,597.47
0714	44.47	46.69	49.03	51.48	54.05	56.76	3,557.60	3,735.20	3,922.40	4,118.40	4,324.00	4,540.80	7,708.14	8,092.94	8,498.54	8,923.20	9,368.67	9,838.40
0715	45.58	47.86	50.25	52.77	55.40	58.17	3,646.40	3,828.80	4,020.00	4,221.60	4,432.00	4,653.60	7,900.54	8,295.74	8,710.00	9,146.80	9,602.67	10,082.80
0716	46.72	49.06	51.51	54.08	56.79	59.63	3,737.60	3,924.80	4,120.80	4,326.40	4,543.20	4,770.40	8,098.14	8,503.74	8,928.40	9,373.87	9,843.60	10,335.87
0717	47.89	50.28	52.80	55.44	58.21	61.12	3,831.20	4,022.40	4,224.00	4,435.20	4,656.80	4,889.60	8,300.94	8,715.20	9,152.00	9,609.60	10,089.74	10,594.14
0718	49.09	51.54	54.12	56.82	59.66	62.65	3,927.20	4,123.20	4,329.60	4,545.60	4,772.80	5,012.00	8,508.94	8,933.60	9,380.80	9,848.80	10,341.07	10,859.34
0719	50.31	52.83	55.47	58.24	61.16	64.21	4,024.80	4,226.40	4,437.60	4,659.20	4,892.80	5,136.80	8,720.40	9,157.20	9,614.80	10,094.94	10,601.07	11,129.74
0720	51.57	54.15	56.86	59.70	62.68	65.82	4,125.60	4,332.00	4,548.80	4,776.00	5,014.40	5,265.60	8,938.80	9,386.00	9,855.74	10,348.00	10,864.54	11,408.80
0721	52.86	55.50	58.28	61.19	64.25	67.46	4,228.80	4,440.00	4,662.40	4,895.20	5,140.00	5,396.80	9,162.40	9,620.00	10,101.87	10,606.27	11,136.67	11,693.07
0722	54.18	56.89	59.73	62.72	65.86	69.15	4,334.40	4,551.20	4,778.40	5,017.60	5,268.80	5,532.00	9,391.20	9,860.94	10,353.20	10,871.47	11,415.74	11,986.00
0723	55.54	58.31	61.23	64.29	67.50	70.88	4,443.20	4,664.80	4,898.40	5,143.20	5,400.00	5,670.40	9,626.94	10,107.07	10,613.20	11,143.60	11,700.00	12,285.87
0724	56.92	59.77	62.76	65.90	69.19	72.65	4,553.60	4,781.60	5,020.80	5,272.00	5,535.20	5,812.00	9,866.14	10,360.14	10,878.40	11,422.67	11,992.94	12,592.67
0725	58.35	61.26	64.33	67.54	70.92	74.47	4,668.00	4,900.80	5,146.40	5,403.20	5,673.60	5,957.60	10,114.00	10,618.40	11,150.54	11,706.94	12,292.80	12,908.14

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 112 HOUR SCHEDULE
EFFECTIVE JUNE 18 2024

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0201	23.04	24.19	25.40	26.67	28.00	29.40	2,580.48	2,709.28	2,844.80	2,987.04	3,136.00	3,292.80	5,591.04	5,870.11	6,163.74	6,471.92	6,794.67	7,134.40
0202	23.61	24.80	26.03	27.34	28.70	30.14	2,644.32	2,777.60	2,915.36	3,062.08	3,214.40	3,375.68	5,729.36	6,018.14	6,316.62	6,634.51	6,964.54	7,313.98
0203	24.20	25.41	26.69	28.02	29.42	30.89	2,710.40	2,845.92	2,989.28	3,138.24	3,295.04	3,459.68	5,872.54	6,166.16	6,476.78	6,799.52	7,139.26	7,495.98
0204	24.81	26.05	27.35	28.72	30.16	31.66	2,778.72	2,917.60	3,063.20	3,216.64	3,377.92	3,545.92	6,020.56	6,321.47	6,636.94	6,969.39	7,318.83	7,682.83
0205	25.43	26.70	28.04	29.44	30.91	32.45	2,848.16	2,990.40	3,140.48	3,297.28	3,461.92	3,634.40	6,171.02	6,479.20	6,804.38	7,144.11	7,500.83	7,874.54
0206	26.07	27.37	28.74	30.17	31.68	33.27	2,919.84	3,065.44	3,218.88	3,379.04	3,548.16	3,726.24	6,326.32	6,641.79	6,974.24	7,321.26	7,687.68	8,073.52
0207	26.72	28.05	29.46	30.93	32.47	34.10	2,992.64	3,141.60	3,299.52	3,464.16	3,636.64	3,819.20	6,484.06	6,806.80	7,148.96	7,505.68	7,879.39	8,274.94
0208	27.38	28.75	30.19	31.70	33.29	34.95	3,066.56	3,220.00	3,381.28	3,550.40	3,728.48	3,914.40	6,644.22	6,976.67	7,326.11	7,692.54	8,078.38	8,481.20
0209	28.07	29.47	30.95	32.49	34.12	35.82	3,143.84	3,300.64	3,466.40	3,638.88	3,821.44	4,011.84	6,811.66	7,151.39	7,510.54	7,884.24	8,279.79	8,692.32
0210	28.77	30.21	31.72	33.31	34.97	36.72	3,222.24	3,383.52	3,552.64	3,730.72	3,916.64	4,112.64	6,981.52	7,330.96	7,697.39	8,083.23	8,486.06	8,910.72
0211	29.49	30.96	32.51	34.14	35.84	37.64	3,302.88	3,467.52	3,641.12	3,823.68	4,014.08	4,215.68	7,156.24	7,512.96	7,889.10	8,284.64	8,697.18	9,133.98
0212	30.23	31.74	33.33	34.99	36.74	38.58	3,385.76	3,554.88	3,732.96	3,918.88	4,114.88	4,320.96	7,335.82	7,702.24	8,088.08	8,490.91	8,915.58	9,362.08
0213	30.98	32.53	34.16	35.87	37.66	39.54	3,469.76	3,643.36	3,825.92	4,017.44	4,217.92	4,428.48	7,517.82	7,893.95	8,289.50	8,704.46	9,138.83	9,595.04
0214	31.76	33.34	35.01	36.76	38.60	40.53	3,557.12	3,734.08	3,921.12	4,117.12	4,323.20	4,539.36	7,707.10	8,090.51	8,495.76	8,920.43	9,366.94	9,835.28
0215	32.55	34.18	35.89	37.68	39.57	41.54	3,645.60	3,828.16	4,019.68	4,220.16	4,431.84	4,652.48	7,898.80	8,294.35	8,709.31	9,143.68	9,602.32	10,080.38
0216	33.36	35.03	36.78	38.62	40.55	42.58	3,736.32	3,923.36	4,119.36	4,325.44	4,541.60	4,768.96	8,095.36	8,500.62	8,925.28	9,371.79	9,840.14	10,332.75
0217	34.20	35.91	37.70	39.59	41.57	43.65	3,830.40	4,021.92	4,222.40	4,434.08	4,655.84	4,888.80	8,299.20	8,714.16	9,148.54	9,607.18	10,087.66	10,592.40
0218	35.05	36.81	38.65	40.58	42.61	44.74	3,925.60	4,122.72	4,328.80	4,544.96	4,772.32	5,010.88	8,505.47	8,932.56	9,379.07	9,847.42	10,340.03	10,856.91
0219	35.93	37.73	39.61	41.59	43.67	45.86	4,024.16	4,225.76	4,436.32	4,658.08	4,891.04	5,136.32	8,719.02	9,155.82	9,612.03	10,092.51	10,597.26	11,128.70
0220	36.83	38.67	40.60	42.63	44.76	47.00	4,124.96	4,331.04	4,547.20	4,774.56	5,013.12	5,264.00	8,937.42	9,383.92	9,852.27	10,344.88	10,861.76	11,405.34
0221	37.75	39.64	41.62	43.70	45.88	48.18	4,228.00	4,439.68	4,661.44	4,894.40	5,138.56	5,396.16	9,160.67	9,619.31	10,099.79	10,604.54	11,133.55	11,691.68
0222	38.69	40.63	42.66	44.79	47.03	49.38	4,333.28	4,550.56	4,777.92	5,016.48	5,267.36	5,530.56	9,388.78	9,859.55	10,352.16	10,869.04	11,412.62	11,982.88
0223	39.66	41.64	43.72	45.91	48.21	50.62	4,441.92	4,663.68	4,896.64	5,141.92	5,399.52	5,669.44	9,624.16	10,104.64	10,609.39	11,140.83	11,698.96	12,283.79
0224	40.65	42.68	44.82	47.06	49.41	51.88	4,552.80	4,780.16	5,019.84	5,270.72	5,533.92	5,810.56	9,864.40	10,357.02	10,876.32	11,419.90	11,990.16	12,589.55
0225	41.67	43.75	45.94	48.23	50.65	53.18	4,667.04	4,900.00	5,145.28	5,401.76	5,672.80	5,956.16	10,111.92	10,616.67	11,148.11	11,703.82	12,291.07	12,905.02

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - TRAINEES
EFFECTIVE JUNE 18 2024**

HOURLY

BI-WEEKLY

MONTHLY

	HOURLY						BI-WEEKLY						MONTHLY					
	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
901	30.54	32.07	33.67	35.36	37.12	38.98	2,443.20	2,565.60	2,693.60	2,828.80	2,969.60	3,118.40	5,293.60	5,558.80	5,836.14	6,129.07	6,434.14	6,756.54
902	31.31	32.87	34.52	36.24	38.05	39.96	2,504.80	2,629.60	2,761.60	2,899.20	3,044.00	3,196.80	5,427.07	5,697.47	5,983.47	6,281.60	6,595.34	6,926.40
903	32.09	33.69	35.38	37.15	39.00	40.95	2,567.20	2,695.20	2,830.40	2,972.00	3,120.00	3,276.00	5,562.27	5,839.60	6,132.54	6,439.34	6,760.00	7,098.00
904	32.89	34.54	36.26	38.08	39.98	41.98	2,631.20	2,763.20	2,900.80	3,046.40	3,198.40	3,358.40	5,700.94	5,986.94	6,285.07	6,600.54	6,929.87	7,276.54
905	33.71	35.40	37.17	39.03	40.98	43.03	2,696.80	2,832.00	2,973.60	3,122.40	3,278.40	3,442.40	5,843.07	6,136.00	6,442.80	6,765.20	7,103.20	7,458.54
906	34.56	36.28	38.10	40.00	42.00	44.10	2,764.80	2,902.40	3,048.00	3,200.00	3,360.00	3,528.00	5,990.40	6,288.54	6,604.00	6,933.34	7,280.00	7,644.00
907	35.42	37.19	39.05	41.00	43.05	45.21	2,833.60	2,975.20	3,124.00	3,280.00	3,444.00	3,616.80	6,139.47	6,446.27	6,768.67	7,106.67	7,462.00	7,836.40
908	36.31	38.12	40.03	42.03	44.13	46.34	2,904.80	3,049.60	3,202.40	3,362.40	3,530.40	3,707.20	6,293.74	6,607.47	6,938.54	7,285.20	7,649.20	8,032.27
909	37.21	39.07	41.03	43.08	45.23	47.49	2,976.80	3,125.60	3,282.40	3,446.40	3,618.40	3,799.20	6,449.74	6,772.14	7,111.87	7,467.20	7,839.87	8,231.60
910	38.14	40.05	42.05	44.16	46.36	48.68	3,051.20	3,204.00	3,364.00	3,532.80	3,708.80	3,894.40	6,610.94	6,942.00	7,288.67	7,654.40	8,035.74	8,437.87
911	39.10	41.05	43.10	45.26	47.52	49.90	3,128.00	3,284.00	3,448.00	3,620.80	3,801.60	3,992.00	6,777.34	7,115.34	7,470.67	7,845.07	8,236.80	8,649.34
912	40.07	42.08	44.18	46.39	48.71	51.14	3,205.60	3,366.40	3,534.40	3,711.20	3,896.80	4,091.20	6,945.47	7,293.87	7,657.87	8,040.94	8,443.07	8,864.27
913	41.08	43.13	45.29	47.55	49.93	52.42	3,286.40	3,450.40	3,623.20	3,804.00	3,994.40	4,193.60	7,120.54	7,475.87	7,850.27	8,242.00	8,654.54	9,086.14
914	42.10	44.21	46.42	48.74	51.18	53.73	3,368.00	3,536.80	3,713.60	3,899.20	4,094.40	4,298.40	7,297.34	7,663.07	8,046.14	8,448.27	8,871.20	9,313.20
915	43.16	45.31	47.58	49.96	52.45	55.08	3,452.80	3,624.80	3,806.40	3,996.80	4,196.00	4,406.40	7,481.07	7,853.74	8,247.20	8,659.74	9,091.34	9,547.20
916	44.23	46.45	48.77	51.21	53.77	56.45	3,538.40	3,716.00	3,901.60	4,096.80	4,301.60	4,516.00	7,666.54	8,051.34	8,453.47	8,876.40	9,320.14	9,784.67
917	45.34	47.61	49.99	52.49	55.11	57.86	3,627.20	3,808.80	3,999.20	4,199.20	4,408.80	4,628.80	7,858.94	8,252.40	8,664.94	9,098.27	9,552.40	10,029.07
918	46.47	48.80	51.24	53.80	56.49	59.31	3,717.60	3,904.00	4,099.20	4,304.00	4,519.20	4,744.80	8,054.80	8,458.67	8,881.60	9,325.34	9,791.60	10,280.40
919	47.63	50.02	52.52	55.14	57.90	60.79	3,810.40	4,001.60	4,201.60	4,411.20	4,632.00	4,863.20	8,255.87	8,670.14	9,103.47	9,557.60	10,036.00	10,536.94
920	48.83	51.27	53.83	56.52	59.35	62.31	3,906.40	4,101.60	4,306.40	4,521.60	4,748.00	4,984.80	8,463.87	8,886.80	9,330.54	9,796.80	10,287.34	10,800.40
921	50.05	52.55	55.18	57.93	60.83	63.87	4,004.00	4,204.00	4,414.40	4,634.40	4,866.40	5,109.60	8,675.34	9,108.67	9,564.54	10,041.20	10,543.87	11,070.80
922	51.30	53.86	56.55	59.38	62.35	65.47	4,104.00	4,308.80	4,524.00	4,750.40	4,988.00	5,237.60	8,892.00	9,335.74	9,802.00	10,292.54	10,807.34	11,348.14
923	52.58	55.21	57.97	60.87	63.91	67.10	4,206.40	4,416.80	4,637.60	4,869.60	5,112.80	5,368.00	9,113.87	9,569.74	10,048.14	10,550.80	11,077.74	11,630.67
924	53.89	56.59	59.42	62.39	65.51	68.78	4,311.20	4,527.20	4,753.60	4,991.20	5,240.80	5,502.40	9,340.94	9,808.94	10,299.47	10,814.27	11,355.07	11,921.87
925	55.24	58.00	60.90	63.95	67.14	70.50	4,419.20	4,640.00	4,872.00	5,116.00	5,371.20	5,640.00	9,574.94	10,053.34	10,556.00	11,084.67	11,637.60	12,220.00

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 80 HOUR SCHEDULE
EFFECTIVE JULY 1, 2025

	HOURLY						BI-WEEKLY						MONTHLY					
	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0701	34.21	35.92	37.71	39.60	41.58	43.66	2,736.80	2,873.60	3,016.80	3,168.00	3,326.40	3,492.80	5,929.74	6,226.14	6,536.40	6,864.00	7,207.20	7,567.74
0702	35.06	36.81	38.66	40.59	42.62	44.75	2,804.80	2,944.80	3,092.80	3,247.20	3,409.60	3,580.00	6,077.07	6,380.40	6,701.07	7,035.60	7,387.47	7,756.67
0703	35.94	37.74	39.62	41.60	43.68	45.87	2,875.20	3,019.20	3,169.60	3,328.00	3,494.40	3,669.60	6,229.60	6,541.60	6,867.47	7,210.67	7,571.20	7,950.80
0704	36.84	38.68	40.61	42.64	44.77	47.01	2,947.20	3,094.40	3,248.80	3,411.20	3,581.60	3,760.80	6,385.60	6,704.54	7,039.07	7,390.94	7,760.14	8,148.40
0705	37.76	39.65	41.63	43.71	45.89	48.19	3,020.80	3,172.00	3,330.40	3,496.80	3,671.20	3,855.20	6,545.07	6,872.67	7,215.87	7,576.40	7,954.27	8,352.94
0706	38.70	40.64	42.67	44.80	47.04	49.39	3,096.00	3,251.20	3,413.60	3,584.00	3,763.20	3,951.20	6,708.00	7,044.27	7,396.14	7,765.34	8,153.60	8,560.94
0707	39.67	41.65	43.73	45.92	48.22	50.63	3,173.60	3,332.00	3,498.40	3,673.60	3,857.60	4,050.40	6,876.14	7,219.34	7,579.87	7,959.47	8,358.14	8,775.87
0708	40.66	42.69	44.83	47.07	49.42	51.89	3,252.80	3,415.20	3,586.40	3,765.60	3,953.60	4,151.20	7,047.74	7,399.60	7,770.54	8,158.80	8,566.14	8,994.27
0709	41.68	43.76	45.95	48.25	50.66	53.19	3,334.40	3,500.80	3,676.00	3,860.00	4,052.80	4,255.20	7,224.54	7,585.07	7,964.67	8,363.34	8,781.07	9,219.60
0710	42.72	44.85	47.10	49.45	51.92	54.52	3,417.60	3,588.00	3,768.00	3,956.00	4,153.60	4,361.60	7,404.80	7,774.00	8,164.00	8,571.34	8,999.47	9,450.14
0711	43.79	45.98	48.27	50.69	53.22	55.88	3,503.20	3,678.40	3,861.60	4,055.20	4,257.60	4,470.40	7,590.27	7,969.87	8,366.80	8,786.27	9,224.80	9,685.87
0712	44.88	47.12	49.48	51.95	54.55	57.28	3,590.40	3,769.60	3,958.40	4,156.00	4,364.00	4,582.40	7,779.20	8,167.47	8,576.54	9,004.67	9,455.34	9,928.54
0713	46.00	48.30	50.72	53.25	55.92	58.71	3,680.00	3,864.00	4,057.60	4,260.00	4,473.60	4,696.80	7,973.34	8,372.00	8,791.47	9,230.00	9,692.80	10,176.40
0714	47.15	49.51	51.99	54.58	57.31	60.18	3,772.00	3,960.80	4,159.20	4,366.40	4,584.80	4,814.40	8,172.67	8,581.74	9,011.60	9,460.54	9,933.74	10,431.20
0715	48.33	50.75	53.29	55.95	58.75	61.68	3,866.40	4,060.00	4,263.20	4,476.00	4,700.00	4,934.40	8,377.20	8,796.67	9,236.94	9,698.00	10,183.34	10,691.20
0716	49.54	52.02	54.62	57.35	60.21	63.23	3,963.20	4,161.60	4,369.60	4,588.00	4,816.80	5,058.40	8,586.94	9,016.80	9,467.47	9,940.67	10,436.40	10,959.87
0717	50.78	53.32	55.98	58.78	61.72	64.81	4,062.40	4,265.60	4,478.40	4,702.40	4,937.60	5,184.80	8,801.87	9,242.14	9,703.20	10,188.54	10,698.14	11,233.74
0718	52.05	54.65	57.38	60.25	63.26	66.43	4,164.00	4,372.00	4,590.40	4,820.00	5,060.80	5,314.40	9,022.00	9,472.67	9,945.87	10,443.34	10,965.07	11,514.54
0719	53.35	56.02	58.82	61.76	64.84	68.09	4,268.00	4,481.60	4,705.60	4,940.80	5,187.20	5,447.20	9,247.34	9,710.14	10,195.47	10,705.07	11,238.94	11,802.27
0720	54.68	57.42	60.29	63.30	66.47	69.79	4,374.40	4,593.60	4,823.20	5,064.00	5,317.60	5,583.20	9,477.87	9,952.80	10,450.27	10,972.00	11,521.47	12,096.94
0721	56.05	58.85	61.79	64.88	68.13	71.53	4,484.00	4,708.00	4,943.20	5,190.40	5,450.40	5,722.40	9,715.34	10,200.67	10,710.27	11,245.87	11,809.20	12,398.54
0722	57.45	60.32	63.34	66.50	69.83	73.32	4,596.00	4,825.60	5,067.20	5,320.00	5,586.40	5,865.60	9,958.00	10,455.47	10,978.94	11,526.67	12,103.87	12,708.80
0723	58.89	61.83	64.92	68.17	71.58	75.15	4,711.20	4,946.40	5,193.60	5,453.60	5,726.40	6,012.00	10,207.60	10,717.20	11,252.80	11,816.14	12,407.20	13,026.00
0724	60.36	63.38	66.54	69.87	73.36	77.03	4,828.80	5,070.40	5,323.20	5,589.60	5,868.80	6,162.40	10,462.40	10,985.87	11,533.60	12,110.80	12,715.74	13,351.87
0725	61.87	64.96	68.21	71.62	75.20	78.96	4,949.60	5,196.80	5,456.80	5,729.60	6,016.00	6,316.80	10,724.14	11,259.74	11,823.07	12,414.14	13,034.67	13,686.40

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 112 HOUR SCHEDULE
EFFECTIVE JULY 1 2025

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0201	24.43	25.65	26.93	28.28	29.69	31.17	2,736.16	2,872.80	3,016.16	3,167.36	3,325.28	3,491.04	5,928.35	6,224.40	6,535.02	6,862.62	7,204.78	7,563.92
0202	25.04	26.29	27.60	28.98	30.43	31.95	2,804.48	2,944.48	3,091.20	3,245.76	3,408.16	3,578.40	6,076.38	6,379.71	6,697.60	7,032.48	7,384.35	7,753.20
0203	25.66	26.95	28.29	29.71	31.19	32.75	2,873.92	3,018.40	3,168.48	3,327.52	3,493.28	3,668.00	6,226.83	6,539.87	6,865.04	7,209.63	7,568.78	7,947.34
0204	26.31	27.62	29.00	30.45	31.97	33.57	2,946.72	3,093.44	3,248.00	3,410.40	3,580.64	3,759.84	6,384.56	6,702.46	7,037.34	7,389.20	7,758.06	8,146.32
0205	26.96	28.31	29.73	31.21	32.77	34.41	3,019.52	3,170.72	3,329.76	3,495.52	3,670.24	3,853.92	6,542.30	6,869.90	7,214.48	7,573.63	7,952.19	8,350.16
0206	27.64	29.02	30.47	31.99	33.59	35.27	3,095.68	3,250.24	3,412.64	3,582.88	3,762.08	3,950.24	6,707.31	7,042.19	7,394.06	7,762.91	8,151.18	8,558.86
0207	28.33	29.74	31.23	32.79	34.43	36.15	3,172.96	3,330.88	3,497.76	3,672.48	3,856.16	4,048.80	6,874.75	7,216.91	7,578.48	7,957.04	8,355.02	8,772.40
0208	29.04	30.49	32.01	33.61	35.29	37.06	3,252.48	3,414.88	3,585.12	3,764.32	3,952.48	4,150.72	7,047.04	7,398.91	7,767.76	8,156.03	8,563.71	8,993.23
0209	29.76	31.25	32.81	34.45	36.17	37.98	3,333.12	3,500.00	3,674.72	3,858.40	4,051.04	4,253.76	7,221.76	7,583.34	7,961.90	8,359.87	8,777.26	9,216.48
0210	30.51	32.03	33.63	35.31	37.08	38.93	3,417.12	3,587.36	3,766.56	3,954.72	4,152.96	4,360.16	7,403.76	7,772.62	8,160.88	8,568.56	8,998.08	9,447.02
0211	31.27	32.83	34.47	36.20	38.01	39.91	3,502.24	3,676.96	3,860.64	4,054.40	4,257.12	4,469.92	7,588.19	7,966.75	8,364.72	8,784.54	9,223.76	9,684.83
0212	32.05	33.65	35.33	37.10	38.96	40.90	3,589.60	3,768.80	3,956.96	4,155.20	4,363.52	4,580.80	7,777.47	8,165.74	8,573.42	9,002.94	9,454.30	9,925.07
0213	32.85	34.49	36.22	38.03	39.93	41.92	3,679.20	3,862.88	4,056.64	4,259.36	4,472.16	4,695.04	7,971.60	8,369.58	8,789.39	9,228.62	9,689.68	10,172.59
0214	33.67	35.35	37.12	38.98	40.93	42.97	3,771.04	3,959.20	4,157.44	4,365.76	4,584.16	4,812.64	8,170.59	8,578.27	9,007.79	9,459.15	9,932.35	10,427.39
0215	34.51	36.24	38.05	39.95	41.95	44.05	3,865.12	4,058.88	4,261.60	4,474.40	4,698.40	4,933.60	8,374.43	8,794.24	9,233.47	9,694.54	10,179.87	10,689.47
0216	35.38	37.14	39.00	40.95	43.00	45.15	3,962.56	4,159.68	4,368.00	4,586.40	4,816.00	5,056.80	8,585.55	9,012.64	9,464.00	9,937.20	10,434.67	10,956.40
0217	36.26	38.07	39.98	41.97	44.07	46.28	4,061.12	4,263.84	4,477.76	4,700.64	4,935.84	5,183.36	8,799.10	9,238.32	9,701.82	10,184.72	10,694.32	11,230.62
0218	37.17	39.02	40.98	43.02	45.18	47.43	4,163.04	4,370.24	4,589.76	4,818.24	5,060.16	5,312.16	9,019.92	9,468.86	9,944.48	10,439.52	10,963.68	11,509.68
0219	38.10	40.00	42.00	44.10	46.30	48.62	4,267.20	4,480.00	4,704.00	4,939.20	5,185.60	5,445.44	9,245.60	9,706.67	10,192.00	10,701.60	11,235.47	11,798.46
0220	39.05	41.00	43.05	45.20	47.46	49.83	4,373.60	4,592.00	4,821.60	5,062.40	5,315.52	5,580.96	9,476.14	9,949.34	10,446.80	10,968.54	11,516.96	12,092.08
0221	40.02	42.02	44.13	46.33	48.65	51.08	4,482.24	4,706.24	4,942.56	5,188.96	5,448.80	5,720.96	9,711.52	10,196.86	10,708.88	11,242.75	11,805.74	12,395.42
0222	41.02	43.08	45.23	47.49	49.86	52.36	4,594.24	4,824.96	5,065.76	5,318.88	5,584.32	5,864.32	9,954.19	10,454.08	10,975.82	11,524.24	12,099.36	12,706.03
0223	42.05	44.15	46.36	48.68	51.11	53.67	4,709.60	4,944.80	5,192.32	5,452.16	5,724.32	6,011.04	10,204.14	10,713.74	11,250.03	11,813.02	12,402.70	13,023.92
0224	43.10	45.26	47.52	49.89	52.39	55.01	4,827.20	5,069.12	5,322.24	5,587.68	5,867.68	6,161.12	10,458.94	10,983.10	11,531.52	12,106.64	12,713.31	13,349.10
0225	44.18	46.39	48.71	51.14	53.70	56.38	4,948.16	5,195.68	5,455.52	5,727.68	6,014.40	6,314.56	10,721.02	11,257.31	11,820.30	12,409.98	13,031.20	13,681.55

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - TRAINEES
EFFECTIVE JULY 1 2025**

	HOURLY						BI-WEEKLY						MONTHLY					
	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
901	32.38	34.00	35.70	37.48	39.35	41.32	2,590.40	2,720.00	2,856.00	2,998.40	3,148.00	3,305.60	5,612.54	5,893.34	6,188.00	6,496.54	6,820.67	7,162.14
902	33.19	34.85	36.59	38.42	40.34	42.35	2,655.20	2,788.00	2,927.20	3,073.60	3,227.20	3,388.00	5,752.94	6,040.67	6,342.27	6,659.47	6,992.27	7,340.67
903	34.02	35.72	37.50	39.38	41.35	43.41	2,721.60	2,857.60	3,000.00	3,150.40	3,308.00	3,472.80	5,896.80	6,191.47	6,500.00	6,825.87	7,167.34	7,524.40
904	34.87	36.61	38.44	40.36	42.38	44.50	2,789.60	2,928.80	3,075.20	3,228.80	3,390.40	3,560.00	6,044.14	6,345.74	6,662.94	6,995.74	7,345.87	7,713.34
905	35.74	37.52	39.40	41.37	43.44	45.61	2,859.20	3,001.60	3,152.00	3,309.60	3,475.20	3,648.80	6,194.94	6,503.47	6,829.34	7,170.80	7,529.60	7,905.74
906	36.63	38.46	40.39	42.40	44.52	46.75	2,930.40	3,076.80	3,231.20	3,392.00	3,561.60	3,740.00	6,349.20	6,666.40	7,000.94	7,349.34	7,716.80	8,103.34
907	37.55	39.42	41.40	43.46	45.64	47.92	3,004.00	3,153.60	3,312.00	3,476.80	3,651.20	3,833.60	6,508.67	6,832.80	7,176.00	7,533.07	7,910.94	8,306.14
908	38.49	40.41	42.43	44.55	46.78	49.12	3,079.20	3,232.80	3,394.40	3,564.00	3,742.40	3,929.60	6,671.60	7,004.40	7,354.54	7,722.00	8,108.54	8,514.14
909	39.45	41.42	43.49	45.66	47.95	50.34	3,156.00	3,313.60	3,479.20	3,652.80	3,836.00	4,027.20	6,838.00	7,179.47	7,538.27	7,914.40	8,311.34	8,725.60
910	40.43	42.46	44.58	46.81	49.15	51.60	3,234.40	3,396.80	3,566.40	3,744.80	3,932.00	4,128.00	7,007.87	7,359.74	7,727.20	8,113.74	8,519.34	8,944.00
911	41.44	43.52	45.69	47.98	50.37	52.89	3,315.20	3,481.60	3,655.20	3,838.40	4,029.60	4,231.20	7,182.94	7,543.47	7,919.60	8,316.54	8,730.80	9,167.60
912	42.48	44.60	46.83	49.18	51.63	54.22	3,398.40	3,568.00	3,746.40	3,934.40	4,130.40	4,337.60	7,363.20	7,730.67	8,117.20	8,524.54	8,949.20	9,398.14
913	43.54	45.72	48.00	50.40	52.92	55.57	3,483.20	3,657.60	3,840.00	4,032.00	4,233.60	4,445.60	7,546.94	7,924.80	8,320.00	8,736.00	9,172.80	9,632.14
914	44.63	46.86	49.20	51.66	54.25	56.96	3,570.40	3,748.80	3,936.00	4,132.80	4,340.00	4,556.80	7,735.87	8,122.40	8,528.00	8,954.40	9,403.34	9,873.07
915	45.75	48.03	50.43	52.96	55.60	58.38	3,660.00	3,842.40	4,034.40	4,236.80	4,448.00	4,670.40	7,930.00	8,325.20	8,741.20	9,179.74	9,637.34	10,119.20
916	46.89	49.23	51.70	54.28	56.99	59.84	3,751.20	3,938.40	4,136.00	4,342.40	4,559.20	4,787.20	8,127.60	8,533.20	8,961.34	9,408.54	9,878.27	10,372.27
917	48.06	50.46	52.99	55.64	58.42	61.34	3,844.80	4,036.80	4,239.20	4,451.20	4,673.60	4,907.20	8,330.40	8,746.40	9,184.94	9,644.27	10,126.14	10,632.27
918	49.26	51.73	54.31	57.03	59.88	62.87	3,940.80	4,138.40	4,344.80	4,562.40	4,790.40	5,029.60	8,538.40	8,966.54	9,413.74	9,885.20	10,379.20	10,897.47
919	50.49	53.02	55.67	58.45	61.38	64.44	4,039.20	4,241.60	4,453.60	4,676.00	4,910.40	5,155.20	8,751.60	9,190.14	9,649.47	10,131.34	10,639.20	11,169.60
920	51.76	54.34	57.06	59.91	62.91	66.06	4,140.80	4,347.20	4,564.80	4,792.80	5,032.80	5,284.80	8,971.74	9,418.94	9,890.40	10,384.40	10,904.40	11,450.40
921	53.05	55.70	58.49	61.41	64.48	67.71	4,244.00	4,456.00	4,679.20	4,912.80	5,158.40	5,416.80	9,195.34	9,654.67	10,138.27	10,644.40	11,176.54	11,736.40
922	54.38	57.10	59.95	62.95	66.09	69.40	4,350.40	4,568.00	4,796.00	5,036.00	5,287.20	5,552.00	9,425.87	9,897.34	10,391.34	10,911.34	11,455.60	12,029.34
923	55.74	58.52	61.45	64.52	67.75	71.13	4,459.20	4,681.60	4,916.00	5,161.60	5,420.00	5,690.40	9,661.60	10,143.47	10,651.34	11,183.47	11,743.34	12,329.20
924	57.13	59.99	62.98	66.13	69.44	72.91	4,570.40	4,799.20	5,038.40	5,290.40	5,555.20	5,832.80	9,902.54	10,398.27	10,916.54	11,462.54	12,036.27	12,637.74
925	58.56	61.49	64.56	67.79	71.18	74.73	4,684.80	4,919.20	5,164.80	5,423.20	5,694.40	5,978.40	10,150.40	10,658.27	11,190.40	11,750.27	12,337.87	12,953.20

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 80 HOUR SCHEDULE
EFFECTIVE JUNE 30 2026

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0701	35.93	37.73	39.61	41.59	43.67	45.85	2,874.40	3,018.40	3,168.80	3,327.20	3,493.60	3,668.00	6,227.87	6,539.87	6,865.74	7,208.94	7,569.47	7,947.34
0702	36.83	38.67	40.60	42.63	44.76	47.00	2,946.40	3,093.60	3,248.00	3,410.40	3,580.80	3,760.00	6,383.87	6,702.80	7,037.34	7,389.20	7,758.40	8,146.67
0703	37.75	39.63	41.62	43.70	45.88	48.18	3,020.00	3,170.40	3,329.60	3,496.00	3,670.40	3,854.40	6,543.34	6,869.20	7,214.14	7,574.67	7,952.54	8,351.20
0704	38.69	40.63	42.66	44.79	47.03	49.38	3,095.20	3,250.40	3,412.80	3,583.20	3,762.40	3,950.40	6,706.27	7,042.54	7,394.40	7,763.60	8,151.87	8,559.20
0705	39.66	41.64	43.72	45.91	48.20	50.61	3,172.80	3,331.20	3,497.60	3,672.80	3,856.00	4,048.80	6,874.40	7,217.60	7,578.14	7,957.74	8,354.67	8,772.40
0706	40.65	42.68	44.82	47.06	49.41	51.88	3,252.00	3,414.40	3,585.60	3,764.80	3,952.80	4,150.40	7,046.00	7,397.87	7,768.80	8,157.07	8,564.40	8,992.54
0707	41.67	43.75	45.94	48.23	50.64	53.18	3,333.60	3,500.00	3,675.20	3,858.40	4,051.20	4,254.40	7,222.80	7,583.34	7,962.94	8,359.87	8,777.60	9,217.87
0708	42.71	44.84	47.08	49.44	51.91	54.51	3,416.80	3,587.20	3,766.40	3,955.20	4,152.80	4,360.80	7,403.07	7,772.27	8,160.54	8,569.60	8,997.74	9,448.40
0709	43.77	45.96	48.26	50.67	53.21	55.87	3,501.60	3,676.80	3,860.80	4,053.60	4,256.80	4,469.60	7,586.80	7,966.40	8,365.07	8,782.80	9,223.07	9,684.14
0710	44.87	47.11	49.47	51.94	54.54	57.26	3,589.60	3,768.80	3,957.60	4,155.20	4,363.20	4,580.80	7,777.47	8,165.74	8,574.80	9,002.94	9,453.60	9,925.07
0711	45.99	48.29	50.70	53.24	55.90	58.70	3,679.20	3,863.20	4,056.00	4,259.20	4,472.00	4,696.00	7,971.60	8,370.27	8,788.00	9,228.27	9,689.34	10,174.67
0712	47.14	49.50	51.97	54.57	57.30	60.16	3,771.20	3,960.00	4,157.60	4,365.60	4,584.00	4,812.80	8,170.94	8,580.00	9,008.14	9,458.80	9,932.00	10,427.74
0713	48.32	50.73	53.27	55.93	58.73	61.67	3,865.60	4,058.40	4,261.60	4,474.40	4,698.40	4,933.60	8,375.47	8,793.20	9,233.47	9,694.54	10,179.87	10,689.47
0714	49.53	52.00	54.60	57.33	60.20	63.21	3,962.40	4,160.00	4,368.00	4,586.40	4,816.00	5,056.80	8,585.20	9,013.34	9,464.00	9,937.20	10,434.67	10,956.40
0715	50.76	53.30	55.97	58.77	61.70	64.79	4,060.80	4,264.00	4,477.60	4,701.60	4,936.00	5,183.20	8,798.40	9,238.67	9,701.47	10,186.80	10,694.67	11,230.27
0716	52.03	54.64	57.37	60.23	63.25	66.41	4,162.40	4,371.20	4,589.60	4,818.40	5,060.00	5,312.80	9,018.54	9,470.94	9,944.14	10,439.87	10,963.34	11,511.07
0717	53.33	56.00	58.80	61.74	64.83	68.07	4,266.40	4,480.00	4,704.00	4,939.20	5,186.40	5,445.60	9,243.87	9,706.67	10,192.00	10,701.60	11,237.20	11,798.80
0718	54.67	57.40	60.27	63.28	66.45	69.77	4,373.60	4,592.00	4,821.60	5,062.40	5,316.00	5,581.60	9,476.14	9,949.34	10,446.80	10,968.54	11,518.00	12,093.47
0719	56.03	58.84	61.78	64.87	68.11	71.51	4,482.40	4,707.20	4,942.40	5,189.60	5,448.80	5,720.80	9,711.87	10,198.94	10,708.54	11,244.14	11,805.74	12,395.07
0720	57.43	60.31	63.32	66.49	69.81	73.30	4,594.40	4,824.80	5,065.60	5,319.20	5,584.80	5,864.00	9,954.54	10,453.74	10,975.47	11,524.94	12,100.40	12,705.34
0721	58.87	61.81	64.90	68.15	71.56	75.13	4,709.60	4,944.80	5,192.00	5,452.00	5,724.80	6,010.40	10,204.14	10,713.74	11,249.34	11,812.67	12,403.74	13,022.54
0722	60.34	63.36	66.53	69.85	73.35	77.01	4,827.20	5,068.80	5,322.40	5,588.00	5,868.00	6,160.80	10,458.94	10,982.40	11,531.87	12,107.34	12,714.00	13,348.40
0723	61.85	64.94	68.19	71.60	75.18	78.94	4,948.00	5,195.20	5,455.20	5,728.00	6,014.40	6,315.20	10,720.67	11,256.27	11,819.60	12,410.67	13,031.20	13,682.94
0724	63.40	66.57	69.89	73.39	77.06	80.91	5,072.00	5,325.60	5,591.20	5,871.20	6,164.80	6,472.80	10,989.34	11,538.80	12,114.27	12,720.94	13,357.07	14,024.40
0725	64.98	68.23	71.64	75.22	78.98	82.93	5,198.40	5,458.40	5,731.20	6,017.60	6,318.40	6,634.40	11,263.20	11,826.54	12,417.60	13,038.14	13,689.87	14,374.54

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 112 HOUR SCHEDULE
EFFECTIVE JUNE 30 2026

HOURLY

BI-WEEKLY

MONTHLY

	HOURLY						BI-WEEKLY						MONTHLY					
	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0201	25.66	26.94	28.29	29.70	31.18	32.74	2,873.92	3,017.28	3,168.48	3,326.40	3,492.16	3,666.88	6,226.83	6,537.44	6,865.04	7,207.20	7,566.35	7,944.91
0202	26.30	27.61	28.99	30.44	31.96	33.56	2,945.60	3,092.32	3,246.88	3,409.28	3,579.52	3,758.72	6,382.14	6,700.03	7,034.91	7,386.78	7,755.63	8,143.90
0203	26.96	28.30	29.72	31.20	32.76	34.40	3,019.52	3,169.60	3,328.64	3,494.40	3,669.12	3,852.80	6,542.30	6,867.47	7,212.06	7,571.20	7,949.76	8,347.74
0204	27.63	29.01	30.46	31.98	33.58	35.26	3,094.56	3,249.12	3,411.52	3,581.76	3,760.96	3,949.12	6,704.88	7,039.76	7,391.63	7,760.48	8,148.75	8,556.43
0205	28.32	29.74	31.22	32.78	34.42	36.14	3,171.84	3,330.88	3,496.64	3,671.36	3,855.04	4,047.68	6,872.32	7,216.91	7,576.06	7,954.62	8,352.59	8,769.98
0206	29.03	30.48	32.00	33.60	35.28	37.05	3,251.36	3,413.76	3,584.00	3,763.20	3,951.36	4,149.60	7,044.62	7,396.48	7,765.34	8,153.60	8,561.28	8,990.80
0207	29.75	31.24	32.80	34.44	36.16	37.97	3,332.00	3,498.88	3,673.60	3,857.28	4,049.92	4,252.64	7,219.34	7,580.91	7,959.47	8,357.44	8,774.83	9,214.06
0208	30.50	32.02	33.62	35.30	37.07	38.92	3,416.00	3,586.24	3,765.44	3,953.60	4,151.84	4,359.04	7,401.34	7,770.19	8,158.46	8,566.14	8,995.66	9,444.59
0209	31.26	32.82	34.46	36.19	37.99	39.89	3,501.12	3,675.84	3,859.52	4,053.28	4,254.88	4,467.68	7,585.76	7,964.32	8,362.30	8,782.11	9,218.91	9,679.98
0210	32.04	33.64	35.32	37.09	38.94	40.89	3,588.48	3,767.68	3,955.84	4,154.08	4,361.28	4,579.68	7,775.04	8,163.31	8,570.99	9,000.51	9,449.44	9,922.64
0211	32.84	34.48	36.21	38.02	39.92	41.91	3,678.08	3,861.76	4,055.52	4,258.24	4,471.04	4,693.92	7,969.18	8,367.15	8,786.96	9,226.19	9,687.26	10,170.16
0212	33.66	35.34	37.11	38.97	40.92	42.96	3,769.92	3,958.08	4,156.32	4,364.64	4,583.04	4,811.52	8,168.16	8,575.84	9,005.36	9,456.72	9,929.92	10,424.96
0213	34.50	36.23	38.04	39.94	41.94	44.03	3,864.00	4,057.76	4,260.48	4,473.28	4,697.28	4,931.36	8,372.00	8,791.82	9,231.04	9,692.11	10,177.44	10,684.62
0214	35.37	37.13	38.99	40.94	42.99	45.14	3,961.44	4,158.56	4,366.88	4,585.28	4,814.88	5,055.68	8,583.12	9,010.22	9,461.58	9,934.78	10,432.24	10,953.98
0215	36.25	38.06	39.97	41.96	44.06	46.26	4,060.00	4,262.72	4,476.64	4,699.52	4,934.72	5,181.12	8,796.67	9,235.90	9,699.39	10,182.30	10,691.90	11,225.76
0216	37.16	39.01	40.96	43.01	45.16	47.42	4,161.92	4,369.12	4,587.52	4,817.12	5,057.92	5,311.04	9,017.50	9,466.43	9,939.63	10,437.10	10,958.83	11,507.26
0217	38.08	39.99	41.99	44.09	46.29	48.61	4,264.96	4,478.88	4,702.88	4,938.08	5,184.48	5,444.32	9,240.75	9,704.24	10,189.58	10,699.18	11,233.04	11,796.03
0218	39.04	40.99	43.04	45.19	47.45	49.82	4,372.48	4,590.88	4,820.48	5,061.28	5,314.40	5,579.84	9,473.71	9,946.91	10,444.38	10,966.11	11,514.54	12,089.66
0219	40.01	42.01	44.11	46.32	48.63	51.07	4,481.12	4,705.12	4,940.32	5,187.84	5,446.56	5,719.84	9,709.10	10,194.43	10,704.03	11,240.32	11,800.88	12,392.99
0220	41.01	43.06	45.22	47.48	49.85	52.34	4,593.12	4,822.72	5,064.64	5,317.76	5,583.20	5,862.08	9,951.76	10,449.23	10,973.39	11,521.82	12,096.94	12,701.18
0221	42.04	44.14	46.35	48.66	51.10	53.65	4,708.48	4,943.68	5,191.20	5,449.92	5,723.20	6,008.80	10,201.71	10,711.31	11,247.60	11,808.16	12,400.27	13,019.07
0222	43.09	45.24	47.50	49.88	52.37	54.99	4,826.08	5,066.88	5,320.00	5,586.56	5,865.44	6,158.88	10,456.51	10,978.24	11,526.67	12,104.22	12,708.46	13,344.24
0223	44.17	46.37	48.69	51.13	53.68	56.37	4,947.04	5,193.44	5,453.28	5,726.56	6,012.16	6,313.44	10,718.59	11,252.46	11,815.44	12,407.55	13,026.35	13,679.12
0224	45.27	47.53	49.91	52.40	55.02	57.78	5,070.24	5,323.36	5,589.92	5,868.80	6,162.24	6,471.36	10,985.52	11,533.95	12,111.50	12,715.74	13,351.52	14,021.28
0225	46.40	48.72	51.16	53.71	56.40	59.22	5,196.80	5,456.64	5,729.92	6,015.52	6,316.80	6,632.64	11,259.74	11,822.72	12,414.83	13,033.63	13,686.40	14,370.72

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - TRAINEES
EFFECTIVE JUNE 30 2026

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
901	34.00	35.70	37.49	39.36	41.33	43.40	2,720.00	2,856.00	2,999.20	3,148.80	3,306.40	3,472.00	5,893.34	6,188.00	6,498.27	6,822.40	7,163.87	7,522.67
902	34.85	36.60	38.43	40.35	42.36	44.48	2,788.00	2,928.00	3,074.40	3,228.00	3,388.80	3,558.40	6,040.67	6,344.00	6,661.20	6,994.00	7,342.40	7,709.87
903	35.73	37.51	39.39	41.36	43.42	45.59	2,858.40	3,000.80	3,151.20	3,308.80	3,473.60	3,647.20	6,193.20	6,501.74	6,827.60	7,169.07	7,526.14	7,902.27
904	36.62	38.45	40.37	42.39	44.51	46.73	2,929.60	3,076.00	3,229.60	3,391.20	3,560.80	3,738.40	6,347.47	6,664.67	6,997.47	7,347.60	7,715.07	8,099.87
905	37.53	39.41	41.38	43.45	45.62	47.90	3,002.40	3,152.80	3,310.40	3,476.00	3,649.60	3,832.00	6,505.20	6,831.07	7,172.54	7,531.34	7,907.47	8,302.67
906	38.47	40.40	42.41	44.54	46.76	49.10	3,077.60	3,232.00	3,392.80	3,563.20	3,740.80	3,928.00	6,668.14	7,002.67	7,351.07	7,720.27	8,105.07	8,510.67
907	39.43	41.40	43.47	45.65	47.93	50.33	3,154.40	3,312.00	3,477.60	3,652.00	3,834.40	4,026.40	6,834.54	7,176.00	7,534.80	7,912.67	8,307.87	8,723.87
908	40.42	42.44	44.56	46.79	49.13	51.58	3,233.60	3,395.20	3,564.80	3,743.20	3,930.40	4,126.40	7,006.14	7,356.27	7,723.74	8,110.27	8,515.87	8,940.54
909	41.43	43.50	45.68	47.96	50.36	52.87	3,314.40	3,480.00	3,654.40	3,836.80	4,028.80	4,229.60	7,181.20	7,540.00	7,917.87	8,313.07	8,729.07	9,164.14
910	42.47	44.59	46.82	49.16	51.62	54.20	3,397.60	3,567.20	3,745.60	3,932.80	4,129.60	4,336.00	7,361.47	7,728.94	8,115.47	8,521.07	8,947.47	9,394.67
911	43.53	45.70	47.99	50.39	52.91	55.55	3,482.40	3,656.00	3,839.20	4,031.20	4,232.80	4,444.00	7,545.20	7,921.34	8,318.27	8,734.27	9,171.07	9,628.67
912	44.61	46.85	49.19	51.65	54.23	56.94	3,568.80	3,748.00	3,935.20	4,132.00	4,338.40	4,555.20	7,732.40	8,120.67	8,526.27	8,952.67	9,399.87	9,869.60
913	45.73	48.02	50.42	52.94	55.58	58.36	3,658.40	3,841.60	4,033.60	4,235.20	4,446.40	4,668.80	7,926.54	8,323.47	8,739.47	9,176.27	9,633.87	10,115.74
914	46.87	49.22	51.68	54.26	56.97	59.82	3,749.60	3,937.60	4,134.40	4,340.80	4,557.60	4,785.60	8,124.14	8,531.47	8,957.87	9,405.07	9,874.80	10,368.80
915	48.04	50.45	52.97	55.62	58.40	61.32	3,843.20	4,036.00	4,237.60	4,449.60	4,672.00	4,905.60	8,326.94	8,744.67	9,181.47	9,640.80	10,122.67	10,628.80
916	49.25	51.71	54.29	57.01	59.86	62.85	3,940.00	4,136.80	4,343.20	4,560.80	4,788.80	5,028.00	8,536.67	8,963.07	9,410.27	9,881.74	10,375.74	10,894.00
917	50.48	53.00	55.65	58.43	61.35	64.42	4,038.40	4,240.00	4,452.00	4,674.40	4,908.00	5,153.60	8,749.87	9,186.67	9,646.00	10,127.87	10,634.00	11,166.14
918	51.74	54.33	57.04	59.89	62.89	66.03	4,139.20	4,346.40	4,563.20	4,791.20	5,031.20	5,282.40	8,968.27	9,417.20	9,886.94	10,380.94	10,900.94	11,445.20
919	53.03	55.68	58.47	61.39	64.46	67.68	4,242.40	4,454.40	4,677.60	4,911.20	5,156.80	5,414.40	9,191.87	9,651.20	10,134.80	10,640.94	11,173.07	11,731.20
920	54.36	57.08	59.93	62.92	66.07	69.37	4,348.80	4,566.40	4,794.40	5,033.60	5,285.60	5,549.60	9,422.40	9,893.87	10,387.87	10,906.14	11,452.14	12,024.14
921	55.72	58.50	61.43	64.50	67.72	71.11	4,457.60	4,680.00	4,914.40	5,160.00	5,417.60	5,688.80	9,658.14	10,140.00	10,647.87	11,180.00	11,738.14	12,325.74
922	57.11	59.96	62.96	66.11	69.42	72.89	4,568.80	4,796.80	5,036.80	5,288.80	5,553.60	5,831.20	9,899.07	10,393.07	10,913.07	11,459.07	12,032.80	12,634.27
923	58.54	61.46	64.54	67.76	71.15	74.71	4,683.20	4,916.80	5,163.20	5,420.80	5,692.00	5,976.80	10,146.94	10,653.07	11,186.94	11,745.07	12,332.67	12,949.74
924	60.00	63.00	66.15	69.46	72.93	76.58	4,800.00	5,040.00	5,292.00	5,556.80	5,834.40	6,126.40	10,400.00	10,920.00	11,466.00	12,039.74	12,641.20	13,273.87
925	61.50	64.57	67.80	71.19	74.75	78.49	4,920.00	5,165.60	5,424.00	5,695.20	5,980.00	6,279.20	10,660.00	11,192.14	11,752.00	12,339.60	12,956.67	13,604.94

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 80 HOUR SCHEDULE
EFFECTIVE JUNE 29 2027

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0701	37.37	39.24	41.20	43.26	45.42	47.69	2,989.60	3,139.20	3,296.00	3,460.80	3,633.60	3,815.20	6,477.47	6,801.60	7,141.34	7,498.40	7,872.80	8,266.27
0702	38.31	40.22	42.23	44.34	46.56	48.89	3,064.80	3,217.60	3,378.40	3,547.20	3,724.80	3,911.20	6,640.40	6,971.47	7,319.87	7,685.60	8,070.40	8,474.27
0703	39.26	41.23	43.29	45.45	47.72	50.11	3,140.80	3,298.40	3,463.20	3,636.00	3,817.60	4,008.80	6,805.07	7,146.54	7,503.60	7,878.00	8,271.47	8,685.74
0704	40.24	42.26	44.37	46.59	48.92	51.36	3,219.20	3,380.80	3,549.60	3,727.20	3,913.60	4,108.80	6,974.94	7,325.07	7,690.80	8,075.60	8,479.47	8,902.40
0705	41.25	43.31	45.48	47.75	50.14	52.65	3,300.00	3,464.80	3,638.40	3,820.00	4,011.20	4,212.00	7,150.00	7,507.07	7,883.20	8,276.67	8,690.94	9,126.00
0706	42.28	44.40	46.61	48.94	51.39	53.96	3,382.40	3,552.00	3,728.80	3,915.20	4,111.20	4,316.80	7,328.54	7,696.00	8,079.07	8,482.94	8,907.60	9,353.07
0707	43.34	45.50	47.78	50.17	52.68	55.31	3,467.20	3,640.00	3,822.40	4,013.60	4,214.40	4,424.80	7,512.27	7,886.67	8,281.87	8,696.14	9,131.20	9,587.07
0708	44.42	46.64	48.97	51.42	53.99	56.69	3,553.60	3,731.20	3,917.60	4,113.60	4,319.20	4,535.20	7,699.47	8,084.27	8,488.14	8,912.80	9,358.27	9,826.27
0709	45.53	47.81	50.20	52.71	55.34	58.11	3,642.40	3,824.80	4,016.00	4,216.80	4,427.20	4,648.80	7,891.87	8,287.07	8,701.34	9,136.40	9,592.27	10,072.40
0710	46.67	49.00	51.45	54.03	56.73	59.56	3,733.60	3,920.00	4,116.00	4,322.40	4,538.40	4,764.80	8,089.47	8,493.34	8,918.00	9,365.20	9,833.20	10,323.74
0711	47.84	50.23	52.74	55.38	58.14	61.05	3,827.20	4,018.40	4,219.20	4,430.40	4,651.20	4,884.00	8,292.27	8,706.54	9,141.60	9,599.20	10,077.60	10,582.00
0712	49.03	51.48	54.06	56.76	59.60	62.58	3,922.40	4,118.40	4,324.80	4,540.80	4,768.00	5,006.40	8,498.54	8,923.20	9,370.40	9,838.40	10,330.67	10,847.20
0713	50.26	52.77	55.41	58.18	61.09	64.14	4,020.80	4,221.60	4,432.80	4,654.40	4,887.20	5,131.20	8,711.74	9,146.80	9,604.40	10,084.54	10,588.94	11,117.60
0714	51.51	54.09	56.79	59.63	62.62	65.75	4,120.80	4,327.20	4,543.20	4,770.40	5,009.60	5,260.00	8,928.40	9,375.60	9,843.60	10,335.87	10,854.14	11,396.67
0715	52.80	55.44	58.21	61.12	64.18	67.39	4,224.00	4,435.20	4,656.80	4,889.60	5,134.40	5,391.20	9,152.00	9,609.60	10,089.74	10,594.14	11,124.54	11,680.94
0716	54.12	56.83	59.67	62.65	65.78	69.07	4,329.60	4,546.40	4,773.60	5,012.00	5,262.40	5,525.60	9,380.80	9,850.54	10,342.80	10,859.34	11,401.87	11,972.14
0717	55.48	58.25	61.16	64.22	67.43	70.80	4,438.40	4,660.00	4,892.80	5,137.60	5,394.40	5,664.00	9,616.54	10,096.67	10,601.07	11,131.47	11,687.87	12,272.00
0718	56.86	59.70	62.69	65.82	69.11	72.57	4,548.80	4,776.00	5,015.20	5,265.60	5,528.80	5,805.60	9,855.74	10,348.00	10,866.27	11,408.80	11,979.07	12,578.80
0719	58.28	61.20	64.26	67.47	70.84	74.38	4,662.40	4,896.00	5,140.80	5,397.60	5,667.20	5,950.40	10,101.87	10,608.00	11,138.40	11,694.80	12,278.94	12,892.54
0720	59.74	62.73	65.86	69.16	72.61	76.24	4,779.20	5,018.40	5,268.80	5,532.80	5,808.80	6,099.20	10,354.94	10,873.20	11,415.74	11,987.74	12,585.74	13,214.94
0721	61.23	64.29	67.51	70.88	74.43	78.15	4,898.40	5,143.20	5,400.80	5,670.40	5,954.40	6,252.00	10,613.20	11,143.60	11,701.74	12,285.87	12,901.20	13,546.00
0722	62.76	65.90	69.20	72.66	76.29	80.10	5,020.80	5,272.00	5,536.00	5,812.80	6,103.20	6,408.00	10,878.40	11,422.67	11,994.67	12,594.40	13,223.60	13,884.00
0723	64.33	67.55	70.93	74.47	78.20	82.11	5,146.40	5,404.00	5,674.40	5,957.60	6,256.00	6,568.80	11,150.54	11,708.67	12,294.54	12,908.14	13,554.67	14,232.40
0724	65.94	69.24	72.70	76.33	80.15	84.16	5,275.20	5,539.20	5,816.00	6,106.40	6,412.00	6,732.80	11,429.60	12,001.60	12,601.34	13,230.54	13,892.67	14,587.74
0725	67.59	70.97	74.52	78.24	82.15	86.26	5,407.20	5,677.60	5,961.60	6,259.20	6,572.00	6,900.80	11,715.60	12,301.47	12,916.80	13,561.60	14,239.34	14,951.74

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - 112 HOUR SCHEDULE
EFFECTIVE JUNE 29 2027

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
0201	26.69	28.03	29.43	30.90	32.44	34.06	2,989.28	3,139.36	3,296.16	3,460.80	3,633.28	3,814.72	6,476.78	6,801.95	7,141.68	7,498.40	7,872.11	8,265.23
0202	27.36	28.73	30.16	31.67	33.25	34.92	3,064.32	3,217.76	3,377.92	3,547.04	3,724.00	3,911.04	6,639.36	6,971.82	7,318.83	7,685.26	8,068.67	8,473.92
0203	28.04	29.44	30.92	32.46	34.08	35.79	3,140.48	3,297.28	3,463.04	3,635.52	3,816.96	4,008.48	6,804.38	7,144.11	7,503.26	7,876.96	8,270.08	8,685.04
0204	28.74	30.18	31.69	33.27	34.94	36.68	3,218.88	3,380.16	3,549.28	3,726.24	3,913.28	4,108.16	6,974.24	7,323.68	7,690.11	8,073.52	8,478.78	8,901.02
0205	29.46	30.93	32.48	34.10	35.81	37.60	3,299.52	3,464.16	3,637.76	3,819.20	4,010.72	4,211.20	7,148.96	7,505.68	7,881.82	8,274.94	8,689.90	9,124.27
0206	30.20	31.71	33.29	34.96	36.71	38.54	3,382.40	3,551.52	3,728.48	3,915.52	4,111.52	4,316.48	7,328.54	7,694.96	8,078.38	8,483.63	8,908.30	9,352.38
0207	30.95	32.50	34.13	35.83	37.62	39.50	3,466.40	3,640.00	3,822.56	4,012.96	4,213.44	4,424.00	7,510.54	7,886.67	8,282.22	8,694.75	9,129.12	9,585.34
0208	31.73	33.31	34.98	36.73	38.56	40.49	3,553.76	3,730.72	3,917.76	4,113.76	4,318.72	4,534.88	7,699.82	8,083.23	8,488.48	8,913.15	9,357.23	9,825.58
0209	32.52	34.15	35.85	37.64	39.53	41.50	3,642.24	3,824.80	4,015.20	4,215.68	4,427.36	4,648.00	7,891.52	8,287.07	8,699.60	9,133.98	9,592.62	10,070.67
0210	33.33	35.00	36.75	38.59	40.51	42.54	3,732.96	3,920.00	4,116.00	4,322.08	4,537.12	4,764.48	8,088.08	8,493.34	8,918.00	9,364.51	9,830.43	10,323.04
0211	34.17	35.87	37.67	39.55	41.53	43.60	3,827.04	4,017.44	4,219.04	4,429.60	4,651.36	4,883.20	8,291.92	8,704.46	9,141.26	9,597.47	10,077.95	10,580.27
0212	35.02	36.77	38.61	40.54	42.57	44.69	3,922.24	4,118.24	4,324.32	4,540.48	4,767.84	5,005.28	8,498.19	8,922.86	9,369.36	9,837.71	10,330.32	10,844.78
0213	35.90	37.69	39.57	41.55	43.63	45.81	4,020.80	4,221.28	4,431.84	4,653.60	4,886.56	5,130.72	8,711.74	9,146.11	9,602.32	10,082.80	10,587.55	11,116.56
0214	36.79	38.63	40.56	42.59	44.72	46.96	4,120.48	4,326.56	4,542.72	4,770.08	5,008.64	5,259.52	8,927.71	9,374.22	9,842.56	10,335.18	10,852.06	11,395.63
0215	37.71	39.60	41.58	43.66	45.84	48.13	4,223.52	4,435.20	4,656.96	4,889.92	5,134.08	5,390.56	9,150.96	9,609.60	10,090.08	10,594.83	11,123.84	11,679.55
0216	38.65	40.59	42.62	44.75	46.98	49.33	4,328.80	4,546.08	4,773.44	5,012.00	5,261.76	5,524.96	9,379.07	9,849.84	10,342.46	10,859.34	11,400.48	11,970.75
0217	39.62	41.60	43.68	45.87	48.16	50.57	4,437.44	4,659.20	4,892.16	5,137.44	5,393.92	5,663.84	9,614.46	10,094.94	10,599.68	11,131.12	11,686.83	12,271.66
0218	40.61	42.64	44.77	47.01	49.36	51.83	4,548.32	4,775.68	5,014.24	5,265.12	5,528.32	5,804.96	9,854.70	10,347.31	10,864.19	11,407.76	11,978.03	12,577.42
0219	41.63	43.71	45.89	48.19	50.60	53.13	4,662.56	4,895.52	5,139.68	5,397.28	5,667.20	5,950.56	10,102.22	10,606.96	11,135.98	11,694.11	12,278.94	12,892.88
0220	42.67	44.80	47.04	49.39	51.86	54.45	4,779.04	5,017.60	5,268.48	5,531.68	5,808.32	6,098.40	10,354.59	10,871.47	11,415.04	11,985.31	12,584.70	13,213.20
0221	43.73	45.92	48.22	50.63	53.16	55.82	4,897.76	5,143.04	5,400.64	5,670.56	5,953.92	6,251.84	10,611.82	11,143.26	11,701.39	12,286.22	12,900.16	13,545.66
0222	44.83	47.07	49.42	51.89	54.49	57.21	5,020.96	5,271.84	5,535.04	5,811.68	6,102.88	6,407.52	10,878.75	11,422.32	11,992.59	12,591.98	13,222.91	13,882.96
0223	45.95	48.24	50.66	53.19	55.85	58.64	5,146.40	5,402.88	5,673.92	5,957.28	6,255.20	6,567.68	11,150.54	11,706.24	12,293.50	12,907.44	13,552.94	14,229.98
0224	47.10	49.45	51.92	54.52	57.24	60.11	5,275.20	5,538.40	5,815.04	6,106.24	6,410.88	6,732.32	11,429.60	11,999.87	12,599.26	13,230.19	13,890.24	14,586.70
0225	48.27	50.69	53.22	55.88	58.68	61.61	5,406.24	5,677.28	5,960.64	6,258.56	6,572.16	6,900.32	11,713.52	12,300.78	12,914.72	13,560.22	14,239.68	14,950.70

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
MCFFA - TRAINEES
EFFECTIVE JUNE 29 2027**

	HOURLY						BI-WEEKLY						MONTHLY					
	A	B	C	D	E	F	A	B	C	D	E	F	A	B	C	D	E	F
901	35.36	37.13	38.99	40.94	42.99	45.13	2,828.80	2,970.40	3,119.20	3,275.20	3,439.20	3,610.40	6,129.07	6,435.87	6,758.27	7,096.27	7,451.60	7,822.54
902	36.25	38.06	39.96	41.96	44.06	46.26	2,900.00	3,044.80	3,196.80	3,356.80	3,524.80	3,700.80	6,283.34	6,597.07	6,926.40	7,273.07	7,637.07	8,018.40
903	37.16	39.01	40.96	43.01	45.16	47.42	2,972.80	3,120.80	3,276.80	3,440.80	3,612.80	3,793.60	6,441.07	6,761.74	7,099.74	7,455.07	7,827.74	8,219.47
904	38.08	39.99	41.99	44.09	46.29	48.60	3,046.40	3,199.20	3,359.20	3,527.20	3,703.20	3,888.00	6,600.54	6,931.60	7,278.27	7,642.27	8,023.60	8,424.00
905	39.04	40.99	43.04	45.19	47.45	49.82	3,123.20	3,279.20	3,443.20	3,615.20	3,796.00	3,985.60	6,766.94	7,104.94	7,460.27	7,832.94	8,224.67	8,635.47
906	40.01	42.01	44.11	46.32	48.63	51.06	3,200.80	3,360.80	3,528.80	3,705.60	3,890.40	4,084.80	6,935.07	7,281.74	7,645.74	8,028.80	8,429.20	8,850.40
907	41.01	43.06	45.21	47.48	49.85	52.34	3,280.80	3,444.80	3,616.80	3,798.40	3,988.00	4,187.20	7,108.40	7,463.74	7,836.40	8,229.87	8,640.67	9,072.27
908	42.04	44.14	46.35	48.66	51.10	53.65	3,363.20	3,531.20	3,708.00	3,892.80	4,088.00	4,292.00	7,286.94	7,650.94	8,034.00	8,434.40	8,857.34	9,299.34
909	43.09	45.24	47.50	49.88	52.37	54.99	3,447.20	3,619.20	3,800.00	3,990.40	4,189.60	4,399.20	7,468.94	7,841.60	8,233.34	8,645.87	9,077.47	9,531.60
910	44.16	46.37	48.69	51.13	53.68	56.37	3,532.80	3,709.60	3,895.20	4,090.40	4,294.40	4,509.60	7,654.40	8,037.47	8,439.60	8,862.54	9,304.54	9,770.80
911	45.27	47.53	49.91	52.40	55.02	57.77	3,621.60	3,802.40	3,992.80	4,192.00	4,401.60	4,621.60	7,846.80	8,238.54	8,651.07	9,082.67	9,536.80	10,013.47
912	46.40	48.72	51.16	53.71	56.40	59.22	3,712.00	3,897.60	4,092.80	4,296.80	4,512.00	4,737.60	8,042.67	8,444.80	8,867.74	9,309.74	9,776.00	10,264.80
913	47.56	49.94	52.43	55.06	57.81	60.70	3,804.80	3,995.20	4,194.40	4,404.80	4,624.80	4,856.00	8,243.74	8,656.27	9,087.87	9,543.74	10,020.40	10,521.34
914	48.75	51.19	53.75	56.43	59.25	62.22	3,900.00	4,095.20	4,300.00	4,514.40	4,740.00	4,977.60	8,450.00	8,872.94	9,316.67	9,781.20	10,270.00	10,784.80
915	49.97	52.47	55.09	57.84	60.74	63.77	3,997.60	4,197.60	4,407.20	4,627.20	4,859.20	5,101.60	8,661.47	9,094.80	9,548.94	10,025.60	10,528.27	11,053.47
916	51.22	53.78	56.47	59.29	62.25	65.37	4,097.60	4,302.40	4,517.60	4,743.20	4,980.00	5,229.60	8,878.14	9,321.87	9,788.14	10,276.94	10,790.00	11,330.80
917	52.50	55.12	57.88	60.77	63.81	67.00	4,200.00	4,409.60	4,630.40	4,861.60	5,104.80	5,360.00	9,100.00	9,554.14	10,032.54	10,533.47	11,060.40	11,613.34
918	53.81	56.50	59.32	62.29	65.40	68.67	4,304.80	4,520.00	4,745.60	4,983.20	5,232.00	5,493.60	9,327.07	9,793.34	10,282.14	10,796.94	11,336.00	11,902.80
919	55.15	57.91	60.81	63.85	67.04	70.39	4,412.00	4,632.80	4,864.80	5,108.00	5,363.20	5,631.20	9,559.34	10,037.74	10,540.40	11,067.34	11,620.27	12,200.94
920	56.53	59.36	62.33	65.44	68.72	72.15	4,522.40	4,748.80	4,986.40	5,235.20	5,497.60	5,772.00	9,798.54	10,289.07	10,803.87	11,342.94	11,911.47	12,506.00
921	57.95	60.84	63.89	67.08	70.43	73.95	4,636.00	4,867.20	5,111.20	5,366.40	5,634.40	5,916.00	10,044.67	10,545.60	11,074.27	11,627.20	12,207.87	12,818.00
922	59.40	62.36	65.48	68.76	72.19	75.80	4,752.00	4,988.80	5,238.40	5,500.80	5,775.20	6,064.00	10,296.00	10,809.07	11,349.87	11,918.40	12,512.94	13,138.67
923	60.88	63.92	67.12	70.48	74.00	77.70	4,870.40	5,113.60	5,369.60	5,638.40	5,920.00	6,216.00	10,552.54	11,079.47	11,634.14	12,216.54	12,826.67	13,468.00
924	62.40	65.52	68.80	72.24	75.85	79.64	4,992.00	5,241.60	5,504.00	5,779.20	6,068.00	6,371.20	10,816.00	11,356.80	11,925.34	12,521.60	13,147.34	13,804.27
925	63.96	67.16	70.52	74.04	77.74	81.63	5,116.80	5,372.80	5,641.60	5,923.20	6,219.20	6,530.40	11,086.40	11,641.07	12,223.47	12,833.60	13,474.94	14,149.20

CITY OF MODESTO

SUMMARY OF SALARY RANGES AND
SCHEDULES FOR UNREPRESENTED SWORN
MANAGEMENT AND NON-SWORN
MANAGEMENT AND CONFIDENTIAL
EMPLOYEES,
INCLUDING CHARTER OFFICERS AND
EXECUTIVES

Effective June 18, 2024



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Nothing in this document shall create an expressed or implied covenant or contract or create a property right or tenure for any person appointed to unrepresented classifications covered by this summary.

The City has historically implemented terms and conditions of employment for Unrepresented Management and Confidential consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit.

Further, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire employees consistent with the terms and conditions of employment covering employees in the Modesto City Fire Fighters Association (MCFFA) bargaining unit and for Unrepresented Sworn Police employees consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit.

On June 27, 2023, by Resolution No 2023-321, Council approved updates to Salary Ranges and Salary Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, including Charter Officers and Executives; and authorized the City Manager or his designee to take the necessary administrative action to implement any changes.

On June 4, 2024, by Resolution No 2024- ,Council approved the Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes as follows:

1. SALARY RANGES, RATES AND EFFECTIVE DATES

The salary rates, salary ranges and salary steps as set forth in the following exhibits and attached hereto provide for a six-step schedule, effective June 20, 2023, for unrepresented sworn Fire Management employees; and effective July 1, 2025 for unrepresented sworn Police Management and non-sworn management and confidential employees, including charter officers and executives.

The remaining exhibits provide for a six (6.0%) percent across the board salary adjustment for unrepresented Fire Management effective June 18, 2024; an additional six (6.0%) percent across the board salary adjustment for unrepresented sworn Fire Management effective July 1, 2025; an additional five (5.0%) percent across the board salary adjustment for unrepresented Fire Management effective June 30, 2026; and an additional four (4.0%) percent across the board salary adjustment for unrepresented Fire Management effective June 29, 2027.

The remaining exhibits provide for four (4.0%) percent across-the-board salary adjustment for unrepresented non-sworn Management and Confidential employees, including Charter Officers and Executives, effective June 20, 2023; salary ranges

increased by three (3.0%) percent effective June 18, 2024 for unrepresented non-sworn Management and Confidential employees, including Charter Officers and Executives; an additional three (3.0%) percent increase effective July 1, 2025 for unrepresented non-sworn Management and Confidential employees, including Charter Officers and Executives; and an additional three (3.0%) percent base salary increase for all unrepresented non-sworn Management and Confidential employees, including Charter Officers and Executives, effective June 30, 2026. 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.

The remaining exhibits provide for five (5.0%) percent and a three (3%) percent across-the-board salary adjustment for unrepresented Sworn Police Management employees, including Executives, effective June 20, 2023; salary ranges increased by five (5.0%) percent effective June 18, 2024 for unrepresented Sworn Police Management employees, including Executives; an additional three (3.0%) percent increase effective July 1, 2025 for unrepresented Sworn Police Management employees, including Executives; and an additional four (4.0%) percent base salary increase for all unrepresented Sworn Police Management employees, including Executives, effective June 30, 2026.

1. Exhibit 1: Class Range Table for Unrepresented Management & Confidential Non-Sworn Classes Effective 6/20/23
2. Exhibit 2: Class Range Table for Unrepresented Management & Confidential Non-Sworn Classes Effective 6/20/23
3. Exhibit 3A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
4. Exhibit 3B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
5. Exhibit 3C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/20/23
6. Exhibit 4A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
7. Exhibit 4B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
8. Exhibit 4C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/18/24
9. Exhibit 5A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 7/1/25
10. Exhibit 5B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 7/1/25
11. Exhibit 5C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn – 7/1/25

12. Exhibit 6A: Hourly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
13. Exhibit 6B: Bi-Weekly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
14. Exhibit 6C: Monthly Schedule of Salary for Unrepresented Management & Confidential Non-Sworn - Effective 6/30/26
15. Exhibit 7A: Class Range Table Executive Management 6/20/23
16. Exhibit 7B: Class Range Table Executive Management 6/18/24
17. Exhibit 8A: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/20/23
18. Exhibit 8B: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/18/24
19. Exhibit 8C: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 7/1/25
20. Exhibit 8D: Schedule of Salary for Unrepresented Executive Non-Sworn Management- Effective 6/30/26
21. Exhibit 9A: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 6/18/24
22. Exhibit 10A: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 6/18/24
23. Exhibit 9B: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 7/1/25
24. Exhibit 10B: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 7/1/25
25. Exhibit 9C: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 6/30/26
26. Exhibit 10C: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 6/30/26
27. Exhibit 9D: Schedule of Salary for Unrepresented Battalion Chiefs 80 - Effective 6/29/27
28. Exhibit 10D: Schedule of Salary for Unrepresented Battalion Chiefs 112 - Effective 6/29/27
29. Exhibit 11A: Schedule of Salary for Unrepresented Fire Deputy Chiefs - Effective 6/18/24
30. Exhibit 11B: Schedule of Salary for Unrepresented Fire Deputy Chiefs – Effective 7/1/25
31. Exhibit 11C: Schedule of Salary for Unrepresented Fire Deputy Chiefs – Effective 6/30/26
32. Exhibit 11D: Schedule of Salary for Unrepresented Fire Deputy Chiefs – Effective 6/29/27

- 33. Exhibit 12A: Schedule of Salary for Unrepresented Fire Chief – Effective 6/18/24
- 34. Exhibit 12B: Schedule of Salary for Unrepresented Fire Chief – Effective 7/1/25
- 35. Exhibit 12C: Schedule of Salary for Unrepresented Fire Chief – Effective 6/30/26
- 36. Exhibit 12D: Schedule of Salary for Unrepresented Fire Chief – Effective 6/29/27
- 37. Exhibit 13: Class Range Table for Unrepresented Fire Management Effective 9/7/21
- 38. Exhibit 14: Class Range Table for Unrepresented Fire Chief Effective 7/12/16
- 39. Exhibit 15: Class Range Table for Unrepresented Police Management Effective 6/26/18
- 40. Exhibit 16A: Schedule of Salary for Unrepresented Police Captains – Effective 6/23/20
- 41. Exhibit 16B: Schedule of Salary for Unrepresented Police Captains – Effective 6/22/21
- 42. Exhibit 16C: Schedule of Salary for Unrepresented Police Captains – Effective 6/21/22
- 43. Exhibit 17A: Schedule of Salary for Unrepresented Police Chief – Effective 6/23/20
- 44. Exhibit 17B: Schedule of Salary for Unrepresented Police Chief – Effective 6/22/21
- 45. Exhibit 17C: Schedule of Salary for Unrepresented Police Chief – Effective 6/21/22
- 46. Exhibit 18: Class Range Table for Unrepresented Police Chief Effective 6/27/17
- 47. Exhibit X: Unrepresented Market Adjustments

2. CHARTER OFFICERS.

The salaries for the positions of the Charter Officers shall be as follows effective June 20, 2023:

Title	Hourly	Bi-Weekly	Monthly
City Manager	\$ 133.51	\$ 10,680.80	\$ 23,141.74
City Attorney	\$ 120.96	\$ 9,676.80	\$ 20,966.40
City Auditor	\$ 85.61	\$ 6,848.80	\$ 14,839.07
City Clerk	\$ 73.82	\$ 5,905.60	\$ 12,795.47

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 Council of the City of Modesto approved the above salary ranges and salary schedules by Resolution No. 2023-_____ on June 27, 2023.

ATTACHMENTS

EXHIBIT 1: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN CLASSES EFFECTIVE 6/20/23

CITY OF MODESTO CLASS RANGE TABLE UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES Effective June 20, 2023

Range Number	Title
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council
2429	Executive Assistant to the City Manager
2429	Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2445	Deputy City Attorney I
2448	Human Resources Manager
2448	Risk Manager
2449	Deputy City Attorney II
2452	Budget Manager
2452	Deputy Director of Community and Economic Development
2452	Deputy Director of Cultural and Enterprise Services
2452	Deputy Director of Finance
2452	Deputy Director of Human Resources
2452	Deputy Director of Recreation and Neighborhoods
2452	Public Relations and Legislative Affairs Manager
2453	Deputy City Attorney III
2453	Police Administrator
2457	Senior Deputy City Attorney
2463	Assistant City Attorney

EXHIBIT 2: CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL
NON-SWORN CLASSES EFFECTIVE 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective June 18, 2024

Range Number	Title
2423	Executive Assistant
2427	Office Supervisor - Confidential
2428	Legal Services Administrator
2429	Executive Assistant to the City Council
2429	Executive Assistant to the City Manager
2429	Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2442	Employee Relations Officer
2448	Deputy City Attorney I
2448	Human Resources Manager
2448	Risk Manager
2452	Deputy City Attorney II
2452	Deputy Director of Community and Economic Development
2452	Deputy Director of Cultural and Enterprise Services
2452	Deputy Director of Finance
2452	Deputy Director of Human Resources
2452	Deputy Director of Recreation and Neighborhoods
2452	Public Relations and Legislative Affairs Manager
2453	Budget Manager
2453	Police Administrator
2456	Deputy City Attorney III
2460	Senior Deputy City Attorney
2466	Assistant City Attorney

EXHIBIT 3A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
 EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	26.28	27.60	28.98	30.43	31.95
2420	26.94	28.29	29.70	31.19	32.75
2421	27.62	29.00	30.45	31.97	33.57
2422	28.31	29.72	31.21	32.77	34.40
2423	29.01	30.46	31.99	33.59	35.26
2424	29.74	31.23	32.79	34.43	36.15
2425	30.48	32.01	33.61	35.29	37.05
2426	31.24	32.81	34.45	36.17	37.98
2427	32.02	33.63	35.31	37.07	38.93
2428	32.83	34.47	36.19	38.00	39.90
2429	33.65	35.33	37.09	38.95	40.90
2430	34.49	36.21	38.02	39.92	41.92
2431	35.35	37.12	38.97	40.92	42.97
2432	36.23	38.04	39.95	41.94	44.04
2433	37.14	38.99	40.94	42.99	45.14
2434	38.07	39.97	41.97	44.07	46.27

Step Range	Step A	Step B	Step C	Step D	Step E
2435	39.02	40.97	43.02	45.17	47.43
2436	39.99	41.99	44.09	46.30	48.61
2437	40.99	43.04	45.19	47.45	49.83
2438	42.02	44.12	46.32	48.64	51.07
2439	43.07	45.22	47.48	49.86	52.35
2440	44.14	46.35	48.67	51.10	53.66
2441	45.25	47.51	49.89	52.38	55.00
2442	46.38	48.70	51.13	53.69	56.37
2443	47.54	49.91	52.41	55.03	57.78
2444	48.73	51.16	53.72	56.41	59.23
2445	49.94	52.44	55.06	57.82	60.71
2446	51.19	53.75	56.44	59.26	62.22
2447	52.47	55.10	57.85	60.74	63.78
2448	53.78	56.47	59.30	62.26	65.37
2449	55.13	57.89	60.78	63.82	67.01
2450	56.51	59.33	62.30	65.41	68.68

Step Range	Step A	Step B	Step C	Step D	Step E
2451	57.92	60.82	63.86	67.05	70.40
2452	59.37	62.34	65.45	68.72	72.16
2453	60.85	63.89	67.09	70.44	73.96
2454	62.37	65.49	68.77	72.20	75.81
2455	63.93	67.13	70.48	74.01	77.71
2456	65.53	68.81	72.25	75.86	79.65
2457	67.17	70.53	74.05	77.75	81.64
2458	68.85	72.29	75.90	79.70	83.68
2459	70.57	74.10	77.80	81.69	85.78
2460	72.33	75.95	79.75	83.73	87.92
2461	74.14	77.85	81.74	85.83	90.12
2462	75.99	79.79	83.78	87.97	92.37
2463	77.89	81.79	85.88	90.17	94.68
2464	79.84	83.83	88.02	92.43	97.05
2465	81.84	85.93	90.22	94.74	99.47
2466	83.88	88.08	92.48	97.10	101.96

EXHIBIT 3B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
 EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	2,102.40	2,208.00	2,318.40	2,434.40	2,556.00
2420	2,155.20	2,263.20	2,376.00	2,495.20	2,620.00
2421	2,209.60	2,320.00	2,436.00	2,557.60	2,685.60
2422	2,264.80	2,377.60	2,496.80	2,621.60	2,752.00
2423	2,320.80	2,436.80	2,559.20	2,687.20	2,820.80
2424	2,379.20	2,498.40	2,623.20	2,754.40	2,892.00
2425	2,438.40	2,560.80	2,688.80	2,823.20	2,964.00
2426	2,499.20	2,624.80	2,756.00	2,893.60	3,038.40
2427	2,561.60	2,690.40	2,824.80	2,965.60	3,114.40
2428	2,626.40	2,757.60	2,895.20	3,040.00	3,192.00
2429	2,692.00	2,826.40	2,967.20	3,116.00	3,272.00
2430	2,759.20	2,896.80	3,041.60	3,193.60	3,353.60
2431	2,828.00	2,969.60	3,117.60	3,273.60	3,437.60
2432	2,898.40	3,043.20	3,196.00	3,355.20	3,523.20
2433	2,971.20	3,119.20	3,275.20	3,439.20	3,611.20
2434	3,045.60	3,197.60	3,357.60	3,525.60	3,701.60

Step Range	Step A	Step B	Step C	Step D	Step E
2435	3,121.60	3,277.60	3,441.60	3,613.60	3,794.40
2436	3,199.20	3,359.20	3,527.20	3,704.00	3,888.80
2437	3,279.20	3,443.20	3,615.20	3,796.00	3,986.40
2438	3,361.60	3,529.60	3,705.60	3,891.20	4,085.60
2439	3,445.60	3,617.60	3,798.40	3,988.80	4,188.00
2440	3,531.20	3,708.00	3,893.60	4,088.00	4,292.80
2441	3,620.00	3,800.80	3,991.20	4,190.40	4,400.00
2442	3,710.40	3,896.00	4,090.40	4,295.20	4,509.60
2443	3,803.20	3,992.80	4,192.80	4,402.40	4,622.40
2444	3,898.40	4,092.80	4,297.60	4,512.80	4,738.40
2445	3,995.20	4,195.20	4,404.80	4,625.60	4,856.80
2446	4,095.20	4,300.00	4,515.20	4,740.80	4,977.60
2447	4,197.60	4,408.00	4,628.00	4,859.20	5,102.40
2448	4,302.40	4,517.60	4,744.00	4,980.80	5,229.60
2449	4,410.40	4,631.20	4,862.40	5,105.60	5,360.80
2450	4,520.80	4,746.40	4,984.00	5,232.80	5,494.40

Step Range	Step A	Step B	Step C	Step D	Step E
2451	4,633.60	4,865.60	5,108.80	5,364.00	5,632.00
2452	4,749.60	4,987.20	5,236.00	5,497.60	5,772.80
2453	4,868.00	5,111.20	5,367.20	5,635.20	5,916.80
2454	4,989.60	5,239.20	5,501.60	5,776.00	6,064.80
2455	5,114.40	5,370.40	5,638.40	5,920.80	6,216.80
2456	5,242.40	5,504.80	5,780.00	6,068.80	6,372.00
2457	5,373.60	5,642.40	5,924.00	6,220.00	6,531.20
2458	5,508.00	5,783.20	6,072.00	6,376.00	6,694.40
2459	5,645.60	5,928.00	6,224.00	6,535.20	6,862.40
2460	5,786.40	6,076.00	6,380.00	6,698.40	7,033.60
2461	5,931.20	6,228.00	6,539.20	6,866.40	7,209.60
2462	6,079.20	6,383.20	6,702.40	7,037.60	7,389.60
2463	6,231.20	6,543.20	6,870.40	7,213.60	7,574.40
2464	6,387.20	6,706.40	7,041.60	7,394.40	7,764.00
2465	6,547.20	6,874.40	7,217.60	7,579.20	7,957.60
2466	6,710.40	7,046.40	7,398.40	7,768.00	8,156.80

EXHIBIT 3C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/20/23
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/23
 EFFECTIVE: JUNE 20, 2023

Step Range	Step A	Step B	Step C	Step D	Step E
2419	4,555.20	4,784.00	5,023.20	5,274.54	5,538.00
2420	4,669.60	4,903.60	5,148.00	5,406.27	5,676.67
2421	4,787.47	5,026.67	5,278.00	5,541.47	5,818.80
2422	4,907.07	5,151.47	5,409.74	5,680.14	5,962.67
2423	5,028.40	5,279.74	5,544.94	5,822.27	6,111.74
2424	5,154.94	5,413.20	5,683.60	5,967.87	6,266.00
2425	5,283.20	5,548.40	5,825.74	6,116.94	6,422.00
2426	5,414.94	5,687.07	5,971.34	6,269.47	6,583.20
2427	5,550.14	5,829.20	6,120.40	6,425.47	6,747.87
2428	5,690.54	5,974.80	6,272.94	6,586.67	6,916.00
2429	5,832.67	6,123.87	6,428.94	6,751.34	7,089.34
2430	5,978.27	6,276.40	6,590.14	6,919.47	7,266.14
2431	6,127.34	6,434.14	6,754.80	7,092.80	7,448.14
2432	6,279.87	6,593.60	6,924.67	7,269.60	7,633.60
2433	6,437.60	6,758.27	7,096.27	7,451.60	7,824.27
2434	6,598.80	6,928.14	7,274.80	7,638.80	8,020.14

Step Range	Step A	Step B	Step C	Step D	Step E
2435	6,763.47	7,101.47	7,456.80	7,829.47	8,221.20
2436	6,931.60	7,278.27	7,642.27	8,025.34	8,425.74
2437	7,104.94	7,460.27	7,832.94	8,224.67	8,637.20
2438	7,283.47	7,647.47	8,028.80	8,430.94	8,852.14
2439	7,465.47	7,838.14	8,229.87	8,642.40	9,074.00
2440	7,650.94	8,034.00	8,436.14	8,857.34	9,301.07
2441	7,843.34	8,235.07	8,647.60	9,079.20	9,533.34
2442	8,039.20	8,441.34	8,862.54	9,306.27	9,770.80
2443	8,240.27	8,651.07	9,084.40	9,538.54	10,015.20
2444	8,446.54	8,867.74	9,311.47	9,777.74	10,266.54
2445	8,656.27	9,089.60	9,543.74	10,022.14	10,523.07
2446	8,872.94	9,316.67	9,782.94	10,271.74	10,784.80
2447	9,094.80	9,550.67	10,027.34	10,528.27	11,055.20
2448	9,321.87	9,788.14	10,278.67	10,791.74	11,330.80
2449	9,555.87	10,034.27	10,535.20	11,062.14	11,615.07
2450	9,795.07	10,283.87	10,798.67	11,337.74	11,904.54

Step Range	Step A	Step B	Step C	Step D	Step E
2451	10,039.47	10,542.14	11,069.07	11,622.00	12,202.67
2452	10,290.80	10,805.60	11,344.67	11,911.47	12,507.74
2453	10,547.34	11,074.27	11,628.94	12,209.60	12,819.74
2454	10,810.80	11,351.60	11,920.14	12,514.67	13,140.40
2455	11,081.20	11,635.87	12,216.54	12,828.40	13,469.74
2456	11,358.54	11,927.07	12,523.34	13,149.07	13,806.00
2457	11,642.80	12,225.20	12,835.34	13,476.67	14,150.94
2458	11,934.00	12,530.27	13,156.00	13,814.67	14,504.54
2459	12,232.14	12,844.00	13,485.34	14,159.60	14,868.54
2460	12,537.20	13,164.67	13,823.34	14,513.20	15,239.47
2461	12,850.94	13,494.00	14,168.27	14,877.20	15,620.80
2462	13,171.60	13,830.27	14,521.87	15,248.14	16,010.80
2463	13,500.94	14,176.94	14,885.87	15,629.47	16,411.20
2464	13,838.94	14,530.54	15,256.80	16,021.20	16,822.00
2465	14,185.60	14,894.54	15,638.14	16,421.60	17,241.47
2466	14,539.20	15,267.20	16,029.87	16,830.67	17,673.07

EXHIBIT 4A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
 EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	27.07	28.43	29.85	31.34	32.91
2420	27.75	29.14	30.60	32.13	33.73
2421	28.45	29.87	31.36	32.93	34.57
2422	29.16	30.61	32.14	33.75	35.44
2423	29.89	31.38	32.95	34.60	36.32
2424	30.63	32.16	33.77	35.46	37.23
2425	31.40	32.97	34.62	36.35	38.16
2426	32.18	33.79	35.48	37.25	39.12
2427	32.99	34.64	36.37	38.19	40.10
2428	33.81	35.50	37.28	39.14	41.10
2429	34.66	36.39	38.21	40.12	42.12
2430	35.52	37.30	39.16	41.12	43.18
2431	36.41	38.23	40.14	42.15	44.26
2432	37.32	39.19	41.15	43.20	45.36
2433	38.25	40.17	42.17	44.28	46.50
2434	39.21	41.17	43.23	45.39	47.66

Step Range	Step A	Step B	Step C	Step D	Step E
2435	40.19	42.20	44.31	46.52	48.85
2436	41.20	43.25	45.42	47.69	50.07
2437	42.22	44.34	46.55	48.88	51.32
2438	43.28	45.44	47.72	50.10	52.61
2439	44.36	46.58	48.91	51.35	53.92
2440	45.47	47.74	50.13	52.64	55.27
2441	46.61	48.94	51.38	53.95	56.65
2442	47.77	50.16	52.67	55.30	58.07
2443	48.97	51.42	53.99	56.68	59.52
2444	50.19	52.70	55.34	58.10	61.01
2445	51.45	54.02	56.72	59.55	62.53
2446	52.73	55.37	58.14	61.04	64.09
2447	54.05	56.75	59.59	62.57	65.70
2448	55.40	58.17	61.08	64.13	67.34
2449	56.79	59.63	62.61	65.74	69.02
2450	58.21	61.12	64.17	67.38	70.75

Step Range	Step A	Step B	Step C	Step D	Step E
2451	59.66	62.64	65.78	69.06	72.52
2452	61.15	64.21	67.42	70.79	74.33
2453	62.68	65.81	69.11	72.56	76.19
2454	64.25	67.46	70.83	74.37	78.09
2455	65.85	69.15	72.60	76.23	80.04
2456	67.50	70.87	74.42	78.14	82.05
2457	69.19	72.65	76.28	80.09	84.10
2458	70.92	74.46	78.19	82.09	86.20
2459	72.69	76.32	80.14	84.15	88.35
2460	74.51	78.23	82.14	86.25	90.56
2461	76.37	80.19	84.20	88.41	92.83
2462	78.28	82.19	86.30	90.62	95.15
2463	80.24	84.25	88.46	92.88	97.53
2464	82.24	86.35	90.67	95.20	99.96
2465	84.30	88.51	92.94	97.58	102.46
2466	86.40	90.72	95.26	100.02	105.02

EXHIBIT 4B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
 EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	2,165.60	2,274.40	2,388.00	2,507.20	2,632.80
2420	2,220.00	2,331.20	2,448.00	2,570.40	2,698.40
2421	2,276.00	2,389.60	2,508.80	2,634.40	2,765.60
2422	2,332.80	2,448.80	2,571.20	2,700.00	2,835.20
2423	2,391.20	2,510.40	2,636.00	2,768.00	2,905.60
2424	2,450.40	2,572.80	2,701.60	2,836.80	2,978.40
2425	2,512.00	2,637.60	2,769.60	2,908.00	3,052.80
2426	2,574.40	2,703.20	2,838.40	2,980.00	3,129.60
2427	2,639.20	2,771.20	2,909.60	3,055.20	3,208.00
2428	2,704.80	2,840.00	2,982.40	3,131.20	3,288.00
2429	2,772.80	2,911.20	3,056.80	3,209.60	3,369.60
2430	2,841.60	2,984.00	3,132.80	3,289.60	3,454.40
2431	2,912.80	3,058.40	3,211.20	3,372.00	3,540.80
2432	2,985.60	3,135.20	3,292.00	3,456.00	3,628.80
2433	3,060.00	3,213.60	3,373.60	3,542.40	3,720.00
2434	3,136.80	3,293.60	3,458.40	3,631.20	3,812.80

Step Range	Step A	Step B	Step C	Step D	Step E
2435	3,215.20	3,376.00	3,544.80	3,721.60	3,908.00
2436	3,296.00	3,460.00	3,633.60	3,815.20	4,005.60
2437	3,377.60	3,547.20	3,724.00	3,910.40	4,105.60
2438	3,462.40	3,635.20	3,817.60	4,008.00	4,208.80
2439	3,548.80	3,726.40	3,912.80	4,108.00	4,313.60
2440	3,637.60	3,819.20	4,010.40	4,211.20	4,421.60
2441	3,728.80	3,915.20	4,110.40	4,316.00	4,532.00
2442	3,821.60	4,012.80	4,213.60	4,424.00	4,645.60
2443	3,917.60	4,113.60	4,319.20	4,534.40	4,761.60
2444	4,015.20	4,216.00	4,427.20	4,648.00	4,880.80
2445	4,116.00	4,321.60	4,537.60	4,764.00	5,002.40
2446	4,218.40	4,429.60	4,651.20	4,883.20	5,127.20
2447	4,324.00	4,540.00	4,767.20	5,005.60	5,256.00
2448	4,432.00	4,653.60	4,886.40	5,130.40	5,387.20
2449	4,543.20	4,770.40	5,008.80	5,259.20	5,521.60
2450	4,656.80	4,889.60	5,133.60	5,390.40	5,660.00

Step Range	Step A	Step B	Step C	Step D	Step E
2451	4,772.80	5,011.20	5,262.40	5,524.80	5,801.60
2452	4,892.00	5,136.80	5,393.60	5,663.20	5,946.40
2453	5,014.40	5,264.80	5,528.80	5,804.80	6,095.20
2454	5,140.00	5,396.80	5,666.40	5,949.60	6,247.20
2455	5,268.00	5,532.00	5,808.00	6,098.40	6,403.20
2456	5,400.00	5,669.60	5,953.60	6,251.20	6,564.00
2457	5,535.20	5,812.00	6,102.40	6,407.20	6,728.00
2458	5,673.60	5,956.80	6,255.20	6,567.20	6,896.00
2459	5,815.20	6,105.60	6,411.20	6,732.00	7,068.00
2460	5,960.80	6,258.40	6,571.20	6,900.00	7,244.80
2461	6,109.60	6,415.20	6,736.00	7,072.80	7,426.40
2462	6,262.40	6,575.20	6,904.00	7,249.60	7,612.00
2463	6,419.20	6,740.00	7,076.80	7,430.40	7,802.40
2464	6,579.20	6,908.00	7,253.60	7,616.00	7,996.80
2465	6,744.00	7,080.80	7,435.20	7,806.40	8,196.80
2466	6,912.00	7,257.60	7,620.80	8,001.60	8,401.60

EXHIBIT 4C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/18/24
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
 EFFECTIVE: JUNE 18, 2024

Step Range	Step A	Step B	Step C	Step D	Step E
2419	4,692.14	4,927.87	5,174.00	5,432.27	5,704.40
2420	4,810.00	5,050.94	5,304.00	5,569.20	5,846.54
2421	4,931.34	5,177.47	5,435.74	5,707.87	5,992.14
2422	5,054.40	5,305.74	5,570.94	5,850.00	6,142.94
2423	5,180.94	5,439.20	5,711.34	5,997.34	6,295.47
2424	5,309.20	5,574.40	5,853.47	6,146.40	6,453.20
2425	5,442.67	5,714.80	6,000.80	6,300.67	6,614.40
2426	5,577.87	5,856.94	6,149.87	6,456.67	6,780.80
2427	5,718.27	6,004.27	6,304.14	6,619.60	6,950.67
2428	5,860.40	6,153.34	6,461.87	6,784.27	7,124.00
2429	6,007.74	6,307.60	6,623.07	6,954.14	7,300.80
2430	6,156.80	6,465.34	6,787.74	7,127.47	7,484.54
2431	6,311.07	6,626.54	6,957.60	7,306.00	7,671.74
2432	6,468.80	6,792.94	7,132.67	7,488.00	7,862.40
2433	6,630.00	6,962.80	7,309.47	7,675.20	8,060.00
2434	6,796.40	7,136.14	7,493.20	7,867.60	8,261.07

Step Range	Step A	Step B	Step C	Step D	Step E
2435	6,966.27	7,314.67	7,680.40	8,063.47	8,467.34
2436	7,141.34	7,496.67	7,872.80	8,266.27	8,678.80
2437	7,318.14	7,685.60	8,068.67	8,472.54	8,895.47
2438	7,501.87	7,876.27	8,271.47	8,684.00	9,119.07
2439	7,689.07	8,073.87	8,477.74	8,900.67	9,346.14
2440	7,881.47	8,274.94	8,689.20	9,124.27	9,580.14
2441	8,079.07	8,482.94	8,905.87	9,351.34	9,819.34
2442	8,280.14	8,694.40	9,129.47	9,585.34	10,065.47
2443	8,488.14	8,912.80	9,358.27	9,824.54	10,316.80
2444	8,699.60	9,134.67	9,592.27	10,070.67	10,575.07
2445	8,918.00	9,363.47	9,831.47	10,322.00	10,838.54
2446	9,139.87	9,597.47	10,077.60	10,580.27	11,108.94
2447	9,368.67	9,836.67	10,328.94	10,845.47	11,388.00
2448	9,602.67	10,082.80	10,587.20	11,115.87	11,672.27
2449	9,843.60	10,335.87	10,852.40	11,394.94	11,963.47
2450	10,089.74	10,594.14	11,122.80	11,679.20	12,263.34

Step Range	Step A	Step B	Step C	Step D	Step E
2451	10,341.07	10,857.60	11,401.87	11,970.40	12,570.14
2452	10,599.34	11,129.74	11,686.14	12,270.27	12,883.87
2453	10,864.54	11,407.07	11,979.07	12,577.07	13,206.27
2454	11,136.67	11,693.07	12,277.20	12,890.80	13,535.60
2455	11,414.00	11,986.00	12,584.00	13,213.20	13,873.60
2456	11,700.00	12,284.14	12,899.47	13,544.27	14,222.00
2457	11,992.94	12,592.67	13,221.87	13,882.27	14,577.34
2458	12,292.80	12,906.40	13,552.94	14,228.94	14,941.34
2459	12,599.60	13,228.80	13,890.94	14,586.00	15,314.00
2460	12,915.07	13,559.87	14,237.60	14,950.00	15,697.07
2461	13,237.47	13,899.60	14,594.67	15,324.40	16,090.54
2462	13,568.54	14,246.27	14,958.67	15,707.47	16,492.67
2463	13,908.27	14,603.34	15,333.07	16,099.20	16,905.20
2464	14,254.94	14,967.34	15,716.14	16,501.34	17,326.40
2465	14,612.00	15,341.74	16,109.60	16,913.87	17,759.74
2466	14,976.00	15,724.80	16,511.74	17,336.80	18,203.47

EXHIBIT 5A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
 EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	27.89	29.29	30.75	32.29	33.91	35.60
2420	28.59	30.02	31.52	33.10	34.75	36.49
2421	29.31	30.77	32.31	33.93	35.62	37.40
2422	30.04	31.54	33.12	34.77	36.51	38.34
2423	30.79	32.33	33.95	35.64	37.42	39.30
2424	31.56	33.14	34.79	36.53	38.36	40.28
2425	32.35	33.97	35.66	37.45	39.32	41.28
2426	33.16	34.82	36.56	38.38	40.30	42.32
2427	33.99	35.69	37.47	39.34	41.31	43.37
2428	34.84	36.58	38.41	40.33	42.34	44.46
2429	35.71	37.49	39.37	41.33	43.40	45.57
2430	36.60	38.43	40.35	42.37	44.49	46.71
2431	37.51	39.39	41.36	43.43	45.60	47.88
2432	38.45	40.37	42.39	44.51	46.74	49.07
2433	39.41	41.38	43.45	45.62	47.91	50.30
2434	40.40	42.42	44.54	46.76	49.10	51.56

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	41.41	43.48	45.65	47.93	50.33	52.85
2436	42.44	44.56	46.79	49.13	51.59	54.17
2437	43.50	45.68	47.96	50.36	52.88	55.52
2438	44.59	46.82	49.16	51.62	54.20	56.91
2439	45.71	47.99	50.39	52.91	55.55	58.33
2440	46.85	49.19	51.65	54.23	56.94	59.79
2441	48.02	50.42	52.94	55.59	58.37	61.29
2442	49.22	51.68	54.26	56.98	59.83	62.82
2443	50.45	52.97	55.62	58.40	61.32	64.39
2444	51.71	54.30	57.01	59.86	62.85	66.00
2445	53.00	55.65	58.44	61.36	64.43	67.65
2446	54.33	57.05	59.90	62.89	66.04	69.34
2447	55.69	58.47	61.39	64.46	67.69	71.07
2448	57.08	59.93	62.93	66.08	69.38	72.85
2449	58.51	61.43	64.50	67.73	71.11	74.67
2450	59.97	62.97	66.11	69.42	72.89	76.54

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	61.47	64.54	67.77	71.16	74.71	78.45
2452	63.00	66.15	69.46	72.93	76.58	80.41
2453	64.58	67.81	71.20	74.76	78.50	82.42
2454	66.19	69.50	72.98	76.63	80.46	84.48
2455	67.85	71.24	74.80	78.54	82.47	86.59
2456	69.54	73.02	76.67	80.51	84.53	88.76
2457	71.28	74.85	78.59	82.52	86.64	90.98
2458	73.06	76.72	80.55	84.58	88.81	93.25
2459	74.89	78.64	82.57	86.70	91.03	95.58
2460	76.76	80.60	84.63	88.86	93.31	97.97
2461	78.68	82.62	86.75	91.08	95.64	100.42
2462	80.65	84.68	88.92	93.36	98.03	102.93
2463	82.67	86.80	91.14	95.69	100.48	105.50
2464	84.73	88.97	93.42	98.09	102.99	108.14
2465	86.85	91.19	95.75	100.54	105.57	110.84
2466	89.02	93.47	98.15	103.05	108.21	113.62

EXHIBIT 5B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 7/1/25
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
 EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	2,231.20	2,343.20	2,460.00	2,583.20	2,712.80	2,848.00
2420	2,287.20	2,401.60	2,521.60	2,648.00	2,780.00	2,919.20
2421	2,344.80	2,461.60	2,584.80	2,714.40	2,849.60	2,992.00
2422	2,403.20	2,523.20	2,649.60	2,781.60	2,920.80	3,067.20
2423	2,463.20	2,586.40	2,716.00	2,851.20	2,993.60	3,144.00
2424	2,524.80	2,651.20	2,783.20	2,922.40	3,068.80	3,222.40
2425	2,588.00	2,717.60	2,852.80	2,996.00	3,145.60	3,302.40
2426	2,652.80	2,785.60	2,924.80	3,070.40	3,224.00	3,385.60
2427	2,719.20	2,855.20	2,997.60	3,147.20	3,304.80	3,469.60
2428	2,787.20	2,926.40	3,072.80	3,226.40	3,387.20	3,556.80
2429	2,856.80	2,999.20	3,149.60	3,306.40	3,472.00	3,645.60
2430	2,928.00	3,074.40	3,228.00	3,389.60	3,559.20	3,736.80
2431	3,000.80	3,151.20	3,308.80	3,474.40	3,648.00	3,830.40
2432	3,076.00	3,229.60	3,391.20	3,560.80	3,739.20	3,925.60
2433	3,152.80	3,310.40	3,476.00	3,649.60	3,832.80	4,024.00
2434	3,232.00	3,393.60	3,563.20	3,740.80	3,928.00	4,124.80

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	3,312.80	3,478.40	3,652.00	3,834.40	4,026.40	4,228.00
2436	3,395.20	3,564.80	3,743.20	3,930.40	4,127.20	4,333.60
2437	3,480.00	3,654.40	3,836.80	4,028.80	4,230.40	4,441.60
2438	3,567.20	3,745.60	3,932.80	4,129.60	4,336.00	4,552.80
2439	3,656.80	3,839.20	4,031.20	4,232.80	4,444.00	4,666.40
2440	3,748.00	3,935.20	4,132.00	4,338.40	4,555.20	4,783.20
2441	3,841.60	4,033.60	4,235.20	4,447.20	4,669.60	4,903.20
2442	3,937.60	4,134.40	4,340.80	4,558.40	4,786.40	5,025.60
2443	4,036.00	4,237.60	4,449.60	4,672.00	4,905.60	5,151.20
2444	4,136.80	4,344.00	4,560.80	4,788.80	5,028.00	5,280.00
2445	4,240.00	4,452.00	4,675.20	4,908.80	5,154.40	5,412.00
2446	4,346.40	4,564.00	4,792.00	5,031.20	5,283.20	5,547.20
2447	4,455.20	4,677.60	4,911.20	5,156.80	5,415.20	5,685.60
2448	4,566.40	4,794.40	5,034.40	5,286.40	5,550.40	5,828.00
2449	4,680.80	4,914.40	5,160.00	5,418.40	5,688.80	5,973.60
2450	4,797.60	5,037.60	5,288.80	5,553.60	5,831.20	6,123.20

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	4,917.60	5,163.20	5,421.60	5,692.80	5,976.80	6,276.00
2452	5,040.00	5,292.00	5,556.80	5,834.40	6,126.40	6,432.80
2453	5,166.40	5,424.80	5,696.00	5,980.80	6,280.00	6,593.60
2454	5,295.20	5,560.00	5,838.40	6,130.40	6,436.80	6,758.40
2455	5,428.00	5,699.20	5,984.00	6,283.20	6,597.60	6,927.20
2456	5,563.20	5,841.60	6,133.60	6,440.80	6,762.40	7,100.80
2457	5,702.40	5,988.00	6,287.20	6,601.60	6,931.20	7,278.40
2458	5,844.80	6,137.60	6,444.00	6,766.40	7,104.80	7,460.00
2459	5,991.20	6,291.20	6,605.60	6,936.00	7,282.40	7,646.40
2460	6,140.80	6,448.00	6,770.40	7,108.80	7,464.80	7,837.60
2461	6,294.40	6,609.60	6,940.00	7,286.40	7,651.20	8,033.60
2462	6,452.00	6,774.40	7,113.60	7,468.80	7,842.40	8,234.40
2463	6,613.60	6,944.00	7,291.20	7,655.20	8,038.40	8,440.00
2464	6,778.40	7,117.60	7,473.60	7,847.20	8,239.20	8,651.20
2465	6,948.00	7,295.20	7,660.00	8,043.20	8,445.60	8,867.20
2466	7,121.60	7,477.60	7,852.00	8,244.00	8,656.80	9,089.60

EXHIBIT 5C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN – 7/1/25
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
 EFFECTIVE: JULY 1, 2025

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,834.27	5,076.94	5,330.00	5,596.94	5,877.74	6,170.67
2420	4,955.60	5,203.47	5,463.47	5,737.34	6,023.34	6,324.94
2421	5,080.40	5,333.47	5,600.40	5,881.20	6,174.14	6,482.67
2422	5,206.94	5,466.94	5,740.80	6,026.80	6,328.40	6,645.60
2423	5,336.94	5,603.87	5,884.67	6,177.60	6,486.14	6,812.00
2424	5,470.40	5,744.27	6,030.27	6,331.87	6,649.07	6,981.87
2425	5,607.34	5,888.14	6,181.07	6,491.34	6,815.47	7,155.20
2426	5,747.74	6,035.47	6,337.07	6,652.54	6,985.34	7,335.47
2427	5,891.60	6,186.27	6,494.80	6,818.94	7,160.40	7,517.47
2428	6,038.94	6,340.54	6,657.74	6,990.54	7,338.94	7,706.40
2429	6,189.74	6,498.27	6,824.14	7,163.87	7,522.67	7,898.80
2430	6,344.00	6,661.20	6,994.00	7,344.14	7,711.60	8,096.40
2431	6,501.74	6,827.60	7,169.07	7,527.87	7,904.00	8,299.20
2432	6,664.67	6,997.47	7,347.60	7,715.07	8,101.60	8,505.47
2433	6,831.07	7,172.54	7,531.34	7,907.47	8,304.40	8,718.67
2434	7,002.67	7,352.80	7,720.27	8,105.07	8,510.67	8,937.07

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	7,177.74	7,536.54	7,912.67	8,307.87	8,723.87	9,160.67
2436	7,356.27	7,723.74	8,110.27	8,515.87	8,942.27	9,389.47
2437	7,540.00	7,917.87	8,313.07	8,729.07	9,165.87	9,623.47
2438	7,728.94	8,115.47	8,521.07	8,947.47	9,394.67	9,864.40
2439	7,923.07	8,318.27	8,734.27	9,171.07	9,628.67	10,110.54
2440	8,120.67	8,526.27	8,952.67	9,399.87	9,869.60	10,363.60
2441	8,323.47	8,739.47	9,176.27	9,635.60	10,117.47	10,623.60
2442	8,531.47	8,957.87	9,405.07	9,876.54	10,370.54	10,888.80
2443	8,744.67	9,181.47	9,640.80	10,122.67	10,628.80	11,160.94
2444	8,963.07	9,412.00	9,881.74	10,375.74	10,894.00	11,440.00
2445	9,186.67	9,646.00	10,129.60	10,635.74	11,167.87	11,726.00
2446	9,417.20	9,888.67	10,382.67	10,900.94	11,446.94	12,018.94
2447	9,652.94	10,134.80	10,640.94	11,173.07	11,732.94	12,318.80
2448	9,893.87	10,387.87	10,907.87	11,453.87	12,025.87	12,627.34
2449	10,141.74	10,647.87	11,180.00	11,739.87	12,325.74	12,942.80
2450	10,394.80	10,914.80	11,459.07	12,032.80	12,634.27	13,266.94

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	10,654.80	11,186.94	11,746.80	12,334.40	12,949.74	13,598.00
2452	10,920.00	11,466.00	12,039.74	12,641.20	13,273.87	13,937.74
2453	11,193.87	11,753.74	12,341.34	12,958.40	13,606.67	14,286.14
2454	11,472.94	12,046.67	12,649.87	13,282.54	13,946.40	14,643.20
2455	11,760.67	12,348.27	12,965.34	13,613.60	14,294.80	15,008.94
2456	12,053.60	12,656.80	13,289.47	13,955.07	14,651.87	15,385.07
2457	12,355.20	12,974.00	13,622.27	14,303.47	15,017.60	15,769.87
2458	12,663.74	13,298.14	13,962.00	14,660.54	15,393.74	16,163.34
2459	12,980.94	13,630.94	14,312.14	15,028.00	15,778.54	16,567.20
2460	13,305.07	13,970.67	14,669.20	15,402.40	16,173.74	16,981.47
2461	13,637.87	14,320.80	15,036.67	15,787.20	16,577.60	17,406.14
2462	13,979.34	14,677.87	15,412.80	16,182.40	16,991.87	17,841.20
2463	14,329.47	15,045.34	15,797.60	16,586.27	17,416.54	18,286.67
2464	14,686.54	15,421.47	16,192.80	17,002.27	17,851.60	18,744.27
2465	15,054.00	15,806.27	16,596.67	17,426.94	18,298.80	19,212.27
2466	15,430.14	16,201.47	17,012.67	17,862.00	18,756.40	19,694.14

EXHIBIT 6A: HOURLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
 EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	28.73	30.17	31.68	33.26	34.93	36.67
2420	29.45	30.93	32.47	34.10	35.80	37.59
2421	30.19	31.70	33.28	34.95	36.69	38.53
2422	30.94	32.49	34.12	35.82	37.61	39.49
2423	31.72	33.30	34.97	36.72	38.55	40.48
2424	32.51	34.14	35.84	37.63	39.52	41.49
2425	33.32	34.99	36.74	38.57	40.50	42.53
2426	34.16	35.86	37.66	39.54	41.52	43.59
2427	35.01	36.76	38.60	40.53	42.55	44.68
2428	35.88	37.68	39.56	41.54	43.62	45.80
2429	36.78	38.62	40.55	42.58	44.71	46.94
2430	37.70	39.59	41.57	43.64	45.83	48.12
2431	38.64	40.58	42.60	44.73	46.97	49.32
2432	39.61	41.59	43.67	45.85	48.14	50.55
2433	40.60	42.63	44.76	47.00	49.35	51.82
2434	41.61	43.70	45.88	48.17	50.58	53.11

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	42.65	44.79	47.03	49.38	51.85	54.44
2436	43.72	45.91	48.20	50.61	53.14	55.80
2437	44.81	47.05	49.41	51.88	54.47	57.19
2438	45.93	48.23	50.64	53.17	55.83	58.62
2439	47.08	49.44	51.91	54.50	57.23	60.09
2440	48.26	50.67	53.21	55.87	58.66	61.59
2441	49.47	51.94	54.54	57.26	60.12	63.13
2442	50.70	53.24	55.90	58.69	61.63	64.71
2443	51.97	54.57	57.30	60.16	63.17	66.33
2444	53.27	55.93	58.73	61.66	64.75	67.98
2445	54.60	57.33	60.20	63.21	66.37	69.68
2446	55.97	58.76	61.70	64.79	68.03	71.43
2447	57.36	60.23	63.24	66.41	69.73	73.21
2448	58.80	61.74	64.82	68.07	71.47	75.04
2449	60.27	63.28	66.45	69.77	73.26	76.92
2450	61.77	64.86	68.11	71.51	75.09	78.84

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	63.32	66.48	69.81	73.30	76.96	80.81
2452	64.90	68.15	71.55	75.13	78.89	82.83
2453	66.52	69.85	73.34	77.01	80.86	84.90
2454	68.19	71.60	75.18	78.93	82.88	87.02
2455	69.89	73.39	77.06	80.91	84.95	89.20
2456	71.64	75.22	78.98	82.93	87.08	91.43
2457	73.43	77.10	80.96	85.00	89.25	93.72
2458	75.27	79.03	82.98	87.13	91.48	96.06
2459	77.15	81.00	85.05	89.31	93.77	98.46
2460	79.08	83.03	87.18	91.54	96.12	100.92
2461	81.05	85.10	89.36	93.83	98.52	103.44
2462	83.08	87.23	91.59	96.17	100.98	106.03
2463	85.16	89.41	93.88	98.58	103.51	108.68
2464	87.28	91.65	96.23	101.04	106.09	111.40
2465	89.47	93.94	98.64	103.57	108.75	114.18
2466	91.70	96.29	101.10	106.16	111.46	117.04

EXHIBIT 6B: BI-WEEKLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
 EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	2,298.40	2,413.60	2,534.40	2,660.80	2,794.40	2,933.60
2420	2,356.00	2,474.40	2,597.60	2,728.00	2,864.00	3,007.20
2421	2,415.20	2,536.00	2,662.40	2,796.00	2,935.20	3,082.40
2422	2,475.20	2,599.20	2,729.60	2,865.60	3,008.80	3,159.20
2423	2,537.60	2,664.00	2,797.60	2,937.60	3,084.00	3,238.40
2424	2,600.80	2,731.20	2,867.20	3,010.40	3,161.60	3,319.20
2425	2,665.60	2,799.20	2,939.20	3,085.60	3,240.00	3,402.40
2426	2,732.80	2,868.80	3,012.80	3,163.20	3,321.60	3,487.20
2427	2,800.80	2,940.80	3,088.00	3,242.40	3,404.00	3,574.40
2428	2,870.40	3,014.40	3,164.80	3,323.20	3,489.60	3,664.00
2429	2,942.40	3,089.60	3,244.00	3,406.40	3,576.80	3,755.20
2430	3,016.00	3,167.20	3,325.60	3,491.20	3,666.40	3,849.60
2431	3,091.20	3,246.40	3,408.00	3,578.40	3,757.60	3,945.60
2432	3,168.80	3,327.20	3,493.60	3,668.00	3,851.20	4,044.00
2433	3,248.00	3,410.40	3,580.80	3,760.00	3,948.00	4,145.60
2434	3,328.80	3,496.00	3,670.40	3,853.60	4,046.40	4,248.80

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	3,412.00	3,583.20	3,762.40	3,950.40	4,148.00	4,355.20
2436	3,497.60	3,672.80	3,856.00	4,048.80	4,251.20	4,464.00
2437	3,584.80	3,764.00	3,952.80	4,150.40	4,357.60	4,575.20
2438	3,674.40	3,858.40	4,051.20	4,253.60	4,466.40	4,689.60
2439	3,766.40	3,955.20	4,152.80	4,360.00	4,578.40	4,807.20
2440	3,860.80	4,053.60	4,256.80	4,469.60	4,692.80	4,927.20
2441	3,957.60	4,155.20	4,363.20	4,580.80	4,809.60	5,050.40
2442	4,056.00	4,259.20	4,472.00	4,695.20	4,930.40	5,176.80
2443	4,157.60	4,365.60	4,584.00	4,812.80	5,053.60	5,306.40
2444	4,261.60	4,474.40	4,698.40	4,932.80	5,180.00	5,438.40
2445	4,368.00	4,586.40	4,816.00	5,056.80	5,309.60	5,574.40
2446	4,477.60	4,700.80	4,936.00	5,183.20	5,442.40	5,714.40
2447	4,588.80	4,818.40	5,059.20	5,312.80	5,578.40	5,856.80
2448	4,704.00	4,939.20	5,185.60	5,445.60	5,717.60	6,003.20
2449	4,821.60	5,062.40	5,316.00	5,581.60	5,860.80	6,153.60
2450	4,941.60	5,188.80	5,448.80	5,720.80	6,007.20	6,307.20

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	5,065.60	5,318.40	5,584.80	5,864.00	6,156.80	6,464.80
2452	5,192.00	5,452.00	5,724.00	6,010.40	6,311.20	6,626.40
2453	5,321.60	5,588.00	5,867.20	6,160.80	6,468.80	6,792.00
2454	5,455.20	5,728.00	6,014.40	6,314.40	6,630.40	6,961.60
2455	5,591.20	5,871.20	6,164.80	6,472.80	6,796.00	7,136.00
2456	5,731.20	6,017.60	6,318.40	6,634.40	6,966.40	7,314.40
2457	5,874.40	6,168.00	6,476.80	6,800.00	7,140.00	7,497.60
2458	6,021.60	6,322.40	6,638.40	6,970.40	7,318.40	7,684.80
2459	6,172.00	6,480.00	6,804.00	7,144.80	7,501.60	7,876.80
2460	6,326.40	6,642.40	6,974.40	7,323.20	7,689.60	8,073.60
2461	6,484.00	6,808.00	7,148.80	7,506.40	7,881.60	8,275.20
2462	6,646.40	6,978.40	7,327.20	7,693.60	8,078.40	8,482.40
2463	6,812.80	7,152.80	7,510.40	7,886.40	8,280.80	8,694.40
2464	6,982.40	7,332.00	7,698.40	8,083.20	8,487.20	8,912.00
2465	7,157.60	7,515.20	7,891.20	8,285.60	8,700.00	9,134.40
2466	7,336.00	7,703.20	8,088.00	8,492.80	8,916.80	9,363.20

EXHIBIT 6C: MONTHLY SCHEDULE OF SALARY FOR UNREPRESENTED MANAGEMENT & CONFIDENTIAL NON-SWORN - EFFECTIVE 6/30/26
 UNREPRESENTED MANAGEMENT/ CONFIDENTIAL

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
 EFFECTIVE: JUNE 30, 2026

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2419	4,979.87	5,229.47	5,491.20	5,765.07	6,054.54	6,356.14
2420	5,104.67	5,361.20	5,628.14	5,910.67	6,205.34	6,515.60
2421	5,232.94	5,494.67	5,768.54	6,058.00	6,359.60	6,678.54
2422	5,362.94	5,631.60	5,914.14	6,208.80	6,519.07	6,844.94
2423	5,498.14	5,772.00	6,061.47	6,364.80	6,682.00	7,016.54
2424	5,635.07	5,917.60	6,212.27	6,522.54	6,850.14	7,191.60
2425	5,775.47	6,064.94	6,368.27	6,685.47	7,020.00	7,371.87
2426	5,921.07	6,215.74	6,527.74	6,853.60	7,196.80	7,555.60
2427	6,068.40	6,371.74	6,690.67	7,025.20	7,375.34	7,744.54
2428	6,219.20	6,531.20	6,857.07	7,200.27	7,560.80	7,938.67
2429	6,375.20	6,694.14	7,028.67	7,380.54	7,749.74	8,136.27
2430	6,534.67	6,862.27	7,205.47	7,564.27	7,943.87	8,340.80
2431	6,697.60	7,033.87	7,384.00	7,753.20	8,141.47	8,548.80
2432	6,865.74	7,208.94	7,569.47	7,947.34	8,344.27	8,762.00
2433	7,037.34	7,389.20	7,758.40	8,146.67	8,554.00	8,982.14
2434	7,212.40	7,574.67	7,952.54	8,349.47	8,767.20	9,205.74

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2435	7,392.67	7,763.60	8,151.87	8,559.20	8,987.34	9,436.27
2436	7,578.14	7,957.74	8,354.67	8,772.40	9,210.94	9,672.00
2437	7,767.07	8,155.34	8,564.40	8,992.54	9,441.47	9,912.94
2438	7,961.20	8,359.87	8,777.60	9,216.14	9,677.20	10,160.80
2439	8,160.54	8,569.60	8,997.74	9,446.67	9,919.87	10,415.60
2440	8,365.07	8,782.80	9,223.07	9,684.14	10,167.74	10,675.60
2441	8,574.80	9,002.94	9,453.60	9,925.07	10,420.80	10,942.54
2442	8,788.00	9,228.27	9,689.34	10,172.94	10,682.54	11,216.40
2443	9,008.14	9,458.80	9,932.00	10,427.74	10,949.47	11,497.20
2444	9,233.47	9,694.54	10,179.87	10,687.74	11,223.34	11,783.20
2445	9,464.00	9,937.20	10,434.67	10,956.40	11,504.14	12,077.87
2446	9,701.47	10,185.07	10,694.67	11,230.27	11,791.87	12,381.20
2447	9,942.40	10,439.87	10,961.60	11,511.07	12,086.54	12,689.74
2448	10,192.00	10,701.60	11,235.47	11,798.80	12,388.14	13,006.94
2449	10,446.80	10,968.54	11,518.00	12,093.47	12,698.40	13,332.80
2450	10,706.80	11,242.40	11,805.74	12,395.07	13,015.60	13,665.60

Step Range	Step A	Step B	Step C	Step D	Step E	Step F
2451	10,975.47	11,523.20	12,100.40	12,705.34	13,339.74	14,007.07
2452	11,249.34	11,812.67	12,402.00	13,022.54	13,674.27	14,357.20
2453	11,530.14	12,107.34	12,712.27	13,348.40	14,015.74	14,716.00
2454	11,819.60	12,410.67	13,031.20	13,681.20	14,365.87	15,083.47
2455	12,114.27	12,720.94	13,357.07	14,024.40	14,724.67	15,461.34
2456	12,417.60	13,038.14	13,689.87	14,374.54	15,093.87	15,847.87
2457	12,727.87	13,364.00	14,033.07	14,733.34	15,470.00	16,244.80
2458	13,046.80	13,698.54	14,383.20	15,102.54	15,856.54	16,650.40
2459	13,372.67	14,040.00	14,742.00	15,480.40	16,253.47	17,066.40
2460	13,707.20	14,391.87	15,111.20	15,866.94	16,660.80	17,492.80
2461	14,048.67	14,750.67	15,489.07	16,263.87	17,076.80	17,929.60
2462	14,400.54	15,119.87	15,875.60	16,669.47	17,503.20	18,378.54
2463	14,761.07	15,497.74	16,272.54	17,087.20	17,941.74	18,837.87
2464	15,128.54	15,886.00	16,679.87	17,513.60	18,388.94	19,309.34
2465	15,508.14	16,282.94	17,097.60	17,952.14	18,850.00	19,791.20
2466	15,894.67	16,690.27	17,524.00	18,401.07	19,319.74	20,286.94

EXHIBIT 7A: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/20/23

CITY OF MODESTO
 CLASS RANGE TABLE
 EXECUTIVE MANAGEMENT
 Effective June 20, 2023

Range Number	Title
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	Director of Administrative Services
1425	Chief Information Officer
1425	Director of Finance
1425	Director of Human Resources
1425	Director of Parks, Recreation and Neighborhoods
1427	Director of Community and Economic Development
1427	Director of Public Works
1430	Director of Utilities
1430	Director of Engineering Services
1431	Deputy City Manager
1435	City Attorney
1439	City Manager

EXHIBIT 7B: CLASS RANGE TABLE EXECUTIVE MANAGEMENT 6/18/24

CITY OF MODESTO
 CLASS RANGE TABLE
 EXECUTIVE MANAGEMENT
 Effective June 18, 2024

Range Number	Title
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Chief Information Officer
1426	Directory of Finance
1426	Director of Human Resources
1426	Director of Parks, Recreation and Neighborhoods
1429	Director of Community and Economic Development
1429	Director of Public Works
1432	Director of Utilities
1432	Director of Engineering Services
1433	Deputy City Manager
1435	City Attorney
1441	City Manager

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		46.13	57.67	3,690.40	4,613.60	7,995.87	9,996.14
1406		47.29	59.11	3,783.20	4,728.80	8,196.94	10,245.74
1407		48.47	60.59	3,877.60	4,847.20	8,401.47	10,502.27
1408		49.68	62.1	3,974.40	4,968.00	8,611.20	10,764.00
1409		50.92	63.65	4,073.60	5,092.00	8,826.14	11,032.67
1410		52.2	65.24	4,176.00	5,219.20	9,048.00	11,308.27
1411		53.5	66.88	4,280.00	5,350.40	9,273.34	11,592.54
1412		54.84	68.55	4,387.20	5,484.00	9,505.60	11,882.00
1413		56.21	70.26	4,496.80	5,620.80	9,743.07	12,178.40
1414		57.62	72.02	4,609.60	5,761.60	9,987.47	12,483.47
1415	City Clerk	59.06	73.82	4,724.80	5,905.60	10,237.07	12,795.47
1416		60.53	75.66	4,842.40	6,052.80	10,491.87	13,114.40
1417		62.04	77.55	4,963.20	6,204.00	10,753.60	13,442.00
1418		63.6	79.49	5,088.00	6,359.20	11,024.00	13,778.27
1419		65.19	81.48	5,215.20	6,518.40	11,299.60	14,123.20
1420		66.81	83.52	5,344.80	6,681.60	11,580.40	14,476.80
1421	City Auditor	68.49	85.61	5,479.20	6,848.80	11,871.60	14,839.07
1422	Director of Utility Planning and Projects	70.2	87.75	5,616.00	7,020.00	12,168.00	15,210.00
1423		71.95	89.94	5,756.00	7,195.20	12,471.34	15,589.60
1424		73.75	92.19	5,900.00	7,375.20	12,783.34	15,979.60
1425	Chief Information Officer	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Administrative Services	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Finance	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Human Resources	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1425	Director of Parks, Recreation & Neighborhoods	75.59	94.49	6,047.20	7,559.20	13,102.27	16,378.27
1426		77.48	96.85	6,198.40	7,748.00	13,429.87	16,787.34
1427	Director of Community and Economic Development	79.42	99.28	6,353.60	7,942.40	13,766.14	17,208.54
1427	Director of Public Works	79.42	99.28	6,353.60	7,942.40	13,766.14	17,208.54
1428		81.41	101.76	6,512.80	8,140.80	14,111.07	17,638.40
1429		83.44	104.3	6,675.20	8,344.00	14,462.94	18,078.67
1430	Director of Engineering Services	85.53	106.91	6,842.40	8,552.80	14,825.20	18,531.07
1430	Director of Utilities	85.53	106.91	6,842.40	8,552.80	14,825.20	18,531.07
1431	Deputy City Manager	87.67	109.58	7,013.60	8,766.40	15,196.14	18,993.87
1432		89.86	112.32	7,188.80	8,985.60	15,575.74	19,468.80
1433		92.1	115.13	7,368.00	9,210.40	15,964.00	19,955.87
1434		94.41	118.01	7,552.80	9,440.80	16,364.40	20,455.07
1435	City Attorney	96.77	120.96	7,741.60	9,676.80	16,773.47	20,966.40
1436		99.18	123.98	7,934.40	9,918.40	17,191.20	21,489.87
1437		101.66	127.08	8,132.80	10,166.40	17,621.07	22,027.20
1438		104.21	130.26	8,336.80	10,420.80	18,063.07	22,578.40
1439	City Manager	106.81	133.51	8,544.80	10,680.80	18,513.74	23,141.74
1440		109.48	136.85	8,758.40	10,948.00	18,976.54	23,720.67
1441		112.22	140.27	8,977.60	11,221.60	19,451.47	24,313.47

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
EFFECTIVE: JUNE 18, 2024

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		47.52	59.40	3,801.60	4,752.00	8,236.80	10,296.00
1406		48.71	60.89	3,896.80	4,871.20	8,443.07	10,554.27
1407		49.93	62.41	3,994.40	4,992.80	8,654.54	10,817.74
1408		51.18	63.97	4,094.40	5,117.60	8,871.20	11,088.14
1409		52.46	65.57	4,196.80	5,245.60	9,093.07	11,365.47
1410		53.77	67.21	4,301.60	5,376.80	9,320.14	11,649.74
1411		55.11	68.89	4,408.80	5,511.20	9,552.40	11,940.94
1412		56.49	70.61	4,519.20	5,648.80	9,791.60	12,239.07
1413		57.90	72.38	4,632.00	5,790.40	10,036.00	12,545.87
1414		59.35	74.19	4,748.00	5,935.20	10,287.34	12,859.60
1415	City Clerk	60.83	76.04	4,866.40	6,083.20	10,543.87	13,180.27
1416		62.36	77.94	4,988.80	6,235.20	10,809.07	13,509.60
1417		63.91	79.89	5,112.80	6,391.20	11,077.74	13,847.60
1418		65.51	81.89	5,240.80	6,551.20	11,355.07	14,194.27
1419		67.15	83.94	5,372.00	6,715.20	11,639.34	14,549.60
1420		68.83	86.03	5,506.40	6,882.40	11,930.54	14,911.87
1421	City Auditor	70.55	88.18	5,644.00	7,054.40	12,228.67	15,284.54
1422	Director of Utility Planning and Projects	72.31	90.39	5,784.80	7,231.20	12,533.74	15,667.60
1423		74.12	92.65	5,929.60	7,412.00	12,847.47	16,059.34
1424		75.97	94.96	6,077.60	7,596.80	13,168.14	16,459.74
1425	Director of Administrative Services	77.87	97.34	6,229.60	7,787.20	13,497.47	16,872.27
1426	Chief Information Officer	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Finance	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Human Resources	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1426	Director of Parks, Recreation & Neighborhoods	79.82	99.77	6,385.60	7,981.60	13,835.47	17,293.47
1427		81.81	102.27	6,544.80	8,181.60	14,180.40	17,726.80
1428		83.86	104.82	6,708.80	8,385.60	14,535.74	18,168.80
1429	Director of Community and Economic Development	85.96	107.44	6,876.80	8,595.20	14,899.74	18,622.94
1429	Director of Public Works	85.96	107.44	6,876.80	8,595.20	14,899.74	18,622.94
1430		88.10	110.13	7,048.00	8,810.40	15,270.67	19,089.20
1431		90.31	112.88	7,224.80	9,030.40	15,653.74	19,565.87
1432	Director of Engineering Services	92.56	115.70	7,404.80	9,256.00	16,043.74	20,054.67
1432	Director of Utilities	92.56	115.70	7,404.80	9,256.00	16,043.74	20,054.67
1433	Deputy City Manager	94.88	118.60	7,590.40	9,488.00	16,445.87	20,557.34
1434		97.25	121.56	7,780.00	9,724.80	16,856.67	21,070.40
1435	City Attorney	99.68	124.60	7,974.40	9,968.00	17,277.87	21,597.34
1436		102.17	127.72	8,173.60	10,217.60	17,709.47	22,138.14
1437		104.73	130.91	8,378.40	10,472.80	18,153.20	22,691.07
1438		107.35	134.18	8,588.00	10,734.40	18,607.34	23,257.87
1439		110.03	137.54	8,802.40	11,003.20	19,071.87	23,840.27
1440		112.78	140.97	9,022.40	11,277.60	19,548.54	24,434.80
1441	City Manager	115.60	144.50	9,248.00	11,560.00	20,037.34	25,046.67

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
EFFECTIVE: JULY 1, 2025

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		48.95	63.64	3,916.00	5,091.20	8,484.67	11,030.94
1406		50.18	65.23	4,014.40	5,218.40	8,697.87	11,306.54
1407		51.43	66.86	4,114.40	5,348.80	8,914.54	11,589.07
1408		52.72	68.53	4,217.60	5,482.40	9,138.14	11,878.54
1409		54.04	70.25	4,323.20	5,620.00	9,366.94	12,176.67
1410		55.39	72.00	4,431.20	5,760.00	9,600.94	12,480.00
1411		56.77	73.80	4,541.60	5,904.00	9,840.14	12,792.00
1412		58.19	75.65	4,655.20	6,052.00	10,086.27	13,112.67
1413		59.65	77.54	4,772.00	6,203.20	10,339.34	13,440.27
1414		61.14	79.48	4,891.20	6,358.40	10,597.60	13,776.54
1415	City Clerk	62.67	81.46	5,013.60	6,516.80	10,862.80	14,119.74
1416		64.23	83.50	5,138.40	6,680.00	11,133.20	14,473.34
1417		65.84	85.59	5,267.20	6,847.20	11,412.27	14,835.60
1418		67.48	87.73	5,398.40	7,018.40	11,696.54	15,206.54
1419		69.17	89.92	5,533.60	7,193.60	11,989.47	15,586.14
1420		70.90	92.17	5,672.00	7,373.60	12,289.34	15,976.14
1421	City Auditor	72.67	94.47	5,813.60	7,557.60	12,596.14	16,374.80
1422	Director of Utility Planning and Projects	74.49	96.83	5,959.20	7,746.40	12,911.60	16,783.87
1423		76.35	99.25	6,108.00	7,940.00	13,234.00	17,203.34
1424		78.26	101.74	6,260.80	8,139.20	13,565.07	17,634.94
1425	Director of Administrative Services	80.22	104.28	6,417.60	8,342.40	13,904.80	18,075.20
1426	Chief Information Officer	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Finance	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Human Resources	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1426	Director of Parks, Recreation & Neighborhoods	82.22	106.89	6,577.60	8,551.20	14,251.47	18,527.60
1427		84.28	109.56	6,742.40	8,764.80	14,608.54	18,990.40
1428		86.38	112.30	6,910.40	8,984.00	14,972.54	19,465.34
1429	Director of Community and Economic Development	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1429	Director of Public Works	88.54	115.10	7,083.20	9,208.00	15,346.94	19,950.67
1430		90.76	117.98	7,260.80	9,438.40	15,731.74	20,449.87
1431		93.02	120.93	7,441.60	9,674.40	16,123.47	20,961.20
1432	Director of Engineering Services	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1432	Director of Utilities	95.35	123.95	7,628.00	9,916.00	16,527.34	21,484.67
1433	Deputy City Manager	97.73	127.05	7,818.40	10,164.00	16,939.87	22,022.00
1434		100.18	130.23	8,014.40	10,418.40	17,364.54	22,573.20
1435	City Attorney	102.68	133.48	8,214.40	10,678.40	17,797.87	23,136.54
1436		105.25	136.82	8,420.00	10,945.60	18,243.34	23,715.47
1437		107.88	140.24	8,630.40	11,219.20	18,699.20	24,308.27
1438		110.58	143.75	8,846.40	11,500.00	19,167.20	24,916.67
1439		113.34	147.34	9,067.20	11,787.20	19,645.60	25,538.94
1440		116.17	151.02	9,293.60	12,081.60	20,136.14	26,176.80
1441	City Manager	119.08	154.80	9,526.40	12,384.00	20,640.54	26,832.00

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
EFFECTIVE: JUNE 30, 2026**

Range Number	Unrepresented Executive Management Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		50.42	65.55	4,033.60	5,244.00	8,739.47	11,362.00
1406		51.69	67.19	4,135.20	5,375.20	8,959.60	11,646.27
1407		52.98	68.87	4,238.40	5,509.60	9,183.20	11,937.47
1408		54.30	70.59	4,344.00	5,647.20	9,412.00	12,235.60
1409		55.66	72.36	4,452.80	5,788.80	9,647.74	12,542.40
1410		57.05	74.16	4,564.00	5,932.80	9,888.67	12,854.40
1411		58.48	76.02	4,678.40	6,081.60	10,136.54	13,176.80
1412		59.94	77.92	4,795.20	6,233.60	10,389.60	13,506.14
1413		61.44	79.87	4,915.20	6,389.60	10,649.60	13,844.14
1414		62.97	81.86	5,037.60	6,548.80	10,914.80	14,189.07
1415	City Clerk	64.55	83.91	5,164.00	6,712.80	11,188.67	14,544.40
1416		66.16	86.01	5,292.80	6,880.80	11,467.74	14,908.40
1417		67.81	88.16	5,424.80	7,052.80	11,753.74	15,281.07
1418		69.51	90.36	5,560.80	7,228.80	12,048.40	15,662.40
1419		71.25	92.62	5,700.00	7,409.60	12,350.00	16,054.14
1420		73.03	94.94	5,842.40	7,595.20	12,658.54	16,456.27
1421	City Auditor	74.85	97.31	5,988.00	7,784.80	12,974.00	16,867.07
1422	Director of Utility Planning and Projects	76.72	99.74	6,137.60	7,979.20	13,298.14	17,288.27
1423		78.64	102.23	6,291.20	8,178.40	13,630.94	17,719.87
1424		80.61	104.79	6,448.80	8,383.20	13,972.40	18,163.60
1425	Director of Administrative Services	82.62	107.41	6,609.60	8,592.80	14,320.80	18,617.74
1426	Chief Information Officer	84.69	110.09	6,775.20	8,807.20	14,679.60	19,082.27
1426	Director of Finance						
1426	Director of Human Resources						
1426	Director of Parks, Recreation & Neighborhoods	84.69	110.09	6,775.20	8,807.20	14,679.60	19,082.27
1427		86.81	112.85	6,944.80	9,028.00	15,047.07	19,560.67
1428		88.98	115.67	7,118.40	9,253.60	15,423.20	20,049.47
1429	Director of Community and Economic Development	91.20	118.56	7,296.00	9,484.80	15,808.00	20,550.40
1429	Director of Public Works						
1430		93.48	121.52	7,478.40	9,721.60	16,203.20	21,063.47
1431		95.82	124.56	7,665.60	9,964.80	16,608.80	21,590.40
1432	Director of Engineering Services	98.21	127.68	7,856.80	10,214.40	17,023.07	22,131.20
1432	Director of Utilities						
1433	Deputy City Manager	100.67	130.87	8,053.60	10,469.60	17,449.47	22,684.14
1434		103.18	134.14	8,254.40	10,731.20	17,884.54	23,250.94
1435	City Attorney	105.76	137.49	8,460.80	10,999.20	18,331.74	23,831.60
1436		108.41	140.93	8,672.80	11,274.40	18,791.07	24,427.87
1437		111.12	144.45	8,889.60	11,556.00	19,260.80	25,038.00
1438		113.90	148.06	9,112.00	11,844.80	19,742.67	25,663.74
1439		116.74	151.77	9,339.20	12,141.60	20,234.94	26,306.80
1440		119.66	155.56	9,572.80	12,444.80	20,741.07	26,963.74
1441	City Manager	122.65	159.45	9,812.00	12,756.00	21,259.34	27,638.00

EXHIBIT 9A: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/18/24

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JUNE 18, 2024

UNREP BATTALION CHIEFS 80 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	55.45	58.26	61.21	64.31	67.57	69.25
1813	56.84	59.72	62.74	65.92	69.25	72.72
1814	58.26	61.21	64.31	67.57	70.99	74.53
1815	59.72	62.74	65.92	69.25	72.76	76.40
1816	61.21	64.31	67.57	70.99	74.58	78.31
1817	62.74	65.92	69.25	72.76	76.44	80.27
1818	64.31	67.57	70.99	74.58	78.35	82.27
1819	65.92	69.25	72.76	76.44	80.31	84.33
1820	67.57	70.99	74.58	78.35	82.32	86.44
1821	69.25	72.76	76.44	80.31	84.38	88.60
1822	70.99	74.58	78.35	82.32	86.49	90.81
1823	72.76	76.44	80.31	84.38	88.65	93.08
1824	74.58	78.35	82.32	86.49	90.87	95.41

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	4,436.00	4,660.80	4,896.80	5,144.80	5,405.60	5,540.00
1813	4,547.20	4,777.60	5,019.20	5,273.60	5,540.00	5,817.60
1814	4,660.80	4,896.80	5,144.80	5,405.60	5,679.20	5,962.40
1815	4,777.60	5,019.20	5,273.60	5,540.00	5,820.80	6,112.00
1816	4,896.80	5,144.80	5,405.60	5,679.20	5,966.40	6,264.80
1817	5,019.20	5,273.60	5,540.00	5,820.80	6,115.20	6,421.60
1818	5,144.80	5,405.60	5,679.20	5,966.40	6,268.00	6,581.60
1819	5,273.60	5,540.00	5,820.80	6,115.20	6,424.80	6,746.40
1820	5,405.60	5,679.20	5,966.40	6,268.00	6,585.60	6,915.20
1821	5,540.00	5,820.80	6,115.20	6,424.80	6,750.40	7,088.00
1822	5,679.20	5,966.40	6,268.00	6,585.60	6,919.20	7,264.80
1823	5,820.80	6,115.20	6,424.80	6,750.40	7,092.00	7,446.40
1824	5,966.40	6,268.00	6,585.60	6,919.20	7,269.60	7,632.80

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	9,611.34	10,098.40	10,609.74	11,147.07	11,712.14	12,003.34
1813	9,852.27	10,351.47	10,874.94	11,426.14	12,003.34	12,604.80
1814	10,098.40	10,609.74	11,147.07	11,712.14	12,304.94	12,918.54
1815	10,351.47	10,874.94	11,426.14	12,003.34	12,611.74	13,242.67
1816	10,609.74	11,147.07	11,712.14	12,304.94	12,927.20	13,573.74
1817	10,874.94	11,426.14	12,003.34	12,611.74	13,249.60	13,913.47
1818	11,147.07	11,712.14	12,304.94	12,927.20	13,580.67	14,260.14
1819	11,426.14	12,003.34	12,611.74	13,249.60	13,920.40	14,617.20
1820	11,712.14	12,304.94	12,927.20	13,580.67	14,268.80	14,982.94
1821	12,003.34	12,611.74	13,249.60	13,920.40	14,625.87	15,357.34
1822	12,304.94	12,927.20	13,580.67	14,268.80	14,991.60	15,740.40
1823	12,611.74	13,249.60	13,920.40	14,625.87	15,366.00	16,133.87
1824	12,927.20	13,580.67	14,268.80	14,991.60	15,750.80	16,537.74

EXHIBIT 10A: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/18/24

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JUNE 18, 2024

UNREP BATTALION CHIEFS 112 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
812	39.61	41.61	43.72	45.94	48.26	49.46
813	40.60	42.66	44.81	47.09	49.46	51.94
814	41.61	43.72	45.94	48.26	50.71	53.24
815	42.66	44.81	47.09	49.46	51.97	54.57
816	43.72	45.94	48.26	50.71	53.27	55.94
817	44.81	47.09	49.46	51.97	54.60	57.34
818	45.94	48.26	50.71	53.27	55.96	58.76
819	47.09	49.46	51.97	54.60	57.36	60.24
820	48.26	50.71	53.27	55.96	58.80	61.74
821	49.46	51.97	54.60	57.36	60.27	63.29
822	50.71	53.27	55.96	58.80	61.78	64.86
823	51.97	54.60	57.36	60.27	63.32	66.49
824	53.27	55.96	58.80	61.78	64.91	68.15

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
812	4,436.00	4,660.80	4,896.80	5,144.80	5,405.60	5,540.00
813	4,547.20	4,777.60	5,019.20	5,273.60	5,540.00	5,817.60
814	4,660.80	4,896.80	5,144.80	5,405.60	5,679.20	5,962.40
815	4,777.60	5,019.20	5,273.60	5,540.00	5,820.80	6,112.00
816	4,896.80	5,144.80	5,405.60	5,679.20	5,966.40	6,264.80
817	5,019.20	5,273.60	5,540.00	5,820.80	6,115.20	6,421.60
818	5,144.80	5,405.60	5,679.20	5,966.40	6,268.00	6,581.60
819	5,273.60	5,540.00	5,820.80	6,115.20	6,424.80	6,746.40
820	5,405.60	5,679.20	5,966.40	6,268.00	6,585.60	6,915.20
821	5,540.00	5,820.80	6,115.20	6,424.80	6,750.40	7,088.00
822	5,679.20	5,966.40	6,268.00	6,585.60	6,919.20	7,264.80
823	5,820.80	6,115.20	6,424.80	6,750.40	7,092.00	7,446.40
824	5,966.40	6,268.00	6,585.60	6,919.20	7,269.60	7,632.80

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
812	9,611.34	10,098.40	10,609.74	11,147.07	11,712.14	12,003.34
813	9,852.27	10,351.47	10,874.94	11,426.14	12,003.34	12,604.80
814	10,098.40	10,609.74	11,147.07	11,712.14	12,304.94	12,918.54
815	10,351.47	10,874.94	11,426.14	12,003.34	12,611.74	13,242.67
816	10,609.74	11,147.07	11,712.14	12,304.94	12,927.20	13,573.74
817	10,874.94	11,426.14	12,003.34	12,611.74	13,249.60	13,913.47
818	11,147.07	11,712.14	12,304.94	12,927.20	13,580.67	14,260.14
819	11,426.14	12,003.34	12,611.74	13,249.60	13,920.40	14,617.20
820	11,712.14	12,304.94	12,927.20	13,580.67	14,268.80	14,982.94
821	12,003.34	12,611.74	13,249.60	13,920.40	14,625.87	15,357.34
822	12,304.94	12,927.20	13,580.67	14,268.80	14,991.60	15,740.40
823	12,611.74	13,249.60	13,920.40	14,625.87	15,366.00	16,133.87
824	12,927.20	13,580.67	14,268.80	14,991.60	15,750.80	16,537.74

EXHIBIT 9B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 7/1/25

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JULY 1, 2025

UNREP BATTALION CHIEFS 80 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	58.78	61.76	64.89	68.17	71.62	73.41
1813	60.25	63.30	66.51	69.88	73.41	77.08
1814	61.76	64.89	68.17	71.62	75.25	79.01
1815	63.30	66.51	69.88	73.41	77.13	80.99
1816	64.89	68.17	71.62	75.25	79.06	83.01
1817	66.51	69.88	73.41	77.13	81.03	85.09
1818	68.17	71.62	75.25	79.06	83.06	87.21
1819	69.88	73.41	77.13	81.03	85.14	89.39
1820	71.62	75.25	79.06	83.06	87.26	91.63
1821	73.41	77.13	81.03	85.14	89.45	93.92
1822	75.25	79.06	83.06	87.26	91.68	96.27
1823	77.13	81.03	85.14	89.45	93.97	98.67
1824	79.06	83.06	87.26	91.68	96.32	101.14

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	4,702.40	4,940.80	5,191.20	5,453.60	5,729.60	5,872.80
1813	4,820.00	5,064.00	5,320.80	5,590.40	5,872.80	6,166.40
1814	4,940.80	5,191.20	5,453.60	5,729.60	6,020.00	6,320.80
1815	5,064.00	5,320.80	5,590.40	5,872.80	6,170.40	6,479.20
1816	5,191.20	5,453.60	5,729.60	6,020.00	6,324.80	6,640.80
1817	5,320.80	5,590.40	5,872.80	6,170.40	6,482.40	6,807.20
1818	5,453.60	5,729.60	6,020.00	6,324.80	6,644.80	6,976.80
1819	5,590.40	5,872.80	6,170.40	6,482.40	6,811.20	7,151.20
1820	5,729.60	6,020.00	6,324.80	6,644.80	6,980.80	7,330.40
1821	5,872.80	6,170.40	6,482.40	6,811.20	7,156.00	7,513.60
1822	6,020.00	6,324.80	6,644.80	6,980.80	7,334.40	7,701.60
1823	6,170.40	6,482.40	6,811.20	7,156.00	7,517.60	7,893.60
1824	6,324.80	6,644.80	6,980.80	7,334.40	7,705.60	8,091.20

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	10,188.54	10,705.07	11,247.60	11,816.14	12,414.14	12,724.40
1813	10,443.34	10,972.00	11,528.40	12,112.54	12,724.40	13,360.54
1814	10,705.07	11,247.60	11,816.14	12,414.14	13,043.34	13,695.07
1815	10,972.00	11,528.40	12,112.54	12,724.40	13,369.20	14,038.27
1816	11,247.60	11,816.14	12,414.14	13,043.34	13,703.74	14,388.40
1817	11,528.40	12,112.54	12,724.40	13,369.20	14,045.20	14,748.94
1818	11,816.14	12,414.14	13,043.34	13,703.74	14,397.07	15,116.40
1819	12,112.54	12,724.40	13,369.20	14,045.20	14,757.60	15,494.27
1820	12,414.14	13,043.34	13,703.74	14,397.07	15,125.07	15,882.54
1821	12,724.40	13,369.20	14,045.20	14,757.60	15,504.67	16,279.47
1822	13,043.34	13,703.74	14,397.07	15,125.07	15,891.20	16,686.80
1823	13,369.20	14,045.20	14,757.60	15,504.67	16,288.14	17,102.80
1824	13,703.74	14,397.07	15,125.07	15,891.20	16,695.47	17,530.94

EXHIBIT 10B: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 7/1/25

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JULY 1, 2025

UNREP BATTALION CHIEFS 112 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	41.99	44.11	46.35	48.69	51.16	52.44
0813	43.04	45.21	47.51	49.91	52.44	55.06
0814	44.11	46.35	48.69	51.16	53.75	56.44
0815	45.21	47.51	49.91	52.44	55.09	57.85
0816	46.35	48.69	51.16	53.75	56.47	59.29
0817	47.51	49.91	52.44	55.09	57.88	60.78
0818	48.69	51.16	53.75	56.47	59.33	62.29
0819	49.91	52.44	55.09	57.88	60.81	63.85
0820	51.16	53.75	56.47	59.33	62.33	65.45
0821	52.44	55.09	57.88	60.81	63.89	67.09
0822	53.75	56.47	59.33	62.33	65.49	68.76
0823	55.09	57.88	60.81	63.89	67.12	70.48
0824	56.47	59.33	62.33	65.49	68.80	72.24

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	4,702.40	4,940.80	5,191.20	5,453.60	5,729.60	5,872.80
0813	4,820.00	5,064.00	5,320.80	5,590.40	5,872.80	6,166.40
0814	4,940.80	5,191.20	5,453.60	5,729.60	6,020.00	6,320.80
0815	5,064.00	5,320.80	5,590.40	5,872.80	6,170.40	6,479.20
0816	5,191.20	5,453.60	5,729.60	6,020.00	6,324.80	6,640.80
0817	5,320.80	5,590.40	5,872.80	6,170.40	6,482.40	6,807.20
0818	5,453.60	5,729.60	6,020.00	6,324.80	6,644.80	6,976.80
0819	5,590.40	5,872.80	6,170.40	6,482.40	6,811.20	7,151.20
0820	5,729.60	6,020.00	6,324.80	6,644.80	6,980.80	7,330.40
0821	5,872.80	6,170.40	6,482.40	6,811.20	7,156.00	7,513.60
0822	6,020.00	6,324.80	6,644.80	6,980.80	7,334.40	7,701.60
0823	6,170.40	6,482.40	6,811.20	7,156.00	7,517.60	7,893.60
0824	6,324.80	6,644.80	6,980.80	7,334.40	7,705.60	8,091.20

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	10,188.54	10,705.07	11,247.60	11,816.14	12,414.14	12,724.40
0813	10,443.34	10,972.00	11,528.40	12,112.54	12,724.40	13,360.54
0814	10,705.07	11,247.60	11,816.14	12,414.14	13,043.34	13,695.07
0815	10,972.00	11,528.40	12,112.54	12,724.40	13,369.20	14,038.27
0816	11,247.60	11,816.14	12,414.14	13,043.34	13,703.74	14,388.40
0817	11,528.40	12,112.54	12,724.40	13,369.20	14,045.20	14,748.94
0818	11,816.14	12,414.14	13,043.34	13,703.74	14,397.07	15,116.40
0819	12,112.54	12,724.40	13,369.20	14,045.20	14,757.60	15,494.27
0820	12,414.14	13,043.34	13,703.74	14,397.07	15,125.07	15,882.54
0821	12,724.40	13,369.20	14,045.20	14,757.60	15,504.67	16,279.47
0822	13,043.34	13,703.74	14,397.07	15,125.07	15,891.20	16,686.80
0823	13,369.20	14,045.20	14,757.60	15,504.67	16,288.14	17,102.80
0824	13,703.74	14,397.07	15,125.07	15,891.20	16,695.47	17,530.94

EXHIBIT 9C: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/30/26

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JUNE 30, 2026

UNREP BATTALION CHIEFS 80 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	61.72	64.85	68.13	71.58	75.20	77.08
1813	63.27	66.47	69.84	73.37	77.08	80.94
1814	64.85	68.13	71.58	75.20	79.01	82.96
1815	66.47	69.84	73.37	77.08	80.99	85.04
1816	68.13	71.58	75.20	79.01	83.01	87.16
1817	69.84	73.37	77.08	80.99	85.09	89.34
1818	71.58	75.20	79.01	83.01	87.21	91.57
1819	73.37	77.08	80.99	85.09	89.39	93.86
1820	75.20	79.01	83.01	87.21	91.63	96.21
1821	77.08	80.99	85.09	89.39	93.92	98.61
1822	79.01	83.01	87.21	91.63	96.27	101.08
1823	80.99	85.09	89.39	93.92	98.67	103.61
1824	83.01	87.21	91.63	96.27	101.14	106.20

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	4,937.60	5,188.00	5,450.40	5,726.40	6,016.00	6,166.40
1813	5,061.60	5,317.60	5,587.20	5,869.60	6,166.40	6,475.20
1814	5,188.00	5,450.40	5,726.40	6,016.00	6,320.80	6,636.80
1815	5,317.60	5,587.20	5,869.60	6,166.40	6,479.20	6,803.20
1816	5,450.40	5,726.40	6,016.00	6,320.80	6,640.80	6,972.80
1817	5,587.20	5,869.60	6,166.40	6,479.20	6,807.20	7,147.20
1818	5,726.40	6,016.00	6,320.80	6,640.80	6,976.80	7,325.60
1819	5,869.60	6,166.40	6,479.20	6,807.20	7,151.20	7,508.80
1820	6,016.00	6,320.80	6,640.80	6,976.80	7,330.40	7,696.80
1821	6,166.40	6,479.20	6,807.20	7,151.20	7,513.60	7,888.80
1822	6,320.80	6,640.80	6,976.80	7,330.40	7,701.60	8,086.40
1823	6,479.20	6,807.20	7,151.20	7,513.60	7,893.60	8,288.80
1824	6,640.80	6,976.80	7,330.40	7,701.60	8,091.20	8,496.00

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	10,698.14	11,240.67	11,809.20	12,407.20	13,034.67	13,360.54
1813	10,966.80	11,521.47	12,105.60	12,717.47	13,360.54	14,029.60
1814	11,240.67	11,809.20	12,407.20	13,034.67	13,695.07	14,379.74
1815	11,521.47	12,105.60	12,717.47	13,360.54	14,038.27	14,740.27
1816	11,809.20	12,407.20	13,034.67	13,695.07	14,388.40	15,107.74
1817	12,105.60	12,717.47	13,360.54	14,038.27	14,748.94	15,485.60
1818	12,407.20	13,034.67	13,695.07	14,388.40	15,116.40	15,872.14
1819	12,717.47	13,360.54	14,038.27	14,748.94	15,494.27	16,269.07
1820	13,034.67	13,695.07	14,388.40	15,116.40	15,882.54	16,676.40
1821	13,360.54	14,038.27	14,748.94	15,494.27	16,279.47	17,092.40
1822	13,695.07	14,388.40	15,116.40	15,882.54	16,686.80	17,520.54
1823	14,038.27	14,748.94	15,494.27	16,279.47	17,102.80	17,959.07
1824	14,388.40	15,116.40	15,882.54	16,686.80	17,530.94	18,408.00

EXHIBIT 10C: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/30/26

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JUNE 30, 2026

UNREP BATTALION CHIEFS 112 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	44.09	46.32	48.66	51.13	53.71	55.06
0813	45.19	47.48	49.89	52.41	55.06	57.81
0814	46.32	48.66	51.13	53.71	56.44	59.26
0815	47.48	49.89	52.41	55.06	57.85	60.74
0816	48.66	51.13	53.71	56.44	59.29	62.26
0817	49.89	52.41	55.06	57.85	60.78	63.81
0818	51.13	53.71	56.44	59.29	62.29	65.41
0819	52.41	55.06	57.85	60.78	63.85	67.04
0820	53.71	56.44	59.29	62.29	65.45	68.72
0821	55.06	57.85	60.78	63.85	67.09	70.44
0822	56.44	59.29	62.29	65.45	68.76	72.20
0823	57.85	60.78	63.85	67.09	70.48	74.01
0824	59.29	62.29	65.45	68.76	72.24	75.86

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	4,937.60	5,188.00	5,450.40	5,726.40	6,016.00	6,166.40
0813	5,061.60	5,317.60	5,587.20	5,869.60	6,166.40	6,475.20
0814	5,188.00	5,450.40	5,726.40	6,016.00	6,320.80	6,636.80
0815	5,317.60	5,587.20	5,869.60	6,166.40	6,479.20	6,803.20
0816	5,450.40	5,726.40	6,016.00	6,320.80	6,640.80	6,972.80
0817	5,587.20	5,869.60	6,166.40	6,479.20	6,807.20	7,147.20
0818	5,726.40	6,016.00	6,320.80	6,640.80	6,976.80	7,325.60
0819	5,869.60	6,166.40	6,479.20	6,807.20	7,151.20	7,508.80
0820	6,016.00	6,320.80	6,640.80	6,976.80	7,330.40	7,696.80
0821	6,166.40	6,479.20	6,807.20	7,151.20	7,513.60	7,888.80
0822	6,320.80	6,640.80	6,976.80	7,330.40	7,701.60	8,086.40
0823	6,479.20	6,807.20	7,151.20	7,513.60	7,893.60	8,288.80
0824	6,640.80	6,976.80	7,330.40	7,701.60	8,091.20	8,496.00

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	10,698.14	11,240.67	11,809.20	12,407.20	13,034.67	13,360.54
0813	10,966.80	11,521.47	12,105.60	12,717.47	13,360.54	14,029.60
0814	11,240.67	11,809.20	12,407.20	13,034.67	13,695.07	14,379.74
0815	11,521.47	12,105.60	12,717.47	13,360.54	14,038.27	14,740.27
0816	11,809.20	12,407.20	13,034.67	13,695.07	14,388.40	15,107.74
0817	12,105.60	12,717.47	13,360.54	14,038.27	14,748.94	15,485.60
0818	12,407.20	13,034.67	13,695.07	14,388.40	15,116.40	15,872.14
0819	12,717.47	13,360.54	14,038.27	14,748.94	15,494.27	16,269.07
0820	13,034.67	13,695.07	14,388.40	15,116.40	15,882.54	16,676.40
0821	13,360.54	14,038.27	14,748.94	15,494.27	16,279.47	17,092.40
0822	13,695.07	14,388.40	15,116.40	15,882.54	16,686.80	17,520.54
0823	14,038.27	14,748.94	15,494.27	16,279.47	17,102.80	17,959.07
0824	14,388.40	15,116.40	15,882.54	16,686.80	17,530.94	18,408.00

EXHIBIT 9D: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 80 - EFFECTIVE 6/29/27

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JUNE 29, 2027

UNREP BATTALION CHIEFS 80 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	64.19	67.44	70.86	74.45	78.21	80.17
1813	65.80	69.13	72.63	76.31	80.17	84.18
1814	67.44	70.86	74.45	78.21	82.17	86.28
1815	69.13	72.63	76.31	80.17	84.23	88.44
1816	70.86	74.45	78.21	82.17	86.33	90.65
1817	72.63	76.31	80.17	84.23	88.49	92.92
1818	74.45	78.21	82.17	86.33	90.70	95.24
1819	76.31	80.17	84.23	88.49	92.97	97.62
1820	78.21	82.17	86.33	90.70	95.30	100.06
1821	80.17	84.23	88.49	92.97	97.68	102.56
1822	82.17	86.33	90.70	95.30	100.12	105.13
1823	84.23	88.49	92.97	97.68	102.62	107.75
1824	86.33	90.70	95.30	100.12	105.19	110.45

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	5,135.20	5,395.20	5,668.80	5,956.00	6,256.80	6,413.60
1813	5,264.00	5,530.40	5,810.40	6,104.80	6,413.60	6,734.40
1814	5,395.20	5,668.80	5,956.00	6,256.80	6,573.60	6,902.40
1815	5,530.40	5,810.40	6,104.80	6,413.60	6,738.40	7,075.20
1816	5,668.80	5,956.00	6,256.80	6,573.60	6,906.40	7,252.00
1817	5,810.40	6,104.80	6,413.60	6,738.40	7,079.20	7,433.60
1818	5,956.00	6,256.80	6,573.60	6,906.40	7,256.00	7,619.20
1819	6,104.80	6,413.60	6,738.40	7,079.20	7,437.60	7,809.60
1820	6,256.80	6,573.60	6,906.40	7,256.00	7,624.00	8,004.80
1821	6,413.60	6,738.40	7,079.20	7,437.60	7,814.40	8,204.80
1822	6,573.60	6,906.40	7,256.00	7,624.00	8,009.60	8,410.40
1823	6,738.40	7,079.20	7,437.60	7,814.40	8,209.60	8,620.00
1824	6,906.40	7,256.00	7,624.00	8,009.60	8,415.20	8,836.00

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
1812	11,126.27	11,689.60	12,282.40	12,904.67	13,556.40	13,896.14
1813	11,405.34	11,982.54	12,589.20	13,227.07	13,896.14	14,591.20
1814	11,689.60	12,282.40	12,904.67	13,556.40	14,242.80	14,955.20
1815	11,982.54	12,589.20	13,227.07	13,896.14	14,599.87	15,329.60
1816	12,282.40	12,904.67	13,556.40	14,242.80	14,963.87	15,712.67
1817	12,589.20	13,227.07	13,896.14	14,599.87	15,338.27	16,106.14
1818	12,904.67	13,556.40	14,242.80	14,963.87	15,721.34	16,508.27
1819	13,227.07	13,896.14	14,599.87	15,338.27	16,114.80	16,920.80
1820	13,556.40	14,242.80	14,963.87	15,721.34	16,518.67	17,343.74
1821	13,896.14	14,599.87	15,338.27	16,114.80	16,931.20	17,777.07
1822	14,242.80	14,963.87	15,721.34	16,518.67	17,354.14	18,222.54
1823	14,599.87	15,338.27	16,114.80	16,931.20	17,787.47	18,676.67
1824	14,963.87	15,721.34	16,518.67	17,354.14	18,232.94	19,144.67

EXHIBIT 10D: SCHEDULE OF SALARY FOR UNREPRESENTED BATTALION CHIEFS 112 - EFFECTIVE 6/29/27

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 EFFECTIVE: JUNE 29, 2027

UNREP BATTALION CHIEFS 112 HOURS

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	45.85	48.17	50.61	53.18	55.86	57.26
0813	47.00	49.38	51.88	54.51	57.26	60.13
0814	48.17	50.61	53.18	55.86	58.69	61.63
0815	49.38	51.88	54.51	57.26	60.16	63.17
0816	50.61	53.18	55.86	58.69	61.66	64.75
0817	51.88	54.51	57.26	60.16	63.21	66.37
0818	53.18	55.86	58.69	61.66	64.79	68.03
0819	54.51	57.26	60.16	63.21	66.41	69.73
0820	55.86	58.69	61.66	64.79	68.07	71.47
0821	57.26	60.16	63.21	66.41	69.77	73.26
0822	58.69	61.66	64.79	68.07	71.51	75.09
0823	60.16	63.21	66.41	69.77	73.30	76.96
0824	61.66	64.79	68.07	71.51	75.14	78.89

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	5,135.20	5,395.20	5,668.80	5,956.00	6,256.80	6,413.60
0813	5,264.00	5,530.40	5,810.40	6,104.80	6,413.60	6,734.40
0814	5,395.20	5,668.80	5,956.00	6,256.80	6,573.60	6,902.40
0815	5,530.40	5,810.40	6,104.80	6,413.60	6,738.40	7,075.20
0816	5,668.80	5,956.00	6,256.80	6,573.60	6,906.40	7,252.00
0817	5,810.40	6,104.80	6,413.60	6,738.40	7,079.20	7,433.60
0818	5,956.00	6,256.80	6,573.60	6,906.40	7,256.00	7,619.20
0819	6,104.80	6,413.60	6,738.40	7,079.20	7,437.60	7,809.60
0820	6,256.80	6,573.60	6,906.40	7,256.00	7,624.00	8,004.80
0821	6,413.60	6,738.40	7,079.20	7,437.60	7,814.40	8,204.80
0822	6,573.60	6,906.40	7,256.00	7,624.00	8,009.60	8,410.40
0823	6,738.40	7,079.20	7,437.60	7,814.40	8,209.60	8,620.00
0824	6,906.40	7,256.00	7,624.00	8,009.60	8,415.20	8,836.00

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
0812	11,126.27	11,689.60	12,282.40	12,904.67	13,556.40	13,896.14
0813	11,405.34	11,982.54	12,589.20	13,227.07	13,896.14	14,591.20
0814	11,689.60	12,282.40	12,904.67	13,556.40	14,242.80	14,955.20
0815	11,982.54	12,589.20	13,227.07	13,896.14	14,599.87	15,329.60
0816	12,282.40	12,904.67	13,556.40	14,242.80	14,963.87	15,712.67
0817	12,589.20	13,227.07	13,896.14	14,599.87	15,338.27	16,106.14
0818	12,904.67	13,556.40	14,242.80	14,963.87	15,721.34	16,508.27
0819	13,227.07	13,896.14	14,599.87	15,338.27	16,114.80	16,920.80
0820	13,556.40	14,242.80	14,963.87	15,721.34	16,518.67	17,343.74
0821	13,896.14	14,599.87	15,338.27	16,114.80	16,931.20	17,777.07
0822	14,242.80	14,963.87	15,721.34	16,518.67	17,354.14	18,222.54
0823	14,599.87	15,338.27	16,114.80	16,931.20	17,787.47	18,676.67
0824	14,963.87	15,721.34	16,518.67	17,354.14	18,232.94	19,144.67

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY
UNREPRESENTED FIRE DEPUTY CHIEFS
EFFECTIVE: JUNE 18, 2024

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	58.74	61.72	64.84	68.13	71.57	75.15
516	60.21	63.26	66.46	69.83	73.36	77.03
517	61.72	64.84	68.13	71.57	75.20	78.96
518	63.26	66.46	69.83	73.36	77.08	80.93
519	64.84	68.13	71.57	75.20	79.00	82.95
520	66.46	69.83	73.36	77.08	80.98	85.03
521	68.13	71.57	75.20	79.00	83.00	87.15
522	69.83	73.36	77.08	80.98	85.08	89.33
523	71.57	75.20	79.00	83.00	87.20	91.56
524	73.36	77.08	80.98	85.08	89.38	93.85
525	75.20	79.00	83.00	87.20	91.62	96.20
526	77.08	80.98	85.08	89.38	93.91	98.60
527	79.00	83.00	87.20	91.62	96.26	101.07
528	80.98	85.08	89.38	93.91	98.66	103.60

BIWEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	4,699.20	4,937.60	5,187.20	5,450.40	5,725.60	6,012.00
516	4,699.20	5,060.80	5,316.80	5,586.40	5,868.80	6,162.40
517	4,937.60	5,187.20	5,450.40	5,725.60	6,016.00	6,316.80
518	5,060.80	5,316.80	5,586.40	5,868.80	6,166.40	6,474.40
519	5,187.20	5,450.40	5,725.60	6,016.00	6,320.00	6,636.00
520	5,316.80	5,586.40	5,868.80	6,166.40	6,478.40	6,802.40
521	5,450.40	5,725.60	6,016.00	6,320.00	6,640.00	6,972.00
522	5,586.40	5,868.80	6,166.40	6,478.40	6,806.40	7,146.40
523	5,725.60	6,016.00	6,320.00	6,640.00	6,976.00	7,324.80
524	5,868.80	6,166.40	6,478.40	6,806.40	7,150.40	7,508.00
525	6,016.00	6,320.00	6,640.00	6,976.00	7,329.60	7,696.00
526	6,166.40	6,478.40	6,806.40	7,150.40	7,512.80	7,888.00
527	6,320.00	6,640.00	6,976.00	7,329.60	7,700.80	8,085.60
528	6,478.40	6,806.40	7,150.40	7,512.80	7,892.80	8,288.00

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	10,181.60	10,698.14	11,238.94	11,809.20	12,405.47	13,026.00
516	10,436.40	10,965.07	11,519.74	12,103.87	12,715.74	13,351.87
517	10,698.14	11,238.94	11,809.20	12,405.47	13,034.67	13,686.40
518	10,965.07	11,519.74	12,103.87	12,715.74	13,360.54	14,027.87
519	11,238.94	11,809.20	12,405.47	13,034.67	13,693.34	14,378.00
520	11,519.74	12,103.87	12,715.74	13,360.54	14,036.54	14,738.54
521	11,809.20	12,405.47	13,034.67	13,693.34	14,386.67	15,106.00
522	12,103.87	12,715.74	13,360.54	14,036.54	14,747.20	15,483.87
523	12,405.47	13,034.67	13,693.34	14,386.67	15,114.67	15,870.40
524	12,715.74	13,360.54	14,036.54	14,747.20	15,492.54	16,267.34
525	13,034.67	13,693.34	14,386.67	15,114.67	15,880.80	16,674.67
526	13,360.54	14,036.54	14,747.20	15,492.54	16,277.74	17,090.67
527	13,693.34	14,386.67	15,114.67	15,880.80	16,685.07	17,518.80
528	14,036.54	14,747.20	15,492.54	16,277.74	17,101.07	17,957.34

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY
UNREPRESENTED FIRE DEPUTY CHIEFS
EFFECTIVE: JULY 1, 2025

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	62.27	65.43	68.74	72.22	75.87	79.67
516	63.83	67.06	70.46	74.02	77.77	81.66
517	65.43	68.74	72.22	75.87	79.72	83.70
518	67.06	70.46	74.02	77.77	81.71	85.79
519	68.74	72.22	75.87	79.72	83.75	87.94
520	70.46	74.02	77.77	81.71	85.84	90.14
521	72.22	75.87	79.72	83.75	87.99	92.39
522	74.02	77.77	81.71	85.84	90.19	94.70
523	75.87	79.72	83.75	87.99	92.45	97.07
524	77.77	81.71	85.84	90.19	94.76	99.49
525	79.72	83.75	87.99	92.45	97.12	101.98
526	81.71	85.84	90.19	94.76	99.55	104.53
527	83.75	87.99	92.45	97.12	102.04	107.14
528	85.84	90.19	94.76	99.55	104.59	109.82

BI-WEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	4,981.60	5,234.40	5,499.20	5,777.60	6,069.60	6,373.60
516	4,981.60	5,364.80	5,636.80	5,921.60	6,221.60	6,532.80
517	5,234.40	5,499.20	5,777.60	6,069.60	6,377.60	6,696.00
518	5,364.80	5,636.80	5,921.60	6,221.60	6,536.80	6,863.20
519	5,499.20	5,777.60	6,069.60	6,377.60	6,700.00	7,035.20
520	5,636.80	5,921.60	6,221.60	6,536.80	6,867.20	7,211.20
521	5,777.60	6,069.60	6,377.60	6,700.00	7,039.20	7,391.20
522	5,921.60	6,221.60	6,536.80	6,867.20	7,215.20	7,576.00
523	6,069.60	6,377.60	6,700.00	7,039.20	7,396.00	7,765.60
524	6,221.60	6,536.80	6,867.20	7,215.20	7,580.80	7,959.20
525	6,377.60	6,700.00	7,039.20	7,396.00	7,769.60	8,158.40
526	6,536.80	6,867.20	7,215.20	7,580.80	7,964.00	8,362.40
527	6,700.00	7,039.20	7,396.00	7,769.60	8,163.20	8,571.20
528	6,867.20	7,215.20	7,580.80	7,964.00	8,367.20	8,785.60

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	10,793.47	11,341.20	11,914.94	12,518.14	13,150.80	13,809.47
516	11,063.87	11,623.74	12,213.07	12,830.14	13,480.14	14,154.40
517	11,341.20	11,914.94	12,518.14	13,150.80	13,818.14	14,508.00
518	11,623.74	12,213.07	12,830.14	13,480.14	14,163.07	14,870.27
519	11,914.94	12,518.14	13,150.80	13,818.14	14,516.67	15,242.94
520	12,213.07	12,830.14	13,480.14	14,163.07	14,878.94	15,624.27
521	12,518.14	13,150.80	13,818.14	14,516.67	15,251.60	16,014.27
522	12,830.14	13,480.14	14,163.07	14,878.94	15,632.94	16,414.67
523	13,150.80	13,818.14	14,516.67	15,251.60	16,024.67	16,825.47
524	13,480.14	14,163.07	14,878.94	15,632.94	16,425.07	17,244.94
525	13,818.14	14,516.67	15,251.60	16,024.67	16,834.14	17,676.54
526	14,163.07	14,878.94	15,632.94	16,425.07	17,255.34	18,118.54
527	14,516.67	15,251.60	16,024.67	16,834.14	17,686.94	18,570.94
528	14,878.94	15,632.94	16,425.07	17,255.34	18,128.94	19,035.47

EXHIBIT 11C: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS – EFFECTIVE 6/30/26

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY
 UNREPRESENTED FIRE DEPUTY CHIEFS
 EFFECTIVE: JUNE 30, 2026

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	65.39	68.71	72.18	75.84	79.68	83.66
516	67.03	70.42	73.99	77.73	81.67	85.75
517	68.71	72.18	75.84	79.68	83.71	87.89
518	70.42	73.99	77.73	81.67	85.80	90.09
519	72.18	75.84	79.68	83.71	87.95	92.34
520	73.99	77.73	81.67	85.80	90.15	94.65
521	75.84	79.68	83.71	87.95	92.40	97.02
522	77.73	81.67	85.80	90.15	94.71	99.44
523	79.68	83.71	87.95	92.40	97.08	101.93
524	81.67	85.80	90.15	94.71	99.50	104.48
525	83.71	87.95	92.40	97.08	101.99	107.09
526	85.80	90.15	94.71	99.50	104.54	109.77
527	87.95	92.40	97.08	101.99	107.15	112.51
528	90.15	94.71	99.50	104.54	109.83	115.32

BI-WEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	5,231.20	5,496.80	5,774.40	6,067.20	6,374.40	6,692.80
516	5,231.20	5,633.60	5,919.20	6,218.40	6,533.60	6,860.00
517	5,496.80	5,774.40	6,067.20	6,374.40	6,696.80	7,031.20
518	5,633.60	5,919.20	6,218.40	6,533.60	6,864.00	7,207.20
519	5,774.40	6,067.20	6,374.40	6,696.80	7,036.00	7,387.20
520	5,919.20	6,218.40	6,533.60	6,864.00	7,212.00	7,572.00
521	6,067.20	6,374.40	6,696.80	7,036.00	7,392.00	7,761.60
522	6,218.40	6,533.60	6,864.00	7,212.00	7,576.80	7,955.20
523	6,374.40	6,696.80	7,036.00	7,392.00	7,766.40	8,154.40
524	6,533.60	6,864.00	7,212.00	7,576.80	7,960.00	8,358.40
525	6,696.80	7,036.00	7,392.00	7,766.40	8,159.20	8,567.20
526	6,864.00	7,212.00	7,576.80	7,960.00	8,363.20	8,781.60
527	7,036.00	7,392.00	7,766.40	8,159.20	8,572.00	9,000.80
528	7,212.00	7,576.80	7,960.00	8,363.20	8,786.40	9,225.60

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	11,334.27	11,909.74	12,511.20	13,145.60	13,811.20	14,501.07
516	11,618.54	12,206.14	12,824.94	13,473.20	14,156.14	14,863.34
517	11,909.74	12,511.20	13,145.60	13,811.20	14,509.74	15,234.27
518	12,206.14	12,824.94	13,473.20	14,156.14	14,872.00	15,615.60
519	12,511.20	13,145.60	13,811.20	14,509.74	15,244.67	16,005.60
520	12,824.94	13,473.20	14,156.14	14,872.00	15,626.00	16,406.00
521	13,145.60	13,811.20	14,509.74	15,244.67	16,016.00	16,816.80
522	13,473.20	14,156.14	14,872.00	15,626.00	16,416.40	17,236.27
523	13,811.20	14,509.74	15,244.67	16,016.00	16,827.20	17,667.87
524	14,156.14	14,872.00	15,626.00	16,416.40	17,246.67	18,109.87
525	14,509.74	15,244.67	16,016.00	16,827.20	17,678.27	18,562.27
526	14,872.00	15,626.00	16,416.40	17,246.67	18,120.27	19,026.80
527	15,244.67	16,016.00	16,827.20	17,678.27	18,572.67	19,501.74
528	15,626.00	16,416.40	17,246.67	18,120.27	19,037.20	19,988.80

EXHIBIT 11D: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE DEPUTY CHIEFS – EFFECTIVE 6/29/27

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY
UNREPRESENTED FIRE DEPUTY CHIEFS
EFFECTIVE: JUNE 29, 2027

HOURLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	68.01	71.46	75.08	78.88	82.87	87.01
516	69.72	73.24	76.95	80.85	84.94	89.19
517	71.46	75.08	78.88	82.87	87.06	91.42
518	73.24	76.95	80.85	84.94	89.24	93.70
519	75.08	78.88	82.87	87.06	91.47	96.04
520	76.95	80.85	84.94	89.24	93.76	98.45
521	78.88	82.87	87.06	91.47	96.10	100.91
522	80.85	84.94	89.24	93.76	98.50	103.43
523	82.87	87.06	91.47	96.10	100.97	106.01
524	84.94	89.24	93.76	98.50	103.49	108.66
525	87.06	91.47	96.10	100.97	106.08	111.38
526	89.24	93.76	98.50	103.49	108.73	114.17
527	91.47	96.10	100.97	106.08	111.45	117.02
528	93.76	98.50	103.49	108.73	114.23	119.94

BI-WEEKLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	5,440.80	5,716.80	6,006.40	6,310.40	6,629.60	6,960.80
516	5,440.80	5,859.20	6,156.00	6,468.00	6,795.20	7,135.20
517	5,716.80	6,006.40	6,310.40	6,629.60	6,964.80	7,313.60
518	5,859.20	6,156.00	6,468.00	6,795.20	7,139.20	7,496.00
519	6,006.40	6,310.40	6,629.60	6,964.80	7,317.60	7,683.20
520	6,156.00	6,468.00	6,795.20	7,139.20	7,500.80	7,876.00
521	6,310.40	6,629.60	6,964.80	7,317.60	7,688.00	8,072.80
522	6,468.00	6,795.20	7,139.20	7,500.80	7,880.00	8,274.40
523	6,629.60	6,964.80	7,317.60	7,688.00	8,077.60	8,480.80
524	6,795.20	7,139.20	7,500.80	7,880.00	8,279.20	8,692.80
525	6,964.80	7,317.60	7,688.00	8,077.60	8,486.40	8,910.40
526	7,139.20	7,500.80	7,880.00	8,279.20	8,698.40	9,133.60
527	7,317.60	7,688.00	8,077.60	8,486.40	8,916.00	9,361.60
528	7,500.80	7,880.00	8,279.20	8,698.40	9,138.40	9,595.20

MONTHLY						
Range Number	Step A	Step B	Step C	Step D	Step E	Step F
515	11,788.40	12,386.40	13,013.87	13,672.54	14,364.14	15,081.74
516	12,084.80	12,694.94	13,338.00	14,014.00	14,722.94	15,459.60
517	12,386.40	13,013.87	13,672.54	14,364.14	15,090.40	15,846.14
518	12,694.94	13,338.00	14,014.00	14,722.94	15,468.27	16,241.34
519	13,013.87	13,672.54	14,364.14	15,090.40	15,854.80	16,646.94
520	13,338.00	14,014.00	14,722.94	15,468.27	16,251.74	17,064.67
521	13,672.54	14,364.14	15,090.40	15,854.80	16,657.34	17,491.07
522	14,014.00	14,722.94	15,468.27	16,251.74	17,073.34	17,927.87
523	14,364.14	15,090.40	15,854.80	16,657.34	17,501.47	18,375.07
524	14,722.94	15,468.27	16,251.74	17,073.34	17,938.27	18,834.40
525	15,090.40	15,854.80	16,657.34	17,501.47	18,387.20	19,305.87
526	15,468.27	16,251.74	17,073.34	17,938.27	18,846.54	19,789.47
527	15,854.80	16,657.34	17,501.47	18,387.20	19,318.00	20,283.47
528	16,251.74	17,073.34	17,938.27	18,846.54	19,799.87	20,789.60

EXHIBIT 12A: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/18/24

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 UNREPRESENTED FIRE CHIEF
 EFFECTIVE: JUNE 18, 2024

Range Number	Unrepresented Fire Chief Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		48.90	63.57	3,912.00	5,085.60	8,476.00	11,018.80
1706		50.13	65.16	4,010.40	5,212.80	8,689.20	11,294.40
1707		51.38	66.79	4,110.40	5,343.20	8,905.87	11,576.94
1708		52.66	68.46	4,212.80	5,476.80	9,127.74	11,866.40
1709		53.98	70.17	4,318.40	5,613.60	9,356.54	12,162.80
1710		55.33	71.93	4,426.40	5,754.40	9,590.54	12,467.87
1711		56.71	73.73	4,536.80	5,898.40	9,829.74	12,779.87
1712		58.13	75.57	4,650.40	6,045.60	10,075.87	13,098.80
1713		59.58	77.46	4,766.40	6,196.80	10,327.20	13,426.40
1714		61.07	79.40	4,885.60	6,352.00	10,585.47	13,762.67
1715		62.60	81.38	5,008.00	6,510.40	10,850.67	14,105.87
1716		64.17	83.41	5,133.60	6,672.80	11,122.80	14,457.74
1717		65.77	85.50	5,261.60	6,840.00	11,400.14	14,820.00
1718		67.41	87.64	5,392.80	7,011.20	11,684.40	15,190.94
1719		69.10	89.83	5,528.00	7,186.40	11,977.34	15,570.54
1720		70.83	92.07	5,666.40	7,365.60	12,277.20	15,958.80
1721		72.60	94.38	5,808.00	7,550.40	12,584.00	16,359.20
1722		74.41	96.73	5,952.80	7,738.40	12,897.74	16,766.54
1723		76.27	99.15	6,101.60	7,932.00	13,220.14	17,186.00
1724		78.18	101.63	6,254.40	8,130.40	13,551.20	17,615.87
1725		80.13	104.17	6,410.40	8,333.60	13,889.20	18,056.14
1726		82.14	106.78	6,571.20	8,542.40	14,237.60	18,508.54
1727		84.19	109.45	6,735.20	8,756.00	14,592.94	18,971.34
1728		86.29	112.18	6,903.20	8,974.40	14,956.94	19,444.54
1729	Fire Chief	88.45	114.99	7,076.00	9,199.20	15,331.34	19,931.60
1730		90.66	117.86	7,252.80	9,428.80	15,714.40	20,429.07
1731		92.93	120.81	7,434.40	9,664.80	16,107.87	20,940.40
1732		95.25	123.83	7,620.00	9,906.40	16,510.00	21,463.87
1733		97.63	126.92	7,810.40	10,153.60	16,922.54	21,999.47
1734		100.07	130.10	8,005.60	10,408.00	17,345.47	22,550.67
1735		102.58	133.35	8,206.40	10,668.00	17,780.54	23,114.00
1736		105.14	136.68	8,411.20	10,934.40	18,224.27	23,691.20
1737		107.77	140.10	8,621.60	11,208.00	18,680.14	24,284.00
1738		110.46	143.60	8,836.80	11,488.00	19,146.40	24,890.67
1739		113.22	147.19	9,057.60	11,775.20	19,624.80	25,512.94
1740		116.05	150.87	9,284.00	12,069.60	20,115.34	26,150.80
1741		118.96	154.64	9,516.80	12,371.20	20,619.74	26,804.27

EXHIBIT 12B: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 7/1/25

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 UNREPRESENTED FIRE CHIEF
 EFFECTIVE: JULY 1, 2025

Range Number	Unrepresented Fire Chief Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		51.84	67.40	4,147.20	5,392.00	8,985.60	11,682.67
1706		53.14	69.08	4,251.20	5,526.40	9,210.94	11,973.87
1707		54.47	70.81	4,357.60	5,664.80	9,441.47	12,273.74
1708		55.83	72.58	4,466.40	5,806.40	9,677.20	12,580.54
1709		57.23	74.39	4,578.40	5,951.20	9,919.87	12,894.27
1710		58.66	76.25	4,692.80	6,100.00	10,167.74	13,216.67
1711		60.12	78.16	4,809.60	6,252.80	10,420.80	13,547.74
1712		61.63	80.11	4,930.40	6,408.80	10,682.54	13,885.74
1713		63.17	82.12	5,053.60	6,569.60	10,949.47	14,234.14
1714		64.75	84.17	5,180.00	6,733.60	11,223.34	14,589.47
1715		66.36	86.27	5,308.80	6,901.60	11,502.40	14,953.47
1716		68.02	88.43	5,441.60	7,074.40	11,790.14	15,327.87
1717		69.72	90.64	5,577.60	7,251.20	12,084.80	15,710.94
1718		71.47	92.91	5,717.60	7,432.80	12,388.14	16,104.40
1719		73.25	95.23	5,860.00	7,618.40	12,696.67	16,506.54
1720		75.08	97.61	6,006.40	7,808.80	13,013.87	16,919.07
1721		76.96	100.05	6,156.80	8,004.00	13,339.74	17,342.00
1722		78.89	102.55	6,311.20	8,204.00	13,674.27	17,775.34
1723		80.86	105.11	6,468.80	8,408.80	14,015.74	18,219.07
1724		82.88	107.74	6,630.40	8,619.20	14,365.87	18,674.94
1725		84.95	110.43	6,796.00	8,834.40	14,724.67	19,141.20
1726		87.07	113.20	6,965.60	9,056.00	15,092.14	19,621.34
1727		89.25	116.03	7,140.00	9,282.40	15,470.00	20,111.87
1728		91.48	118.93	7,318.40	9,514.40	15,856.54	20,614.54
1729	Fire Chief	93.77	121.90	7,501.60	9,752.00	16,253.47	21,129.34
1730		96.11	124.95	7,688.80	9,996.00	16,659.07	21,658.00
1731		98.52	128.07	7,881.60	10,245.60	17,076.80	22,198.80
1732		100.98	131.27	8,078.40	10,501.60	17,503.20	22,753.47
1733		103.50	134.55	8,280.00	10,764.00	17,940.00	23,322.00
1734		106.09	137.92	8,487.20	11,033.60	18,388.94	23,906.14
1735		108.74	141.36	8,699.20	11,308.80	18,848.27	24,502.40
1736		111.46	144.90	8,916.80	11,592.00	19,319.74	25,116.00
1737		114.25	148.52	9,140.00	11,881.60	19,803.34	25,743.47
1738		117.10	152.23	9,368.00	12,178.40	20,297.34	26,386.54
1739		120.03	156.04	9,602.40	12,483.20	20,805.20	27,046.94
1740		123.03	159.94	9,842.40	12,795.20	21,325.20	27,722.94
1741		126.11	163.94	10,088.80	13,115.20	21,859.07	28,416.27

EXHIBIT 12C: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/30/26

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 UNREPRESENTED FIRE CHIEF
 EFFECTIVE: JUNE 30, 2026

Range Number	Unrepresented Fire Chief Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		54.44	70.78	4,355.20	5,662.40	9,436.27	12,268.54
1706		55.81	72.55	4,464.80	5,804.00	9,673.74	12,575.34
1707		57.20	74.36	4,576.00	5,948.80	9,914.67	12,889.07
1708		58.63	76.22	4,690.40	6,097.60	10,162.54	13,211.47
1709		60.10	78.12	4,808.00	6,249.60	10,417.34	13,540.80
1710		61.60	80.08	4,928.00	6,406.40	10,677.34	13,880.54
1711		63.14	82.08	5,051.20	6,566.40	10,944.27	14,227.20
1712		64.72	84.13	5,177.60	6,730.40	11,218.14	14,582.54
1713		66.33	86.23	5,306.40	6,898.40	11,497.20	14,946.54
1714		67.99	88.39	5,439.20	7,071.20	11,784.94	15,320.94
1715		69.69	90.60	5,575.20	7,248.00	12,079.60	15,704.00
1716		71.43	92.86	5,714.40	7,428.80	12,381.20	16,095.74
1717		73.22	95.19	5,857.60	7,615.20	12,691.47	16,499.60
1718		75.05	97.56	6,004.00	7,804.80	13,008.67	16,910.40
1719		76.93	100.00	6,154.40	8,000.00	13,334.54	17,333.34
1720		78.85	102.50	6,308.00	8,200.00	13,667.34	17,766.67
1721		80.82	105.07	6,465.60	8,405.60	14,008.80	18,212.14
1722		82.84	107.69	6,627.20	8,615.20	14,358.94	18,666.27
1723		84.91	110.39	6,792.80	8,831.20	14,717.74	19,134.27
1724		87.04	113.14	6,963.20	9,051.20	15,086.94	19,610.94
1725		89.21	115.97	7,136.80	9,277.60	15,463.07	20,101.47
1726		91.44	118.87	7,315.20	9,509.60	15,849.60	20,604.14
1727		93.73	121.84	7,498.40	9,747.20	16,246.54	21,118.94
1728		96.07	124.89	7,685.60	9,991.20	16,652.14	21,647.60
1729	Fire Chief	98.47	128.01	7,877.60	10,240.80	17,068.14	22,188.40
1730		100.93	131.21	8,074.40	10,496.80	17,494.54	22,743.07
1731		103.46	134.49	8,276.80	10,759.20	17,933.07	23,311.60
1732		106.04	137.85	8,483.20	11,028.00	18,380.27	23,894.00
1733		108.69	141.30	8,695.20	11,304.00	18,839.60	24,492.00
1734		111.41	144.83	8,912.80	11,586.40	19,311.07	25,103.87
1735		114.20	148.45	9,136.00	11,876.00	19,794.67	25,731.34
1736		117.05	152.17	9,364.00	12,173.60	20,288.67	26,376.14
1737		119.98	155.97	9,598.40	12,477.60	20,796.54	27,034.80
1738		122.98	159.87	9,838.40	12,789.60	21,316.54	27,710.80
1739		126.05	163.86	10,084.00	13,108.80	21,848.67	28,402.40
1740		129.20	167.96	10,336.00	13,436.80	22,394.67	29,113.07
1741		132.43	172.16	10,594.40	13,772.80	22,954.54	29,841.07

EXHIBIT 12D: SCHEDULE OF SALARY FOR UNREPRESENTED FIRE CHIEF – EFFECTIVE 6/29/27

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE
 UNREPRESENTED FIRE CHIEF
 EFFECTIVE: JUNE 29, 2027

Range Number	Unrepresented Fire Chief Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1705		56.62	73.61	4,529.60	5,888.80	9,814.14	12,759.07
1706		58.04	75.45	4,643.20	6,036.00	10,060.27	13,078.00
1707		59.49	77.34	4,759.20	6,187.20	10,311.60	13,405.60
1708		60.98	79.27	4,878.40	6,341.60	10,569.87	13,740.14
1709		62.50	81.25	5,000.00	6,500.00	10,833.34	14,083.34
1710		64.07	83.28	5,125.60	6,662.40	11,105.47	14,435.20
1711		65.67	85.37	5,253.60	6,829.60	11,382.80	14,797.47
1712		67.31	87.50	5,384.80	7,000.00	11,667.07	15,166.67
1713		68.99	89.69	5,519.20	7,175.20	11,958.27	15,546.27
1714		70.72	91.93	5,657.60	7,354.40	12,258.14	15,934.54
1715		72.48	94.23	5,798.40	7,538.40	12,563.20	16,333.20
1716		74.30	96.58	5,944.00	7,726.40	12,878.67	16,740.54
1717		76.15	99.00	6,092.00	7,920.00	13,199.34	17,160.00
1718		78.06	101.47	6,244.80	8,117.60	13,530.40	17,588.14
1719		80.01	104.01	6,400.80	8,320.80	13,868.40	18,028.40
1720		82.01	106.61	6,560.80	8,528.80	14,215.07	18,479.07
1721		84.06	109.27	6,724.80	8,741.60	14,570.40	18,940.14
1722		86.16	112.01	6,892.80	8,960.80	14,934.40	19,415.07
1723		88.31	114.81	7,064.80	9,184.80	15,307.07	19,900.40
1724		90.52	117.68	7,241.60	9,414.40	15,690.14	20,397.87
1725		92.78	120.62	7,422.40	9,649.60	16,081.87	20,907.47
1726		95.10	123.63	7,608.00	9,890.40	16,484.00	21,429.20
1727		97.48	126.72	7,798.40	10,137.60	16,896.54	21,964.80
1728		99.92	129.89	7,993.60	10,391.20	17,319.47	22,514.27
1729	Fire Chief	102.42	133.14	8,193.60	10,651.20	17,752.80	23,077.60
1730		104.98	136.47	8,398.40	10,917.60	18,196.54	23,654.80
1731		107.60	139.88	8,608.00	11,190.40	18,650.67	24,245.87
1732		110.29	143.37	8,823.20	11,469.60	19,116.94	24,850.80
1733		113.05	146.96	9,044.00	11,756.80	19,595.34	25,473.07
1734		115.87	150.63	9,269.60	12,050.40	20,084.14	26,109.20
1735		118.77	154.40	9,501.60	12,352.00	20,586.80	26,762.67
1736		121.74	158.26	9,739.20	12,660.80	21,101.60	27,431.74
1737		124.78	162.21	9,982.40	12,976.80	21,628.54	28,116.40
1738		127.90	166.27	10,232.00	13,301.60	22,169.34	28,820.14
1739		131.10	170.43	10,488.00	13,634.40	22,724.00	29,541.20
1740		134.38	174.69	10,750.40	13,975.20	23,292.54	30,279.60
1741		137.74	179.05	11,019.20	14,324.00	23,874.94	31,035.34

EXHIBIT 13: CLASS RANGE TABLE FOR UNREPRESENTED FIRE MANAGEMENT EFFECTIVE 9/7/21

CITY OF MODESTO
 CLASS RANGE TABLE
 FIRE MANAGEMENT CLASSES
 Effective September 7, 2021

Range Number	Title
524	Fire Deputy Chief
819	Fire Battalion Chief (112 hours)
1819	Fire Battalion Chief (80 hours)

EXHIBIT 14: CLASS RANGE TABLE FOR UNREPRESENTED FIRE CHIEF EFFECTIVE 7/12/16

CITY OF MODESTO
 CLASS RANGE TABLE
 FIRE MANAGEMENT CLASSES
 Effective July 12, 2016

Range Number	Title
1729	Fire Chief

EXHIBIT 15: CLASS RANGE TABLE FOR UNREPRESENTED POLICE MANAGEMENT EFFECTIVE 6/26/18

CITY OF MODESTO
 CLASS RANGE TABLE
 POLICE MANAGEMENT CLASSES
 Effective June 26, 2018

Range Number	Title
1627	Police Captain
1632	Assistant Chief of Police

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: June 20, 2023

Range Number	HOURLY				
	Step A	Step B	Step C	Step D	Step E
1601	39.88	41.89	43.98	46.18	48.49
1602	40.89	42.94	45.08	47.34	49.70
1603	41.91	44.01	46.21	48.52	50.95
1604	42.96	45.11	47.37	49.73	52.22
1605	44.04	46.24	48.55	50.98	53.53
1606	45.14	47.39	49.76	52.25	54.86
1607	46.27	48.58	51.01	53.56	56.23
1608	47.42	49.79	52.28	54.90	57.64
1609	48.61	51.04	53.59	56.27	59.08
1610	49.82	52.31	54.93	57.67	60.56
1611	51.07	53.62	56.30	59.12	62.07
1612	52.34	54.96	57.71	60.59	63.62
1613	53.65	56.33	59.15	62.11	65.21
1614	54.99	57.74	60.63	63.66	66.84
1615	56.37	59.19	62.15	65.25	68.52
1616	57.78	60.67	63.70	66.88	70.23
1617	59.22	62.18	65.29	68.56	71.98
1618	60.70	63.74	66.92	70.27	73.78
1619	62.22	65.33	68.60	72.03	75.63
1620	63.78	66.96	70.31	73.83	77.52
1621	65.37	68.64	72.07	75.67	79.46
1622	67.00	70.35	73.87	77.56	81.44
1623	68.68	72.11	75.72	79.50	83.48
1624	70.40	73.91	77.61	81.49	85.56
1625	72.16	75.76	79.55	83.53	87.70
1626	73.96	77.66	81.54	85.62	89.90
1627	75.81	79.60	83.58	87.76	92.14
1628	77.70	81.59	85.67	89.95	94.45
1629	79.65	83.63	87.81	92.20	96.81
1630	81.64	85.72	90.00	94.50	99.23
1631	83.68	87.86	92.25	96.87	101.71
1632	85.77	90.06	94.56	99.29	104.25
1633	87.91	92.31	96.92	101.77	106.86
1634	90.11	94.62	99.35	104.31	109.53
1635	92.36	96.98	101.83	106.92	112.27
1636	94.67	99.41	104.38	109.59	115.07
1637	97.04	101.89	106.98	112.33	117.95
1638	99.46	104.44	109.66	115.14	120.90
1639	101.95	107.05	112.40	118.02	123.92
1640	104.50	109.72	115.21	120.97	127.02

Range Number	BIWEEKLY				
	Step A	Step B	Step C	Step D	Step E
1601	3,190.75	3,351.20	3,518.40	3,694.40	3,879.20
1602	3,271.20	3,435.20	3,606.40	3,787.20	3,976.00
1603	3,352.80	3,520.80	3,696.80	3,881.60	4,076.00
1604	3,436.80	3,608.80	3,789.60	3,978.40	4,177.60
1605	3,523.20	3,699.20	3,884.00	4,078.40	4,282.40
1606	3,611.20	3,791.20	3,980.80	4,180.00	4,388.80
1607	3,701.60	3,886.40	4,080.80	4,284.80	4,498.40
1608	3,793.60	3,983.20	4,182.40	4,392.00	4,611.20
1609	3,888.80	4,083.20	4,287.20	4,501.60	4,726.40
1610	3,985.60	4,184.80	4,394.40	4,613.60	4,844.80
1611	4,085.60	4,289.60	4,504.00	4,729.60	4,965.60
1612	4,187.20	4,396.80	4,616.80	4,847.20	5,089.60
1613	4,292.00	4,506.40	4,732.00	4,968.80	5,216.80
1614	4,399.20	4,619.20	4,850.40	5,092.80	5,347.20
1615	4,509.60	4,735.20	4,972.00	5,220.00	5,481.60
1616	4,622.40	4,853.60	5,096.00	5,350.40	5,618.40
1617	4,737.60	4,974.40	5,223.20	5,484.80	5,758.40
1618	4,856.00	5,099.20	5,353.60	5,621.60	5,902.40
1619	4,977.60	5,226.40	5,488.00	5,762.40	6,050.40
1620	5,102.40	5,356.80	5,624.80	5,906.40	6,201.60
1621	5,229.60	5,491.20	5,765.60	6,053.60	6,356.80
1622	5,360.00	5,628.00	5,909.60	6,204.80	6,515.20
1623	5,494.40	5,768.80	6,057.60	6,360.00	6,678.40
1624	5,632.00	5,912.80	6,208.80	6,519.20	6,844.80
1625	5,772.80	6,060.80	6,364.00	6,682.40	7,016.00
1626	5,916.80	6,212.80	6,523.20	6,849.60	7,192.00
1627	6,064.80	6,368.00	6,686.40	7,020.80	7,371.20
1628	6,216.00	6,527.20	6,853.60	7,196.00	7,556.00
1629	6,372.00	6,690.40	7,024.80	7,376.00	7,744.80
1630	6,531.20	6,857.60	7,200.00	7,560.00	7,938.40
1631	6,694.40	7,028.80	7,380.00	7,749.60	8,136.80
1632	6,861.60	7,204.80	7,564.80	7,943.20	8,340.00
1633	7,032.80	7,384.80	7,753.60	8,141.60	8,548.80
1634	7,208.80	7,569.60	7,948.00	8,344.80	8,762.40
1635	7,388.80	7,758.40	8,146.40	8,553.60	8,981.60
1636	7,573.60	7,952.80	8,350.40	8,767.20	9,205.60
1637	7,763.20	8,151.20	8,558.40	8,986.40	9,436.00
1638	7,956.80	8,355.20	8,772.80	9,211.20	9,672.00
1639	8,156.00	8,564.00	8,992.00	9,441.60	9,913.60
1640	8,360.00	8,777.60	9,216.80	9,677.60	10,161.60

Range Number	MONTHLY				
	Step A	Step B	Step C	Step D	Step E
1601	6,913.30	7,260.94	7,623.20	8,004.54	8,404.94
1602	7,087.60	7,442.94	7,813.87	8,205.60	8,614.67
1603	7,264.40	7,628.40	8,009.74	8,410.14	8,831.34
1604	7,446.40	7,819.07	8,210.80	8,619.87	9,051.47
1605	7,633.60	8,014.94	8,415.34	8,836.54	9,278.54
1606	7,824.27	8,214.27	8,625.07	9,056.67	9,509.07
1607	8,020.14	8,420.54	8,841.74	9,283.74	9,746.54
1608	8,219.47	8,630.27	9,061.87	9,516.00	9,990.94
1609	8,425.74	8,846.94	9,288.94	9,753.47	10,240.54
1610	8,635.47	9,067.07	9,521.20	9,996.14	10,497.07
1611	8,852.14	9,294.14	9,758.67	10,247.47	10,758.80
1612	9,072.27	9,526.40	10,003.07	10,502.27	11,027.47
1613	9,299.34	9,763.87	10,252.67	10,765.74	11,303.07
1614	9,531.60	10,008.27	10,509.20	11,034.40	11,585.60
1615	9,770.80	10,259.60	10,772.67	11,310.00	11,876.80
1616	10,015.20	10,516.14	11,041.34	11,592.54	12,173.20
1617	10,264.80	10,777.87	11,316.94	11,883.74	12,476.54
1618	10,521.34	11,048.27	11,599.47	12,180.14	12,788.54
1619	10,784.80	11,323.87	11,890.67	12,485.20	13,109.20
1620	11,055.20	11,606.40	12,187.07	12,797.20	13,436.80
1621	11,330.80	11,897.60	12,492.14	13,116.14	13,773.07
1622	11,613.34	12,194.00	12,804.14	13,443.74	14,116.27
1623	11,904.54	12,499.07	13,124.80	13,780.00	14,469.87
1624	12,202.67	12,811.07	13,452.40	14,124.94	14,830.40
1625	12,507.74	13,131.74	13,788.67	14,478.54	15,201.34
1626	12,819.74	13,461.07	14,133.60	14,840.80	15,582.67
1627	13,140.40	13,797.34	14,487.20	15,211.74	15,970.94
1628	13,468.00	14,142.27	14,849.47	15,591.34	16,371.34
1629	13,806.00	14,495.87	15,220.40	15,981.34	16,780.40
1630	14,150.94	14,858.14	15,600.00	16,380.00	17,199.87
1631	14,504.54	15,229.07	15,990.00	16,790.80	17,629.74
1632	14,866.80	15,610.40	16,390.40	17,210.27	18,070.00
1633	15,237.74	16,000.40	16,799.47	17,640.14	18,522.40
1634	15,619.07	16,400.80	17,220.67	18,080.40	18,985.20
1635	16,009.07	16,809.87	17,650.54	18,532.80	19,460.14
1636	16,409.47	17,231.07	18,092.54	18,995.60	19,945.47
1637	16,820.27	17,660.94	18,543.20	19,470.54	20,444.67
1638	17,239.74	18,102.94	19,007.74	19,957.60	20,956.00
1639	17,671.34	18,555.34	19,482.67	20,456.80	21,479.47
1640	18,113.34	19,018.14	19,969.74	20,968.14	22,016.80

EXHIBIT 16B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CAPTAINS – EFFECTIVE 6/18/24

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
 Effective June 18, 2024

Range Number	HOURLY				
	Step A	Step B	Step C	Step D	Step E
1601	41.87	43.98	46.18	48.49	50.91
1602	42.93	45.08	47.33	49.70	52.18
1603	44.01	46.21	48.52	50.94	53.49
1604	45.11	47.36	49.73	52.21	54.82
1605	46.23	48.54	50.97	53.52	56.20
1606	47.39	49.76	52.25	54.86	57.60
1607	48.57	51.00	53.55	56.23	59.04
1608	49.79	52.28	54.89	57.63	60.52
1609	51.03	53.58	56.26	59.07	62.03
1610	52.31	54.92	57.67	60.55	63.58
1611	53.61	56.30	59.11	62.07	65.17
1612	54.96	57.70	60.59	63.62	66.80
1613	56.33	59.15	62.10	65.21	68.47
1614	57.74	60.62	63.65	66.84	70.18
1615	59.18	62.14	65.25	68.51	71.93
1616	60.66	63.69	66.88	70.22	73.73
1617	62.18	65.28	68.55	71.98	75.57
1618	63.73	66.92	70.26	73.78	77.46
1619	65.32	68.59	72.02	75.62	79.40
1620	66.96	70.30	73.82	77.51	81.38
1621	68.63	72.06	75.66	79.45	83.42
1622	70.35	73.86	77.56	81.43	85.50
1623	72.10	75.71	79.49	83.47	87.64
1624	73.91	77.60	81.48	85.56	89.83
1625	75.75	79.54	83.52	87.69	92.08
1626	77.65	81.53	85.61	89.89	94.38
1627	79.59	83.57	87.75	92.13	96.74
1628	81.58	85.66	89.94	94.44	99.16
1629	83.62	87.80	92.19	96.80	101.64
1630	85.71	89.99	94.49	99.22	104.18
1631	87.85	92.24	96.86	101.70	106.78
1632	90.05	94.55	99.28	104.24	109.45
1633	92.30	96.91	101.76	106.85	112.19
1634	94.61	99.34	104.30	109.52	114.99
1635	96.97	101.82	106.91	112.25	117.87
1636	99.39	104.36	109.58	115.06	120.81
1637	101.88	106.97	112.32	117.94	123.83
1638	104.43	109.65	115.13	120.89	126.93
1639	107.04	112.39	118.01	123.91	130.10
1640	109.71	115.20	120.96	127.01	133.36

Range Number	BIWEEKLY				
	Step A	Step B	Step C	Step D	Step E
1601	3,349.92	3,518.40	3,694.40	3,879.20	4,072.80
1602	3,434.40	3,606.40	3,786.40	3,976.00	4,174.40
1603	3,520.80	3,696.80	3,881.60	4,075.20	4,279.20
1604	3,608.80	3,788.80	3,978.40	4,176.80	4,385.60
1605	3,698.40	3,883.20	4,077.60	4,281.60	4,496.00
1606	3,791.20	3,980.80	4,180.00	4,388.80	4,608.00
1607	3,885.60	4,080.00	4,284.00	4,498.40	4,723.20
1608	3,983.20	4,182.40	4,391.20	4,610.40	4,841.60
1609	4,082.40	4,286.40	4,500.80	4,725.60	4,962.40
1610	4,184.80	4,393.60	4,613.60	4,844.00	5,086.40
1611	4,288.80	4,504.00	4,728.80	4,965.60	5,213.60
1612	4,396.80	4,616.00	4,847.20	5,089.60	5,344.00
1613	4,506.40	4,732.00	4,968.00	5,216.80	5,477.60
1614	4,619.20	4,849.60	5,092.00	5,347.20	5,614.40
1615	4,734.40	4,971.20	5,220.00	5,480.80	5,754.40
1616	4,852.80	5,095.20	5,350.40	5,617.60	5,898.40
1617	4,974.40	5,222.40	5,484.00	5,758.40	6,045.60
1618	5,098.40	5,353.60	5,620.80	5,902.40	6,196.80
1619	5,225.60	5,487.20	5,761.60	6,049.60	6,352.00
1620	5,356.80	5,624.00	5,905.60	6,200.80	6,510.40
1621	5,490.40	5,764.80	6,052.80	6,356.00	6,673.60
1622	5,628.00	5,908.80	6,204.80	6,514.40	6,840.00
1623	5,768.00	6,056.80	6,359.20	6,677.60	7,011.20
1624	5,912.80	6,208.00	6,518.40	6,844.80	7,186.40
1625	6,060.00	6,363.20	6,681.60	7,015.20	7,366.40
1626	6,212.00	6,522.40	6,848.80	7,191.20	7,550.40
1627	6,367.20	6,685.60	7,020.00	7,370.40	7,739.20
1628	6,526.40	6,852.80	7,195.20	7,555.20	7,932.80
1629	6,689.60	7,024.00	7,375.20	7,744.00	8,131.20
1630	6,856.80	7,199.20	7,559.20	7,937.60	8,334.40
1631	7,028.00	7,379.20	7,748.80	8,136.00	8,542.40
1632	7,204.00	7,564.00	7,942.40	8,339.20	8,756.00
1633	7,384.00	7,752.80	8,140.80	8,548.00	8,975.20
1634	7,568.80	7,947.20	8,344.00	8,761.60	9,199.20
1635	7,757.60	8,145.60	8,552.80	8,980.00	9,429.60
1636	7,951.20	8,348.80	8,766.40	9,204.80	9,664.80
1637	8,150.40	8,557.60	8,985.60	9,435.20	9,906.40
1638	8,354.40	8,772.00	9,210.40	9,671.20	10,154.40
1639	8,563.20	8,991.20	9,440.80	9,912.80	10,408.00
1640	8,776.80	9,216.00	9,676.80	10,160.80	10,668.80

Range Number	MONTHLY				
	Step A	Step B	Step C	Step D	Step E
1601	7,258.16	7,623.20	8,004.54	8,404.94	8,824.40
1602	7,441.20	7,813.87	8,203.87	8,614.67	9,044.54
1603	7,628.40	8,009.74	8,410.14	8,829.60	9,271.60
1604	7,819.07	8,209.07	8,619.87	9,049.74	9,502.14
1605	8,013.20	8,413.60	8,834.80	9,276.80	9,741.34
1606	8,214.27	8,625.07	9,056.67	9,509.07	9,984.00
1607	8,418.80	8,840.00	9,282.00	9,746.54	10,233.60
1608	8,630.27	9,061.87	9,514.27	9,989.20	10,490.14
1609	8,845.20	9,287.20	9,751.74	10,238.80	10,751.87
1610	9,067.07	9,519.47	9,996.14	10,495.34	11,020.54
1611	9,292.40	9,758.67	10,245.74	10,758.80	11,296.14
1612	9,526.40	10,001.34	10,502.27	11,027.47	11,578.67
1613	9,763.87	10,252.67	10,764.00	11,303.07	11,868.14
1614	10,008.27	10,507.47	11,032.67	11,585.60	12,164.54
1615	10,257.87	10,770.94	11,310.00	11,875.07	12,467.87
1616	10,514.40	11,039.60	11,592.54	12,171.47	12,779.87
1617	10,777.87	11,315.20	11,882.00	12,476.54	13,098.80
1618	11,046.54	11,599.47	12,178.40	12,788.54	13,426.40
1619	11,322.14	11,888.94	12,483.47	13,107.47	13,762.67
1620	11,606.40	12,185.34	12,795.47	13,435.07	14,105.87
1621	11,895.87	12,490.40	13,114.40	13,771.34	14,459.47
1622	12,194.00	12,802.40	13,443.74	14,114.54	14,820.00
1623	12,497.34	13,123.07	13,778.27	14,468.14	15,190.94
1624	12,811.07	13,450.67	14,123.20	14,830.40	15,570.54
1625	13,130.00	13,786.94	14,476.80	15,199.60	15,960.54
1626	13,459.34	14,131.87	14,839.07	15,580.94	16,359.20
1627	13,795.60	14,485.47	15,210.00	15,969.20	16,768.27
1628	14,140.54	14,847.74	15,589.60	16,369.60	17,187.74
1629	14,494.14	15,218.67	15,979.60	16,778.67	17,617.60
1630	14,856.40	15,598.27	16,378.27	17,198.14	18,057.87
1631	15,227.34	15,988.27	16,789.07	17,628.00	18,508.54
1632	15,608.67	16,388.67	17,208.54	18,068.27	18,971.34
1633	15,998.67	16,797.74	17,638.40	18,520.67	19,446.27
1634	16,399.07	17,218.94	18,078.67	18,983.47	19,931.60
1635	16,808.14	17,648.80	18,531.07	19,456.67	20,430.80
1636	17,227.60	18,089.07	18,993.87	19,943.74	20,940.40
1637	17,659.20	18,541.47	19,468.80	20,442.94	21,463.87
1638	18,101.20	19,006.00	19,955.87	20,954.27	22,001.20
1639	18,553.60	19,480.94	20,455.07	21,477.74	22,550.67
1640	19,016.40	19,968.00	20,966.40	22,015.07	23,115.74

EXHIBIT 17A: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/20/23

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
 SWORN EXECUTIVE MANAGEMENT
 EFFECTIVE: JUNE 20, 2023

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		47.06	58.82	3,764.45	4,705.60	8,156.31	10,195.47
1506		48.24	60.29	3,859.20	4,823.20	8,361.60	10,450.27
1507		49.44	61.80	3,955.20	4,944.00	8,569.60	10,712.00
1508		50.68	63.35	4,054.40	5,068.00	8,784.54	10,980.67
1509		51.95	64.93	4,156.00	5,194.40	9,004.67	11,254.54
1510		53.24	66.55	4,259.20	5,324.00	9,228.27	11,535.34
1511		54.58	68.22	4,366.40	5,457.60	9,460.54	11,824.80
1512		55.94	69.92	4,475.20	5,593.60	9,696.27	12,119.47
1513		57.34	71.67	4,587.20	5,733.60	9,938.94	12,422.80
1514		58.77	73.46	4,701.60	5,876.80	10,186.80	12,733.07
1515		60.24	75.30	4,819.20	6,024.00	10,441.60	13,052.00
1516		61.75	77.18	4,940.00	6,174.40	10,703.34	13,377.87
1517		63.29	79.11	5,063.20	6,328.80	10,970.27	13,712.40
1518		64.87	81.09	5,189.60	6,487.20	11,244.14	14,055.60
1519		66.49	83.12	5,319.20	6,649.60	11,524.94	14,407.47
1520		68.16	85.19	5,452.80	6,815.20	11,814.40	14,766.27
1521		69.86	87.32	5,588.80	6,985.60	12,109.07	15,135.47
1522		71.61	89.51	5,728.80	7,160.80	12,412.40	15,515.07
1523		73.40	91.74	5,872.00	7,339.20	12,722.67	15,901.60
1524		75.23	94.04	6,018.40	7,523.20	13,039.87	16,300.27
1525		77.11	96.39	6,168.80	7,711.20	13,365.74	16,707.60
1526		79.04	98.80	6,323.20	7,904.00	13,700.27	17,125.34
1527		81.01	101.27	6,480.80	8,101.60	14,041.74	17,553.47
1528		83.04	103.80	6,643.20	8,304.00	14,393.60	17,992.00
1529		85.12	106.39	6,809.60	8,511.20	14,754.14	18,440.94
1530		87.24	109.05	6,979.20	8,724.00	15,121.60	18,902.00
1531	Chief of Police	89.42	111.78	7,153.60	8,942.40	15,499.47	19,375.20
1532		91.66	114.57	7,332.80	9,165.60	15,887.74	19,858.80
1533		93.95	117.44	7,516.00	9,395.20	16,284.67	20,356.27
1534		96.30	120.37	7,704.00	9,629.60	16,692.00	20,864.14
1535		98.71	123.38	7,896.80	9,870.40	17,109.74	21,385.87
1536		101.17	126.47	8,093.60	10,117.60	17,536.14	21,921.47
1537		103.70	129.63	8,296.00	10,370.40	17,974.67	22,469.20
1538		106.30	132.87	8,504.00	10,629.60	18,425.34	23,030.80
1539		108.95	136.19	8,716.00	10,895.20	18,884.67	23,606.27
1540		111.68	139.60	8,934.40	11,168.00	19,357.87	24,197.34
1541		114.47	143.09	9,157.60	11,447.20	19,841.47	24,802.27

EXHIBIT 17B: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 6/18/24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 24/25
SWORN EXECUTIVE MANAGEMENT
EFFECTIVE: JUNE 18, 2024

Range Number	Title	Hourly	
		Minimum	Maximum
1505		49.41	61.77
1506		50.65	63.32
1507		51.92	64.90
1508		53.22	66.52
1509		54.55	68.18
1510		55.91	69.89
1511		57.31	71.63
1512		58.74	73.43
1513		60.21	75.26
1514		61.72	77.14
1515		63.26	79.07
1516		64.84	81.05
1517		66.46	83.07
1518		68.12	85.15
1519		69.82	87.28
1520		71.57	89.46
1521		73.36	91.70
1522		75.19	93.99
1523		77.07	96.34
1524		79.00	98.75
1525		80.97	101.22
1526		83.00	103.75
1527		85.07	106.34
1528		87.20	109.00
1529		89.38	111.72
1530		91.61	114.52
1531	Chief of Police	93.90	117.38
1532		96.25	120.31
1533		98.66	123.32
1534		101.12	126.40
1535		103.65	129.56
1536		106.24	132.80
1537		108.90	136.12
1538		111.62	139.53
1539		114.41	143.01
1540		117.27	146.59
1541		120.20	150.25

Biweekly	
Minimum	Maximum
3,953.04	4,941.60
4,052.00	5,065.60
4,153.60	5,192.00
4,257.60	5,321.60
4,364.00	5,454.40
4,472.80	5,591.20
4,584.80	5,730.40
4,699.20	5,874.40
4,816.80	6,020.80
4,937.60	6,171.20
5,060.80	6,325.60
5,187.20	6,484.00
5,316.80	6,645.60
5,449.60	6,812.00
5,585.60	6,982.40
5,725.60	7,156.80
5,868.80	7,336.00
6,015.20	7,519.20
6,165.60	7,707.20
6,320.00	7,900.00
6,477.60	8,097.60
6,640.00	8,300.00
6,805.60	8,507.20
6,976.00	8,720.00
7,150.40	8,937.60
7,328.80	9,161.60
7,512.00	9,390.40
7,700.00	9,624.80
7,892.80	9,865.60
8,089.60	10,112.00
8,292.00	10,364.80
8,499.20	10,624.00
8,712.00	10,889.60
8,929.60	11,162.40
9,152.80	11,440.80
9,381.60	11,727.20
9,616.00	12,020.00

Monthly	
Minimum	Maximum
8,564.92	10,706.80
8,779.34	10,975.47
8,999.47	11,249.34
9,224.80	11,530.14
9,455.34	11,817.87
9,691.07	12,114.27
9,933.74	12,415.87
10,181.60	12,727.87
10,436.40	13,045.07
10,698.14	13,370.94
10,965.07	13,705.47
11,238.94	14,048.67
11,519.74	14,398.80
11,807.47	14,759.34
12,102.14	15,128.54
12,405.47	15,506.40
12,715.74	15,894.67
13,032.94	16,291.60
13,358.80	16,698.94
13,693.34	17,116.67
14,034.80	17,544.80
14,386.67	17,983.34
14,745.47	18,432.27
15,114.67	18,893.34
15,492.54	19,364.80
15,879.07	19,850.14
16,276.00	20,345.87
16,683.34	20,853.74
17,101.07	21,375.47
17,527.47	21,909.34
17,966.00	22,457.07
18,414.94	23,018.67
18,876.00	23,594.14
19,347.47	24,185.20
19,831.07	24,788.40
20,326.80	25,408.94
20,834.67	26,043.34

EXHIBIT 17C: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 07/01/2025

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 25/26
 SWORN EXECUTIVE MANAGEMENT
 EFFECTIVE: JULY 1, 2025

Range Number	Title	Hourly		Biweekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1505		50.89	66.16	4,071.38	5,292.80	8,821.34	11,467.74
1506		52.17	67.82	4,173.60	5,425.60	9,042.80	11,755.47
1507		53.47	69.51	4,277.60	5,560.80	9,268.14	12,048.40
1508		54.81	71.25	4,384.80	5,700.00	9,500.40	12,350.00
1509		56.18	73.03	4,494.40	5,842.40	9,737.87	12,658.54
1510		57.58	74.86	4,606.40	5,988.80	9,980.54	12,975.74
1511		59.02	76.73	4,721.60	6,138.40	10,230.14	13,299.87
1512		60.50	78.65	4,840.00	6,292.00	10,486.67	13,632.67
1513		62.01	80.61	4,960.80	6,448.80	10,748.40	13,972.40
1514		63.56	82.63	5,084.80	6,610.40	11,017.07	14,322.54
1515		65.15	84.70	5,212.00	6,776.00	11,292.67	14,681.34
1516		66.78	86.81	5,342.40	6,944.80	11,575.20	15,047.07
1517		68.45	88.98	5,476.00	7,118.40	11,864.67	15,423.20
1518		70.16	91.21	5,612.80	7,296.80	12,161.07	15,809.74
1519		71.91	93.49	5,752.80	7,479.20	12,464.40	16,204.94
1520		73.71	95.82	5,896.80	7,665.60	12,776.40	16,608.80
1521		75.55	98.22	6,044.00	7,857.60	13,095.34	17,024.80
1522		77.44	100.68	6,195.20	8,054.40	13,422.94	17,451.20
1523		79.38	103.19	6,350.40	8,255.20	13,759.20	17,886.27
1524		81.36	105.77	6,508.80	8,461.60	14,102.40	18,333.47
1525		83.40	108.42	6,672.00	8,673.60	14,456.00	18,792.80
1526		85.48	111.13	6,838.40	8,890.40	14,816.54	19,262.54
1527		87.62	113.90	7,009.60	9,112.00	15,187.47	19,742.67
1528		89.81	116.75	7,184.80	9,340.00	15,567.07	20,236.67
1529		92.06	119.67	7,364.80	9,573.60	15,957.07	20,742.80
1530		94.36	122.66	7,548.80	9,812.80	16,355.74	21,261.07
1531	Chief of Police	96.72	125.73	7,737.60	10,058.40	16,764.80	21,793.20
1532		99.13	128.87	7,930.40	10,309.60	17,182.54	22,337.47
1533		101.61	132.09	8,128.80	10,567.20	17,612.40	22,895.60
1534		104.15	135.40	8,332.00	10,832.00	18,052.67	23,469.34
1535		106.76	138.78	8,540.80	11,102.40	18,505.07	24,055.20
1536		109.42	142.25	8,753.60	11,380.00	18,966.14	24,656.67
1537		112.16	145.81	8,972.80	11,664.80	19,441.07	25,273.74
1538		114.96	149.45	9,196.80	11,956.00	19,926.40	25,904.67
1539		117.84	153.19	9,427.20	12,255.20	20,425.60	26,552.94
1540		120.78	157.02	9,662.40	12,561.60	20,935.20	27,216.80
1541		123.80	160.94	9,904.00	12,875.20	21,458.67	27,896.27

EXHIBIT 17D: SCHEDULE OF SALARY FOR UNREPRESENTED POLICE CHIEF – EFFECTIVE 06/30/26

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 26/27
 SWORN EXECUTIVE MANAGEMENT
 EFFECTIVE: JUNE 30, 2026

Range Number	Title	Hourly	
		Minimum	Maximum
1505		52.93	68.81
1506		54.25	70.53
1507		55.61	72.29
1508		57.00	74.10
1509		58.42	75.95
1510		59.89	77.85
1511		61.38	79.80
1512		62.92	81.79
1513		64.49	83.84
1514		66.10	85.93
1515		67.75	88.08
1516		69.45	90.28
1517		71.18	92.54
1518		72.96	94.85
1519		74.79	97.22
1520		76.66	99.65
1521		78.57	102.14
1522		80.54	104.70
1523		82.55	107.31
1524		84.61	110.00
1525		86.73	112.75
1526		88.90	115.57
1527		91.12	118.45
1528		93.40	121.42
1529		95.73	124.45
1530		98.13	127.56
1531	Chief of Police	100.58	130.75
1532		103.09	134.02
1533		105.67	137.37
1534		108.31	140.80
1535		111.02	144.32
1536		113.80	147.93
1537		116.64	151.63
1538		119.56	155.42
1539		122.54	159.31
1540		125.61	163.29
1541		128.75	167.37

Biweekly	
Minimum	Maximum
4,234.05	5,504.80
4,340.00	5,642.40
4,448.80	5,783.20
4,560.00	5,928.00
4,673.60	6,076.00
4,791.20	6,228.00
4,910.40	6,384.00
5,033.60	6,543.20
5,159.20	6,707.20
5,288.00	6,874.40
5,420.00	7,046.40
5,556.00	7,222.40
5,694.40	7,403.20
5,836.80	7,588.00
5,983.20	7,777.60
6,132.80	7,972.00
6,285.60	8,171.20
6,443.20	8,376.00
6,604.00	8,584.80
6,768.80	8,800.00
6,938.40	9,020.00
7,112.00	9,245.60
7,289.60	9,476.00
7,472.00	9,713.60
7,658.40	9,956.00
7,850.40	10,204.80
8,046.40	10,460.00
8,247.20	10,721.60
8,453.60	10,989.60
8,664.80	11,264.00
8,881.60	11,545.60
9,104.00	11,834.40
9,331.20	12,130.40
9,564.80	12,433.60
9,803.20	12,744.80
10,048.80	13,063.20
10,300.00	13,389.60

Monthly	
Minimum	Maximum
9,173.78	11,927.07
9,403.34	12,225.20
9,639.07	12,530.27
9,880.00	12,844.00
10,126.14	13,164.67
10,380.94	13,494.00
10,639.20	13,832.00
10,906.14	14,176.94
11,178.27	14,532.27
11,457.34	14,894.54
11,743.34	15,267.20
12,038.00	15,648.54
12,337.87	16,040.27
12,646.40	16,440.67
12,963.60	16,851.47
13,287.74	17,272.67
13,618.80	17,704.27
13,960.27	18,148.00
14,308.67	18,600.40
14,665.74	19,066.67
15,033.20	19,543.34
15,409.34	20,032.14
15,794.14	20,531.34
16,189.34	21,046.14
16,593.20	21,571.34
17,009.20	22,110.40
17,433.87	22,663.34
17,868.94	23,230.14
18,316.14	23,810.80
18,773.74	24,405.34
19,243.47	25,015.47
19,725.34	25,641.20
20,217.60	26,282.54
20,723.74	26,939.47
21,240.27	27,613.74
21,772.40	28,303.60
22,316.67	29,010.80

EXHIBIT 18: CLASS RANGE TABLE FOR UNREPRESENTED POLICE CHIEF EFFECTIVE 6/20/23

CITY OF MODESTO
CLASS RANGE TABLE
SWORN POLICE EXECUTIVE MANAGEMENT
Effective June 20, 2023

Range Number	Title
1532	Chief of Police

EXHIBIT X: UNREPRESENTED
MARKET ADJUSTMENTS

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment
Assistant City Attorney	10.0%	2.5%	7.5%
Budget Manager	5.0%	2.5%	2.5%
Chief Information Officer	5.0%	2.5%	2.5%
City Manager	7.5%	2.5%	5.0%
Deputy City Attorney I	10.0%	2.5%	7.5%
Deputy City Attorney II	10.0%	2.5%	7.5%
Deputy City Attorney III	10.0%	2.5%	7.5%
Deputy City Manager	7.5%	2.5%	5.0%
Director of Community and Economic Development	7.5%	2.5%	5.0%
Director of Engineering Services	7.5%	2.5%	5.0%
Director of Finance	5.0%	2.5%	2.5%
Director of Human Resources	5.0%	2.5%	2.5%
Director of Parks Recreation & Neighborhoods	5.0%	2.5%	2.5%
Director of Public Works	7.5%	2.5%	5.0%
Director of Utilities	7.5%	2.5%	5.0%
Senior Deputy City Attorney	10.0%	2.5%	7.5%

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-196**

RESOLUTION APPROVING SALARY CHANGES FOR UNREPRESENTED SWORN FIRE MANAGEMENT EMPLOYEES, INCLUDING FIRE CHIEFS AND EXECUTIVES CONSISTENT WITH THOSE IN THE REPRESENTED UNIT, EFFECTIVE JUNE 18, 2024, AS SET FORTH IN ATTACHED EXHIBIT N, “SUMMARY OF SALARY RANGES AND SCHEDULES FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES”; AMENDING THE SUMMARY OF SALARY RANGES AND SCHEDULES PREVIOUSLY APPROVED BY RESOLUTION 2023-321, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 27, 2023, by Resolution No 2023-321 Council approved salary changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire Management consistent with the terms and conditions of employment covering employees in the Modesto City Firefighters’ Association (MCFFA) bargaining unit, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto City Firefighters’ Association (MCFFA) on June 4, 2024 which included salary increases, and

WHEREAS, the Council of the City of Modesto desires to approve a six percent (6.0%) base salary increase for all Unrepresented Sworn Fire Management effective June 18, 2024, consistent with the MCFFA, if approved by the City Council; followed by an additional six (6.0%) percent base salary increase effective July 1, 2025; followed by an

additional five (5.0%) percent base salary increase effective June 30, 2026; followed by an additional four (4.0%) percent base salary increase effective June 29, 2027 and

WHEREAS, the City desires to maintain competitive position with the labor market. Therefore, a Summary of Salary Ranges and Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives provides for the changes below, as set forth in the following **exhibits** and shall be **attached** hereto as and made a part hereof:

1) Implements across the board salary increase in base salary for Sworn Fire

Management employees, including Executives as follows:

- a) 6% base salary increase effective June 18, 2024
- b) 6% base salary increase effective July 1, 2025
- c) 5% base salary increase effective June 30, 2026
- d) 4% base salary increase effective June 29, 2027

WHEREAS, the “Summary Of Salary Ranges and Schedules For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives” set forth in the following **exhibit** which are **attached** hereto and made a part hereof shall amend the Salary Ranges and Schedules previously adopted in Resolution No. 2023-321.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the salary changes for Unrepresented Sworn Fire Management and Confidential Employees, including Fire Chiefs and Executives consistent with those in the Represented Units, Effective June 18, 2024, as described in this Resolution, and approves the amendments to the “Summary of Salary Ranges and

Schedules for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives,” reflecting such salary changes as described in **Exhibit N**. This Resolution will amend the Summary of Salary Ranges and Schedules previously adopted by the Council pursuant to Resolution No. 2023-321.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-197**

RESOLUTION APPROVING CHANGES TO BENEFIT OFFERINGS FOR UNREPRESENTED SWORN FIRE MANAGEMENT EMPLOYEES, INCLUDING FIRE CHIEFS AND EXECUTIVES CONSISTENT WITH THOSE IN REPRESENTED UNITS AS SET FORTH IN ATTACHED EXHIBIT O, “SUMMARY OF BENEFIT OFFERINGS FOR UNREPRESENTED SWORN MANAGEMENT AND NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES”; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 27, 2023, by Resolution No 2023-322 Council approved benefit changes to Unrepresented Management Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire Management employees consistent with the terms and conditions of employment covering employees in the City Firefighters’ Association (MCFFA) bargaining unit, and

WHEREAS, a Summary Of Benefit Offerings For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives includes the changes below, as set forth in the following **exhibit** and shall be **attached** hereto as and made a part hereof:

SECTION 30. CERTIFICATION INCENTIVE PAY.

Effective June 18, 2024, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Education Incentive Pay for certificates identified in (b) below. Employee is responsible for

submitting request for certificate incentive. Certificate incentive will be effective in the same pay period that verification of certificate is received by the City from the employee.

a) Employees shall receive one percent (1.0%) for each qualifying certificate listed below, for up to a maximum of four percent (4.0%) certification incentive pay. Effective June 30, 2026, the maximum certification incentive pay shall be five percent (5.0%).

b) Qualifying certificates

Certificates below held from the Office of the California State Fire Marshal or the equivalent California Joint Apprenticeship Committee Program shall be eligible for compensation:

- Fire Investigator – 1A, 1B, 1C
- Fire Inspector (or Prevention) – 1A, 1B, 1C, 1D
- Fire Instructor – 1A, 1B, 1C, or I, II, III
- Fire Command – 1A, 1B, 1C
- Fire Management I
- Plans Examiner (or Checker) – 1A, 1B, 1C
- Fire and Life Safety Educator – 1A, 1B, 1C
- Fire Science or Fire Technology Certificate
- Structural Collapse 2
- Rope Rescue Technician
- Boat Operator
- Wildland Firefighter – Equivalent courses in series.
- Fire Apparatus Driver/ Operator or Engineer or Equivalent (Equivalent to completion of 1A and 1B)

- Driver Operator 1A
- Driver Operator 1B
- Fire Control 5 (ARFF – Aircraft Rescue and Fire Fighting)
- Company Officer – 2A, 2B, 2C, 2D, 2E
- Fire Marshal – 1A, 1B, 1C, 1D, 1E
- Chief Officer – 3A, 3B, 3C, 3D
- Fire fighter 1: 1A, 1B, 1C
- Fire fighter 2: 2A
- Emergency Vehicle Tech: 1A, 1B, 1C
- Fire apparatus driver/Operator: 1C, 1D, 1E, 1F
- State Certified Prescribed Burn Boss
- JAC Engineer

SECTION 31. LONGEVITY INCENTIVE PAY.

Effective July 1, 2023, non-sworn unrepresented management and confidential employees, including charter officers and executives with ten (10) years of service with the City shall be eligible for two- and one-half percent (2.5%) Longevity Incentive Pay.

Effective June 18, 2024, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

Years of Service	Longevity Incentive Pay Percentage
6	2.50%
12	4.00%
18	6.00%
24	8.00%

Longevity incentives are not stable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 32. UNFUNDED LIABILITY.

- 1) Effective June 18, 2024, each employee shall contribute five percent (5%) of salary to the CalPERS Unfunded Accrued Liability (UAL) as determined by the City for the best benefit of the City budget, and an additional one and one-half percent (1.5%) of salary as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrue Liability (UAL). These contributions shall continue until such liability is paid in full.
- 2) In contributing to their statutorily and MOU required retirement contributions, PERPA employees shall not exceed the agreed upon total additional contribution of eighteen and one-half percent (18.5%). Should the PERPA contribution requirements exceed twelve percent (12%), PERPA employees shall have their additional contributions to the City's Base account adjusted downward accordingly so that the total contributions do not exceed eighteen and one-half percent (18.5%). This provision does not impact any contribution requirements under PEPRA or CalPERS law, and does not impact any contributions for CalPERS Classic employees.

WHEREAS, the Summary Of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives set forth in the following **exhibit** which are **attached** hereto and made a part hereof shall supersede Resolution No. 2023-322.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the benefit changes for Unrepresented Sworn Fire Management and Confidential Employees, including Fire Chiefs and Executives consistent with those in the Represented Units, Effective June 18, 2024, as described in this Resolution, and approves the amendments to the “Summary of Benefit Offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives,” **attached** hereto as **Exhibit O**.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to take the necessary administrative action to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO

SUMMARY OF BENEFIT OFFERINGS FOR
UNREPRESENTED SWORN MANAGEMENT AND
NON-SWORN MANAGEMENT AND
CONFIDENTIAL EMPLOYEES,
INCLUDING CHARTER OFFICERS AND
EXECUTIVES

Effective June 18, 2024



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Nothing in this document shall create an express or implied covenant or contract or create a property right or tenure for any person appointed to unrepresented classifications covered by this Summary.

The City has historically implemented terms and conditions of employment for Unrepresented Management and Confidential consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit.

Further, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire employees consistent with the terms and conditions of employment covering employees in the Modesto City Fire Fighters Association (MCFFA) bargaining unit and for Unrepresented Sworn Police employees consistent with the terms and conditions of employment covering employees in the Modesto Police Officers Association (MPOA) bargaining unit.

By Resolution No 2023-322, Council approved updated the benefit offerings for Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, including Charter Officers and Executives; and authorized the City Manager or his designee to take the necessary administrative action to implement any changes.

By Resolution 2024- , Council approved this Summary Of Benefit Offerings For Unrepresented Sworn Management and Non-Sworn Management and Confidential Employees, Including Charter Officers and Executives; and authorized the city manager or his designee to take the necessary administrative action to implement any changes as follows:

SECTION 1. PROBATIONARY PERIOD.

All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement. During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP.

Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. HOLIDAY CAP.

Holiday time for unrepresented non-sworn employees may accrue up to a maximum of 40 hours. When the employee reaches the 40-hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 4 MANAGEMENT LEAVE.

Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) in January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave. In the event of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT.

The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Assistant Police Chief, Police Captains, Fire Battalion Chiefs, Fire Deputy Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 6. MEDICAL LEAVES OF ABSENCE.

Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 7. CATASTROPHIC LEAVE.

Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long-term illness or injury, or verification of a family member's illness or injury.

SECTION 8. NEGATIVE VACATION.

Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire Management employees in the classification of Fire Battalion Chief, Fire Deputy Chief and Fire Chief working a 40-hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56-hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year-to-year regardless of the schedule worked.

SECTION 10. SICK LEAVE.

NON-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfather sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank – Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank – remaining sick leave balance as of promotion date not grandfathered. When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank.

For the term of this contract, the Incentive Program allows employees to deposit the value of twenty-four (24) hours of regular sick leave (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) into a Health Saving Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited at the first pay period in December annually. To be eligible, members must meet the following requirements: Must have a balance of no less than 240 hours of regular sick leave (360 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) for the calendar year. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule).

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES.

Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfather sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current base rate of pay (top step) for Fire Captain, and (2) In Addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current base rate of pay.

SECTION 12. PROMOTION.

For employees promoted on or after November 17, 2015, prior to their promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfather compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. REGISTRATION AND CERTIFICATION FEES.

Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 14. VEHICLE ALLOWANCE.

Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be \$400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of \$300/month. The City Manager is also authorized to

grant selected Management employees a vehicle allowance of \$100-\$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of \$500/month.

SECTION 15. UNIFORM ALLOWANCES.

Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform are as follows:

Positions	Effective Date	Allowance
Sworn Police Management	February 1, 2015	\$101.67
Sworn Fire Management	April 16, 2019	\$100.00

SECTION 16. POST CERTIFICATION PAY.

Effective March 7, 2017, Police Captains who provide evidence they have a Supervisory POST Certificate shall be eligible for ten percent (10%) Supervisory POST Certificate pay. Effective March 7, 2017, Police Captains who provide evidence they have a Management POST Certificate shall be eligible for ten percent (10%) Management POST Certificate pay. Effective January 10, 2016, Police Chief shall be eligible for ten percent (10%) Executive POST Certificate pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is ten percent (10%).

Effective June 18, 2024, Police Captains who provide evidence they have a Supervisory POST Certificate shall be eligible for twelve percent (12%) Supervisory POST Certificate pay. Effective June 18, 2024, Police Captains who provide evidence they have a Management POST Certificate shall be eligible for twelve percent (12%) Management POST Certificate pay. Effective June 18, 2024, Police Chief shall be eligible for twelve percent (12%) Executive POST Certificate pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is twelve percent (12%).

SECTION 18. HAZARDOUS MATERIALS CERTIFICATION PAY.

Effective July 1, 2003, one (1) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 19. ALS PARAMEDIC PAY.

Effective July 14, 2015, one (1) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized ten percent (10%) ALS Paramedic pay, while assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 20. FIRE CHIEF OFFICER SHIFT STIPEND.

Effective December 2, 2014, Fire Battalion Chiefs and Fire Deputy Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars (\$1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Deputy Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 22. MUTUAL AID ASSIGNMENT.

Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Deputy Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of \$1500 for a 24-hour period. Fire Deputy Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of \$1500 for a twenty-four 24-hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 23. DEFERRED COMPENSATION 457 PLAN.

The City shall provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the City shall

match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee’s regular rate of pay on a weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the City for nine (9) or more years, the City shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City’s contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 24. DEFERRED COMPENSATION 401 (a) MONEY PURCHASE PLANS.

The 401 (a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of (5%) for Charter Officers, (3%) for Executives other than Charter Officers, and (2%) for all other unrepresented Management and Confidential employees.

SECTION 25. HEALTH, DENTAL AND VISION BENEFITS.

The City’s contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives and Unrepresented Sworn Fire and Police Management and, shall be a three- tier system as follows and the City monthly contribution (excluding opt out) shall increase on January 1, 2024 as listed below and by four (4) percent annually thereafter, as follows:

Coverage Level	2023	2024	2025	2026	2027
Opt-out of City Medical Coverage	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00
Employee only	\$673.00	\$690.00	\$718.00	\$748.00	\$778.00
Employee plus one	\$1,204.00	\$1,380.00	\$1,436.00	\$1,494.00	\$1,554.00
Employee plus family	\$1,701.00	\$1,950.00	\$2,028.00	\$2,110.00	\$2,194.00

The City shall pay in cash any balance remaining from the above listed contributions not needed to pay for the employee’s health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City- sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee’s Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall pay in cash any balance of the above contribution not needed to pay for the employee’s combined premium.

SECTION 26. DOMESTIC PARTNERS.

Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 27. RETIREE HEALTH INSURANCE.

Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under the City -authorized plan and are responsible for all cost.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City prior to October 23, 2012 five (5) year of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision premiums up to a monthly rate of \$621 for retiree without dependents and up to \$1,100 for retirees with dependent coverage.

Sworn employees hired on or before December 31, 2010 and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the City at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56 hour schedule, shall have hours at a retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the city on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however retirees may

elect on a one-time basis at retirement the option to purchase and maintain City’s dental and vision plans at retiree’s cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Medicare Retiree and Number of Dependents	Medicare Eligible Recipient Contribution
Retiree Only	\$250
Retiree plus one Dependent	\$500
Retiree plus two or more	\$500

Non-Medicare Retiree and Number of Dependents	Non-Medicare Eligible Recipient Contribution
Retiree Only	\$500
Retiree plus one Dependent	\$1,000
Retiree plus two or more	\$1,000

Combined Contributions for Retirees
One Non-Medicare plus one Medicare coverage equals \$750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree plus one or Retiree plus family levels if retiree’s dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree’s current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City’s sponsored Retiree Health Savings Account (RHS) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement.

Contributions to eligible retirees will be made as follows: Upon Retirement – initial contributions will be made for the months following loss of coverage with City through

either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

Ongoing Contribution- a semi-annual years' worth of contributions will be made on a semi-annual basis no later than January 31st (for months January – June) and July 31st (for months July- December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year.

Failure to provide proof of coverage will result in the retiree losing a City Contribution for that calendar year; however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July Contribution. Loss of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree plus one on November 15, the City will provide an additional \$500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the even of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the even of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Retirement Health Savings account (RHS). For non-sworn employees, effective July 2, 2013, the City shall contribute \$25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute \$25.00 per month. For a full-time employee, this equates to a maximum of \$300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by

an additional \$10 per year, per employee each January. The defined City contribution shall be a maximum contribution of \$75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City RHS by an additional ten dollars (\$10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be \$100. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Retirement Health Savings (RHS) account. An employee is eligible to receive a City RHS contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period following completion of two full years of continuous City service, the City shall deposit \$2,400 into an RHS account established in the employee's name. Employees in regular position budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute \$100 per month for each eligible full-time employee.

Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contributions under this section represents the entire contribution towards employee retiree medical.

Beginning January 1, 2024, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2027, by an additional \$10 per month, per year, per employee each January. The defined City contribution shall be a maximum contribution of \$140 per month by January 2027. For all employees regardless of date of hire by January 1, 2024, the City will increase the City contribution to the City RHS by an additional ten dollars (\$10.00) monthly per employee effective January 1, 2024; followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2025; followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2026; and followed by an additional increase of ten dollars (\$10.00) monthly per employee effective January 1, 2027. The contribution effective January 1, 2027 will be \$140. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared position, shall receive a pro-rated amount per month.

SECTION 28. PAYCHECK ADVICES.

All employees who have direct deposit will no longer receive hard copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service. Employees are responsible to view their pay advices, including their annual W-2s. Employees have the option to elect to be paid via direct deposit or debit card. Pay advices are available for viewing anytime on payday. Current and historical pay slips can be printed utilizing city computer workstation.

SECTION 29. EDUCATION INCENTIVE PAY.

Master's Degree Incentive Pay. Effective June 20, 2023, employees who possess a Bachelor's Degree from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for a two- and one-half percent (2.5%) Educational Incentive Pay. The maximum pay differential for employees who possess a bachelor's degree is 2.5% regardless of the number of degrees obtained. Employees who possess a Master's Degree or Juris Doctor from an accredited institution that enhances their ability to perform their job responsibilities shall be eligible for five percent (5.0%) Educational Incentive Pay. The maximum pay differential for Educational Incentive is five percent (5.0%), regardless of the number of Degrees obtained. Effective June 25, 2019, for Unrepresented Sworn Police employees who possess a Master's Degree or who have obtained their certificate from either Command College or the Federal Bureau of Investigations National Academy shall be granted four percent (4.0%) Masters Pay.

Effective June 22, 2022, Sworn Fire Management employees in the classification of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

Degree	Educational Incentive Pay Percentage
AA/A	2.50%
BA/BS	5.00%

Qualifying certificates and degrees:

1. Associates Degree in Fire Science, Fire Technology, or a related field, OR a Bachelor's Degree in Fire Science, Fire Management, Public Safety Administration or a related field. Fire Chief reserves the right to determine qualifying degrees.

Education incentives are not stackable or cumulative. Employees receive pay for the highest certification or degree earned. Employee is responsible for submitting request for educational incentive. Educational incentive will be effective in the same pay period that verification of education is received by the City from the employee.

SECTION 30. CERTIFICATION INCENTIVE PAY.

Effective June 18, 2024, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Education Incentive Pay for certificates identified in (b) below. Employee is responsible for submitting request for certificate incentive. Certificate incentive will be effective in the same pay period that verification of certificate is received by the City from the employee.

- a) Employees shall receive one percent (1.0%) for each qualifying certificate listed below, for up to a maximum of four percent (4.0%) certification incentive pay. Effective June 30, 2026, the maximum certification incentive pay shall be five percent (5.0%).
- b) Qualifying certificates

Certificates below held from the Office of the California State Fire Marshal or the equivalent California Joint Apprenticeship Committee Program shall be eligible for compensation:

- Fire Investigator – 1A, 1B, 1C
- Fire Inspector (or Prevention) – 1A, 1B, 1C, 1D
- Fire Instructor – 1A, 1B, 1C, or I, II, III
- Fire Command – 1A, 1B, 1C
- Fire Management I
- Plans Examiner (or Checker) – 1A, 1B, 1C
- Fire and Life Safety Educator – 1A, 1B, 1C
- Fire Science or Fire Technology Certificate
- Structural Collapse 2
- Rope Rescue Technician
- Boat Operator
- Wildland Firefighter – Equivalent courses in series.
- Fire Apparatus Driver/ Operator or Engineer or Equivalent (Equivalent to completion of 1A and 1B)
- Driver Operator 1A
- Driver Operator 1B
- Fire Control 5 (ARFF – Aircraft Rescue and Fire Fighting)
- Company Officer – 2A, 2B, 2C, 2D, 2E
- Fire Marshal – 1A, 1B, 1C, 1D, 1E
- Chief Officer – 3A, 3B, 3C, 3D
- Fire fighter 1: 1A, 1B, 1C
- Fire fighter 2: 2A
- Emergency Vehicle Tech: 1A, 1B, 1C

- Fire apparatus driver/Operator: 1C, 1D, 1E, 1F
- State Certified Prescribed Burn Boss
- JAC Engineer

SECTION 31. LONGEVITY INCENTIVE PAY.

Effective July 1, 2023, non-sworn unrepresented management and confidential employees, including charter officers and executives with ten (10) years of service with the City shall be eligible for two- and one-half percent (2.5%) Longevity Incentive Pay.

Effective June 18, 2024, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

Years of Service	Longevity Incentive Pay Percentage
6	2.50%
12	4.00%
18	6.00%
24	8.00%

Longevity incentives are not stable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 32. UNFUNDED LIABILITY.

- 1) Effective June 18, 2024, each employee shall contribute five percent (5%) of salary to the CalPERS Unfunded Accrued Liability (UAL) as determined by the City for the best benefit of the City budget, and an additional one and one-half percent (1.5%) of salary as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL). These contributions shall continue until such liability is paid in full.
- 2) In contributing to their statutorily and MOU required retirement contributions, PERPA employees shall not exceed the agreed upon total additional contribution of eighteen and one-half percent (18.5%). Should the PERPA contribution requirements exceed twelve percent (12%), PERPA employees shall have their additional contributions to the City's Base account adjusted downward accordingly so that the total contributions do not exceed eighteen and one-half percent (18.5%). This provision does not impact any contribution requirements under PEPRAs or CalPERS law, and does not impact any contributions for CalPERS Classic employees.

- 3) Effective June 25, 2019, each Unrepresented Sworn Police Management employee shall contribute one- and one-half percent (1.5%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

SECTION 33. FURLOUGH.

1. Effective the pay period beginning July 7, 2020, and for a total of 24 periods, each Unrepresented Sworn Police Management and Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the twenty-four (24) pay periods. Unrepresented Sworn Police Management employees retiring prior to December 31, 2020 will be exempt from payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.
2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours.
3. Between July 7, 2020 and December 31, 2021, the Department Director shall ensure that all Sworn Police Management exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.
4. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all Non-Sworn employees exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.
5. Non-Sworn employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank for a total of 144 furlough bank hours. Employees who elect this option will, effective July 7, 2020 for a total of 24 pay period, have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.
6. All employees shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.
7. Non-sworn employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.
8. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
9. The City has the sole discretion to assign overtime and that employees will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, there may be occasions when overtime

would be needed to cover back furlough hours to ensure minimums are maintained at proper levels.

10. If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed \$147,000,000 for Fiscal Year 20/21, furloughs will be reviewed and ceased or reduced accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions effective the pay period following such a determination.
11. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough bank prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in above, the employee will not be reimbursed for using such leave.
12. For Sworn Police Management, during this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS, as referenced in Section 31 above, shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period terminates early consistent with above, the 1.5% furlough deduction shall resume.
13. For Sworn Police Management, during this designated furlough usage period, the vacation accrual cap shall be temporarily suspended. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any additional extension at the discretion of the Police Chief and City Manager.

SECTION 34. LEAVE BANK PURCHASE OPTION.

1. The City shall allow Non-Sworn Unrepresented Management and Confidential employees, including Charter Officers and Executives to independently apply for the leave bank purchase option plan.
2. The allowance is not to be viewed as a precedent or the establishment of a past practice.
3. Eligible employees may elect a leave bank purchase option of forty-eight (48) hours.
4. The City shall create for each eligible employee an additional leave bank of 48 hours annually, during the pay period that contains July 1st. All eligible employees must exhaust the purchased leave bank no later than the pay period preceding the pay period that contains July 1st in the following year.

5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period that contains July 1st and ending after the 24th pay period following, during each year from July 1, 2023 through June 30, 2027.
6. Eligible employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.
7. Overtime Exempt employees shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.
8. During the designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees; deductions go to UAL payment by making additional direct payments (ADP).

The Council of the City of Modesto approved the above benefit offerings by Resolution No. 2023-_____ on June 13, 2023.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-198**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL
OPERATING BUDGET FOR THE MEMORANDUM OF UNDERSTANDING
(MOU) AGREEMENTS WITH THE MODESTO CITY FIREFIGHTER'S
ASSOCIATION (MCFFA) AND UNREPRESENTED SWORN FIRE
MANAGEMENT AND AUTHORIZING THE CITY MANAGER TO TAKE THE
NECESSARY ACTIONS TO IMPLEMENT THE REQUIRED BUDGET
ADJUSTMENTS**

WHEREAS, the current Memorandum of Understanding (MOU) between the City and the Modesto City Firefighter's Association (MCFFA) expires on June 30, 2024, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire Management consistent with the terms and conditions of employment covering employees in the Modesto City Firefighters' Association (MCFFA) bargaining unit, and

WHEREAS, prior to the expiration of this contract, the City and MCFFA began meeting in January of this year to work through an agreement for a new MOU in which the negotiations have been productive, resulting in an agreed upon four-year contract that will run through June 30, 2028, and

WHEREAS, the negotiations between the two parties have been conducted in good faith and have resulted in the proposed agreement that has found all items within the scope of bargaining address between the City and MCFFA and both parties have agreed to a number of changes relative to the terms and conditions of employment for MCFFA members, and

WHEREAS, the financial implications of said changes have resulted in increased salaries and benefits estimated for the life of the agreement and shown in the tables

below, and

MCFFA					
Item	Year 1	Year 2	Year 3	Year 4	Total
Wage	\$ 1,740,833	\$ 5,192,074	\$ 7,607,329	\$ 9,816,636	\$ 24,356,872
Bilingual	\$ 59,286	\$ 90,177	\$ 94,957	\$ 100,573	\$ 344,993
Health Contributions	\$ 278,553	\$ 390,402	\$ 506,724	\$ 627,700	\$ 1,803,379
Special Assignment	\$ 34,447	\$ 52,299	\$ 55,073	\$ 58,324	\$ 200,143
Certificate pay	\$ 286,511	\$ 438,491	\$ 587,965	\$ 623,681	\$ 1,936,648
Longevity	\$ 253,223	\$ 504,679	\$ 502,927	\$ 661,193	\$ 1,922,022
Total	\$ 2,652,853	\$ 6,668,122	\$ 9,354,975	\$ 11,888,107	\$ 30,564,057
UAL Funds Shift	\$ 1,036,957	\$ 1,099,174	\$ 1,154,133	\$ 1,200,298	\$ 4,490,562
New Total Cost	\$ 1,615,896	\$ 5,568,948	\$ 8,200,842	\$ 10,687,809	\$ 26,073,495

Unrepresented					
Item	Year 1	Year 2	Year 3	Year 4	Total
Wage	\$ 190,566	\$ 572,493	\$ 843,420	\$ 1,089,420	\$ 2,695,899
Longevity	\$ 45,342	\$ 71,302	\$ 66,287	\$ 83,116	\$ 266,047
Certificate pay	\$ 21,212	\$ 32,325	\$ 42,550	\$ 45,067	\$ 141,154
Total	\$ 257,120	\$ 676,120	\$ 952,257	\$ 1,217,603	\$ 3,103,100
UAL Cost Shift	\$ 161,010	\$ 170,670	\$ 179,204	\$ 186,372	\$ 697,256
New Total Cost	\$ 96,110	\$ 505,450	\$ 773,053	\$ 1,031,231	\$ 2,405,844

WHEREAS, the City Council desires to approve the salary and benefit changes as described in the Tentative Agreement for MCFFA and for the Unrepresented Sworn Fire Management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Annual Operating Budget for the necessary adjustments required to appropriate the funds for the approved Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Firefighter’s Association (MCFFA) and the Unrepresented Sworn Fire Management for the terms of July 1, 2024 to June 30, 2028.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to take the necessary steps to implement the required budget adjustments to

carry out this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-199**

**RESOLUTION APPROVING THE APPOINTMENT OF DEWEY BEDFORD AS
THE 2024 CULTURE COMMISSION REPRESENTATIVE TO THE
LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION
OF DECEMBER 31, 2024**

WHEREAS, the Landmark Preservation Commission advises City Council on matters related to historic structures and other resources in addition to policies and practices pertaining to the preservation of Modesto's landmarks, and

WHEREAS, the Landmark Preservation Commission is comprised of five to seven members, and

WHEREAS, in accordance with Modesto Municipal Code Section 9-10.03(6), one member of the Modesto Culture Commission shall be appointed to serve on the Landmark Preservation Commission (LPC); and

WHEREAS, by Resolution No. 2023-273, Council appointed Dewey Bedford to the Culture Commission, and

WHEREAS, the Culture Commission met on May 1, 2024, and recommended the appointment of Dewey Bedford as its representative to the Landmark Preservation Commission for 2024, and

WHEREAS, Mr. Bedford is qualified and willing to act as the Culture Commission representative to the Landmark Preservation Commission for 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the appointment of Dewey Bedford as the 2024 Culture Commission representative to the Landmark Preservation Commission, with a term expiration of December 31, 2024.

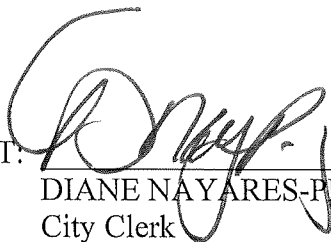
BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-200**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND PURCHASING AGREEMENT WITH AMERINATIONAL COMMUNITY SERVICES LLC (DBA AMERINAT), TO MANAGE THE CITY'S LOAN PORTFOLIO FOR LOANS FUNDED THROUGH STATE AND FEDERAL PROGRAMS FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$86,800, AND A TOTAL AMOUNT NOT TO EXCEED \$434,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto allocates funding in the form of loans from both the U.S. Department of Housing and Urban Development (HUD) and State of California Housing and Community Development Department which requires the City to track and reinvest proceeds to loans from entitlement funding sources such as Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Permanent Local Housing Allocation (PLHA) funds; and

WHEREAS, in 1994, the City began outsourcing the servicing of its loan portfolio consisting of loans made to owners of residential properties for the purpose of housing rehabilitation, down payment assistance loans, and/or loans to non-profit organizations offering affordable housing, and

WHEREAS, the current contract that was originally negotiated with Community Reinvestment Fund (CRF) was amended on November 14, 2023, via Resolution 2023-501 extending the term through June 30, 2024, and

WHEREAS, on September 25, 2023, the City was notified that the current loan servicer was discontinuing servicing consumer loan assets, which began the process for searching for a replacement loan servicer, and

WHEREAS, a Request for Proposals (RFP) was released on November 21, 2023 through Planet Bids. A total of 7 vendors downloaded the RFP and at the time of bid closing on January 16, 2024, AmeriNat was the only proposal received. After reviewing the proposal and conferring with other municipalities, the services offered by AmeriNat are in line with the needs of the City's loan portfolio, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. Awarding the contract to AmeriNat complies with this requirement because the City issued a formal Request for Proposals, and AmeriNat was the only entity that responded, and

WHEREAS, there are nearly 300 loans in the City's current portfolio. Less than 60 have monthly payments while the remaining loans have deferred payments. There are approximately 50 loans that are currently classified as commercial multifamily loans. The City receives an approximate annual amount of \$1,700,000 in payments from the current loans for all grant programs. As the City continues to partner with developers, agencies, and homeowners, the loan portfolio continues to evolve, and

WHEREAS, AmeriNat will be required to submit an invoice for review by the City of Modesto and these fees will either be recaptured by the interest and penalties collected on the loans paid to the City or paid by grant funds (Community Development Block Grant, HOME Investment Partnerships, Permanent Local Housing Allocation and other State or Federal grant funds), and this item has no impact on the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposal and Purchasing Agreement with

AmeriNational Community Services LLC (dba AmeriNat), to manage the City's loan portfolio for loans funded through State and Federal programs for a three (3) year Agreement with two (2) one-year extension options, for an annual estimated amount of \$86,800, and a total amount not to exceed \$434,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

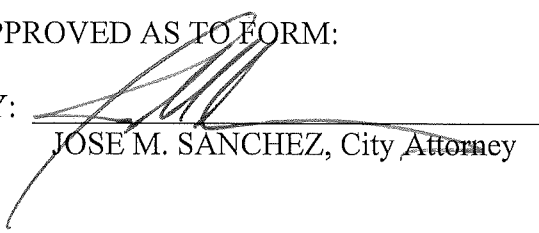


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-201**

RESOLUTION APPROVING ON-CALL AGREEMENTS FOR CONSTRUCTION INSPECTION SERVICES, WITH DILLON AND MURPHY ENGINEERING, TRC ENGINEERING, INC., AND WEST YOST & ASSOCIATES FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$74,500 PER CONSULTANT, AND A TOTAL AMOUNT NOT TO EXCEED \$223,500 PER CONSULTANT OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Construction Administration Division for the City of Modesto is housed within the Engineering Services Department and serves as the sole group responsible for construction management and inspection services for nearly all capital projects over \$50,000 and inspection of all encroachment permits issued by the City; and

WHEREAS, from time to time, project workload and permit workload requires more resources than the City has available internally; and

WHEREAS, for those times, the City will utilize this list to hire one of the prequalified firms. The City will determine the best method of authorizing work based on the project needs and the firm(s) with the strongest skills and abilities in all required facets of construction management and inspection services; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," agreements for professional services are exempt from the formal bidding process and requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. In accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for

Capital Projects, a Request for Qualification and Proposals (RFQ/RFP) was formally advertised through Planet Bids on January 26, 2024, for On-Call Inspection Services; and

WHEREAS, ten firms submitted responses to the RFQ-RFP; and

WHEREAS, after careful review of the Statement of Qualifications-& Proposals, staff determined that Dillon and Murphy Engineering, West Yost & Associates, and TRC Engineering, Inc., were the three most qualified firms. Staff recommends that the City enter into on-call agreements with each firm for a one-year agreement with two one-year extension options, for an estimated annual amount of \$74,500 per consultant, and a total amount not to exceed \$223,500 per consultant over three years; and

WHEREAS, staff recommends that the City enter into an On-Call Agreement with Dillon and Murphy Engineering, TRC Engineering, Inc., and West Yost & Associates for a one-year agreement with two one-year extension options, for an estimated annual amount of \$74,500, and a total amount not to exceed \$223,500 per consultant over three years.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Agreement with Dillon and Murphy Engineering, TRC Engineering, Inc., and West Yost & Associates, for Construction Inspection Services, for a one-year agreement with two one-year extension options, for an estimated annual cost of \$74,500, and a total not to exceed amount of \$223,500 over three 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-202**

RESOLUTION ACCEPTING THE HIGHWAY VILLAGE STRENGTHEN AND REPLACE WATER MAINS PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS \$3,909,585 TO ROLFE CONSTRUCTION INC., OF ATWATER, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Highway Village Neighborhood is one of many prioritized areas in the City's water service area that required replacement of aging water infrastructure; and

WHEREAS, the Highway Village Strengthen & Replace Water Mains project replaced and upgraded deficient water mains, associated water valves, services, and fire hydrants to increase service reliability and improved flows and pressures; and

WHEREAS, the project area is bounded by Conant Avenue on the East, W. Rumble Road on the North, and Sisk Road on the Southwest; and

WHEREAS, the project involved the relocation of approximately 200+ water services; and

WHEREAS, the existing water services were currently located in the back of the properties and connected to existing water mains located in the alley ways; and

WHEREAS, the new water mains were installed in the streets fronting the properties which resulted in new water services being installed in the front of the properties; and

WHEREAS, Staff coordinated with the City Attorney's Office to prepare a right-of-entry grant to provide to the property owners allowing the City and Contractor to

perform the work on private property. Staff then coordinated with consultants to perform public outreach to obtain the right-of-entry grants; and

WHEREAS, on February 17, 2017, by resolution 2017-84, Council approved a design services agreement with O'Dell Engineering for the Highway Village Strengthen & Replace Water Mains Project; and

WHEREAS, bids were advertised on January 4, 2022, and were publicly opened on February 1, 2022, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction Inc., Atwater, CA., was the lowest responsible bidder; and

WHEREAS, on April 5, 2022, by Resolution 2022-168, Council awarded a contract to Rolfe Construction Inc., in the amount of \$4,074,366; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of June 27, 2022. All contract work was completed on January 24, 2024; and

WHEREAS, the total project costs were \$5,017,032 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$5,752,746, which included \$4,481,803 for the construction contract and contingency with United Pavement Maintenance, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value; and

WHEREAS, however, on April 5, 2022, by Resolution 2022-169, staff requested authorization to increase the contract change order budget to 10% (\$407,437) due to design build elements in the project; and

WHEREAS, there were twelve change orders on this project with an overall decrease of \$164,781; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Highway Village Strengthen and Replace Water Mains project as complete, releasing securities releasing payments totaling \$3,909,585 to Rolfe Construction Inc., of Atwater, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-203**

**RESOLUTION ACCEPTING THE PELANDALE NEIGHBORHOOD
PAVEMENT MAINTENANCE AND VIRGINIA CORRIDOR TRAIL
MAINTENANCE PROJECT AS COMPLETE, RELEASING SECURITIES,
RELEASING PAYMENTS TOTALING \$1,956,556 TO AMERICAN PAVEMENT
SYSTEMS, INC., OF MODESTO, CALIFORNIA, AND AUTHORIZING THE
CITY CLERK TO FILE A NOTICE OF COMPLETION**

WHEREAS, in November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L; and

WHEREAS, the tax increase went into effect on April 1, 2017, and the City began receiving quarterly payments commencing in July 2017; and

WHEREAS, on October 4, 2016, Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission (Citizens' Commission) consisting of eleven members appointed by the Council; and

WHEREAS, on December 12, 2017, by Resolution 2017-505, Council approved a Measure L Master Funding Agreement between the Stanislaus Council of Governments and the City of Modesto. The City's estimated annual share of Measure L local funds is approximately \$8.9 million, allocated to three categories: \$6.87 million annually for Local Streets and Roads, which is to be used exclusively for repair and maintenance of City streets; \$1.37 million annual for Traffic Management, which is to be used to upgrade intersections, widen roads, signalize intersections, install traffic calming devices, etc.; and \$687,000 annually for Bike and Pedestrian improvements, which was to be used for local connectivity between communities, local schools, trails and recreational facilities; and

WHEREAS, on March 5, 2020, the Citizens' Commission approved a list of projects for Fiscal Year 2020-2021, which included the Pelandale Neighborhood Rehabilitation and Virginia Corridor Trail Maintenance Projects; and

WHEREAS, the Capital Improvement Plan projects and budget were approved by City Council on June 30, 2020, by Resolution No. 2020-280; and

WHEREAS, project work included pavement maintenance located in the area bound by Dale Road, Bangs Avenue, Tully Road, and Snyder Avenue; and

WHEREAS, improvements include slurry seal surface treatment and restriping, removal of non-compliant ADA ramps, and construction of new compliant ramps in multiple locations, and includes signage and striping for a Class II bikeway on Snyder Avenue; and

WHEREAS, bids were advertised on May 15, 2022, and were publicly opened on April 12, 2022, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and American Pavement Systems, Inc., of Modesto, CA. was the lowest responsible bidder; and

WHEREAS, on May 10, 2022, by Resolution 2022-216, Council awarded a contract to American Pavement Systems, Inc., in the amount of \$1,888,619; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of June 20, 2022. All contract work was completed on June 20, 2023; and

WHEREAS, the total project costs were \$2,607,947 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$2,755,313, which included \$2,039,709 for the construction contract and contingency with American Pavement Systems, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) or 151,090 for construction contracts of this dollar value; and

WHEREAS, there were four change orders on this project with an overall increase of \$67,937; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Pelandale Neighborhood Pavement Maintenance and Virginia Corridor Trail Maintenance project as complete, releasing securities releasing payments totaling \$1,956,556 to American Pavement Systems, Inc., of Modesto, California, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Escutia-Braaton

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-204**

**RESOLUTION ACCEPTING THE REBID UPGRADE TRAFFIC SIGNALS 2017
CML-5059 (222) PROJECT AS COMPLETE, RELEASING SECURITIES,
RELEASING PAYMENTS TOTALING \$857,281 TO ST. FRANCIS ELECTRIC,
LLC, OF SAN LEANDRO, CA, AND AUTHORIZING THE CITY CLERK TO
FILE A NOTICE OF COMPLETION**

WHEREAS, the Rebid Upgrade Traffic Signals - 2017 project removed all the existing traffic signal standards, conduit, wiring and traffic signals equipment at the intersections of Needham Avenue at 11th Street and 1st Street at H Street; and

WHEREAS, this project also relocated the traffic signal cabinet to a more accessible area, upgraded the cabinet to current standards, installed new conduit and signal interconnect cable, and upgraded pedestrian push buttons to be compliant with the Americans with Disabilities Act (ADA); and

WHEREAS additionally, this project installed Emergency Vehicle Pre-emption (EVP) and new video detection cameras at these intersections; and

WHEREAS, this initiative also supports the future implementation of video detection cameras, signal performance software, adaptive software, and additional intelligent transportation system elements; and

WHEREAS, the City applied for a Federal Congestion Mitigation and Air Quality (CMAQ) Grant from Stanislaus Council of Governments (StanCOG) for Upgrade Traffic Signals 2017 in May of 2014 and was granted approval to proceed with the project; and

WHEREAS, in June 2016, the California Department of Transportation (Caltrans) authorized preliminary engineering funds in the amount of \$114,675, and on September 13, 2016, by Resolution 2016- 348, Council approved the budget adjustment; and

WHEREAS, in July 2018, Caltrans authorized \$968,425 in construction funds for the project. In May 2021, the project limits were reduced, and the construction funds were reduced to \$868,750. On June 22, 2021, per Resolution 2021-234, Council approved a budget adjustment for construction funds; and

WHEREAS, the Upgrade Traffic Signals 2017 project was originally advertised for bids on December 6, 2021, having only a base bid with an engineer's estimate of \$702,896. Bids were publicly opened on January 11, 2022, pursuant to City Charter Section 1307, and seven bids were received. The bids received were above the engineer's estimate by approximately 55.6% due to inflation and current construction pricing; and

WHEREAS, on March 8, 2022, by Resolution No. 2022-136, Council approved rejecting all bids for the Upgrade Traffic Signals 2017 Project and authorizing staff to re-advertise the project for bids at a future date; and

WHEREAS, city staff reached out to Stanislaus Council of Governments (StanCOG) to request additional funding. In August 2022, Caltrans authorized an additional \$240,000 in construction funds due to inflation and current construction costs; and on October 11, 2022, per Resolution 2022-413, Council approved a budget adjustment; and

WHEREAS, bids were advertised on August 30, 2022, and were publicly opened on October 4, 2022, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and St. Francis Electric, LLC, of San Leandro, CA., was the lowest responsible bidder; and

WHEREAS, on December 6, 2022, by Resolution 2022-467, Council awarded a contract to ST. Francis Electric, LLC, in the amount of \$850,515; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of February 21, 2023. All contract work was completed on October 17, 2023; and

WHEREAS, the total project costs were \$1,004,310 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$1,223,425 which included \$935,567 for the construction contract and contingency with ST. Francis Electric, LLC, and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value; and

WHEREAS, there were four change orders on this project with an overall increase of \$6,766; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Rebid Upgrade Traffic Signals 2017 CML-5059 (222) Project as complete, releasing securities, releasing payments totaling \$857,281 to St. Francis Electric, LLC., of San Leandro, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-205**

**RESOLUTION ACCEPTING THE BRIGGSMORE AVENUE AND
ORANGEBURG AVENUE PAVEMENT REHABILITATION PROJECT AS
COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS
TOTALING \$7,712,644 TO UNITED PAVEMENT MAINTENANCE OF
HUGHSON, CA., AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE
OF COMPLETION**

WHEREAS, the pavement rehabilitation on Briggsmore Avenue (McHenry Avenue to Oakdale Road), includes roadway resurfacing, new signage and striping, Americans with Disabilities Act (ADA) upgrades at intersections, removal of McHenry Village entrance from Briggsmore, and signal upgrades (detection cameras) where needed; and

WHEREAS, the pavement rehabilitation on Orangeburg Avenue (Coffee Road to Oakdale Road), includes roadway resurfacing, new signage and striping, ADA upgrades, and minor storm drainage system improvements at various locations; and

WHEREAS, ADA improvements to residential neighborhoods include compliant ramps, pedestrian refuges, signage, and striping where needed. Additional work includes installation of curb, gutter, sidewalk, drainage, and lighting on Empire Avenue (Yosemite Boulevard to Tenaya Drive); and

WHEREAS, bids were advertised on May 18, 2022, and were publicly opened on June 28, 2022, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and United Pavement Maintenance, Inc., of Hughson, CA was the lowest responsible bidder; and

WHEREAS, on August 23, 2022, by Resolution 2022-359, Council awarded a contract to United Pavement Maintenance, Inc., in the amount of \$7,251,603; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of October 17, 2022. All contract work was completed on January 26, 2024; and

WHEREAS, the total project costs were \$8,986,803 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$9,190,891, which included \$7,976,763 for the construction contract and contingency with United Pavement Maintenance, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value; and

WHEREAS, however, on August 23, 2022, by Resolution 2022-360, Staff requested authorization to increase the Director's Authority to 10% (\$725,160) due to design build elements in the project; and

WHEREAS, there were ten change orders on this project with an overall increase of \$461,041; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Briggsmore Avenue and Orangeburg Avenue Pavement Rehabilitation project as complete, releasing securities releasing payments totaling \$7,712,644 to United Pavement Maintenance Inc., of Hughson, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Escutia-Braaton

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-206**

RESOLUTION APPROVING THE PURCHASE OF A NEW PUBLIC BIDDING SOLUTION SUBSCRIPTION WITH OPENGOV INC., SAN FRANCISCO, CA IN THE AMOUNT OF \$276,136 OVER THREE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Finance Department Purchasing Division currently utilizes a combination of Microsoft Office Suite (communication and bid document development), PlanetBids (bid posting), Microsoft Office Suite (evaluation rating), Microsoft Word (contract preparation) and Oracle (contract management); and

WHEREAS, the current public bidding posting, PlanetBids has been in place since June 13, 2005 (about 19 years old) and is only used to post all City formal bids and proposals; and

WHEREAS, on October 10, 2023, Council approved the Final Adoption of Ordinance 3766-C.S to amend the Modesto Municipal Code (MMC) to address the increase in City Manager authority and formal bidding requirements; and

WHEREAS, this MMC update allowed the option for Electronic Bidding; and

WHEREAS, the current business practices requires all prospective bidders to submit a hard copy bid package to the City Clerk's office, but with the MMC change, the bidders will now have an option to submit their bids electronically which will allow more efficiencies to how we manage our bid documents; and

WHEREAS, the Finance Department Purchasing Division collaborated with Engineering Services Department, Utilities Department, Park Planning, Community Economic Development and City Clerk's Office to evaluate the Public Bidding Solutions available for public sector; and

WHEREAS, the City team received demonstrations on a total of five (5) bidding solutions which included Beacon, BonFire, OpenGov, Quest CDC, and Planet Bids and based on the first round of demos, we identified two top vendors which included BonFire and OpenGov; and

WHEREAS, based on the overall presentation of the platform, benefits of the platform, and client reference review, staff recommends moving forward with OpenGov as the new Public Bidding Solution; and

WHEREAS, OpenGov is a highly experienced provider of software solutions for the public sector with over 1,600 government clients nationwide (including City of Pasadena, County of San Mateo, and County of Tuolumne), and is well-suited to the City's procurement needs; and

WHEREAS, on April 9, 2024, the City Manager authorized the procurement for a new Public Bidding Solution; and

WHEREAS, on April 10, 2023, the County of San Mateo partnered with OMNIA Partners to issue Request for Proposals (RFP) #1486 for an eProcurement Solution on their public bidding website, Public Purchase; and

WHEREAS, on May 15, 2023, proposals were due and ten (10) proposals were received during the bid opening; and

WHEREAS, based on the Proposal Selection Committee and criteria outlined in the RFP, which included project approach, firm qualification, solution specification, cost and technical requirements, one company was awarded this contract and OpenGov was ranked as the top scorer for the eProcurement Solution; and

WHEREAS, OMNIA Partners is a cooperative purchasing organization that with the extensive scope of competitively-solicited local government contracts from world-class suppliers streamlines the purchasing process and helps local government agencies achieve their procurement needs and still ensure the competitive bidding requirements are met; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, the fee analysis conducted through the RFP process from the County of San Mateo showcases OpenGov is one of the lowest proposals based on the desired need for this solution; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. By utilizing this government agencies bidding process, the City is complying with the requirements defined under this code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of \$276,136 over three 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-207**

**RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT WITH
WESTPORT FIRE PROTECTION DISTRICT TO PROVIDE FIRE-RELATED
EMERGENCY RESPONSE TO THE REGIONAL WATER RECYCLING
FACILITY JENNINGS CAMPUS LOCATED AT 7007 JENNINGS RD AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT**

WHEREAS, on January 10th, 2011, the City of Modesto finalized the annexation of 4,690 acres being used to house the Regional Water Recycling Facility (RWRF). This land includes unincorporated areas that are serviced by Westport Fire Protection District; and

WHEREAS, by annexing this land into the City of Modesto, the emergency response jurisdiction is expanded to a larger area for the Modesto Fire Department and creates a greater distance for the assigned resources to respond to calls for service; and

WHEREAS, establishing this Automatic Aid Agreement is vital to ensuring that fire safety and emergency response remains prompt and within standard response times at the RWRF; and

WHEREAS, the Westport Fire Protection District (WFPD) is directly supported by the tax revenues brought in by the parcels included in their jurisdiction. They will provide fire protection services and Emergency Medical services to the RWRF located at 7007 Jennings Rd. and will be compensated by the City for such responses for the duration of this Agreement; and

WHEREAS, the Agreement shall take effect July 1, 2024 and will automatically renew every three years; and

WHEREAS, the City of Modesto and WFPD will meet every three years at either party's request to review the terms and make amendments as needed; and

WHEREAS, pursuant to the Agreement, the City of Modesto will pay the WFPD \$4,425.50 annually for the services. This amount is based off of the 2023-2024 property taxes, assessments, and fees (which are captured in **Exhibit A**) and will replace revenue that is lost by WFPD by the annexation of 7007 Jennings Rd. and will be invoiced to the City every January.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the automatic aid agreement with Westport Fire Protection District to provide fire-related emergency response to the Regional Water Recycling Facility Jennings Campus located at 7007 Jennings Rd.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documents and agreements, 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

STANISLAUS COUNTY 2023 - 2024 PROPERTY TAX BILL
Stanislaus County Tax Collector
1010 10th Street - Suite 2500, Modesto, CA 95354, Ph: (209) 525-6388,
SECURED TAX ROLL FOR FISCAL YEAR JULY 1, 2023 - JUNE 30, 2024

PROPERTY INFORMATION			IMPORTANT MESSAGES	
ASMT NUMBER:	022-001-007-000	TAX RATE AREA:	002253	Bill date 09/13/2023
ORIG ASMT:	022-001-007-000	ACRES:	1038.80	
FEE NUMBER:	022-001-007-000			
LOCATION:	7007 JENNINGS RD			

P O BOX 642
MODESTO CA 95353-0642

2023-2024

COUNTY VALUES, EXEMPTIONS, AND TAXES				
PHONE #	DESCRIPTION	PRIOR	CURRENT	BILLED
GENERAL (209) 525-6388		0	0	0
PAYMENTS (877) 727-3088		0	0	0
TAX RATES (209) 525-6510		0	0	0
VALUATIONS (209) 525-6461		0	0	0
ADDR CHGS (209) 525-6461		0	0	0
EXEMPTIONS (209) 525-6461		0	0	0
PERS PROP (209) 525-6461		0	0	0
		0	0	0
		0	0	0
NET TAXABLE VALUE				0
				\$0.00

VOTER APPROVED TAXES / TAXING AGENCY DIRECT CHARGES & SPECIAL ASSESSMENTS / FEES								
PHONE #	CODE	DESCRIPTION	ASSESSED VALUE	X	TAX RATE / 100	=	TAX AMOUNT	
(209) 556-1560	46200	CERES UNIF - BOND 01	0		0.037186		\$0.00	
(209) 556-1560	46275	CERES UNIF - BOND 2010A	0		0.007187		\$0.00	
(209) 556-1560	46290	CERES UNIF 2015 REFUNDING BOND	0		0.003942		\$0.00	
(209) 556-1560	46295	CERES UNIF 2016 REFUNDING BOND	0		0.020926		\$0.00	
(209) 556-1560	46296	CERES UNIF 2008 SERIES 2017	0		0.012516		\$0.00	
(209) 556-1560	46297	CERES UNIF - 2017 GO BOND	0		0.003167		\$0.00	
(209) 556-1560	46298	CERES USD GOB REF 2021	0		0.001080		\$0.00	
(209) 575-6509	47860	YCCD - BOND 2007 C	0		0.010324		\$0.00	
PHONE #	DESCRIPTION	DIR CHR	PHONE #	DESCRIPTION	DIR CHR	PHONE #	DESCRIPTION	DIR CHR
(209) 402-0693	RECL DIST 2091	\$4,425.50						

AGENCY TAXES \$0.00
DIRECT CHARGES \$4,425.50
FEES \$0.00
AGENCY TAXES + DIRECT CHARGES + FEES + PENALTY + COST + DELINQUENT PENALTIES \$4,425.50

1st INSTALLMENT \$2,212.75	2nd INSTALLMENT \$2,212.75	TOTAL TAXES
PAID ON 10/30/2023	PAID ON 10/30/2023	\$4,425.50

STANISLAUS COUNTY SECURED PROPERTY TAXES - 2ND INSTALLMENT PAYMENT STUB

ASMT NUMBER: 022-001-007-000 **TAX YEAR:** 2023 **MAKE CHECK PAYABLE TO:**
ORIG ASMT: 022-001-007-000 **Stanislaus County Tax Collector**
FEE NUMBER: 022-001-007-000 **PO Box 859**
LOCATION: 7007 JENNINGS RD **Modesto, CA 95353 Phone No. (209) 525-6388**

P O BOX 642
MODESTO CA 95353-0642

2023-2024 **2ND**
PAID ON 10/30/2023 \$2,212.75

022001007000520230000002212751200000244402420230

PAID

STANISLAUS COUNTY SECURED PROPERTY TAXES - 1ST INSTALLMENT PAYMENT STUB

ASMT NUMBER: 022-001-007-000 **TAX YEAR:** 2023 **MAKE CHECK PAYABLE TO:**
ORIG ASMT: 022-001-007-000 **Stanislaus County Tax Collector**
FEE NUMBER: 022-001-007-000 **PO Box 859**
LOCATION: 7007 JENNINGS RD **Modesto, CA 95353 Phone No. (209) 525-6388**

P O BOX 642
MODESTO CA 95353-0642

2023-2024 **1ST**
PAID ON 10/30/2023 \$2,212.75

022001007000520230000002212751100000243402520230

PAID

Ad-valorem Taxes

Phone	Code	Description	Assessed Value	Tax Rate	Tax Amount
2095756509	47890	YCCD - BOND 2015 REFUNDING	0	0.000489	0.0000
2095756509	47892	YOSEMITE 2020 GOB REFUNDING SERIES B	0	0.006385	0.0000
2095756509	47893	YOSEMITE 2022 GOB REFUNDING	0	0.005910	0.0000

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-208**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH LDA PARTNERS, INC. FOR ADDITIONAL TASKS RELATED TO CONSTRUCTION DOCUMENTATION FOR THE DRYDEN CLUBHOUSE RENOVATION PROJECT, INCREASING THE AGREEMENT AMOUNT BY \$270,000, FOR A NEW CONTRACT AMOUNT OF \$565,000, PLUS \$56,500 IN ADDITIONAL SERVICES (IF NEEDED), FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$621,500 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 13, 2021, by Resolution No. 2021-285, Council approved an Agreement with LDA Partners, Inc., for \$295,000 with a 10% contingency of \$29,500, for the preparation of construction documentation for the Dryden Clubhouse Renovation Project; and

WHEREAS, in February of 2024, at the City's request, LDA Partners, Inc. submitted a budget augmentation for additional tasks in excess of the \$324,500 authorized in the Original Agreement; and

WHEREAS, the estimated additional tasks resulted in increased costs, totaling \$270,000, to the following:

1. Additional design work to expand the scope of the project to add an expanded commercial kitchen and larger restaurant seating space.
2. Additional design work to expand the scope of the project to add approximately three (3) acres of site improvements, not previously in the scope of the design contract, for parking lot/entry redesign, putting green(s), trash enclosure(s), cart/pedestrian pathways, gates, fencing, landscaping, stairs and ramping.

3. Additional design work to expand the scope of the project to add site improvements not previously in the scope of the design contract for a special event area with an approximately 40'x60' space for a permanent event tent.
4. Additional Design Services to assist the City with the planning process of obtaining a Conditional Use Permit on behalf of the project.

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), “Exceptions to Formal Bidding Requirements,” Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities; and

WHEREAS, the approval for the construction documentation to LDA Partners, Inc., conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services and at least three informal proposals were obtained.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with LDA Partners, Inc. for additional tasks related to construction documentation for the Dryden Clubhouse Renovation Project, increasing the agreement amount by \$270,000, for a new contract amount of \$565,000, plus \$56,500 in additional services (if needed), for a new total amount not to exceed \$621,500.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the First Amendment to 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-209**

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH BRIGHTVIEW GOLF MAINTENANCE, INC., IN PARTNERSHIP WITH KEMPERSPORTS MANAGEMENT, FOR GOLF MANAGEMENT AND MAINTENANCE SERVICES BY \$175,202 FROM \$13,987,536 TO A NEW TOTAL AMOUNT OF \$14,162,738, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, in June 2020, the City issued a Request for Proposals (RFP) to provide golf course management and maintenance services and six vendors attended the mandatory site visit at Creekside Golf Course, and

WHEREAS, BrightView Golf Maintenance Inc., (“BrightView”), in partnership with KemperSports Management, Inc., (“KemperSports”), was the sole bidder and staff found the bid to be responsive and responsible, and

WHEREAS, on December 8, 2020, by Resolution 2020-537, the Council approved the award of proposal and Agreement for the furnishing of Golf Course Management services for Creekside Golf Course and Dryden Golf Course, and Golf Course Maintenance services for all City owned golf courses, to BrightView Golf Maintenance, Inc., Calabasas, CA, in partnership with KemperSports Management, Modesto, CA, for a three-year Agreement with two, two-year extension options, and

WHEREAS, on November 7, 2023, by Resolution 2023-486, the Council approved the First Amendment with BrightView Golf Maintenance Inc. in partnership with KemperSports Management for Golf Management and Maintenance Services for a revised total not to exceed \$13,987,536 and extending the term of the Agreement to December 31, 2025, exercising the first extension of the agreement, and

WHEREAS, Purchasing notified staff that a Performance and Payment Bond was not on file with the City, and

WHEREAS, Staff realized a clerical error omitted the requirements yet included it as part of the Agreement; and

WHEREAS, the City had paid this fee for the first term totaling \$39,144; and

WHEREAS, BrightView and staff met and agreed that since the Agreement did not identify with these requirements, the City would not require it; and

WHEREAS, Staff felt comfortable with this decision due to the long history of BrightView/KemperSports satisfactorily managing the courses; and

WHEREAS, BrightView agreed to credit the City for the bond payments made of \$39,144 and not include it in future billings; and

WHEREAS, Staff and BrightView also discussed amending the amount for Operation Management services; and

WHEREAS, Staff budgeted \$1.4M for Fiscal Year 2024-25 citing increased costs in payroll expenses (7%) and Cost of Goods Sold in Food and Beverage (8%); and

WHEREAS, the total annual increase for these services was \$100,649; and

WHEREAS, the Second Amendment will adjust annual expenditures removing the Performance and Payment Bond expense as well as increase the amount for Operation Management services; and

WHEREAS, the total net annual increase to the agreement is \$87,601 or \$175,202 for the two-year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual

services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the Agreement amount with BrightView Golf Maintenance, Inc., in partnership with KemperSports Management for Golf Management and Maintenance Services by \$175,202 from \$13,987,536 to a new total amount of \$14,162,738.

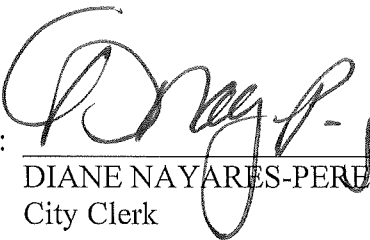
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-210**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR POLYGRAPH EXAMINATION SERVICES TO ASSURANCE POLYGRAPH, LLC, CASTRO VALLEY, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$96,260, PLUS UP TO \$57,010 FOR CONTINGENCY, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$538,260 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department utilizes polygraph services as part of its extensive recruitment process; and

WHEREAS, the hiring process for both sworn and non-sworn employees is a long and extensive process of which the polygraph exam vital; and

WHEREAS, on September 22, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Polygraph Examination Services; and

WHEREAS, on November 17, 2023, the Purchasing Division issued invitation for Bids, IFB 2324-33; and

WHEREAS, ten (10) companies chose to download the RFP document; and

WHEREAS, on December 19, 2023, proposals were formally opened by the City Clerk and broadcast via Microsoft Team Livestream, three (3) vendors chose to respond, there were no local bids; and

WHEREAS, based on providing lowest responsive and responsible bid, the City staff recommended to award of proposal for polygraph services to Assurance Polygraph LLC, Castro Valley, CA for a two year agreement with three one-year extension options; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow the formal bid procedures, and based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for polygraph examination services to Assurance Polygraph, LLC, Castro Valley, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves an agreement with Assurance Polygraph, LLC for polygraph services for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of \$96,260, plus up to \$57,010 for contingency, if needed, for an agreement total amount not to exceed \$538,260 over five (5) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-211**

RESOLUTION APPROVING THE AGREEMENT WITH SIGMA TACTICAL WELLNESS, AUSTIN, TEXAS, FOR COMPREHENSIVE HEART HEALTH ASSESSMENTS FOR FIRST RESPONDERS FOR A TOTAL NOT TO EXCEED \$115,464; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, recognizing the importance of the health and well-being of personnel, the Modesto Police Department established a wellness committee in 2023; and

WHEREAS, this committee researches and addresses several initiatives related to employee health and wellness; and

WHEREAS, member of the Wellness committee researched companies who provide advanced cardiovascular and metabolic screenings designed around the unique physiological and psychological profiles of law enforcement personnel, and

WHEREAS, the Modesto Police Department applied for and received funding from the Edward Byrne Memorial Justice Assistance Grant to evaluate and secure a vendor to conduct comprehensive heart health screenings; and

WHEREAS, the Wellness committee found that Sigma Tactical Wellness provides comprehensive screenings in line with what the Wellness committee found beneficial; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment or contractual service to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-204(d) “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the

desired quality.” Sigma Tactical Wellness is exempt from the formal bidding procedures as Sigma Tactical Wellness provides a unique and specialized service for first responders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves an agreement with Sigma Tactical Wellness for comprehensive heart health assessments for First Responders for a total not to exceed \$115,464.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-212**

RESOLUTION APPROVING THE SUBMISSION OF A SAFE AND AFFORDABLE FUNDING FOR EQUITY AND RELIANCE PROGRAM GRANT APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD TO FUND THE KIERNAN AVENUE WATER MAIN EXTENSION PROJECT (STANISLAUS ELEMENTARY SCHOOL 123-TCP MITIGATION PROJECT), AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO THE ASSOCIATED GRANT AGREEMENT AND EXECUTE ALL RELATED DOCUMENTS

AUTHORIZED REPRESENTATIVE RESOLUTION

WHEREAS, Stanislaus Elementary School (School) is located at 1931 Kiernan Ave, about one mile outside the Modesto City limits within Stanislaus County, and

WHEREAS, the School's sole source of potable water is groundwater provided by a single well located on site, and

WHEREAS, in the Spring of 2019 the Stanislaus Union School District (School District) was issued a compliance order (DER-19R-006) by Stanislaus County's Department of Environmental Services notifying them that the School's water system was in violation of the California Safe Drinking Water Act, and

WHEREAS, the State notified the School District that they would need to seek out and implement a viable long-term water system solution or risk facing citations, penalties and the suspension or revoking of their drinking water permit, and

WHEREAS, in 2022 the School District, through Self-Help Enterprises (Self-Help), approached City staff about the City's willingness to be considered as a potential supplier of water services in a Feasibility Study (Study) that was being conducted by their engineering consultant, Ardurra, and

WHEREAS, the Study concluded that establishing City service could be a viable long-term water system solution, and

WHEREAS, the School District is in the process of having a new school designed to replace the existing Stanislaus Elementary School, which is scheduled to be demolished upon completion of the new facility, and

WHEREAS, Self-Help, in coordination with the School District, has secured grant funding to cover the costs associated with the design phases of both the water and sewer projects, and upon receiving Council approval, will apply for construction phase grant funding on behalf of the City for approximately \$6,100,000, and

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

The City Manager (the “Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design and construction of the Kiernan Avenue Water Main Extension Project (Stanislaus Elementary School 123-TCP Mitigation Project) (the “Project”).

This Authorized Representative, or his designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

The Authorized Representative, or his designee, is designated to represent the City in carrying out the City’s responsibilities under the financing agreement, including

certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.

CERTIFICATION

I do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly introduced at a meeting of the Council of the City of Modesto held on the 11th of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARÉS-PÉREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-213**

RESOLUTION APPROVING THE SUBMISSION OF A SMALL COMMUNITY FUNDING PROGRAM: CLEAN WATER/WASTEWATER GRANT APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD TO FUND THE CARVER ROAD SEWER EXTENSION PROJECT (STANISLAUS ELEMENTARY SCHOOL SEWER MAIN PROJECT), AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO THE ASSOCIATED GRANT AGREEMENT AND EXECUTE ALL RELATED DOCUMENTS

AUTHORIZED REPRESENTATIVE RESOLUTION

WHEREAS, Stanislaus Elementary School (School) is located at 1931 Kiernan Ave, about one mile outside the Modesto City limits within Stanislaus County, and

WHEREAS, the School's existing sewer system is comprised of an on-site septic system, and

WHEREAS, the Stanislaus Union School District (School District) is in the process of having a new school designed to replace the existing School, which is scheduled to be demolished upon completion of the new facility, and

WHEREAS, the School's septic system would no longer be able to provide wastewater management for the School's existing and future demand, and

WHEREAS, in addition to needing to secure a reliable source of potable water to serve the approximately 400 students and staff members, the School District is also interested in working with the City to provide sewer service to the new buildings, allowing them to remove the aging septic system on the property, as part of their larger project, and

WHEREAS, in 2022 the School District, through Self-Help Enterprises (Self-Help), approached City staff about the City's willingness to be considered as a provider of wastewater collection services through a new pipeline extension, and

WHEREAS, City staff has determined that there is adequate sewer system capacity to serve the Stanislaus Elementary School, and

WHEREAS, Self-Help, in coordination with the School District, has secured grant funding to cover the costs associated with the design phase of the sewer project, and upon receiving Council approval, will apply for construction phase grant funding on behalf of the City, and

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

The City Manager (the “Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design and construction of the Carver Road Sewer Extension Project (Stanislaus Elementary School Sewer Main Project) (the “Project”) for approximately \$3,700,000.

This Authorized Representative, or his designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

The Authorized Representative, or his designee, is designated to represent the City in carrying out the City’s responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.

CERTIFICATION

I do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly introduced at a meeting of the Council of the City of Modesto held on the 11th of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

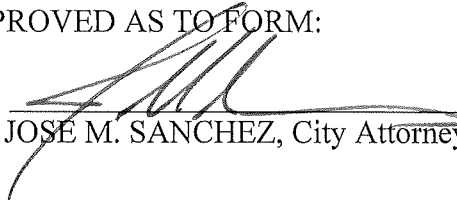
ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-214**

RESOLUTION ACCEPTING THE EMERGENCY BYPASS FOR SCREW PUMPS REPAIRS AS COMPLETE, AND AUTHORIZING ALL PAYMENTS TO RAIN FOR RENT, STOCKTON, CA, FOR A TOTAL COST NOT TO EXCEED \$204,628, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto uses four proprietary internal-lift screw pumps (designed and manufactured by Evoqua Water Technologies) to pump incoming wastewater from the City's collections system into the headworks of the Regional Water Recycling Facility - Sutter Campus; and

WHEREAS, Pump #2 and Pump #3 were selected as the first two pumps to be replaced because they were in the worst condition. This project was intentionally planned during the dry season with the completion due before the rainy season; and

WHEREAS, the project for the removal of Pump #2 started on April 17, 2023, and the new replacement for Pump #2 was installed and placed into service. Pump #2 ran for 28 days and ultimately failed due to a bolt failure on the flange that secures the pump to the upper bearing; and

WHEREAS, on May 22, 2023, Pump #3 was then removed, the replacement was installed and placed into service. This pump ran for three days and ultimately failed for the same reason as Pump #2; and

WHEREAS, due to the unforeseen delay in the completion of the project, Staff determined that a temporary solution, and the ability to provide redundancy, was necessary ahead of the 2024 rainy season; and

WHEREAS, on August 30, 2023, City Staff requested an Emergency PO 256808 to put a pumping bypass system in place of the two missing pumps that were being

repaired; and

WHEREAS, Modesto Municipal Code, 8-3.102. allows the City Manager to approve and authorize contracts for projects that are of urgent necessity for the preservation of life, health and property and for staff to report to Council on emergency repairs. On Wednesday, August 30, 2023, the Purchasing Manager and City Manager were informed of the internal-lift screw pump replacement failure and the need to declare an emergency for a Sutter bypass for the screw pumps. Staff requested the to expedite a PO to construct a bypass for the re-routing of wastewater flows; and

WHEREAS, on Friday, September 1, 2023, an Emergency PO was approved by the City Manager; and

WHEREAS, staff recommends the repairs for acceptance as the contractor has complied with all contract requirements for the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Sutter Emergency pumping bypass for screw pumps as complete and authorizes a payment not to exceed \$204,628 to Rain for Rent, Stockton, 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-215**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WELL 312 TREATMENT & FLUSHLINE IMPROVEMENTS PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO TSI ENGINEERING, INC., OF NORTH HIGHLANDS, CA, IN THE AMOUNT OF \$4,060,786, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$487,295, 12% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$4,548,081 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the Empire Service Area is largely supplied by five groundwater wells and is supplemented by treated surface water purchased from the Modesto Irrigation District, and

WHEREAS, in the Fall of 2016, one of the five wells in the Empire Service Area, Well 312, was turned off due to exceeding the maximum contaminant level for 1,2,3-Trichloropropane (TCP), and

WHEREAS, in order to decrease the level of TCP present in the water and to meet State regulations, granular activated carbon (GAC) treatment would be necessary, and

WHEREAS, on September 13, 2022, by Resolution No. 2022-387, Council approved an Agreement with Provost & Pritchard Consulting Group for Engineering Services for the Well 312 Treatment & Flushline Improvements Project, and

WHEREAS, on April 11, 2023, by Resolution No. 2023-181, Council accepted a Department of Water Resources 2021 Urban and Multibenefit Drought Relief Grant Program Award of \$1,000,000 for the Well 312 Treatment & Flushline Improvements Project, and

WHEREAS, on December 5, 2023, by Resolution No. 2023-529, Council approved the purchase of 4,320 square feet of real property located at 5132 South Avenue, Empire to be used for the Well 312 Treatment & Flushline Improvements Project, and

WHEREAS, the project was advertised for bids on March 22, 2024, and

WHEREAS, on May 7, 2024, bids were publicly opened, pursuant to City Charter Section 1307, two bids were received, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow the formal bid procedures, and


WHEREAS, the award of a Contract for the construction of the Well 312 Treatment & Flushline Improvements Project to TSI Engineering, Inc., North Highlands, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and TSI Engineering, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Well 312 Treatment & Flushline Improvements Project, accepts the bid of \$4,060,786, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of \$487,295, 12% of the Contract price, for a total payment amount not to exceed \$4,548,081, awards a Construction Contract to TSI Engineering, Inc., of North Highlands, CA and authorizes the City Manager, or his designee, to execute the Contract.

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 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-216**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$3,722,218 TO
BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES
IN ORDER TO FUND THE CONSTRUCTION PHASE OF THE WELL 312
TREATMENT & FLUSHLINE IMPROVEMENTS PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$3,722,218, in order to fund the Well 312 Treatment & Flushline Improvements Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$3,722,218.

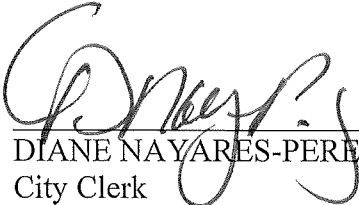
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-217**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH BKF ENGINEERS, OF SALIDA, CA, FOR THE FINAL DESIGN OF THE HIGHWAY 99 WATER MAIN CROSSINGS IMPROVEMENTS PROJECT IN THE AMOUNT OF \$491,321, PLUS \$49,132 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$540,453 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Highway 99 Water Main Crossings Improvements Project entails replacing three water mains that run across Highway 99 within bridge overcrossings at I Street, G Street, and Sierra Drive, and

WHEREAS, this project will strengthen and replace a total of approximately 1,220 linear feet of water mains that are deteriorating due to age and prone to leaks, and

WHEREAS, to increase efficiencies, Staff is requesting the use of a consultant to provide Engineering Services for the Final Design of the Highway 99 Water Main Crossings Improvements Project, and

WHEREAS, on June 13, 2023, by Resolution No. 2023-278, Council approved a prequalified list of consultants for Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program Projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to the four pre-qualified consultants, and

WHEREAS, Staff received and distributed four proposals to a selection committee consisting of Utilities Engineering Staff, and

WHEREAS, the selection committee evaluated the proposals and determined BKF Engineers to be the most qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), “Exceptions to Formal Bidding Requirements,” Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three qualified entities. The approval of an Engineering Services Agreement with BKF Engineers conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services and at least three informal proposals were obtained.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with BKF Engineers for the Highway 99 Water Main Crossings Improvements Project in the amount of \$491,321, plus \$49,132 in additional services, if needed, for a total amount not to exceed \$540,453.

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, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Williams

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-218**

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2023-24 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$3,047,541 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES TO FUND THE HIGHWAY 99 WATER MAIN CROSSINGS IMPROVEMENTS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of \$3,047,541, in order to fund the Highway 99 Water Main Crossings Improvement Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$3,047,541.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen

NOES: Councilmembers: None

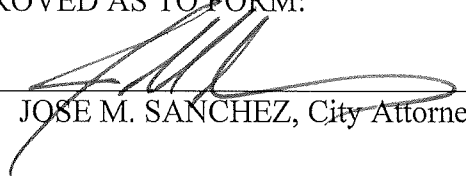
RECUSE: Councilmembers: Williams

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARRES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-219**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH CAROLLO ENGINEERS, OF SACRAMENTO, CA, FOR THE REGIONAL WATER RECYCLING FACILITY - SUTTER CAMPUS MASTER PLAN RELOCATION PROJECT IN THE AMOUNT OF \$1,787,912, PLUS \$178,791 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$1,966,703 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City owns and operates two wastewater treatment facilities: The Regional Water Recycling Facility - Sutter Campus (RWRf - Sutter Campus), located adjacent to the Tuolumne River and the Regional Water Recycling Facility - Jennings Campus (RWRf - Jennings Campus), located seven miles away and adjacent to the San Joaquin River, and

WHEREAS, the City's wastewater is treated to meet stringent Federal and State regulatory requirements, and

WHEREAS, an average of 20 million gallons of wastewater per day receives primary treatment at the RWRf- Sutter Campus, and secondary treatment at the RWRf - Jennings Campus and up to 15 million of these gallons are treated further at the RWRf - Jennings Campus to tertiary (recycled water) levels, and

WHEREAS, the RWRf - Sutter Campus is located in a flood plain, identified by the Federal Emergency Management Agency as a Special Flood Hazard Area, and

WHEREAS, in 1997, due to the Tuolumne River flooding, the RWRf - Sutter Campus was completely inundated causing catastrophic failures, which shut down the City's wastewater treatment functions for days, and

WHEREAS, relocating the RWRf - Sutter Campus mitigates impacts to critical wastewater infrastructure from another Tuolumne River flood event, and

WHEREAS, reestablishing the aging primary treatment functions would also improve wastewater treatment process efficiencies by co-locating primary facilities with the secondary and tertiary facilities, located at the RWRF - Jennings Campus, and

WHEREAS, on June 13, 2023, by Resolution No. 2023-278, Council approved a pre-qualified list of consultants for Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program Projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to the four (4) pre-qualified consultants, and

WHEREAS, Staff received and distributed one (1) proposal to a selection committee consisting of Utilities Engineering and Wastewater Operations Staff, and

WHEREAS, the selection committee evaluated the proposal and determined Carollo Engineers to be qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 and one (1) proposal was received as part of this solicitation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with Carollo Engineers for the Regional Water Recycling Facility - Sutter Campus Master Plan Relocation Project in

the amount of \$1,787,912, plus \$178,791 in additional services, if needed, for a total amount not to exceed \$1,966,703.

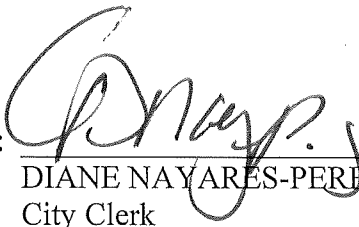
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-220**

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2023-24 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF \$2,045,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE REGIONAL WATER RECYCLING FACILITY - SUTTER CAMPUS MASTER PLAN RELOCATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of \$2,045,000, in order to fund the Regional Water Recycling Facility – Sutter Campus Master Plan Relocation Project, and

WHEREAS, the Fiscal Year 2023-24 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Capital Improvement Program Budget in the amount of \$2,045,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-221**

RESOLUTION APPROVING THE FISCAL YEAR 2024-25 DIAGRAM AND ANNUAL ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, on April 09, 2024, by Resolution No. 2024-114, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972; and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Engineer's Annual Report; and

WHEREAS, the amount of the assessment for Fiscal Year 2024-25 will not increase over the amount imposed for Fiscal Year 2023-24, it will remain at \$19,474; and

WHEREAS, a public hearing was held on June 11, 2024; and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all the laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby orders the levy and collection of such charges as shown within the Engineer's Annual Report within the City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year

2024-25, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2024-25 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

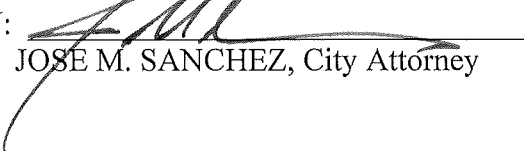
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



Assessment District Diagram

Landscape Maintenance Assessment District No. 1
(Dry Creek Meadows Subdivisions No. 1 - 6)



Date: 1/12/2024



Document Path: K:\Projects\Maintenance\Mxd\landscape-d1-20240112.mxd

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-222**

RESOLUTION APPROVING THE FISCAL YEAR 2024-25 DIAGRAM AND ANNUAL ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 AND 2

WHEREAS, on April 09, 2024, by Resolution No. 2024-113, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972; and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Engineer's Annual Report; and

WHEREAS, the increase in the annual assessment is less than or equal to the annual inflator previously approved by the property owners within the District; and

WHEREAS, the annual assessment is to adjust annually according to the BCI for the San Francisco Bay Area as reported in the Engineering News Record the second week of March; and

WHEREAS, the annual adjustment for fiscal year 2024-25 is 7.013%; and

WHEREAS, the annual assessment for Fiscal Year 2024-25 is \$34,521, while its projected expenses are \$32,797; and

WHEREAS, any additional revenue stays within the LMAD No. 2 Fund balance

and will cover any unanticipated expense that occur for LMAD No. 2; and

WHEREAS, the levy for Fiscal Year 2023-24 was \$31,961.29 and the projected expenses are \$23,567; and

WHEREAS, a public hearing was held on June 11, 2024; and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996; and

WHEREAS, City of Modesto has further determined the charges are in compliance with all the laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby orders the levy and collection of such charges as shown within the Engineer's Annual Report within the City of Modesto Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2023-24, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2024-25 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-223**

RESOLUTION APPROVING THE FISCAL YEAR 2024-25 DIAGRAM AND ANNUAL ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on April 09, 2024, by Resolution No. 2024-112, Council declared its intent to levy charges or assessment for the purpose of administering the maintenance of seventy-seven 200-watt high pressure sodium streetlights in the Shackelford Landscape and Lighting District under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as Landscape and Lighting Act of 1972; and

WHEREAS, each year the annual assessment uses a standard formula to calculate its fees: estimated operation and maintenance costs for the current year minus the fund balance from the previous year and estimated property tax revenue for current year plus number of benefitting parcels in the district and \$1.50 parcel administrative charge; and

WHEREAS a public hearing was held on June 11,2024; and

WHEREAS, the annual adjustment for Fiscal Year 2023-24 is \$30,262.64 in, the levy will increase to \$34,110 in Fiscal Year 2024-25; and

WHEREAS, each year the annual assessment uses a standard formula to calculate its fees: estimated operation and maintenance costs for the current year minus the fund balance from previous year and estimated property tax revenue for current year plus number of benefitting parcels in the district and \$1.50 per parcel administrative charge; and

WHEREAS, the assessment can be set at an amount to ensure there is sufficient

funding for the expenses, and reserve funding cannot be more than 50% of the annual operating costs; and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all the laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby orders the levy and collection of such charges as shown within the Engineer's Annual Report within the City of Modesto Shackelford Landscape and Lighting District for Fiscal Year 2024-25, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2024-25 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.


BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



Assessment District Diagram

Shackelford Landscape and Lighting District



Date: 1/12/2024



Document Path: K:\Projects\Maintenance\MedLandscape-Shackelford-20240112.mxd

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-224**

**RESOLUTION CALLING A SPECIAL ELECTION FOR THE ANNEXATION
OF ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY
FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)**

WHEREAS, the City Council previously adopted Resolution No. 2004-199 on April 6, 2004 (the “Resolution of Formation”) to form Community Facilities District No. 2004-1 (Village One #2) (the “District”) pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”) to pay for various infrastructure improvements as well as the maintenance of parks, parkways and open space, storm drainage basin and related facilities that service the Village One area; and

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

WHEREAS, on December 14, 2004, pursuant to the Act, by Resolution No. 2004-683, Council approved the creation of Tax Zone #2 within the District; and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1; and

WHEREAS, the owners of certain properties identified herein previously submitted a petition to the City to annex such properties into the District; and

WHEREAS, on May 7, 2024, by Resolution No. 2024-138, Council adopted a Resolution of Intention to annex the properties into the District and authorize the levy of

the District special taxes within the territory proposed to be annexed (the “Annexed Territory”) pursuant to the Act; and

WHEREAS, the Resolution of Intention scheduled a public hearing on the proposed annexation for June 11, 2024; and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk; and

WHEREAS, a map of the Annexed Territory, entitled “Annexation Map No. 20 of Community Facilities District No. 2004-1 (Village One #2) City of Modesto, County of Stanislaus, State of California” was recorded on May 20, 2024, in the Office of the County Recorder of the County of Stanislaus, in Book 7 of Maps Assessment and Community Facilities Districts, at page 21; and

WHEREAS, the Annexed Territory will be annex to and subject to the special taxes in Tax Zone #2; and

WHEREAS, at the time and date set for the hearing, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were heard and considered, and full and fair hearing was held thereon; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been filed with the City Clerk by the owners of one-half or more of the land in the District, or in the Annexed Territory; and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are Zero (0) registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and

WHEREAS, the City Clerk, being the Council's designated election official for the purposes of the election herein called, has concurred in the election date herein set forth for the election.

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

1. The foregoing recitals are true and correct.
2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit A**.

6. Zero (0) persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowner(s) of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

7. Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land

in the Annexed Territory (the “Landowner”), the election shall be held on the 11th day of June 2024. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

8. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on June 11, 2024, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

9. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

10. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

13. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the

“Resolution of Formation”). The Special Tax will be levied on at the rate and apportioned only in the manner specified in the Resolution of Formation, as clarified by the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

OFFICIAL BALLOT

BALLOT NO. 1

**CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)**

ANNEXATION NO. 20

SPECIAL TAX ELECTION

June 11, 2024

NUMBER OF VOTES ENTITLED TO BE CAST: 4
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word “YES” or “NO.”

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:
MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-683, entitled “A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District”, adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2024-138, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 20)” adopted by the City Council of the City of Modesto on May 7, 2024, for the purposes set forth in Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District”, adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES

NO

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 15 VOTES

OFFICIAL BALLOT

BALLOT NO. 2

**CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)**

**ANNEXATION NO. 20
SPECIAL TAX ELECTION**

June 11, 2024

NUMBER OF VOTES ENTITLED TO BE CAST: 4
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word “YES” or “NO.”

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:
MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-683, entitled “A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District”, adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2024-138, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 20)” adopted by the City Council of the City of Modesto on May 7, 2024, for the purposes set forth in Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District”, adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES
NO

BALLOT NO. 2

THIS BALLOT HAS A VALUE OF 19 VOTES

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-225**

RESOLUTION DECLARING THE RESULTS OF THE JUNE 11, 2024 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) and the levy of District Special Taxes (the “District Special Taxes”) within such territory, as described in its Resolution of Intention No. 2024-138 entitled “A Resolution to Annex Assessor Parcel Numbers (APNs) 077-008-039 and 077-008-040 Totalling Approximately 33.694 acres to the City of Modesto Community Facilities District (CFD) No. 2004-1 (Village One #2) and Authorizing the Levy of a Special Tax on the Properties located withing the Annexation Map (Annexation #20)”, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982 (the “Act”); and

WHEREAS, on June 11, 2024, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annex to the District was approved by more than two-thirds (2/3) of the votes cast at the Election; and

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

1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory

proposed to be annexed are as set forth in the Certificate of the City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of the election results is **attached**.

3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2024-138 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

4. The City Clerk is hereby direction to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

CERTIFICATE OF CITY CLERK

I, DIANE NAYARES-PEREZ, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2024- 224, A Resolution of the City Council of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 20) adopted on June 11, 2024, by the City Council of the City of Modesto, I did conduct the Special Election on June 11, 2024, and the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the fill text of the measure submitted to the voters at the election and the full and true totals of all cotes cast for and against the measure.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-226**

**RESOLUTION APPROVING THE APPOINTMENTS OF DAVID HARTER,
HUELON “HERK” USREY, AND JESSE WIGGINS TO THE CITY OF
MODESTO BOARD OF BUILDING APPEALS TO A FOUR-YEAR TERM,
WITH A TERM EXPIRATION OF JANUARY 01, 2027**

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

WHEREAS, Board of Building Appeals members Savannah Williams and Sebastian Jones completed their terms on December 31, 2023 and Board Member Nand Kishore passed away unexpectedly in January 2023, and

WHEREAS, the Appointments Committee met on June 5, 2024, and after reviewing the 18 applications, recommended the appointment of David Harter, Huelon “Herk” Usrey, and Jesse Wiggins to the Board of Building Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of David Harter, Huelon “Herk” Usrey, and Jesse Wiggins to the Board of Building Appeals to a four-year term, with a term expiration of January 01, 2027.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-227**

**RESOLUTION APPROVING THE APPOINTMENTS OF CRAIG LEWIS AND
TIM RAGSDALE TO THE CITIZEN’S TRANSPORTATION SALES TAX
COMMISSION FOR A FOUR-YEAR TERM WITH A TERM FROM JULY 1,
2024 TO JUNE 30, 2028**

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

WHEREAS, on April 11, 2023, by Resolution No. 2023-169, Council adopted the Bylaws for the Measure L Citizen’s Transportation Sales Tax Commission (the “Commission”); and

WHEREAS, there are currently four seats that remain vacant on the Commission due to lack of applicants. Staff continue to post the Commission vacancies on social media, the City website and send emails to potential applicants; and

WHEREAS, the current Commissioners have also actively shared information and outreach to recruit applicants. As a result, the Commission received two new applications with no previous applications on file; and

WHEREAS, the two applicants, Craig Lewis and Tim Ragsdale, would fill seats Large Business and Local Taxpayer’s Association, respectively; and

WHEREAS, on June 5, 2024, the Appointments Committee recommended appointing Craig Lewis and Tim Ragsdale to the Citizen’s Transportation Sales Tax Commission for a four-year term with a term from July 1, 2024 to June 30, 2028.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Craig Lewis and Tim Ragsdale to the Citizen’s Transportation Sales Tax Commission for a four-year term with a term from July 1,

2024 to June 30, 2028.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizens' Transportation Sales Tax Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

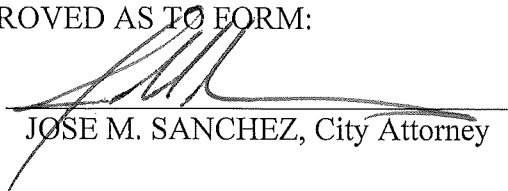
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

AUTHORIZING RESOLUTION

RESOLUTION NO. 2024-228

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MODESTO AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE HOMEKEY PROGRAM FOR THE DEVELOPMENT AT 710 N. 9TH STREET.

WHEREAS:

- A. The Department of Housing and Community Development (“**Department**”) has issued a Notice of Funding Availability, dated March 29, 2023 (“**NOFA**”), for the Homekey Program (“**Homekey**” or “**Program**”). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.).
- A. **City of Modesto** (“**Public Entity**”) desires to jointly apply for Homekey grant funds with RHC Development LP, a California limited partnership and with Modesto Homekey LP, a California limited partnership (collectively, the “**Co-Applicant**”). Therefore, Public Entity is joining Co-Applicant in the submittal of an application for Homekey funds (“**Application**”) to the Department for review and consideration.
- B. The Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement (“**Standard Agreement**”), and all other legal requirements of the Homekey Program.

THEREFORE, IT IS RESOLVED THAT:

1. Co-Applicant is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds in a total amount not to exceed **\$34,000,000**.
2. If the Application is approved, Co-Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed **\$34,000,000**, any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the Department and to participate in the Homekey Program, and all amendments thereto (collectively, the “**Homekey Documents**”).
3. Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and

timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.

4. **City Manager**, or his designee, is authorized to execute the Application and the Homekey Documents on behalf of Co-Applicant for participation in the Homekey Program.

PASSED AND ADOPTED this 25TH day of June 2024, by the following vote:

AYES: [7] NAYES: [0] ABSTAIN: [0] ABSENT: [0]

The undersigned, **Diane Nayares-Perez** of Co-Applicant, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

SIGNATURE: 

DATE: 06/27/2024

NAME: Diane Nayares-Perez

TITLE: City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-229**

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH 4-LEAF INC. FOR INSPECTION SERVICES, BY \$30,000 FROM \$53,000 TO \$83,000 FOR THE FIFTH YEAR WITH A REVISED TOTAL AMOUNT NOT TO EXCEED \$642,000 FROM \$612,000 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, by Resolution No. 2019-411, Council approved the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc. and Interwest Consulting Group, and

WHEREAS, by Resolution No. 2021-397, Council approved a first amendment to the contracts to increase the annual estimated amount of each contract by \$347,000 to \$400,000 for the third year with a total amount not to exceed \$612,000 per contract over five years, and

WHEREAS, staff is requesting to increase the annual estimated amount of the 4-LEAF contract by \$30,000 from \$53,000 to \$83,000 for the fifth year with a total amount not to exceed \$642,000 over five years to prevent regulatory or compliance issues that may impact the safety of the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Professional Services Agreement with 4-LEAF, Inc. for Inspection Services \$30,000 from \$53,000 to \$83,000 for the fifth year with a revised total amount not to exceed \$642,000 from \$612,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSÉ M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-230**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH THE STANISLAUS COMMUNITY FOUNDATION TO SUPPORT IN-HOME CHILDCARE ENTREPRENEURSHIP, FOR A TOTAL AMOUNT NOT TO EXCEED \$156,758 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) into law. The City of Modesto received approximately \$45.8 million in ARPA funds in two tranches to help address the continued impact of the COVID-19 pandemic on the economy, public health, individuals, and businesses; and

WHEREAS, the City of Modesto may use ARPA funds to address a number of areas, including:

1. Replace revenue that was lost, delayed, or decreased as determined based on the projections as of January 27, 2020 as a result of the COVID-19 emergency,
2. Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality,
3. Cost overruns incurred as a result of the COVID-19 emergency; and

WHEREAS, on May 25, 2021, the City Council approved Resolution No. 2021-194 approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan. The Modesto Forward plan allocated \$1,000,000 in funding to support the “Small biz support with expansion and retention”; and

WHEREAS, Modesto is a vibrant city in California’s Central Valley, and 9th

largest City in California faces significant challenges related to childcare availability. In 2002 there were 769 home-based childcare businesses and 144 childcare centers. Compared to 2023 with 320 home-based childcare businesses and 132 childcare centers. This represents a consistent two-decade decline in childcare services, and more specifically a decline in home-based care; and

WHEREAS, the childcare industry’s struggle is not just a local issue but a national concern, with four out of every five childcare centers reporting staffing shortages, and 15% experiencing a “major shortage” of workers. Most of California is a childcare desert with only one licensed space for every four children. The shortage is greatest for children under two years old. The COVID-19 pandemic exacerbated this trend. This shortage limits the capacity to serve families, directly impacting the nation’s economic progress and the well-being of its future generations; and

WHEREAS, one of the key areas of focus in Stanislaus 2030 is the expansion of childcare, recognizing its role in supporting working families. The initiative is also working on small business supports, governance and capacity building, talent development, and traded sector development; and

WHEREAS, Stanislaus 2030 approached City staff to support a new partnership with Nurture, a non-profit organization dedicated to the expansion of in-home childcare entrepreneurship. This partnership was initiated in 2023 to address the childcare shortage in Stanislaus County, specifically focusing on the need for licensed infant and toddler care. Of the seven most high-demand low-income communities, four are within Modesto; and

WHEREAS, the partnership launched an In-Home Child Care Expansion Project, which aims to increase the supply of home-based child-care businesses. The project is

part of Stanislaus 2030's broader efforts to tackle the county's childcare crisis and support the local workforce; and

WHEREAS, the collaboration with Nurture is data-driven and innovative. It includes extensive research and the development of practical solutions to transform work in the childcare economy into a path to economic security. The anticipated results of this partnership include incubating 1,000 new home childcare businesses, expanding 500 existing childcare facilities, and creating 12,000 permanent, licensed childcare spaces; and

WHEREAS, the City of Modesto has been actively coordinating with Stanislaus 2030 on a proposal to fund their partnership with Nurture. Stanislaus Community Foundation, has been identified as an ideal sub-recipient by Stanislaus 2030 and the Nurture team. The proposed funding amount is \$156,758, which is part of the American Rescue Plan Act (ARPA) funding. Allocations will be used to fund \$5,000 start-up grants for 31 new childcare businesses \$2,500 would be utilized to help fund the curriculum, and \$2,500 would be utilized as a grant to start the childcare facility in the home.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Modesto Forward Grant Agreement with the Stanislaus Community Foundation to support in home childcare entrepreneurship for a total amount not to exceed \$156,758.

BE IT FURTHER RESOLVED, that the City Manager or his designee is 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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-231**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH UNITED WAY OF SAN JOAQUIN COUNTY FOR THE IMPLEMENTATION OF A WORKFORCE DEVELOPMENT PROGRAM BY HEALTHFORCE PARTNERS NORTHERN SAN JOAQUIN VALLEY, FOR A TOTAL AMOUNT NOT TO EXCEED \$500,000 OVER TWO AND A HALF YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) into law. The City of Modesto received approximately \$45.8 million in ARPA funds in two tranches to help address the continued impact of the COVID-19 pandemic on the economy, public health, individuals, and businesses; and

WHEREAS, The City of Modesto may use ARPA funds to address a number of areas, including:

1. Replace revenue that was lost, delayed, or decreased as determined based on the projections as of January 27, 2020 as a result of the COVID-19 emergency,
2. Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality,
3. Cost overruns incurred as a result of the COVID-19 emergency; and

WHEREAS, on May 25, 2021, the City Council approved Resolution No. 2021-194 approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan. The Modesto Forward plan allocated \$500,000 in funding to support the “implementation of a workforce development program”; and

WHEREAS, according to recent data, Modesto faces a severe shortage of behavioral health professionals. The ratio of behavioral health workers to the population is alarmingly low, resulting in inadequate access to mental health services. The demand for counseling, therapy, and crisis intervention far exceeds the available workforce; and

WHEREAS, Stanislaus County Behavioral Health & Recovery Services (BHRS) contracts with the California Department of Health Care Services (DHCS) to provide specialty mental health and substance use disorder (SUD) services to Stanislaus County Medi-Cal beneficiaries and uninsured residents. Their services include an array of specialty mental health outpatient services for both children and adults, as well as an array of substance use disorder outpatient and residential treatment programs. BHRS also provides crisis services, including 24/7 mobile crisis, as well as supportive services, including employment and housing services for BHRS clients; and

WHEREAS, recruiting and sustaining their workforce has been an ongoing challenge while the number of folks seeking services has significantly increased coming out of the pandemic. They provided clinical services/treatment to over 9,987 unique clients from January 1, 2023, to December 31, 2023. BHRS is over the capacity by about 457 clients. They currently have over 100 vacancies; and

WHEREAS, HealthForce Partners North San Joaquin Valley proposes to deliver a targeted workforce pipeline for behavioral health clinicians, titled the “Behavioral Health Workforce Partnership”. Modesto is seeking to join Stanislaus Community Foundation as one of many funding partners, with a \$500,000 contribution from ARPA. The goal is to close the workforce shortage gap by graduating and placing 20 behavioral health clinicians a year; and

WHEREAS, HealthForce Partners is already in the community working to

establish programming in Stanislaus Count. Their partners include Modesto Junior College, Kaiser Permanente, Sutter Health Central Valley, Doctors Medical Center, and Behavioral Health and Recovery Services. HealthForce Partners' Behavioral Health Workforce Partnership seeks a unique and multi-layered approach to encourage and incentivize high road job education through providing paid internships, licensure supervision, loan forgiveness, tuition assistance, and peer support stipends; and

WHEREAS, HealthForce Partners has confirmed that funding from the City of Modesto will be sufficient to pursue developing the pipeline and they have the existing capacity to operate and implement the program. HealthForce Partners will also pursue grants to continue to scale their operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Modesto Forward Grant Agreement with San Joquin united Way County for a Workforce Development Program by Healthforce Partners of Northern San Juaquin Valley, for a total amount not to exceed \$500,000.


BE IT FURTHER RESOLVED, that the City Manager or his designee is 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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-232**

**RESOLUTION APPROVING THE SUMMARY VACATION OF AN EXISTING
60 FEET WIDE BY APPROXIMATELY 192 FEET LONG (11,505.95 SQUARE
FEET) ROAD RIGHT-OF-WAY LOCATED AT APN 033-089-037**

WHEREAS, Chapter 4, Part 3 of Division 9, Section 8331, states “The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist: (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel. (b) No public money was expended for maintenance on the street or highway during such period.”; and

WHEREAS, the City of Modesto has received a request from TPC CS Holdings I, LLC, an Idaho Limited Liability Company, has requested the summary vacation of a 60-foot wide by 191.59 foot long (11,505.95 square feet) road located on their property located on APN 033-089-037; and

WHEREAS, on November 22nd, 1976, by Resolution No. 76-1268, City Council approved the Final Maps of Scott Estates, and it was annexed into the City of Modesto; and

WHEREAS, the area was developed over the years, some of the road reservations areas were not utilized to build the roads.

WHEREAS, there are no city utilities or other easements in this area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing 60 feet wide by approximately 192 feet long (11,505.95 square feet) road right-of-way located at APN 033-089-037, in the City of Modesto, which is more particularly described in **Exhibit “A” attached** hereto and incorporated herein by reference, is hereby summarily abandoned.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder's Office. From and after the date this resolution is recorded, said easements shall no longer constitute public easements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

LEGAL DESCRIPTION
EXHIBIT A
60.00-FOOT-WIDE ROAD RESERVATION VACATION

A 60.00 FOOT WIDE ROADWAY RESERVATION, BEING A PORTION OF LOT 10 AS SHOWN ON THE "LAND OF H.T. CROW" ACCORDING TO THE OFFICIAL MAP THEREOF FILED IN VOLUME 2 OF MAPS, AT PAGE 28, AND DESCRIBED IN "CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION" AS INSTRUMENT 44919, BOOK 2783, PAGE 671, BOTH RECORDED IN THE STANISLAUS COUNTY RECORDS (SCR), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, BEING A 60.00 FOOT WIDE ROAD RESERVATION VACATION, THE MOST WESTERLY LINE OF SAID 60 FOOT WIDE VACATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL B OF PARCEL MAP NO. 2015-005, FILED IN BOOK 57 OF PARCEL MAPS, PAGE 31, ALSO BEING THE SOUTHWEST CORNER OF ADJUSTED PARCEL B OF CERTIFICATE APPROVAL OF LOT LINE ADJUSTMENT NO. SIT2019-50101 RECORDED SEPTEMBER 27, 2019 AS INSTRUMENT NO. 2019-0066818 OF OFFICIAL RECORDS IN SCR, AND BEING ON THE NORTH RIGHT-OF-WAY OF YOSEMITE AVE,

THENCE, ALONG THE SOUTH LINE OF SAID PARCEL B AND SAID ADJUSTED PARCEL B, AND SAID NORTH LINE OF YOSEMITE AVE, NORTH 89° 54' 50" EAST, A DISTANCE OF 180.00 FEET, TO THE SOUTHEAST CORNER OF SAID ADJUSTED PARCEL B, ALSO BEING THE SOUTHWEST CORNER OF ADJUSTED PARCEL 1 OF SAID CERTIFICATE APPROVAL OF LOT LINE ADJUSTMENT NO. SIT2019-50101, AND BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION,

THENCE, LEAVING SAID SOUTH LINE OF PARCEL B AND ADJUSTED PARCEL B, AND SAID NORTH LINE OF YOSEMITE AVE, NORTHERLY ALONG THE COMMON BOUNDARY LINE BETWEEN SAID ADJUSTED PARCEL B AND SAID ADJUSTED PARCEL 1, NORTH 00° 05' 10" WEST, A DISTANCE OF 191.65 FEET, TO THE NORTHEAST CORNER OF SAID ADJUSTED PARCEL B, ALSO BEING THE NORTHWEST CORNER OF SAID ADJUSTED PARCEL 1, AND BEING THE TERMINUS OF THIS LINE AND DESCRIPTION.

THE SIDE LINES SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON THE NORTH LINE AND SOUTH LINE OF SAID ADJUSTED PARCEL 1,

CONTAINING 11,505.95 SQUARE FEET OR 0.264 ACRES, AS SHOWN ON "EXHIBIT B" ATTACHED HERETO AND MADE A PART HEREOF:

BASIS OF BEARINGS ARE TAKEN FROM SAID PARCEL MAP NO. 2015-005 FILED IN BOOK 57 PARCEL MAPS, PAGE 31, SCR.

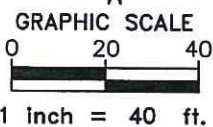
SUBJECT TO: ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

END OF DESCRIPTION

THIS DESCRIPTION WAS PREPARED BY ME
OR UNDER MY DIRECTION:

Christopher D. Johnson, L.S. 7576



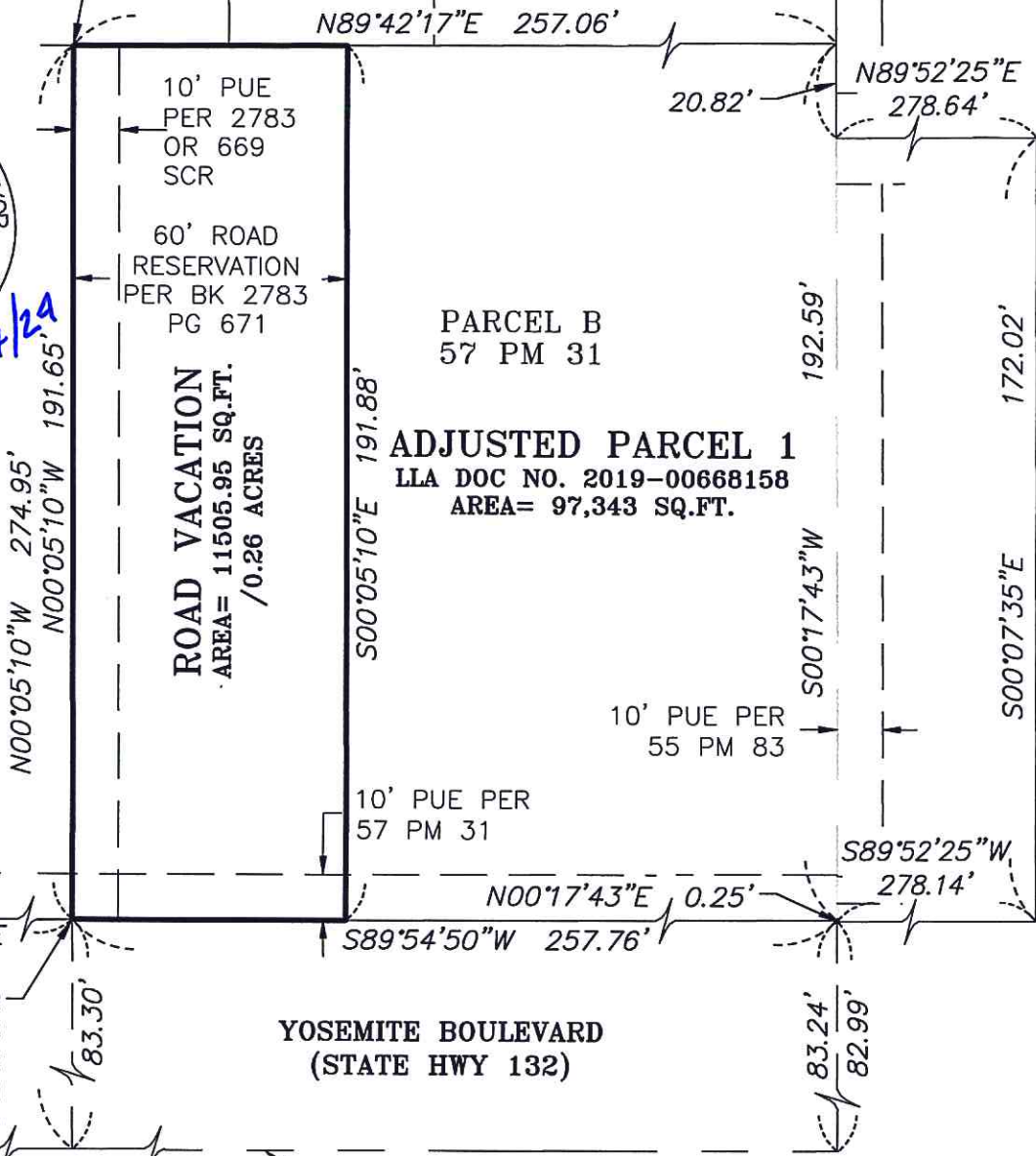


N/E CORNER
ADJUSTED PARCEL B 33 M 77
& N/W CORNER
ADJUSTED PARCEL 1
LLA 2019-0066818



POC S/W CORNER
PARCEL B 57 PM 31
AND S/W CORNER
ADJUSTED PARCEL B
LLA 2019-0066818

ADJUSTED PARCEL B
DOC #2019-0086218



POB S/E CORNER
ADJUSTED PARCEL B
& S/W CORNER
ADJUSTED PARCEL 1
LLA 2019-0066818

YOSEMITE BOULEVARD
(STATE HWY 132)

☐ YOSEMITE BLVD & SOUTH
LINE SECTION 25, T.3S., R.9E., MDM

MARIPOSA
ROAD

GEO SURVEYING
LAND MAPPING
LEGAL DOCS

8854 GREENBACK LANE, STE. 3
ORANGEVALE, CA 95662
916.871.4789

EXHIBIT 'B'
60' WIDE ROAD VACATION
PORTION LOT 10, LAND OF H.T.CROW
VOLUME 2 OF MAPS, AT PAGE 28
CITY OF MODESTO,
COUNTY OF STANISLAUS,
STATE OF CALIFORNIA

JobNo	1BAR0156
Scale	1"=40'
Date	04/12/24
Drawn	AS
Checked	CDJ
Sheet	2 OF 2

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-233**

**RESOLUTION ACCEPTING THE JENNINGS COMMAND CENTER AND
HAHN LIFT STATION RESTROOM PROJECT AS COMPLETE, RELEASING
SECURITIES, RELEASING PAYMENTS TOTALING \$568,374 TO HARRIS
BUILDERS, INC., OF HILMAR, CA, AND AUTHORIZING THE CITY CLERK
TO FILE A NOTICE OF COMPLETION**

WHEREAS, the Command Center building at the Jennings Wastewater Treatment Plant (Jennings WWTP) was an upgrade to the Phase 1A Tertiary trailer currently in use; and

WHEREAS, Operations and Maintenance (O&M) staff have been working out of a mobile trailer that was left over after the construction of the Phase 1A Treatment Facility was completed; and

WHEREAS, this trailer houses critical Supervisory Control and Data Acquisition (SCADA) servers and terminals, business computers, and serves as a minor storage area for O&M supplies; and

WHEREAS, the trailer was never intended to be permanent and has since become unsuitable for continued occupancy due to multiple factors including a deteriorating roof and floors and a failing air conditioning unit that is necessary to maintain the SCADA system; and

WHEREAS, Utilities Engineering and Wastewater O&M staff designed a replacement building that architecturally matches the existing buildings at the Phase 1A Facility and will provide Wastewater O&M staff a permanent replacement to the Phase 1A Tertiary trailer; and

WHEREAS, this project also provided funding for the construction of a new restroom at the Hahn Lift Station, which is located at 3200 Nightingale Drive; and

WHEREAS, the project was advertised for bids on September 7, 2022. Bids were publicly opened on October 4, 2022, pursuant to City Charter Section 1307, and Harris Builders, Inc., of Hilmar, CA was the lowest responsible bidder at 9.62% under the engineers estimate; and

WHEREAS, on December 13, 2022, by Resolution 2022-494, and Council awarded a contract to Harris Builders, Inc., in the amount of \$542,277. The Contractor received the Notice to Proceed with a start date of March 6, 2023. All contract work was completed on January 9, 2024; and

WHEREAS, the total project costs were \$813,228, which included design, construction, and construction administration costs. The total project amount originally budgeted was \$881,619 which included \$613,619 for the construction contract and contingency with Harris Builders, Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of ten percent (10%) for construction contracts of this dollar value. However, on December 13, 2022, by Resolution 2022-496, the change order budget was increased to fifteen percent (15%) due to multiple existing underground utility lines with unexpected conditions; and

WHEREAS, there were four change orders on this project with an overall increase of \$626,097; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Jennings Command Center and Hahn Lift Station Restroom Project as complete, releasing securities, releasing payments totaling \$568,374 to Harris Builders, Inc. of Hilmar, CA., and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-234**

**RESOLUTION APPROVING THE UPDATES TO THE CITY'S DEBT
MANAGEMENT POLICY**

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted on May 2, 2023, the City of Modesto is required to periodically review and update its Debt Management Policy to address changes to the primary objectives related to the City's debt and financing related activities, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the revised Debt Management Policy, **attached** as **Exhibit A** and incorporated herein by this reference.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future issuances of the City Debt, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



**CITY OF MODESTO
CITY COUNCIL POLICY**

LATEST REVISION DATE: 06/25/2024
POLICY NUMBER: 1.036
CITY DEPARTMENT: Finance

SUBJECT: Debt Management Policy

I. INTRODUCTION

The purpose of this Policy is to organize and formalize debt issuance-related policies and procedures for the City of Modesto (the “City”) and to establish a systematic debt policy (the “Debt Policy” or the “Policy”). The debt policies and practices of the City are, in every case, subject to and limited by applicable provisions of state and federal law and prudent debt management principles.

II. DEBT POLICY OBJECTIVE

The primary objectives of the City’s debt and financing related activities are to maintain cost-effective access to the capital markets and other financing venues through prudent yet flexible policies:

- Moderate principal and debt service payments through effective planning and projected cash management;
- Achieve the lowest cost of borrowing; and
- Achieve the highest practical credit ratings.

III. SCOPE AND DELEGATION OF CITY

This Debt Policy shall govern, except as otherwise covered by the City of Modesto Investment Policy and the City of Modesto Interest Rate Swap Policy, the issuance and management of all debt funded through the capital markets and private placements, including the selection and management of related financial and advisory services and products, and the investment of bond proceeds.

This Policy shall be reviewed and updated periodically as required. Any changes to the Policy are subject to approval by the City Council at a legally noticed and conducted public meeting. Overall policy direction of this Debt Policy shall be provided by the City Council.

Responsibility for implementation of the Debt Policy, and day-to-day responsibility for structuring, implementing, and managing the City’s debt and finance program, shall lie with the Director of Finance. The City Council’s adoption of the City Annual Budget does not, in and of itself, constitute authorization for debt issuance for any reason. This Debt Policy requires that the City Council specifically authorize each debt financing. Each financing shall be presented to the City Council, subject to City Council agenda review and approval (debt financings cannot be approved on a consent calendar).

While adherence to this Policy is required in applicable circumstances, the City recognizes that changes in the capital markets, agency programs and other unforeseen circumstances may from time to time produce situations that are not covered by the Policy and will require modifications or exceptions to achieve policy goals. In these cases, management flexibility is appropriate, provided specific authorization from the City Council is obtained.

IV. ETHICS AND CONFLICTS OF INTEREST

Officers and employees of the City involved in the execution and management of the Debt Policy will not engage in any personal business activities that could conflict with proper and lawful execution and management of the Debt Policy, or which could impair their ability to make impartial decisions.

V. CAPITAL IMPROVEMENT PROGRAM INTEGRATION

The City's multi-year Capital Improvement Program ("CIP"), which identifies the projects and the appropriate funding mechanisms to pay for them, shall be used in combination with the CIP Financial and Budget Policies and this Debt Policy to ensure the proper allocation and financing of eligible projects. The CIP and its related policies set priorities and strategies for allocating and tracking funding, while the Debt Policy provides policy direction and limitations for proposed financings. Debt issuance for capital projects shall not be recommended for City Council approval unless such issuance has been incorporated into the CIP.

VI. STANDARDS FOR USE OF DEBT FINANCING

The City's Debt Policy will promote debt issuance only in those cases where public policy, equity and economic efficiency favor debt over cash (pay-as-you-go) financing. Long-term debt financing shall not be used to fund operating costs.

A. Credit Quality

Credit quality is an overriding consideration. All City debt management activities for new debt issuances will be conducted in a manner conducive to receiving the highest credit ratings possible consistent with the City's debt management objectives, and to maintaining or improving the current credit ratings assigned to the City's outstanding debt by the major credit rating agencies.

B. Term of Financing

Debt can be used to provide funding for long-term capital projects. The debt repayment period should relate to the expected useful life for the facilities or equipment being financed, and should, as a general matter, be concurrent with the stream of benefits from these facilities. When the City finances capital projects by issuing bonds, the debt repayment period generally should not exceed the average useful life of the equipment, software and/or facilities being acquired or constructed, but in no case will the financing

exceed 120% of the useful life of the project being financed. Inherent in its long-term debt policies, the City recognizes that future taxpayers will benefit from the capital investment and that it is appropriate that they pay a share of the asset cost.

C. Debt Financing Mechanism

The City will evaluate the use of all financial alternatives available, including, but not limited to: long-term debt, short-term debt, commercial paper, tax revenue and grant anticipation notes, private placement and inter-fund borrowing. The City will utilize the most cost advantageous financing alternative available while limiting the City's risk exposure.

D. Ongoing Debt Administration and Internal Controls

The City shall maintain all debt-related records for as long as the associated debt is outstanding plus a term of three years. At a minimum, this repository will include all official statements, bid documents, ordinances, indentures, records relating to the expenditure of proceeds and the use of the project, records related to the investment of the proceeds of the bonds and the sources of payment, all returns filed with the IRS, trustee reports, etc. for all City debt. To the extent that official transcripts incorporate these documents, possession of a transcript will suffice (transcripts may be hard copy, stored on CD-ROM or other forms of electronic record). The City will collect all available documentation for outstanding debt and will develop a standard procedure for archiving transcripts for any new debt. The City will establish internal controls to ensure compliance with the Debt Policy, all debt covenants and any applicable requirements of the State and Federal Government Codes.

E. Rebate Policy and System

The City will accurately account for all interest earnings in debt-related funds. These records will be designed to ensure that the City is in compliance with all debt covenants, and with State and Federal laws. The City will maximize the interest earnings on all funds within the investment parameters set forth in each respective indenture, and as permitted by the City Investment Policy, subject to applicable limitations. The City will develop a system of reporting interest earnings that relates to and complies with Internal Revenue Code rebate requirements, yield limits and arbitrage.

F. Minimum Reserve Requirements for Water and Wastewater Funds

The Water and Wastewater Funds are to maintain a working capital reserve equal to not less than 25% of their operating expenses plus one annual debt service payment on any State Revolving Fund ("SRF") loans. This reserve is meant to ensure that adequate cash is on hand to meet current obligations of the funds as well as respond to unanticipated demands, such as unplanned repairs or renovations of the systems. This reserve is consistent with reserves established by other utilities for similar purposes.

G. Minimum Debt Service Coverage Ratio for Water and Wastewater Funds

The City will seek to maintain debt service coverage on its senior lien Water and Wastewater revenue bonds at a level not less than one and a half times (1.5x) the maximum annual debt service for the aggregate outstanding senior lien bonds of the

respective system, including the debt service for any new issuance, unless a different debt service coverage amount is allowed by existing bond covenants.

VII. DEBT FINANCING

A. Purpose of Debt

When the City determines that the use of debt is appropriate, the following criteria will be utilized to evaluate the type of debt to be issued:

1. New Money Financing

New money issues are financings that generate funding for capital projects, equipment or enterprise software systems. Eligible capital projects for allocation of City funds include the acquisition, construction or major rehabilitation of capital assets.

2. Refunding Financing

Refunding bonds are issued to retire all or a portion of an outstanding debt issue. Refunding issuances can be used to achieve present-value savings on debt service or to restructure the payment schedule, type of debt instrument used, or covenants of existing debt. The City must analyze the refunding issue on a present-value basis to identify economic effects before approval, as is further described in **Section X. Refinancing Outstanding Debt** below.

B. Type of Debt

When the City determines that the use of debt is appropriate, the following criteria will be utilized to evaluate the type of debt to be issued:

1. Long-Term Debt

The City may issue long-term debt when equipment, project, or software costs cannot be financed from current revenues. The proceeds derived from long-term borrowing will not be used to finance current operations or normal/current maintenance. Long-term debt will be structured such that the obligations generally do not exceed the average useful life of that which is being financed or the sunset date of any current, pledged revenues. And at no time will the financing exceed 120% of the expected average useful life of the asset being financed.

- *Current Interest Bonds* are bonds that pay interest periodically and principal at maturity. They may be used for both new money and refunding transactions. Bond features may be adjusted to accommodate the market conditions at the time of sale, including changing dollar amounts for principal maturities, offering discount and premium bond pricing, modifying call provisions, utilizing bond insurance, as well as determining whether and how to fund a debt service reserve fund.
- *Zero Coupon and Capital Appreciation Bonds* pay interest only when principal matures. Interest continues to accrue on the unpaid interest,

therefore representing a more expensive funding option. In the case of zero-coupon bonds, principal and interest, at one coupon rate, is repaid at maturity. In the case of Capital Appreciation Bonds, the value of the bond accretes until maturity. These types of bonds should be used only when no other bond structure is available to address a certain structuring problem. If used, these bonds should mature no later than 20 years from issuance and should be callable.

- *Taxable Debt* is debt whose interest payments are taxable for federal income tax purposes to bondholders. The City will consider the issuance of taxable debt when it is necessary for federal tax reasons or if these bonds would lower the overall cost of the financing or help the City achieve refunding savings that could not otherwise be achieved with the issuance of tax-exempt debt (e.g., advance refundings).

2. Short-Term Debt

Short-term borrowing may be utilized for the temporary funding of operational cash flow deficits or anticipated revenues, where anticipated revenues are defined as an assured revenue source with the anticipated amount based on conservative estimates, or until the structure of the take-out financing is finalized. The City will determine and utilize the least costly method for short-term borrowing. The City may issue short-term debt when there is a defined repayment source or amortization of principal, subject to the following policies:

- *Commercial Paper Notes* may be issued as an alternative to fixed rate debt, particularly when the timing of funding requirements is uncertain. The City may maintain an ongoing commercial paper program to ensure flexibility and immediate access to capital funding when needed. The retirement of commercial paper notes is most commonly a result of the issuance of long-term bonds but they may also be retired with available cash.
- *Grant Anticipation Notes (“GAN”)* are short-term notes that are repaid with the proceeds of State or Federal grants of any type. The City shall generally issue GANs only when there is no other viable source of funding for the project.
- *Bond Anticipation Notes (“BAN”)* are short-term notes issued prior to the issuance of long-term debt. BANs are most commonly retired, or taken-out, with long-term debt. BANs will be issued only when there is no better alternative to reduce the overall cost of a financing program.
- *Tax and Revenue Anticipation Notes (“TRAN”)* shall be issued only to address a timing mismatch between operating revenues and operating expenditures and the sizing of the issue shall fully conform to Internal Revenue Code requirements and limitations.
- *Lines of Credit* shall be considered as an alternative to other short-term borrowing options. The lines of credit shall be structured to limit concerns as to Internal Revenue Code compliance.
- *Other short-term debt* may also be considered and utilized when appropriate such as a Direct Purchase Loan from a bank or Floating Rate Notes.

3. Variable Rate Debt

To maintain a predictable debt service burden, the City may give preference to debt that carries a fixed interest rate. An alternative to the use of fixed rate debt is floating or variable rate debt. It may be appropriate to issue short-term or long-term variable rate debt to diversify the City's debt portfolio, reduce interest costs, provide interim funding for capital projects and improve the match of assets to liabilities. Variable rate debt typically has a lower cost of borrowing than fixed rate financing and shorter interest rate reset periods in the range of 1 to 35 days. Under no circumstances will the City issue variable rate debt solely for the purpose of earning arbitrage. The City, however, may consider variable rate debt in certain instances.

A) *Variable Rate Debt Capacity.* The City will maintain a conservative level of outstanding variable rate debt in consideration of general rating agency guidelines recommending a maximum of 20% variable rate exposure, in addition to maintaining adequate safeguards against risk and managing the variable revenue stream, both as described below:

- (1) *Adequate Safeguards Against Risk.* Financing structure and budgetary safeguards are in place to prevent adverse impacts from interest rate shifts; such structures could include, but are not limited to, interest rate swaps, interest rate caps and the matching of assets and liabilities. See **Section VII. B. 4. Financial Derivative Products** below. See also the **Interest Rate Swap Policy** addendum.
- (2) *Variable Revenue Stream.* The revenue stream for repayment is variable, and is anticipated to move in the same direction as market-generated variable interest rates, or the dedication of revenues allows capacity for variability.
- (3) *As a Component to Synthetic Fixed Rate Debt.* Variable rate bonds may be used in conjunction with a financial strategy which results in synthetic fixed rate debt. Prior to using synthetic fixed rate debt, the City shall certify that the expected interest cost is at least 10 basis points (0.10%) lower than traditional fixed rate debt (including any ongoing fees in such calculation) as well as giving due consideration to other risks associated with such a structure that may raise the ultimate costs of a synthetic fixed rate structure. See **Section VII. B. 4. Financial Derivative Products** below. See also the **Interest Rate Swap Policy** addendum.

4. Financial Derivative Products

Financial Derivative Products will be considered appropriate in the issuance or management of debt only in instances where it has been demonstrated that the derivative product will either provide a hedge that is expected to reduce the risk of fluctuations in expense or revenue, or alternatively where the derivative product is expected to reduce total project cost. The City shall maintain an Interest Rate Swap Policy (see attached) governing the use of derivative products. For derivatives other than interest rate swaps, the City will undertake an analysis of early termination costs and other conditional terms given certain financing and marketing assumptions. Such analysis will document the risks and benefits associated with the

use of a particular derivative product. Derivative products will only be utilized with prior approval from the City Council.

VIII. TERMS AND CONDITIONS OF BONDS

The City shall establish all terms and conditions relating to the issuance of bonds, and will control, manage, and invest all bond proceeds. Unless otherwise authorized by the City, the following shall serve as bond requirements.

A. Term

All capital improvements financed through the issuance of debt will be financed for a period generally not to exceed the average useful life of that which is being financed. At no time will the financing exceed 120% of the expected average useful life of the assets being financed, and in no event should the final maturity exceed the lesser of thirty (30) years or when the revenue source is projected to sunset.

B. Capitalized Interest

The nature of the City's revenue stream is such that funds are generally continuously available and the use of capitalized interest should not normally be necessary. However, certain types of financings may require the use of capitalized interest from the issuance date until the City has constructive use/benefit of the financed project. Unless otherwise required, the City will avoid the use of capitalized interest to obviate unnecessarily increasing the bond size. Interest shall not be funded (capitalized) beyond three (3) years or a shorter period when based upon project needs or if further restricted by statute. Interest earnings may, at the City's discretion, be applied to extend the term of capitalized interest but in no event beyond 3 years, or less, if restricted by law.

C. Lien Levels

Senior and Junior Liens for each revenue source will be utilized in a manner that will maximize the most critical constraint, typically either cost or capacity, thus allowing for the most beneficial use of the revenue source securing the bond. Projects chosen for priority financing, based on funding availability and proposed timing, will generally be financed on the most senior lien of the relevant credit.

D. Debt Service Coverage

For any new debt issuance secured by Water or Wastewater revenues, the City will seek to maintain pledged net revenues at a level no less than one and a half times (1.50x) the Maximum Annual Debt Service for the aggregate outstanding senior lien bonds, including the debt service for the new issuance, unless a different debt service coverage amount is allowed by existing bond covenants. For other types of debt incurred by the City, the City will determine the appropriate minimum debt service coverage levels based upon the nature of the pledged revenues, rating considerations, and other relevant factors.

E. Debt Service Structure

Debt issuance shall be planned to achieve relatively rapid repayment of debt while still

matching debt service to the useful life of facilities. The City will amortize its debt within each lien to achieve overall level debt service or may utilize more accelerated repayment schedules after giving consideration to bonding capacity constraints. The City shall avoid the use of bullet or balloon maturities except in those instances where these maturities achieve one of the City's stated goals, such as minimizing annual debt service or leveling annual existing debt service, among others.

F. Call Provisions

In general, the City's securities will include a call feature, which is no later than ten (10) years from the date of delivery of the bonds. The City will avoid the sale of non-callable bonds absent careful evaluation by the City with respect to the value of the call option. If the City were to issue taxable bonds, the City will carefully consider the financial impacts of a 10-year call, a make-whole call, or non-callable debt.

G. Original Issue Discount & Deep Discount Bonds

An original issue discount and deep discount bonds will be permitted only if the City determines that such discount results in a lower true interest cost on the bonds and that the use of an original issue discount or deep discount bonds will not materially reduce the value of the bonds' call provisions nor adversely affect the project identified by the bond documents.

H. Maximum Repayment Ratio

The maximum repayment ratio, defined as total future debt service payments divided by the principal amount of the bonds issued, shall be no more than three to one (3:1) for each series of bonds.

IX. CREDIT ENHANCEMENTS

The City will consider the use of credit enhancement on a case-by-case basis, evaluating the economic benefit versus cost for each case. Only when a clearly demonstrable savings can be shown shall enhancement be considered. The City will consider each of the following enhancements as alternatives by evaluating the cost and benefit of such enhancement. As noted below, the use of credit enhancements may result in additional continuing disclosure requirements described below (see **Section XV. F. Continuing Disclosure** below).

A. Bond Insurance

The City may purchase bond insurance when such purchase is deemed prudent and advantageous. The predominant determination shall be based on such insurance being less costly than the present value of the difference in the interest on insured bonds versus uninsured bonds.

B. Debt Service Reserves

When required, a reserve fund equal to the lesser of 10% of the original principal amount of the bonds, maximum annual debt service, or 125% of average annual debt service, and if permitted, 10% of par value of bonds outstanding, (the "Reserve Requirement") shall be

funded from the proceeds of each series of bonds, subject to federal tax regulations and in accordance with the requirements of credit enhancement providers and/or rating agencies. The City may purchase a reserve equivalent (e.g., a reserve fund surety policy) when such purchase is deemed prudent and advantageous. Such equivalents shall be evaluated in comparison to cash funding of reserves on a net present value basis, while also taking into account the creditworthiness of the surety provider and market acceptance.

C. Letters of Credit

The City may enter into a letter of credit agreement when such an agreement is required by the market (e.g., in the case of variable rate demand bonds) or is deemed prudent and advantageous. Only those financial institutions with long-term ratings greater than or equal to that of the City, and minimum short-term ratings of P-1, A-1, F1, by Moody's Investors Service, S&P Global Ratings and Fitch Ratings, respectively, may participate in City letter of credit agreements unless there are no other practicable options for the City.

X. REFINANCING OUTSTANDING DEBT

The City shall have the responsibility to analyze outstanding bond issues for refunding opportunities that may be presented by underwriting and/or municipal advisory firms. The City will consider the following issues when analyzing possible refunding opportunities:

A. Debt Service Savings

The City has established a minimum net present value savings threshold goal of 3% of the refunded bond principal, unless there are other compelling reasons for defeasance. The present value savings will be net of all costs related to the refinancing. If the debt to be refinanced is not currently callable (i.e., in the case of forward delivery refundings, advance refundings, etc.) the City will make a comparison to the projected savings it could achieve if it waited until the debt becomes eligible for a current refunding. The decision to defease debt that is not currently callable or to take savings on an upfront or deferred basis must be explicitly approved by the City Council.

B. Restructuring

The City will refund debt when in its best interest to do so. Refundings will include restructuring to meet unanticipated revenue expectations, terminate swaps, achieve cost savings, mitigate irregular debt service payments, release reserve funds or remove unduly restrictive bond covenants.

C. Term of Refunding Issues

The City will refund bonds within the term of the originally issued debt. However, the City may consider maturity extension, when necessary to achieve a desired outcome, provided that such extension is legally permissible. The City may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of intergenerational equity should guide this decision.

D. Escrow Structuring

The City shall utilize the least costly permitted securities available in structuring refunding escrows. The City will examine the viability of an economic versus legal defeasance on a net present value basis. Generally, the City should look to purchase State and Local Government Series (“SLGS”) securities from the federal treasury when structuring refunding escrows. The City may review the purchase of Open Market Securities (“OMS”) to fund a refunding escrow. In such a case, a certificate from a third-party agent, who is not a broker-dealer, is required stating that the securities were procured through an arms-length, competitive bid process (in the case of OMS), that such securities were more cost effective than SLGS, and that the price paid for the securities was reasonable within federal guidelines. Under no circumstances shall an underwriter, agent, municipal advisor or financial advisor sell escrow securities to the City from its own account.

E. Arbitrage

The City shall take all necessary steps to optimize refunding escrows and to avoid negative arbitrage. Any resulting positive arbitrage will be rebated as necessary according to federal guidelines.

XI. METHODS OF ISSUANCE

The City will determine, on a case-by-case basis, whether to sell its bonds competitively or through negotiation. The City shall evaluate the comparative costs of each method of issuance on a net present value basis, using the City’s investment rate as the appropriate measure of the discount rate. It should be noted, however, that cost may be only one of a number of factors considered in determining the most advantageous method of sale.

A. Competitive Sale

In a competitive sale, the City’s bonds shall be awarded to the bidder providing the lowest true interest cost as long as the bid adheres to the requirements set forth in the official notice of sale. Conditions under which a competitive sale would be preferred are as follows:

- Bond prices are stable and/or demand is strong.
- Market timing and interest rate sensitivity are not critical to the pricing. There are no complex explanations required during marketing regarding issuer’s projects, media coverage, political structure, political support, and funding or credit quality.
- The bond type and structure are conventional.
- Bond insurance is not needed, is included or pre-qualified (available).
- Significant transaction size, generally larger than \$10 million.
- The City (or the issuing City enterprise) has strong credit ratings.
- The City (or the issuing City enterprise) is well known to investors.

B. Negotiated Sale

The City recognizes that some securities are best sold through negotiation. Conditions

under which a negotiated sale would be preferred are as follows:

- Interest rates are volatile.
- Demand is weak or supply of competing bonds is high.
- Market timing is important, such as for refundings.
- The City (or the issuing City enterprise) has lower or weakening credit rating.
- The issuing City enterprise is not well known to investors.
- Sale and marketing of the bonds will require complex explanations about the issuer's projects, media coverage, political structure, political support, funding, or credit quality.
- The bond type and/or structural features are non-standard, such as for a forward delivery bond sale, issuance of taxable or variable rate bonds, or where there is the use of derivative products.
- Bond insurance is not available or not offered.
- Early structuring, investor outreach and other market participation by underwriters are desired.
- The par amount for the transaction is small (generally under \$10 million) or significantly larger than normal (generally over \$100 million).
- Demand for the bonds by retail investors is expected to be high.
- Participation from Disadvantaged Business Enterprise ("DBE") firms is required or desired.

C. Private Placement

From time to time the City may elect to privately place its debt. Such placement shall be considered if this method is demonstrated to result in a cost savings to the City or other benefits relative to other methods of debt issuance. As noted below, private placements may require compliance with disclosure requirements (see **Section XV. F. Continuing Disclosure** below).

D. Feasibility Analysis

Issuance of revenue bonds may be accompanied by a finding that demonstrates the projected revenue stream's ability to meet future debt service payments.

XII. MARKET RELATIONSHIPS

A. Rating Agencies and Investors

The Director of Finance shall be responsible for maintaining the City's relationships with Moody's Investors Service, S&P Global Ratings, Fitch Ratings and any other major rating agency. The City may, from time to time, choose to seek ratings from only one or two of these agencies as circumstances dictate. In addition to general communication, the Director of Finance shall meet with credit analysts prior to each rated competitive or negotiated sale and/or offer conference calls with agency analysts in connection with the planned sale as needed.

B. Other Jurisdictions/Conduit Financing

From time to time, the City may issue bonds on behalf of other public entities. While the City will make every effort to facilitate the desires of these entities, the Director of Finance will ensure that the highest quality financings are done and that the City is insulated from all manageable risks. The City may issue bonds through another issuing entity such as a Joint Powers Authority (“JPA”). The City may issue debt in this manner if it would result in the least costly method to issue debt (e.g. reduced costs of issuance). The City will evaluate the timing of such issuance.

C. Fees

When appropriate, the City will charge an administrative fee equal to direct costs to reimburse its administrative costs incurred in debt issuance and ongoing reporting costs.

XIII. CONSULTANTS

Periodically, the City may create an approved pool of qualified financing team members, such as municipal advisors or underwriters.

A. Selection of Financing Team Members

The Director of Finance will make recommendations to the City Manager for all financing team members, with the City Council providing final approval.

B. Municipal Advisor

The City shall utilize a municipal advisor to assist in its debt issuance and debt administration processes as prudent. The municipal advisor must be registered as a Municipal Advisor with the Securities and Exchange Commission (“SEC”) and Municipal Securities Rulemaking Board (“MSRB”). Selection of the City’s municipal advisor(s) shall be based on, but not limited to, the following criteria:

- Prior knowledge and experience with the City.
- Experience in providing consulting services to complex issuers.
- Knowledge and experience in structuring and analyzing complex issues.
- Experience and reputation of assigned personnel.
- Fees and expenses.

Municipal advisory services provided to the City shall include, but shall not be limited to the following:

- Evaluation of risks and opportunities associated with debt issuance.
- Monitoring market conditions and opportunities.
- Evaluation of proposals submitted to the City by investment banking firms.
- Structuring and pricing of debt.
- Preparation of request for proposals for other financial services such as trustee and paying agent services, printing, credit facilities, remarketing agent services, etc.

- Advice, assistance and preparation for presentations with rating agencies, credit providers and investors.
- Assisting in preparation of official statements and other financing documents.
- Be available for other projects whenever needed.

The City also expects that its municipal advisor will provide the City with objective advice and analysis, maintain the confidentiality of City financial plans, and be free from any conflicts of interest.

C. Bond Counsel

City debt will include a written opinion by legal counsel affirming that the City is authorized to issue the proposed debt, that the City has met all constitutional and statutory requirements necessary for issuance, and a determination of the proposed debt's federal income tax status. The approving opinion and other documents relating to the issuance of debt will be prepared by counsel with extensive experience in public finance and tax issues. The counsel will be selected by the City Attorney and subject to City Council approval.

The services of bond counsel may include, but are not limited to:

- Rendering a legal opinion with respect to authorization and valid issuance of debt obligations including whether the interest paid on the debt is tax exempt under federal and State of California law;
- Preparing all necessary legal documents in connection with authorization, sale, issuance and delivery of bonds and other obligations;
- Unless this task is assigned to disclosure counsel, as selected by the City separately from bond counsel, preparing the preliminary and final official statements and commercial paper memoranda;
- Participating in discussions with potential investors, insurers and credit rating agencies, if requested;
- Providing continuing advice, as requested, on the proper use and administration of bond proceeds under applicable laws and the indenture, particularly arbitrage tracking and rebate requirements;

D. Disclosure Counsel

The City may utilize a separate firm to serve as disclosure counsel as it deems necessary. If cost effective, bond counsel may also serve as disclosure counsel.

XIV. UNDERWRITER SELECTION

A. Senior Manager Selection

The City shall have the right to select a senior manager for a proposed negotiated sale. The criteria shall include but not be limited to the following:

- The firm's ability and experience in managing similar and/or complex transactions.
- Demonstrated ability to structure debt issues efficiently and effectively.
- Prior knowledge and experience with the City.
- The firm's willingness to risk capital and demonstration of such.
- The firm's ability to reach a wide network of investors.
- The firm's ability to sell bonds at the lowest market interest rates.
- Quality and experience of personnel assigned to the City's engagement.
- Financing and marketing plans presented.

B. Co-Manager Selection

Co-managers may be selected on the same basis as the senior manager. In addition to their qualifications, co-managers appointed to specific transactions will be a function of transaction size and the necessity to ensure maximum distribution of the City's bonds.

C. Selling Groups

The City may establish selling groups in certain transactions. To the extent that selling groups are used, the City may make appointments to selling groups from within an existing pre-qualified pool of underwriters or through another process, as the transaction dictates.

D. Underwriter's Counsel

In any negotiated sale of City debt in which legal counsel is required to represent the underwriter, the lead underwriter will make the appointment subject to the City's right to object to any such appointment.

E. Underwriter's Discount

The City will evaluate the proposed underwriter's discount against comparable issues in the market. If there are multiple underwriters in the transaction, the City will determine the allocation of fees with respect to the takedown and management fee (if any). The determination of the size and allocation of the management fee will be based upon participation in the structuring phase of the transaction. Generally, the City will not pay for risk in its underwriter's discount. All fees and allocation of the management fee will be determined prior to the sale date; a cap on management fee, expenses and underwriter's counsel will be established and communicated to all parties by the City. The senior manager shall submit an itemized list of expenses charged to members of the underwriting group. Any additional expenses must be substantiated.

F. Evaluation of Financing Team Performance

The City will evaluate each bond sale after its completion to assess the following: costs of issuance including underwriters' compensation, pricing of the bonds in terms of the overall interest cost and on a maturity-by-maturity basis, and the distribution of bonds and sales credits. Following each sale, the municipal advisor shall provide a post-sale evaluation on the results of the sale to the City Council.

G. Syndicate Policies

For each negotiated transaction, the Director of Finance will review and approve syndicate policies that will describe the designation policies governing the upcoming sale. The Director of Finance shall ensure receipt of each member's acknowledgement of the syndicate policies for the upcoming sale prior to the sale date.

H. Designation Policies

To encourage the pre-marketing efforts of each member of the underwriting team, orders for the City's bonds will be net designated, unless otherwise expressly stated. The City shall require the senior manager to:

- Equitably allocate bonds to other managers and the selling group.
- Comply with MSRB regulations governing the priority of orders, compliance with retail order requirements and allocations.
- Within 10 working days after the sale date, submit to the Director of Finance a detail of orders, allocations and other relevant information pertaining to the City's sale.

I. Disclosure by Financing Team Members

All financing team members will be required to provide full and complete disclosure relative to agreements with other financing team members and outside parties. The extent of disclosure may vary depending on the nature of the transaction and for underwriters and municipal advisors shall, at a minimum, comply with applicable SEC and MSRB requirements. For firms acting as the City's bond counsel, disclosure counsel, or municipal advisor, no agreements shall be permitted which could compromise the firm's ability to provide independent advice which is solely in the City's best interests or which could reasonably be perceived as a prohibited conflict of interest. All other conflicts must be disclosed to the City in accordance with applicable regulatory requirements. For legal counsel such conflicts disclosure shall, at a minimum, comply with applicable conflicts disclosure requirements for attorneys in the state.

XV. POST-ISSUANCE COMPLIANCE

A. General

In conjunction with the issuance of a tax-advantaged obligation, bond counsel issues an opinion that is in part based on the reasonable expectation that the issuer will comply with federal tax law requirements to preserve the tax-advantaged status of the obligation. The issuer agrees to comply with these requirements through representations it makes in the tax compliance certificate. The purpose of this Post-Issuance Compliance section is to establish policies and procedures in connection with the issuance of obligations, so as to (a) maximize the likelihood that the City satisfies all applicable post-issuance requirements of federal income tax law needed to preserve the tax exempt status of bonds, (b) ensure that the City will take any appropriate remedial actions on a timely basis if a future event occurs that could affect the tax-exempt status of bonds, and (c) maximize the likelihood that the City complies with applicable federal securities laws, including any

contractual obligations arising thereunder. The City reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as circumstances warrant. The City also reserves the right to change these policies and procedures from time to time.

Issuers and borrowers are also required to disclose, on a periodic basis, financial information and certain other information that may impact their ability to service their debt. This ongoing reporting requirement is known as continuing disclosure. The requirements of continuing disclosures are directly applicable to underwriters and are set forth in Securities and Exchange Commission (“SEC”) Rule 15c2-12. The issuer makes representations in its official statements and other bond documents regarding its intent to comply as a matter of contract with the requirements of Rule 15c2-12.

B. Designation of Post-Issuance Compliance Officer

The City has established a Disclosure Working Group (“DWG”) consisting of the City’s Manager and Director of Finance. The DWG will establish appropriate written policies and procedures, which this document provides, and periodic training regarding continuing disclosure obligations to effect compliance with the federal securities laws. In connection with each primary offering subject to Rule 15c2-12, as well as annually and periodically when necessary in connection with its continuing disclosure filings required by contractual undertakings delivered in accordance with Rule 15c2-12, the DWG will notify its dissemination agent and others, as and when appropriate when developments and events affect the City that may give rise to a contractual obligation to provide additional disclosure or that may provide an opportunity for voluntary disclosure.

The Director of Finance, or his or her designee, shall be the Post-Issuance Compliance Officer (the “Compliance Officer”) for the City’s debt issuances (the “Bonds”). The Compliance Officer, if City staff, may designate such other personnel as may be necessary to assist in determining continuing compliance with all relevant law and regulations applicable to the continued favorable tax treatment of such indebtedness, and to comply with the record-keeping responsibilities outlined herein. At such time as the initial Compliance Officer is replaced or a new Compliance Officer is designated, the departing Compliance Officer will ensure that such successor is fully briefed as to the status of the City’s outstanding indebtedness and the location of records relating to such indebtedness, and that such successor receives training and consultation(s) with bond or disclosure counsel as to his or her duties as Compliance Officer under this Debt Policy.

C. External Advisors

The City shall consult with bond counsel and other legal counsel and advisors, as needed, so long as any Bonds remain outstanding, to identify requirements and to establish procedures necessary or appropriate so that tax-exempt interest on the Bonds will continue to be excludable from gross income for federal income tax purposes. Those requirements and procedures shall include future compliance with applicable private activity bond tests, arbitrage rebate requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of bonds. The Compliance Officer shall conduct periodic reviews, at least annually, or more often

as may be necessary, to determine that the City remains in compliance with all laws and regulations, including, without limitation, the matters set forth herein. The Compliance Officer annual review shall include matters that relate to the tax status of the Bonds, continuing compliance with covenants that relate to the tax status of the Bonds, and any new matters or public finance developments that relate to the tax status of the Bonds or continuing compliance with such requirements. The City may consult with bond counsel in conducting its review and may engage expert advisors (each a “Rebate Analyst”) to assist in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds in the manner more fully set forth in the Tax Certificate.

D. Uses and Investments of Funds and Accounts

Various funds and accounts are established as security for the Bonds. The Compliance Officer shall prepare regular, periodic statements regarding the investments and transactions involving bond proceeds, which shall comprise part of the records required to be kept. The Compliance Officer will also review the disbursement of bond proceeds from Trustee records or City records, as applicable, to ensure that bond proceeds are expended in accordance with their intended purpose. The Compliance Officer shall report to the Finance Director (if the officer is a designee of the Finance Director) and the City Manager any expenditure which violates the provisions of any ballot measure, authorizing resolution, or trust document. If any Debt Service Fund ever contains any balance after the principal payment of the Bonds is made each year, except for a reasonable carryover amount which is less than the greater of the earnings on the Debt Service Fund for the immediately preceding year ending on such principal payment date (a “Bond Year”), or 1/12 of the principal and interest payments on the Bonds for the immediately preceding Bond Year, then the Compliance Officer will contact bond counsel to ensure that such facts will not cause the Bonds to become arbitrage bonds, to formulate a plan to remediate such condition, if necessary, and to determine an allowable use for such excess moneys and/or to determine if any yield restrictions apply. If any Debt Service Reserve Fund is ever funded (i) in an amount more or less than the required balance but declining in future years as detailed in the Tax Certificate, or (ii) is invested at a yield that is higher than the yield of the Bonds, then the Compliance Officer will contact bond counsel to ensure that such facts will not cause the Bonds to become arbitrage bonds, to formulate a plan to remediate such condition and/or to determine if any yield restrictions apply. Generally, if the Debt Service Reserve Fund ever contains a higher balance than required (either through the accrual of interest, investment gains, maturity of securities, or reduction in the Reserve Requirement) then the excess moneys should be dealt with as directed by the documents and approved by bond counsel. If any Construction Fund ever is invested at a yield higher than the yield of the Bonds or if moneys in the Construction Fund are not fully expended by three years after the original delivery date of the Bonds, then the Compliance Officer will contact bond counsel to ensure that such facts will not cause the Bonds to become arbitrage bonds, to formulate a plan for the investment and application of the remaining unexpended Bond Proceeds, which plan may include the redemption or defeasance of Bonds, and/or to determine if any yield restrictions apply.

E. Rebate Reporting

The use of bond proceeds and their investments must be monitored to ensure compliance

with arbitrage restrictions. The City will cause arbitrage rebate calculations to be completed, or cause to be completed by an experienced firm the City has retained for this purpose related to any bond issues, with any positive rebate paid every five years and as otherwise required by applicable provisions of the Internal Revenue Code and regulations. Therefore, the Director of Finance shall ensure that proceeds and investments are tracked in a manner that facilitates accurate, complete calculation, and timely rebates, if necessary.

F. Continuing Disclosure

Appointment. Unless otherwise provided in any Continuing Disclosure Agreement executed in connection with Bonds pursuant to SEC Rule 15c2-12 (the “Continuing Disclosure Agreement”), the Compliance Officer shall also be the Dissemination Agent under such Continuing Disclosure Agreement. The Compliance Officer shall be responsible for and take all reasonable steps to ensure compliance with said Continuing Disclosure Agreement and shall monitor the operations of the Issuer for occurrence of any listed event (as set forth therein). For any Bonds for which it is designated to serve in such capacity, should the Compliance Officer no longer serve as Dissemination Agent, the City shall select an internal or external Dissemination Agent.

Responsibilities. The Dissemination Agent is responsible for the following (the “Continuing Disclosure Policies”):

- Serving as a “point person” for personnel to communicate issues or information that should be or may need to be included in any Continuing Disclosure Agreement;
- Identifying the officers and employees of the City who are most likely to first obtain knowledge of the occurrence of events that would require event filings;
- Monitoring compliance by the City with the Continuing Disclosure Policies, including timely dissemination of the annual report and event filings as described below;
- Recommending changes to the Continuing Disclosure Policies to the City as necessary or appropriate;
- Following up with others to make sure that assigned tasks have been completed on a timely basis and making sure that the continuing disclosure annual report is filed on a timely basis; and
- Maintaining records documenting the City’s compliance with the Continuing Disclosure Policies and the Continuing Disclosure Agreement.

Filing Requirements. The City is required to file an annual report with the MSRB’s Electronic Municipal Market Access (“EMMA”) system each year. Such annual reports are required to include certain updated financial and operating information and audited financial statements. The Dissemination Agent will establish or cause to be established a calendar reminder of the city’s continuing disclosure obligations on July 1 each year. The City is also required to file notices of certain events with the MSRB’s EMMA system.

Upon the identification of the occurrence of a material event, the Dissemination Agent shall, in consultation with bond counsel, prepare, or cause to be prepared, a draft of the necessary notice (including compiling any materials or documents to be included with such notice) and shall notify such parties of the date by which such notice is to be filed. If it is not clear if the occurrence of an event constitutes an event that requires notification, then the Dissemination Agent shall consult with bond counsel to determine whether the City is required to file a notice concerning such event.

For any public debt issues (subject to contractual obligations under SEC Rule 15c2-12) issued on or after February 27, 2019, the City is required to commit to make additional disclosure with respect to private loans or financing leases (not sold through an official statement) or derivatives or credit support agreements (collectively “financial obligations”). The additional events will need to be provided to the City’s Dissemination Agent, for further filing with EMMA, within ten (10) business days of their occurrence:

- Incurrence of a financial obligation of the City (and any obligated person, where applicable), if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City (and any obligated person, where applicable), any of which affect security holders, if material;
- Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City (and any obligated person, where applicable), any of which reflect financial difficulties.

In addition, the Dissemination Agent will be responsible for providing notice, in a timely manner, of a failure to provide any of the City’s required annual financial information by the date specified in the continuing disclosure undertaking. The inability to make timely filings must be disclosed and is a negative reflection. While there is reliance on timely audit and preparation of the City’s annual report, the Director of Finance will ensure the City’s timely filing of its annual report on EMMA as soon as it is available.

G. Voluntary Disclosure Requirements

In addition to preparing annual reports and event notices, the City may wish to keep investors informed by providing information that is not required to be provided under Rule 15c2-12 or its continuing disclosure undertakings. Examples of such types of information are investments, interim financial information, capital improvement plans, fund balance policies, etc. and financial forecasts. Because providing this information is voluntary, the Compliance Officer will monitor for events which may materially affect the financial condition or operations of the City, so that a determination can be made if the event should be disclosed. The below list is comprised of events and financial disclosure which the MSRB has suggested issuers may wish to voluntarily disclose. Some of these are not applicable to the City’s public debt issues and financial obligations, but the City may wish to consider providing some of these to the City’s Dissemination Agent for further filing with EMMA:

- Amendment to continuing disclosure undertaking;
- Change in obligated person (i.e., a person guaranteeing or supporting City debt);
- Notice to investors pursuant to bond documents;
- Certain communications from the Internal Revenue Service;
- Secondary market purchases;
- Capital or other financing plan;
- Litigation/enforcement action;
- Change of tender agent, remarketing agent, or other ongoing party;
- Change in fiscal year/timing of annual disclosure or accounting standard;
- Interim/additional financial information/operating data, budget;
- Investment/debt/financial policy changes;
- Information provided to rating agency, credit/liquidity provider or other third party; and
- Consultant reports.

Also, if the City maintains an Investor Relations website, or routinely posts City information packages, including interim financial information, capital improvement plans, etc. on its website, the City's Compliance Officer should review and, in some cases, the Compliance Officer should reissue the posted material with an explanatory note (e.g., the interim financial information is presented on a cash, as opposed to accrual basis).

Currently, the City is not required to file interim financial information. In the future, if such filings are required in continuing disclosure undertakings, the City's Compliance Officer will notify the Dissemination Agent for assistance when these filings become necessary.

H. Coordinating Continuing Disclosure with Primary Disclosure

It is expected that the DWG will be responsible for collecting and reviewing information set forth in official statements prepared in connection with new bond offerings. Any Management's Discussion and Analysis ("MD&A") from the prior year's audited financial statements will be reviewed to ensure that the unaudited information which was provided in that portion of the financial statements is updated to include added public debt and material financial obligations. Coordination with the City's auditors will be essential, as well as careful review of the long-term debt notes in the financial statements and the checking of all bond ratings before each EMMA filing is made. Measures should be taken to assure information publicly available to investors is accurate. Further coordination between the DWG and the City's website manager is essential before posting any financial information.

I. Website Disclosure

It is expected that the Compliance Officer will be responsible for monitoring website content and reviewing the information set forth on such website. Appropriate disclaimer language on the website will be considered in order to educate the viewer that specific information intended for investors can be found on the City's EMMA page as well as the

investor's acknowledgement of the limitations of such reliance. Coordination between the DWG and City officials will occur before the release of any public statements about any financial condition of the City.

J. Training for Employees and Issuer Officials

For City officials, compliance with federal securities law should be considered as important as compliance with local public meetings and records laws. To further this goal, the Compliance Officer shall call a meeting for an annual review or, if necessary, an interim review, of the continuing disclosure policies of the City, which all members of the DWG and additional invited officials and employees are expected to attend. The Compliance Officer shall be responsible for keeping a record of attendance. Furthermore, the members of the DWG and such invited officials and employees are expected to attend training sessions, at least annually, called by the Compliance Officer. Applicable policies and procedures will be updated by the City to reflect required changes on an as-needed basis.

GLOSSARY

Arbitrage- The difference between the interest paid on the tax-exempt securities and the interest earned by investing the security proceeds in higher-yielding securities. IRS regulations govern arbitrage on the proceeds from issuance of municipal securities.

Balloon Maturity- A later maturity within an issue of bonds that contains a disproportionately large percentage of the principal amount of the original issue.

Bond Allocation Policies- Outline as to how an investor's order is filled when a maturity in an underwriting syndicate is oversubscribed. The senior managing underwriter and issuer decide how the bonds will be allocated among the syndicate. There are three primary classifications of orders, which form the designation policy. The highest priority is given to Net Designated orders; the next priority is given to Group Net orders and Member orders are given the lowest priority (unless the Member orders are retail orders in which case it would be given the highest priority).

Bullet Maturity- Maturity for which there are no sinking fund payments prior to the stated maturity date.

Call Provisions- The terms of the bond contract giving the issuer the right to redeem all or a portion of an outstanding issue of bonds prior to their stated dates of maturity at a specific price, usually at or above par.

Capitalized Interest- A portion of the proceeds of an issue that is set aside to pay interest on the securities for a specific period of time. Interest is commonly capitalized for the construction period of the project.

Commercial Paper- Very short-term, unsecured promissory notes issued in either registered or bearer form, and usually backed by a line of credit with a bank.

Competitive Sale- A sale of securities by an issuer in which underwriters or syndicates of underwriters submit sealed bids to purchase the securities in contrast to a negotiated sale.

Continuing Disclosure- The principle that accurate and complete information material to the transaction which potential investors would be likely to consider material in making investment decisions with respect to the securities be made available on an ongoing basis.

Credit Enhancement- Credit support purchased by the issuer to raise the credit rating of the issue. The most common credit enhancements consist of bond insurance, direct or standby letters of credit, and lines of credit.

Debt Service Reserve Fund- The fund in which moneys are placed which may be

used to pay debt service if pledged revenues are insufficient to satisfy the debt service requirements.

Deep Discount Bonds- Bonds that are priced for sale at a substantial discount from their face or par value.

Derivatives- A financial product whose value is derived from some underlying asset value.

Designation Policies- Concerning a negotiated sale of bonds, the rules regarding how the takedown (sales commission) is allocated among the underwriters for each order put in for the bonds.

Direct Purchase Loan- A source of financing where the loan is purchased by a financial institution instead of being offered to the general public for purchase. The loan can bear interest at a fixed rate or on a variable rate tied to market index (i.e. the Secured Overnight Financing Rate (“SOFR”) or Securities Industry and Financial Markets Association (“SIFMA”) Index). This form of financing does not require a remarketing agent to set the variable rate. As such, a Direct Purchase Loan can be used to replace traditional forms of variable-rate debt.

Escrow- A fund established to hold moneys pledged and to be used to pay debt service on an outstanding issue.

Expenses- Compensates senior managers for out-of-pocket expenses including: underwriters counsel, DTC charges, travel, syndicate expenses, dealer fees, overtime expenses, communication expenses, computer time and postage.

Floating Rate Notes (“FRN”)- A note with a variable interest rate sold either in the public market or directly to financial institutions. The adjustments to the interest rate are typically tied to a certain index like SOFR or SIFMA and are made periodically. The rate would continue to reset in the same manner through maturity. The SOFR-based floating rate note market typically does not require bank support and as a result, offers issuers an alternative to traditional floating rate debt.

Grant Anticipation Notes (“GAN”)- Short term notes issued by the government unit, usually for capital projects, which are paid from the proceeds of State or Federal grants of any type.

Letters of Credit- A bank credit facility wherein the bank agrees to lend a specified amount of funds for a limited term.

Management Fee- The fixed percentage of the gross underwriter’s spread which is usually only paid to the managing underwriter for the structuring phase of a transaction.

Members- Underwriters in a syndicate other than the senior underwriter.

Moody's Median- Key financial, debt, economic and tax base statistics with median values for each statistic presented. Moody's uses audits for both rated and unrated agencies to ensure that the medians presented are representative of all agencies.

Negotiated Sale- A method of sale in which the issuer chooses one underwriter to negotiate terms pursuant to which such underwriter will purchase and market the bonds.

Original Issue Discount- The amount by which the original par amount of an issue exceeds its public offering price at the time it is originally offered to an investor.

Pay-As-You-Go- An issuer elects to finance a project with existing cash flow as opposed to issuing debt obligations.

Present Value- The current value of a future cash flow when discounted to the present at a specific annual rate.

Private Placement- The original placement of an issue with one or more investors or financial institutions as opposed to being publicly offered or sold.

Rebate- A requirement imposed by the Tax Reform Act of 1986 whereby the issuer of the bonds must pay the IRS an amount equal to its profit earned from investment of bond proceeds at a yield above the bond yield calculated pursuant to the IRS code together with all income earned on the accumulated profit pending payment.

Tax and Revenue Anticipation Notes ("TRAN")- Short-term notes issued by a government unit, usually for capital projects, which are paid from the proceeds of sales tax or other revenue sources.

Selling Groups- The group of securities dealers who participate in an offering not as underwriters but rather as those who receive securities less the selling concession from the managing underwriter for distribution at the public offering price.

Syndicate Policies- The contractual obligations placed on the underwriting group relating to distribution, price limitations and market transactions.

Underwriter- A dealer that purchases new issues of municipal securities from the Issuer and resells them to investors.

Underwriter's Discount- The difference between the price at which the Underwriter buys bonds from the Issuer and the price at which they are reoffered to investors.

Variable Rate Debt- An interest rate on a security which changes at intervals according to an index or a formula or other standard of measurement as stated in the bond contract.



CITY OF MODESTO
CITY COUNCIL POLICY

Latest Revision Date: 06/25/2024

ADDENDUM: Interest Rate Swap Policy

1. City of Modesto Philosophy Regarding Use of Interest Rate Swaps

A. Introduction

Interest rate exchange agreements or interest rate swaps (“Swaps”) and related financial instruments and derivatives may be appropriate interest rate management tools in certain circumstances. Properly used, Swaps can increase the City of Modesto’s (the “City”) financial flexibility and provide opportunities for interest rate savings. This policy (“Swap Policy”) shall be followed in conjunction with the City’s related debt issuance-related policies and procedures (the “Debt Policy”).

Swaps are appropriate to use when they achieve a specific financial objective consistent with the City’s overall Swap Policy and Debt Policy. Swaps may be used, for example, to lock-in a current market fixed rate or create additional variable rate exposure. Swaps may be used to produce interest rate savings or alter the pattern of debt service payments. Swaps may be used to cap, limit or hedge variable rate payments. Options granting the right to commence or cancel an underlying Swap are permitted to the extent the Swap itself is otherwise consistent with this Swap Policy.

The authorized Swaps contemplated in this Swap Policy are intended to reduce the amount or duration of interest rate risk, or produce a lower cost of borrowing when used in combination with the issuance of bonds.

B. Rationales for Utilizing Interest Rate Swaps

The use of Swaps and related financial instruments should balance the City’s primary objectives of reducing the cost of capital, minimizing the City’s exposure to interest rate volatility, and gaining flexibility in structuring and managing its debt portfolio over time with the risks associated with these tools and instruments. Examples of how the City’s debt management objectives can be achieved through the use of Swaps and other financial instruments are described below:

- Reduce borrowing costs at the time of issuance
Create synthetic fixed rate debt through a floating-to-fixed Swap.
- Actively manage interest rate risk
Lock-in current market rates through (forward starting) floating-to-fixed Swap.
- Balance financial risk
Purchase of an interest rate cap.

- Achieve appropriate asset/liability match
Create variable rate exposure through fixed-to-floating Swap.

Under no circumstances will Swaps be used for speculative purposes, e.g., to realize trading gains.

2. Authority for Entering into Swap Agreements

The purpose of this Swap Policy is to integrate the use of Swaps into the City’s overall Debt Policy, and other funds of the City where particular debt strategies, both long-term and short-term, factor into these decisions. Swaps will not be used for speculation. The City Manager, in conjunction with the Director of Finance, shall be responsible for determining if and when it is in the City’s overall best financial interests to enter into a Swap or related financial instruments covered by this Swap Policy.

The City shall comply with all applicable laws. The City must receive an opinion acceptable to the financial market from a nationally recognized law firm that the swap contract is a legal, valid, and binding obligation of the City and that entering into such a contract complies with applicable provisions of the City Charter and State statutes.

3. Permitted Instruments

The City may utilize financial instruments that (i) lower its interest expense, (ii) manage its financial risk or (iii) improve its financial condition.

The City shall not use financial instruments that (i) create substantial leverage or financial risk, (ii) lack adequate liquidity to terminate at market, (iii) provide insufficient price transparency to allow reasonable valuation on an ongoing basis, or (iv) are primarily speculative in nature.

The use of Swaps and other hedging products should produce a result not otherwise available in the cash market (i.e., lack of advance refunding, non-callable debt), or provide a higher level of net savings compared to conventional financing methods.

The City may expressly utilize the following financial instruments, after identifying the financial objective(s) to be realized and assessing the attendant risks:

- **Current or forward starting floating-to-fixed rate swaps**
Designed to reduce a fixed interest rate below that which would otherwise be available through the use of traditional fixed rate debt.
- **Current or forward starting fixed-to-floating rate swaps**
Designed to create additional variable interest rate exposure.
- **Rate Locks**
Cash-settled forward contracts based on indices such as the MMD™¹ “AAA”

1. MMD™ is a trademark of Municipal Market Data, a Thomson Financial company.

- scale or the Bloomberg Valuation Service (“BVAL”) AAA Muni Callable Curve.*
- **Interest Rate Caps, Floors or Collars**
Financial contracts that limit exposure to interest rate volatility.
- **Options on Variable Rate Indices**
Indices could include the Securities Industry and Financial Markets Association (“SIFMA”) Index², Secured Overnight Financing Rate (“SOFR”)³, etc.
- **Options on Swaps (“Swaptions”)**
Methods used to control the commencement or cancellation of interest rate swaps.
- **Basis Swaps**
Floating-to-floating rate swaps using different variable-rate indices, such as a swap from the SIFMA Index to a percentage of SOFR.

4. Swap Risk Analysis

The City shall require for each proposed financing an evaluation of all financial products with respect to the unique risks that they bear. A specific determination must be made that the proposed or expected benefits exceed the identified risks by an adequate margin over those available in the traditional cash market. At a minimum, the City shall perform an evaluation of the risks and what steps have been taken to mitigate any risks. The City shall retain a municipal/swap advisor to assist in assessing these risks. Questions that may arise include the following:

- **Market or Interest Rate Risk**
Does the transaction hedge (i.e., decrease or eliminate) or increase interest rate volatility?
- **Tax Risk**
How is the transaction or its benefits affected by a future change in federal income tax policy?
- **Termination Risk**
Under what circumstances might the transaction be terminated? At what value?
- **Risk of Uncommitted Funding (Put Risk)**
Does the transaction create additional financing dependent upon third-party participation (such as requiring a letter of credit, grant or other anticipation funding, etc.)?
- **Rollover Risk**
Is the term of the Swap shorter than the term of the underlying hedged debt or financial instrument? Does the City anticipate entering into another Swap when the first Swap terminates?
- **Legal Risk**
Is the transaction expressly legally authorized?
- **Counterparty Risk**
What is the creditworthiness of the counterparty?

2. The SIFMA Index is an index of more than 500 high-grade, tax-exempt, weekly reset Variable Rate Demand Obligation issues.

3. SOFR is a taxable rate which is a broad measure of the cost of borrowing cash overnight collateralized by Treasury securities, published daily by the Federal Reserve Bank.

- **Rating Agency Risk**
Is the proposed transaction consistent with the City's current ratings and ratings objectives?
- **Basis Risk**
Is it anticipated that the projected Swap payments the City will receive closely match the debt service payments it will make?
- **Index Risk**
Does the transaction include provisions acceptable to the City regarding any change in indices used to calculate payments or obligations?
- **Subsequent Business Conditions**
Does the transaction or its benefits depend upon the continuation, or realization, of specific industry business conditions (e.g., unusual demand for state-specific variable rate debt)?
- **Operational Risk**
Does the City have adequate systems, policies, and practices in place to monitor and manage the transaction over its term?

5. Swap Procurement and Execution

A. Procurement

The City will not have a fixed policy with respect to the procurement of Swaps and other financial instruments authorized by this Swap Policy. On a product-by-product basis, the City will have the authority to negotiate or competitively bid the procurement of financial instruments that have customized or specific attributes designed on its behalf. The Director of Finance will be responsible for determining the method of procurement for Swaps and related financial instruments. A municipal/swap advisor shall be retained to assist the Director of Finance in evaluating the proposed pricing of Swaps or related financial instruments.

B. Swap Execution

The Director of Finance may recommend the use of financial derivative products if they:

1. Provide a specific benefit not otherwise available;
2. Produce greater expected interest rate savings than cash market alternatives;
3. Do not create substantial leverage or financial risk;
4. Result in an improved capital structure or better asset/liability match; and
5. Reasonably pass the Swap Risk Analysis required by **Section 4. Swap Risk Analysis** of this Swap Policy.

C. Credit Rating Designations

For purposes of this Swap Policy, references to credit ratings will be based on those ratings issued by Moody's Investors Service, and/or S&P Global Ratings, and/or Fitch Ratings. The credit ratings will reflect the designations assigned by each of these rating agencies utilized for comparable credit and will be listed for each rating agency utilized in the order shown in the preceding sentence.

6. Swap Documentation

The City will use a standard International Swap and Derivatives Association, Inc. (“ISDA”) Master Agreement, including the Counterparty Schedule to the Master Agreement and a Credit Support Annex (utilizing such versions thereof as the Director of Finance shall determine), as supplemented and amended in accordance with the recommendations of the City’s financial/swap advisor and legal counsel. Each Swap entered into by the City shall include payment, term, security, collateral, default, remedy, termination and other terms, conditions and provisions as the Director of Finance may deem necessary or desirable.

A. Terms and Notional Amount of Swap Agreement

The City shall determine the appropriate term for Swaps on a case-by-case basis. The slope of the swap curve, the marginal change in swap rates from time to time along the swap curve, and the impact that the term of the Swap will have on the City’s overall financial (e.g., interest rate, market value, counterparty, etc.) exposure shall be considered in determining the appropriate term of any Swap agreement. In connection with the issuance or carrying of bonds, the term of the Swap agreement between the City and qualified swap counterparty shall not extend beyond the final maturity date of existing City debt, or in the case of a refunding transaction, beyond the final maturity of the refunding bonds. At no time shall the total net notional amount of all Swaps, excluding any offsetting Swaps, exceed the total amount of outstanding applicable bonds. Variable rate debt exposure created through the use of Swaps will be consistent with the limitations set forth in the City’s adopted Debt Policy. Terms and conditions of any Swap shall be negotiated by the Director of Finance in the best interests of the City subject to the applicable legal provisions and this Swap Policy. The Swap agreements entered into between the City and each counterparty shall include payment, term, security collateral, default, remedy, termination, and other terms, conditions and provisions as the Director of Finance, in consultation with City legal counsel and its swap advisor, deems necessary or desirable.

Subject to the provisions contained herein, the City’s swap documentation and terms should include the following:

- The City will be able to terminate the swap without cause subject to market termination costs.
- The swap counterparty will only be able to terminate the swap if the City’s credit ratings fall below a certain pre-determined threshold and/or the City fails to perform, as required by the swap contract.
- Governing law for Swaps will be New York, but should reflect California authorization provisions.
- The specified indebtedness related to credit events in the Master Agreement should be narrowly drafted and refer only to specific debt of the issuing fund.
- Eligible collateral should be limited to Treasuries, Federal Agencies and any other securities which, in the City’s sole discretion, shall be deemed reasonable and creditworthy.
- Collateral thresholds should be set on a sliding scale reflective of credit ratings.

- Termination value should be set by “market quotation” methodology.
- Whenever possible use a Credit Support Annex to document swap termination value collateralization procedures.
- Ratings downgrade triggers.

7. Policy on Swap Counterparties

The City shall only do business with highly rated counterparties, and will structure swap agreements to protect itself from credit deterioration. All Swap transactions shall contain provisions granting the City the right to optionally terminate a swap agreement at-market at any time over the term of the agreement.

A. Qualified Swap Counterparties

The City should not have an immutable credit standard. However, the City shall attempt to do business with highly rated counterparties the long-term ratings of which at the date of execution are at least “Aa” or “AA” by one or more Nationally Recognized Statistical Ratings Organizations (“NRSRO”) and no less than “A2” or “A” by one or more NRSRO. For lower rated counterparties, the City should seek credit enhancement in the form of:

1. Contingent swap counterparty providing support;
2. Collateral;
3. Ratings downgrade triggers; and,
4. Minimum rating threshold of “Baa3/BBB-/BBB-,” below which provisions will allow an assignment or trigger an additional termination event, with the counterparty as the affected party (i.e., the counterparty would pay market-based transaction costs).

In addition, the counterparty must have a demonstrated record of successfully executing swap transactions as well as creating and implementing innovative ideas in the swap market. The City shall be authorized to enter into interest rate swap transactions only with qualified swap counterparties.

8. Limitations on Counterparty Exposure

In order to diversify the City’s counterparty credit risk, and to limit the City’s credit exposure to any one counterparty, limits will be established for each counterparty based upon both the credit rating of the counterparty as well as the relative level of risk associated with each existing and proposed swap transaction. The guidelines shown in the following table provide general termination exposure guidelines with respect to whether the City should enter into an additional transaction with an existing counterparty. The City may make exceptions to the guidelines at any time to the extent that the execution of a swap achieves one or more of the goals outlined in these guidelines or provides other benefits to the City. In general, the maximum net termination exposure to any single counterparty should be set so that it does not exceed a prudent level as measured against the gross revenues, available assets or other financial resources of the City.

For example, if the City has two Swaps with one counterparty, and if the first Swap’s market value is positive \$10 million and the second Swap’s market value is negative \$20 million, then the City’s total net exposure to the counterparty is negative \$10 million.

Such guidelines will also not mandate or otherwise force automatic termination by the City or the counterparty. Maximum net termination exposure is not intended to impose retroactively any terms and conditions on existing transactions. Such provisions will only act as guidelines in making a determination as to whether or not a proposed transaction should be executed given certain levels of existing and projected net termination exposure to a specific counterparty. Collateral posting guidelines are described in the collateral section below. The calculation of net termination exposure per counterparty will take into consideration multiple transactions, some of which may offset the overall exposure to the City.

Under this approach, the City will set limits on individual counterparty exposure based on existing as well as new or proposed transactions. The sum of the current market value and the projected exposure shall constitute the maximum net termination exposure. For outstanding transactions, current exposure will be based on the market value as of a recently completed swap valuation report provided by the City’s swap advisor. Projected exposure shall be calculated based on the swap’s potential termination value taking into account possible adverse changes in interest rates as implied by historical or projected measures of potential rate changes applied over the remaining term of the swap. For purposes of this calculation, the City shall include all existing and projected transactions of an individual counterparty and all transactions will be analyzed in aggregate such that the maximum exposure will be additive.

The exposure thresholds, which will be reviewed periodically by the City to ensure that they remain appropriate, will also be tied to long-term credit ratings of the counterparties and whether or not collateral has been posted as shown in the table below. If a counterparty has more than one rating, the lowest rating will govern for purposes of the calculating the level of exposure. If contingent swap counterparty or swap insurance is used to provide financial support for the primary counterparty, the rating of the support entity shall be used. A summary table is provided below:

Credit Ratings	Maximum Collateralized Net Termination Value	Maximum Uncollateralized Net Termination Value	Maximum Net Termination Exposure
AAA	N/A	\$30.0 million	N/A
AA Category	\$30.0 million	\$20.0 million	\$30.0 million
A Category	\$20.0 million	\$10.0 million	\$20.0 million
Below A Category	\$10.0 million	\$5.0 million	\$15.0 million

If the exposure limit is exceeded by counterparty, the City shall conduct a review of the exposure limit per counterparty. The City, in consultation with its bond counsel and swap advisor, shall explore remedial strategies to mitigate this exposure.

9. Benefit Expectation

Financial transactions, using Swaps or other derivative products, intended to produce the effect of a synthetic advance refunding, must generate at least 25% greater savings than the benefit threshold then in effect for fixed-rate bonds as determined by the City's Director of Finance. (See **Debt Management Policy Section X.A. Debt Service Savings**). The higher savings target reflects the greater complexity and higher risk of derivative financial instruments.

In calculating the prospective savings against the target for implementing a fixed-to-variable swap, the cost of remarketing, in addition to the cost of credit and liquidity fees must be added to the variable rate representing the ten-year average of comparable variable rate securities.

10. Termination Provisions

All swap transactions shall contain provisions granting the City the right to optionally terminate a swap agreement at market at any time over the term of the agreement, but shall NOT grant this right to the counterparty. In general, exercising the right to terminate an agreement produces a benefit to the City, either through the receipt of a payment from a termination, or if the termination payment is made by the City, in conjunction with a conversion to a more beneficial (desirable) City debt obligation, as determined by the City.

11. Collateral

As part of any swap agreement, the City shall require collateralization or other credit enhancements to secure any or all swap payment obligations. As appropriate, the City, in consultation with its bond counsel and swap advisor, may require collateral or other credit enhancements to be posted by each swap counterparty under the following circumstances:

- Each counterparty to the City may be required to post collateral if the highest credit rating of the counterparty or parent falls below the "Aa/AA" category. Additional collateral for further decreases in credit ratings of each counterparty shall be posted by each counterparty in accordance with the provisions contained in the collateral support agreement to each counterparty with the City.
- Collateral shall be deposited with a third-party trustee, or as mutually agreed upon between the City and the counterparty.
- A list of acceptable securities that may be posted as collateral and the valuation of such collateral will be determined and mutually agreed upon during negotiation of the swap agreement with each swap counterparty.
- The market value of the collateral shall be determined on at least a weekly basis.
- The City shall determine the reasonable threshold limits for the initial deposit and for increments of collateral posting thereafter.
- The City shall determine on a case-by-case basis whether other forms of credit enhancement, such as swap insurance, are more beneficial in lieu of the posting of additional collateral.

- The City shall evaluate the performance of the swap relative to the rate on the bonds.
- The City shall compute the effective cost of borrowing inclusive of all fees and costs associated with the underlying financing.

12. Conformance with Dodd-Frank

It is the intent of the City to conform this Swap Policy to the requirements relating to legislation and regulations for over-the-counter derivatives transactions under Title VII of the Wall Street Transparency and Accountability Act of 2010, as supplemented and amended from time to time (herein collectively referred to as “Dodd-Frank”). Pursuant to such intent, it is the policy of the City that: (i) each swap advisor engaged or to be engaged by the City will function as the designated Qualified Investment Representative of the City, sometimes referred to as the “Designated QIR”; (ii) each swap advisor agrees to meet and meets the requirements specified in Commodity Futures Trading Commission Regulation 23.450(b)(1) or any successor regulation thereto (herein referred to as the “Representative Regulation”) (iii) each swap advisor provides a written certification to the City to the effect that such swap advisor agrees to meet and meets the requirements specified in the Representative Regulation; and (iv) the City relies on the advice of its swap advisor with respect to transactions authorized pursuant to this Swap Policy and not rely on recommendations, if any, presented by any counterparty with respect to transactions authorized pursuant to this Swap Policy.

13. Monitoring and Reporting

At least once per year, normally as part of the City’s Annual Comprehensive Financial Report (“Annual Report”), or as requested by the City Council, the Director of Finance shall prepare information describing the various Swaps and financial arrangements entered into by the City pursuant to this Swap Policy that are in effect as of the date of the report’s publication. The report shall include the following information:

1. A summary of key terms of the agreements, including notional amounts, interest rates, maturity and method of procurement.
2. The mark-to-market value of each agreement.
3. The full name, description, and credit ratings of each counterparty or the applicable guarantor.
4. The amounts that were required to be paid and received and any amounts that were actually paid and received.
5. A listing of any credit enhancement, liquidity facility, or reserves and an accounting of all costs and expenses associated with the credit enhancement, liquidity facility, or reserves.
6. The aggregate mark-to-market value and potential termination value for each swap by counterparty.
7. A discussion of other risks associated with each transaction.

At the end of each fiscal year, the Director of Finance shall provide to the City Council all information required for financial reporting under Government Accounting Standards Board

(“GASB”) requirements as well as any other reporting or disclosure requirements. The City shall adhere to California Government Code Section 5922 and applicable GASB guidelines for reporting and disclosure guidelines for derivative products.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-235**

**RESOLUTION APPROVING THE UPDATES TO THE CITY'S INVESTMENT
POLICY**

WHEREAS, pursuant to the City of Modesto Investment Policy, last adopted on May 2, 2023 the Investment Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends, and

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

WHEREAS, the City desires to adopt the Investment Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the updates to the City's Investment Policy as outlined in **Exhibit A**, incorporated herein by this reference.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future investments of funds, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

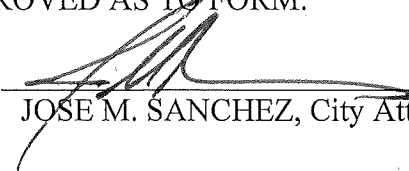
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



CITY OF MODESTO
CITY COUNCIL POLICY

LATEST REVISION DATE: 06/25/2024
POLICY NUMBER: 1.019
CITY DEPARTMENT: Finance

SUBJECT: Investment Policy

PURPOSE:

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

SCOPE:

The Investment Policy applies to all funds and investment activities of the City except the investment of bond proceeds, which are governed by the appropriate bond documents, and any pension or other post-employment benefit funds held in a trust.

BACKGROUND:

Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the “prudent investor” rule which states that:

“When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with the care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.”

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.

ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process will refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions.

INVESTMENT REPORT

The Finance Director/Treasurer shall provide the City Council with a monthly report of investment transactions. The report shall contain the following:

1. The type of investment, issuer, purchase date, date of maturity, credit rating, overall portfolio yield based on cost, total par and dollar amount invested on all securities, investments and monies.
2. The weighted average maturity of the portfolio.
3. A description of any funds, investments or programs that are under management of contracted parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.
4. The market value as of the date of the report, and the source of the valuation.
5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.
6. A statement denoting the City's ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.

INVESTMENT CRITERIA

Public funds are invested in the following manner in order of priority:

1. Safety of Principal

The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. Liquidity

The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. Return on Investment

The investment portfolio of the City shall be designed with the objective of attaining a market rate of return on its investments consistent with the constraints imposed by its safety objective and cash flow considerations. Return becomes a consideration only after the basic requirements of safety and liquidity have been met.

SAFEKEEPING AND CUSTODY

All security transactions entered into by the City shall be conducted on a delivery-versus payment basis. Securities will be held by third party custodian designated by the Finance Director/Treasurer and evidenced by safekeeping receipts.

The only exception to the foregoing are Local Agency Investment Pools, Certificates of Deposit, and money market funds since the purchased securities are not deliverable. In all cases, purchased securities shall be held in the City’s name.

AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Finance Director/Treasurer will maintain a list of financial dealers and institutions qualified and authorized to transact business with the City.

The purchase by the City of any investment other than those purchased directly from the issuer, will be purchased either from an institution licensed by the State as a broker-dealer, as defined in Section 25004 of the Corporations Code, which is a member of the Financial Industry Regulatory Authority (FINRA), or a member of a federally regulated securities exchange, a national or state chartered bank, a federal or state association (as defined by Section 5102 of the Financial Code), or a brokerage firm designated as a Primary Government Dealer by the Federal Reserve Bank.

The Finance Director/Treasurer will investigate all institutions that wish to do business with the City, to determine if they are adequately capitalized, make markets in securities appropriate for the City’s needs, and agree to abide by the conditions set forth in the City’s Investment Policy and any other guidelines that may be provided. This will be done annually by having the financial institutions:

1. Provide written notification that they have read, and will abide by, the City’s Investment Policy.
2. Submit their most recent audited Financial Statement within 120 days of the institution’s fiscal year end.

If the City has an investment advisor, the investment advisor may use its own list of authorized broker/dealers to conduct transactions on behalf of the City.

Purchase and sale of securities will be made on the basis of competitive bids and offers with a minimum of three quotes being obtained.

PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs. The City will measure the portfolio’s performance against a market benchmark that is commensurate with the City’s investment risk constraints and the cash flow characteristics of the portfolio.

AUTHORIZED INVESTMENTS

Credit criteria and maximum percentages listed in this section refer to the credit of the issuing organization at the time the security is purchased. The City may from time to time be invested in a

security whose rating is downgraded subsequent to the date of purchase. In the event a rating drops below the minimum allowed rating category for that given investment type, the investment advisor shall notify the Finance Director and/or Designee and recommend a plan of action. The City will limit investments in any one non-government issuer, except investment pools, to no more than 5% regardless of security type. A security purchased in accordance with this section shall not have a forward settlement date exceeding 45 days from the time of investment. Commencing with Section 53600 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

INVESTMENT INSTRUMENT SUMMARY				
Security Type	Maximum Maturity	Min Credit Quality	Authorized Investment Limit	Per Issuer Limit
A. City Issued Bonds	5 Years	None	None	None
B. US Treasury Notes/ Bills	5 Years	None	None	None
C. State of California Securities	5 Years	"A"	None	None
D. California Municipal Securities	5 Years	"A"	None	None
E. Other 49 State Municipal Securities	5 Years	"A"	None	None
F. Federal Agencies	5 Years	None	None	None
G. Banker's Acceptance (BA)	180 days	"A-1"	40%	5%
H. Commercial Paper	270 days	"A-1"/ "A"	40%	5%
I. Certificates of Deposit	1 Year	FDIC Insured or Collateralized	20%	5%
J. Negotiable Certificates of Deposit	5 Years	"A"	30%	5%
K. Repurchase Agreements	90 Days	None	None	20%
L. Reverse Repurchase Agreements	92 Days	None	20%	5%
M. Medium Term Notes (MTN)	5 Years	"A"	30%	5%
N. Money Market Fund	None	"AAAm"	20%	10%
O. LAIF	None	None	None	None
P. Mortgage and Asset-Backed Securities	5 Year	"AA"	20%	5%
Q. CAMP	None	None	None	None
R. Supranationals	5 Years	"AA"	30%	5%

A. City of Modesto bonds. Bonds issued by the City.

B. U.S. Treasury securities. United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.

C. State of California securities. Registered State of California warrants, treasury notes or bonds, provided that the securities are rated in a rating category of "A" or its equivalent or higher by a nationally recognized statistical rating agency.

D. California municipal securities. Bonds, notes, warrants or other evidence of indebtedness of any local agency within California provided that the securities are rated in a rating category of "A" or its equivalent or higher by a nationally recognized statistical rating agency.

E. Other 49 State municipal securities. Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a

revenue-producing property owned, controlled, or operated by a state, or by a department, board, agency, or authority of any of these states that are rated in a rating category of “A” or its equivalent or higher by a nationally recognized statistical rating agency.

F. Federal Agency securities. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

G. Bankers’ Acceptances. Bankers' Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest category by a nationally recognized statistical rating agency.

Purchases of Bankers’ Acceptances may not exceed 180 days maturity or 40 percent of the City's surplus money.

H. Commercial Paper. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical rating organization. The entity that, issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):

(1) The entity meets the following criteria: (a) is organized and operating within the United States as a general corporation. (b) Has total assets in excess of \$500 million. (c) Has debt other than commercial paper, if any, that is rated in a rating category of “A” or its equivalent or higher by a nationally recognized statistical-rating organization (NRSRO).

(2) The entity meets the following criteria: (a) is organized within the United States as a special purpose corporation, trust, or limited liability company. (b) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond, (c) Has commercial paper that is rated “A-1” or its equivalent or higher by an NRSRO.

Effective until January 1, 2026, investments in commercial paper are limited to a maximum of 40 percent of the City’s portfolio. After January 1, 2026, investments in commercial paper are limited to a maximum of 25 percent of the portfolio. The maximum investment maturity is restricted to 270 days.

I. Certificates of Deposit. FDIC insured or fully collateralized time certificates of deposit in financial institutions located in California. Eligible investments are restricted to those issuing institutions that have been in business at least five years. The maximum term for deposits shall be one year. Investments in certificates of deposit are further limited to 20 percent of surplus funds. All time deposits must be collateralized in accordance with California Government Code section 53561. The City, at its discretion, may waive the collateralization requirements for any portion of the deposit that is covered by federal insurance.

J. Negotiable Certificates of Deposit. Negotiable certificates of deposit issued by a nationally- or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a federally-licensed or state-licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated in a rating category of “A” or its

equivalent or better by a NRSRO. Investments in negotiable certificates of deposit are limited to 30 percent of the portfolio.

K. Repurchase Agreements. Repurchase Agreements used solely as short-term investments not to exceed 90 days.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities as described in 1 and 2 will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the City's custodian bank versus payment or be handled under a tri-party repurchase agreement. The total of all collateral for each Repurchase Agreement must equal or exceed, on the basis of market value plus accrued interest, 102 percent of the total dollar value of the money invested by the City for the term of the investment. For any Repurchase Agreement with a term of more than one day, the value of the underlying securities must be reviewed on a regular basis.

Market value must be calculated each time there is a substitution of collateral.

The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to Repurchase Agreement.

The City may enter into Repurchase Agreements with (1) primary dealers in U.S. Government securities who are eligible to transact business with, and who report to, the Federal Reserve Bank of New York, and (2) California and non-California banking institutions having assets in excess of \$1 billion and in the highest short-term rating category as provided by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

The City will have specific written agreements with each firm with which it enters into Repurchase Agreements.

L. Reverse Repurchase Agreements. The City may invest in reverse repurchase agreements only with "primary dealers" with which the City has entered into a master repurchase agreement contract. The City may invest in reverse repurchase agreements with the following conditions: The City may only use reverse repurchase agreements to (1) cover a temporary cash shortage, or (2) augment earnings. Reverse repurchase agreements may not be used to leverage the portfolio.

In addition, if a reverse repurchase agreement is authorized, it may be utilized only if the security to be sold on reverse repurchase agreement has been owned and fully paid for by the City for a minimum of 30 days prior to the sale; the total of all reverse repurchase agreements on investments owned by the City does not exceed 20 percent of the portfolio; and the agreement does not exceed a term of 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of the security using a reverse repurchase agreement and the final maturity date of the same security. The proceeds of the reverse repurchase agreement may not be invested in securities whose maturity exceeds the term of the Reverse Repurchase Agreement.

M. Medium-term corporate notes. Medium-term corporate notes defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository

institutions licensed by the U.S. or any state and operating within the U.S. Medium-term notes shall be rated in a rating category “A” or its equivalent or better by a nationally recognized rating service. Purchase of medium-term corporate notes may not exceed 30 percent of the City's investment portfolio.

N. Money market funds. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (money market funds). Money market funds may not exceed 20 percent of the City’s investment portfolio and shall have attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs.

O. State of California Local Agency Investment Fund (LAIF). The maximum amount invested in LAIF must not exceed the amount permitted by the State Treasurer.

P. Mortgage and asset-backed securities. Any mortgage pass-through security, collateralized mortgage obligation, mortgage- backed or other pay-through bond, equipment lease-back certificate, consumer receivable pass- through certificate, or consumer receivable-backed bond. For securities eligible for investment not issued or guaranteed by federal agencies and government sponsored enterprises, the following limitations apply:

- A. The security must be rated, by a nationally recognized rating service, in one of the two highest rating categories (i.e. rating category of “AA” or its equivalent or higher) and have a maximum remaining maturity of five years or less.
- B. Purchase of securities authorized by this paragraph shall not exceed 20 percent of the Group's surplus funds that may be invested pursuant to this section.

Q. California Asset Management Program (CAMP).

R. Supranationals. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), or Inter-American Development Bank (IADB), with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of “AA”, its equivalent, or better by at least one NRSRO. Purchases of supranational securities should not exceed 30 percent of the City’s investment portfolio.

INVESTMENT POOLS/MUTUAL FUNDS

A thorough investigation of pools and funds is required prior to investing, and on a continual basis.

MAXIMUM MATURITY

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled so as to permit the City to meet all projected obligations.

Maximum maturity of an authorized investment is limited to five years. For purposes of compliance with this Policy, an investment’s term or remaining maturity shall be measured from the settlement

date to final maturity.

Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.

INELIGIBLE INVESTMENTS

Any security type or structure not specifically approved by this policy is hereby specifically prohibited. Security types which are thereby prohibited include, but are not limited to:

Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.

RESTRICTIONS SET BY THE FINANCE DIRECTOR/TREASURER

A. Prior approval of the Finance Director/Treasurer is required for the following transactions, unless the City utilizes the services of an investment advisor registered with the Securities and Exchange Commission in a fiduciary relationship as outlined in this policy.

- Sale of securities
- Swaps and trades
- Purchase of collateralized mortgage obligations (CMO)
- Purchase of mortgage-backed obligations
- Purchase of corporate notes
- Purchase transaction in excess of \$3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

- Futures and options
- Small Business Administration notes

COLLATERALIZATION

Collateralization will be required on two types of investments: certificates of deposit and repurchase (and reverse repurchase) agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest for repurchase agreements. All time deposits must be collateralized in accordance with California Government Code section 53561.

INTERNAL CONTROLS

The Finance Director/Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, fraud and misuse.

AUTHORIZED INVESTMENT PERSONNEL

Pursuant to the Government Code, the City Council delegates the authority to invest or to reinvest funds, or to sell or exchange securities so purchased, to the Finance Director/Treasurer for a one-

year period. The Finance Director/Treasurer is charged with the responsibility for carrying out the policies of the City Council and shall assume full responsibility for investment transactions until the delegation of authority is revoked or expires.

Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The Finance Director/Treasurer may designate an individual(s) [“Designee”] to be responsible for the daily management of the City’s portfolio of treasury investments. The Designee may also be directed to monitor and forecast the City’s cash flows, and prepare periodic investment reports that are submitted to the City Council. The Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.

Subject to required procurement procedures, the City may engage the support services of outside professionals in regard to its financial program, so long as it can be demonstrated or anticipated that these services produce a net financial advantage or necessary financial protection of the City’s resources.

POLICY REVIEW

The investment policy shall be adopted by resolution of the City Council when there are any changes to policy, to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to City Council for approval.

This policy and the internal controls related to the investment of City funds will be reviewed by the City’s independent external auditors as part of their annual audit of the City’s financial statements.

APPENDIX A - GLOSSARY

Bankers Acceptances (BAs)

Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to¹ finance the exchange of goods. When a bank “accepts” such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

California Asset Management Program (CAMP)

CAMP is a Joint Powers Authority (“JPA”) designed to assist public agencies with their investment needs through the use of the Cash Reserve Portfolio (“Pool”), which is rated “AAAm” by Standard & Poor’s, its highest rating category. The Pool seeks to attain a high level of current income consistent with the preservation of principal.

Certificates of Deposit (CDS)

A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

A negotiable certificate of deposit may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

A non-negotiable certificate of deposit is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

Collateralized Mortgage Obligation (CMO)

A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

Commercial Paper (CP)

This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

Derivatives

A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term “derivative products” refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (IOs) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.

Federal Agency Securities

Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major federal agencies are described as follows:

Federal National Mortgage Association (FNMA, “Fannie Mae”) provides funds to the mortgage market primarily by purchasing loans from local lenders.

Federal Home Loan Mortgage Corporation (FHLMC, “Freddie Mac”) purchases conventional mortgages and sells mortgage-backed securities.

Student Loan Marketing Association (SLMA, “Sallie Mae”) facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

Federal Farm Credit System (FFCB) sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

Federal Home Loan Bank (FHLB) acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

Futures

Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against unfavorable price changes, and by speculators who hope to profit from such changes.

Local Agency Investment Fund (LAIF)

State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAIF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

Medium-Term Notes

Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

Options

A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock’s price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

Repurchase Agreement

As authorized in Government Code Section 5360i (1), these investment vehicles are (generally short-term) agreements between the local agency and seller for the purchase of Government securities to be resold at a specific date and for a specific amount.

Reverse Repurchase Agreement

This transaction is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer interest for the use of the funds. The money “borrowed” on a “reverse repo” can be reinvested in higher yielding instruments.

Supranational entities

Entities formed by two or more central governments with the purpose of promoting economic development for the member countries. Supranational institutions finance their activities by issuing debt, such as supranational bonds. Examples of supranational institutions include the European Investment Bank and the World Bank. Similarly to the government bonds, the bonds issued by these institutions are considered direct obligations of the issuing nations and have a high credit rating.

U.S. Treasury Securities

The highest quality, most liquid debt investments available in the fixed income market-place, unconditionally backed by the “full faith and credit” of the U.S. Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-236**

**RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT WITH
WOODLAND AVENUE FIRE PROTECTION DISTRICT (WFPD) FOR
MODESTO FIRE DEPARTMENT (MFD) TO PROVIDE FIRE-RELATED
EMERGENCY RESPONSE TO COUNTY "ISLANDS" SURROUNDED BY THE
MODESTO CITY LIMITS AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, adjacent to the City of Modesto’s jurisdictional boundaries (City Limits), there are jurisdictional areas that are the responsibility of the County of Stanislaus. In many cases, these areas are referred to as “county pockets”, and they fall outside of the City’s jurisdiction; and

WHEREAS, in the past, and in alignment with the recommendation, the City has entered into similar agreements to service these areas for fire protection and emergency medical services; and

WHEREAS, this agreement would return service to these areas by MFD rather than the WFPD, which operates at a volunteer capacity; and

WHEREAS, the WFPD has experienced geographic and staffing limitations when responding to incidents here. The issues at hand can be remedied by entering into an automatic aid agreement with MFD; and

WHEREAS, MFD has the resources and staffing capacity to respond to calls, while improving response times to the area; and

WHEREAS, approximately 70% of the calls for service to this area are for Emergency Medical Services. MFD has grown the Emergency Medical Services (EMS) division substantially over this period between 2022 and now and will have a significant

positive impact on the response to this area with the proposed automatic aid agreement;
and

WHEREAS, these services shall commence at midnight (PDT) on July 1, 2024
and continue for a term of one (1) year; and

WHEREAS, the WFPD agrees to pay the City \$10,377 for the first year. This
amount is based off of the special tax revenue collected for the 2023-2024 tax year from
this specific area minus a 5% administrative fee. An annual increase of 2% will be added
to the base amount each year thereafter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves an Automatic Aid Agreement with Woodland Avenue
Fire Protection District (WFPD) for Modesto Fire Department (MFD) to provide fire-
related emergency response to County "Islands" surrounded by the Modesto City limits.

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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-237**

**RESOLUTION APPROVING THE PROPOSED BYLAW AMENDMENTS FOR
THE CITY OF MODESTO YOUTH COMMISSION TO INCREASE
COMMISSION MEMBERS FROM NINE TO SEVENTEEN AND EXTEND THE
APPOINTMENT TERM FROM ONE YEAR TO TWO YEARS**

WHEREAS, the City of Modesto Youth Commission (“Commission”) was established by Resolution No. 74-352 to provide young people the opportunity to participate in the governmental process; and

WHEREAS the Youth Commission remained active through the end of the 2010 school year; and

WHEREAS, in 2020, a group of local students engaged their peers to restore the Youth Commission resulting in the formation of an Advisory Board; and

WHEREAS, by Resolution No. 2022-290, the Advisory Board updated the membership criteria and application process, created bylaws, and set youth-oriented goals for the Commission; and

WHEREAS, to increase diversity, productivity and duration, the Commission has proposed to update their bylaws with the following:

- (a) Expand number of Commissioner seats from nine to seventeen.
- (b) Set seat designations: Eleven members of the Commission shall be from one of the schools outlined below, with one seat designated per school, and six seats for members at-large. If no qualified applications are received from a school listed below, that seat will convert to an at-large position for the remainder of the school year.
 - i. Beyer High School, Big Valley Christian School, Central Catholic

High School, Davis High School, Downey High School, Elliot
Alternative Education Center, Enochs High School, Gregori High
School, Johansen High School, Modesto Christian School, Modesto
High School

- (c) Expand Commissioner term to the full year, September through August;
expand Commissioner seat term from one year to two years.

WHEREAS, the proposed bylaw amendments were reviewed by the Youth
Commission on April 10, 2024, and the Commission, recommended the City Council
approve the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Modesto that it hereby approves the proposed bylaw amendments for the City of Modesto
Youth Commission to increase Commission members from nine to seventeen and extend
the appointment term from one to two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-238**

RESOLUTION APPROVING THE FIRST AMENDMENT WITH ADAMSON POLICE PRODUCTS, FOR BALLISTIC VESTS, INCREASING THE AGREEMENT AMOUNT BY \$113,416 TO A NEW TOTAL AMOUNT OF \$427,416 AND EXTENDING THE TERM OF THE AGREEMENT FROM JUNE 30, 2024 TO JUNE 30, 2025; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on June 11, 2019, by Resolution No. 2019-260, the City Council approved a Purchase Agreement for Ballistic Vests with Adamson Police Products of Los Alamitos, CA, for a two-year agreement with three one-year extension options, for a total amount not to exceed \$314,000; and

WHEREAS, in recent years, the Modesto Police Department has received additional position allocations and has also seen a significant uptick in recruitment efforts that have resulted in record hiring of personnel, and

WHEREAS, the department anticipates the need to increase the agreement by an additional 110 vests and the vendor has requested a price increase as it has not increased its pricing in the last two years of the agreement; and

WHEREAS, the department seeks to increase the agreement by \$113,416 for a revised total amount not to exceed \$427,416 and extending the term of the agreement from June 30, 2024, to June 30, 2025, to allow the department time to enter into a new agreement; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services, to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(e) “Where the Purchasing Manager, in her discretion,

determines that the term of an existing agreement should be extended for a period of no greater than one (1) year to allow the City to complete a formal bidding process for a long-term agreement or to avoid disruption to City projects or services”. The extension of this agreement is required to avoid disruption in the Modesto Police Department by providing personnel with required Personal Protective Equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Adamson Police Products, for Ballistic Vests, increasing the Agreement amount by \$113,416 to a new total amount of \$427,416 and extending the term of the Agreement from June 30, 2024, to June 30, 2025.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First 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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-239**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH CAROLLO ENGINEERS, OF WALNUT CREEK, CA, FOR THE DOWNTOWN SEWER TRUNK REHABILITATION PROJECT IN THE AMOUNT OF \$497,892, PLUS \$49,790 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$547,682; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2016 Wastewater Collection System Condition Assessment Report prepared by Brown and Caldwell provided Utilities Department staff with an understanding of current pipeline and manhole conditions in the collection system by inspecting and assessing a representative number of unlined reinforced concrete pipe reaches and manholes, and

WHEREAS, the report documented procedures and findings of the investigation and provided recommendations for the repair and rehabilitation of the pipeline and manhole assets, and

WHEREAS, sections of the Downtown Sewer Trunk were identified as being moderately to severely deteriorated, and

WHEREAS, the rehabilitation project will consist of two sections, the first section will rehabilitate 1,300 feet of 18-inch unlined reinforced concrete pipe and seven associated manholes; the second section will rehabilitate 800 feet of 21-inch unlined concrete pipe and four associated manholes, and

WHEREAS, on June 13, 2023, by Resolution No. 2023-278, Council approved a pre-qualified list of consultants for Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program Projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to the four (4) pre-qualified consultants, and

WHEREAS, staff received and distributed two (2) proposal to a selection committee consisting of Utilities Engineering and Operations staff, and

WHEREAS, the selection committee evaluated the proposal and determined Carollo Engineers to be qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) “Exceptions to Formal Bidding Requirements,” Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with Carollo Engineers for the Downtown Sewer Trunk Rehabilitation Project in the amount of \$497,892, plus \$49,790 in additional services, if needed, for a total amount not to exceed \$547,682.

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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-240**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH CAROLLO ENGINEERS, OF WALNUT CREEK, CA, FOR THE SANTA ROSA SEWER TRUNK REHABILITATION PROJECT IN THE AMOUNT OF \$437,434, PLUS \$43,744 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$481,178; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2016 Wastewater Collection System Condition Assessment Report prepared by Brown and Caldwell provided Utilities Department staff with an understanding of current pipeline and manhole conditions in the collection system by inspecting and assessing a representative number of unlined reinforced concrete pipe reaches and manholes, and

WHEREAS, the report documented procedures and findings of the investigation and provided recommendations for the repair and rehabilitation of the pipeline and manhole assets, and

WHEREAS, sections of the Santa Rosa Sewer Trunk were identified as being moderately to severely deteriorated, and

WHEREAS, this project will rehabilitate 3,300 feet of 27-inch unlined reinforced concrete pipe and 11 associated manholes, and

WHEREAS, on June 13, 2023, by Resolution No. 2023-278, Council approved a pre-qualified list of consultants for Engineering Design Services for Water, Wastewater, and Storm Drain Capital Improvement Program Projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering

Services for Capital Projects, a Request for Proposal (RFP) was sent to the four (4) pre-qualified consultants, and

WHEREAS, staff received and distributed two (2) proposal to a selection committee consisting of Utilities Engineering and Operations staff, and

WHEREAS, the selection committee evaluated the proposal and determined Carollo Engineers to be qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) “Exceptions to Formal Bidding Requirements,” Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with Carollo Engineers for the Santa Rosa Sewer Trunk Rehabilitation Project in the amount of \$437,434, plus \$43,744 in additional services, if needed, for a total amount not to exceed \$481,178.

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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

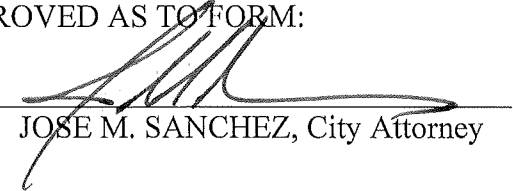
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-241**

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2023-24 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF \$8,431,782 FROM WASTEWATER RESERVES TO FUND THE DOWNTOWN SEWER TRUNK REHABILITATION AND SANTA ROSA SEWER TRUNK REHABILITATION PROJECTS

WHEREAS, certain budgetary transactions are necessary in the amount of \$8,431,782, in order to fund the Downtown Sewer Trunk Rehabilitation and Santa Rosa Sewer Trunk Rehabilitation Projects, and

WHEREAS, the Fiscal Year 2023-24 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2023-24 Multi-Year Program Budget in the amount of \$8,431,782.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-242**

RESOLUTION APPROVING AN ON-CALL ELECTRICAL ENGINEERING DESIGN SERVICES AGREEMENT WITH PEZZONI ENGINEERING, INC., OF MODESTO, CA FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$100,000, AND A TOTAL AMOUNT NOT TO EXCEED \$300,000 OVER THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Capital Improvement Program (CIP) projects may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional service consultants allows the Utilities Department to have quick access to specialized services and eliminates the need to send out repetitive Requests for Qualifications for projects of similar scope and/or type, thereby saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualifications was formally advertised through Planet Bids for On-Call Electrical Engineering and Architectural Design Services, and

WHEREAS, staff received and distributed five (5) proposals to a selection committee consisting of Utilities Department staff, and

WHEREAS, the selection committee evaluated the proposals and determined Pezzoni Engineering, Inc., to be qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive

quotations or proposals have been sought informally from at least three (3) qualified entities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Electrical Engineering Design Services Agreement with Pezzoni Engineering, Inc., of Modesto, CA, for one-year with two one-year extensions options, for an annual estimated amount of \$100,000, and a total amount not to exceed \$300,000 over three 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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Bavaro

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-243**

RESOLUTION APPROVING AN ON-CALL ARCHITECTURAL DESIGN SERVICES AGREEMENT WITH RED INC. ARCHITECTS, OF MODESTO, CA FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$100,000, AND A TOTAL AMOUNT NOT TO EXCEED \$300,000 OVER THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Capital Improvement Program (CIP) projects may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional service consultants allows the Utilities Department to have quick access to specialized services and eliminates the need to send out repetitive Requests for Qualifications for projects of similar scope and/or type, thereby saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualifications was formally advertised through Planet Bids for On-Call Electrical Engineering and Architectural Design Services, and

WHEREAS, staff received and distributed five (5) proposals to a selection committee consisting of Utilities Department staff, and

WHEREAS, the selection committee evaluated the proposals and determined Red Inc. Architects, to be qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) "Exceptions to Formal Bidding Requirements," Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive

quotations or proposals have been sought informally from at least three (3) qualified entities.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Architectural Design Services Agreement with Red Inc. Architects, of Modesto, CA, for one-year with two one-year extensions options, for an annual estimated amount of \$100,000, and a total amount not to exceed \$300,000 over three 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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Bavaro

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-244**

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH HACH COMPANY, LOVELAND, CO, FOR FIELD SERVICES AND PARTS FOR A THREE (3) YEAR AGREEMENT, FOR AN ESTIMATED ANNUAL AMOUNT OF \$123,134, AND A TOTAL AMOUNT NOT TO EXCEED \$389,405 OVER THREE (3) YEARS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, THE ABILITY TO ADD PARTS BASED ON THE DEPARTMENT'S NEEDS, ENSURING THE TOTAL AMOUNT DOES NOT EXCEED THE AUTHORIZED TOTAL; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Wastewater Recycling Facilities have installed various Hach Company instruments at both sites; and

WHEREAS, these instruments ensure process control and compliance by monitoring and collecting critical data needed for the City's National Pollutant Discharge Elimination System (NPDES) Permit. The instruments also assist the operations staff in maintaining equipment and processes with real-time data; and

WHEREAS, this service agreement includes, but is not limited to, onsite calibration, onsite routine maintenance, and parts necessary to keep equipment in service; and

WHEREAS, Hach Company's factory-trained service personnel are authorized to perform any repair, start-up service, or maintenance on these instruments. This will ensure accuracy of critical data points required for plant optimization and regulatory compliance, as well as dependability of the instruments, to minimize downtime of the facility and potential lost water sales to the North Valley Regional Recycled Water Project; and

WHEREAS, this agreement is crucial to the reliability of critical process control and compliance instruments. Between Phase 1 and Phase 2 of the tertiary treatment

facility, there are thirty (30) meters and twenty (20) controllers needing regular service. This agreement will ensure dependable service and warranty compliance for these units; and

WHEREAS, the Modesto Municipal Code Section 8-3.204 generally requires all purchases in excess of one hundred thousand dollars (\$100,000) 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; and

WHEREAS, Hach Company, Loveland, CO should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since they are the original equipment manufacturer and the only vendor that is able to service the equipment. Therefore, this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Sole Source Agreement with Hach Company, Loveland, CO, for field services and parts for a three (3) year agreement, for an estimated annual amount of \$123,134, and a total amount not to exceed \$389,405 over three (3) years and authorizing the Director of Finance, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total.

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 25th day of June, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-245**

RESOLUTION APPROVING A RIGHT OF ACCESS AGREEMENT WITH DIGNITYMOVES FOR THE DEVELOPMENT OF A 42-UNIT BRIDGE HOUSING PROJECT ON A CITY-OWNED PARCEL LOCATED ON THE CORNER OF 9TH AND E STREET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT

WHEREAS, the City owns the parcel at the corner of 9th and E Street (APN 106045003) that is partially paved and near the County's homeless services operating in Modesto, and

WHEREAS, the Stanislaus County Behavioral Health and Recovery Services (BHRS) approached the City for the use of this site to develop a Bridge Housing project, and

WHEREAS, BHRS has proposed to utilize Behavioral Health Funding (BHBH) for a Bridge Housing project and on April 30, 2024, approved the agreement with DignityMoves for the design and development of the project located at 402 9th Street, and

WHEREAS, to provide access for the development and continued operations the City staff is proposing to grant access to the site for the development and lease to the BHRS approved operator for the three years that the project is expected to operate, and

WHEREAS, the proposed 42-unit interim housing complex with four of the units will be able to accommodate residents with accessibility needs to serve the target population to be served is CARE Court clients as the primary population and other BHRS clients with serious behavioral health conditions who are homeless, and

WHEREAS, the site allows for easy access to essential homeless services such as the Access Center, Salvation Army Berberian, the newly opened day center as well as public transportation and other mainstream resources that include, housing navigation services and mail services, and

WHEREAS, this Bridge Housing project is being delivered through a team of private and public partnership, BHRS will pay for the construction and operations of the project proposed at the 402 9th Street site, and will also serve as the day-to-day service provider for any individuals that are living on this campus, and

WHEREAS, UP Holdings and RH Developers DBA Modesto BHBH, LP is partnering with BHRS for the property management, maintenance, and security of the site and will utilize the BHBH funding to provide for these project components, and

WHEREAS, DignityMoves brings its expertise to the design and development of this project site and have been actively working with local jurisdictions to build effective Bridge Housing sites, and

WHEREAS, the City, as property owner, requires a Right of Entry Agreement between the City and DignityMoves to design and develop this project on City property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Right of Access Agreement with DignityMoves for the development of a 42-unit bridge housing project on a City-owned parcel located on the corner of 9th and E Street.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute agreements 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 25th day of June, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-246**

RESOLUTION APPROVING A THREE-YEAR LEASE WITH MODESTO BHBH, LP IN THE AMOUNT OF \$1 PER YEAR FOR THE OPERATIONS OF A 42-UNIT BRIDGE HOUSING PROJECT ON A CITY-OWNED PARCEL LOCATED ON THE CORNER OF 9TH AND E STREET AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT

WHEREAS, the City owns the parcel at the corner of 9th and E Street (APN 106045003) that is partially paved and near the County's homeless services in operating in Modesto, so the Stanislaus County Behavioral Health and Recovery Services (BHRS) approached the City for the use of this site to develop a Bridge Housing project that utilizes Behavioral Health Funding (BHBH) for a Bridge Housing program, and

WHEREAS, on April 30, 2024, approved the agreement with DignityMoves for the design and development of the project located at 402 9th Street and is preparing an agreement with UP Holdings and RH Developers DBA Modesto BHBH, LP for its operations, and

WHEREAS, to provide access for the development and continued operations the City staff is proposing to grant access to the site for the development and lease to the BHRS approved operator for the three years that the project is proposed to operate, and

WHEREAS, the proposed 42-unit interim housing complex with four of the units will be able to accommodate residents with accessibility needs to serve the target population to be served is CARE Court clients as the primary population and other BHRS clients with serious behavioral health conditions who are homeless, and

WHEREAS, the site allows for easy access to essential homeless services such as the Access Center, Salvation Army Berberian, the newly opened day center as well as

public transportation and other mainstream resources that include, housing navigation services and mail services, and

WHEREAS, this Bridge Housing project is being delivered through a team of private and public partnership BHRS will pay for the construction and operations of the project proposed at the 402 9th Street site. They will also serve as the day-to-day service provider for any individuals that are living on this campus. Through this program BHRS is partnering with both a developer and an operator for this project, and

WHEREAS, UP Holdings and RH Developers DBA Modesto BHBH, LP is partnering with BHRS for the property management, maintenance, and security of the site and will utilize the BHBH funding to provide for these project components, and

WHEREAS, City Staff is recommending to lease the property to Modesto BHBH LP at the cost of \$1 per year for 3 years to be used for this Bridge Housing Operations from June 25, 2024, through September 30, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a three-year lease with Modesto BHBH, LP in the amount of \$1 per year for the operations of a 42-unit bridge housing project on a City-owned parcel located on the corner of 9th and E Street.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute the lease 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 25th day of June, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-247**

**RESOLUTION ACCEPTING THE RESIGNATION OF DAVID SEYMOUR
FROM THE CITY OF MODESTO LANDMARK PRESERVATION
COMMISSION**

WHEREAS, the Landmark Preservation Commission was established to advise City Council on matters related to historic structures and other resources in addition to policies and practices pertaining to preservation of Modesto's landmarks, and

WHEREAS, on December 5, 2023, by Resolution No. 2023-515, David Seymour was appointed to serve as a member of the Landmark Preservation Commission, and

WHEREAS, David Seymour has tendered his resignation from the Landmark Preservation Commission effective June 3, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of David Seymour from the City of Modesto Landmark Preservation Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-248**

**RESOLUTION APPOINTING DAVID BARBER, MARGIE JOHNSON, AND
GLORIA EDITH VERDIN TO THE CITY OF MODESTO CITIZEN’S HOUSING
AND COMMUNITY DEVELOPMENT COMMITTEE WITH TERMS EXPIRING
DECEMBER 31, 2027**

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

WHEREAS, Citizens’ Housing and Community Development Committee member Julie Scherer’s second term expired on December 31, 2023; and

WHEREAS, Citizens’ Housing and Community Development Committee member Dewey Bedford’s initial term expired on January 1, 2024; and

WHEREAS, Citizens’ Housing and Community Development Committee member initial Kyle Fliflet’s term expired on January 1, 2024; and

WHEREAS, three vacancies currently exist on the Citizens’ Housing and Community Development Committee; and

WHEREAS, a total of ten applications were received, eight of which were new and two of which were requests for reappointment for a second term; and

WHEREAS, the Appointments Committee met on June 5, 2024, reviewed the applications, and recommended the appointments of David Barber, Margie Johnson, and Gloria Edith Verdin to the Citizen’s Housing and Community Development Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints David Barber, Margie Johnson, and Gloria Edith Verdin who are all citizen’s at large to the City of Citizen’s Housing and Community Development Committee with a term expiring December 31, 2027.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizen's Housing and Community Development Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

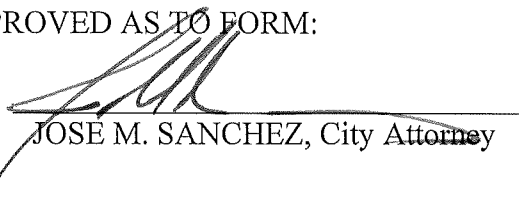


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-249**

**RESOLUTION APPOINTING JOAN CLENDENIN TO THE CITY OF
MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM
EXPIRING DECEMBER 31, 2027**

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

WHEREAS, Landmark Preservation Commissioner Babette Wagner resignation was effective as of February 27, 2024; and

WHEREAS, the Appointments Committee met on June 5, 2024, and recommended the appointment of Joan Clendenin to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Joan Clendenin, who has experience in History, Law and/or Planning, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2027.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-250**

RESOLUTION APPROVING THE APPOINTMENTS OF EVAN YOSHINO AS A MEMBER-AT-LARGE FOR A FOUR-YEAR TERM FROM JANUARY 1, 2024, TO DECEMBER 31, 2027 AND MARTIN MONTEZ AS A YOUTH MEMBER-AT-LARGE FOR A ONE-YEAR TERM FROM JULY 1, 2024 TO JUNE 30, 2025, ON THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE

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

WHEREAS, the Golf Courses Advisory Committee is comprised of five members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Women’s Golf Club, and six Members-At-Large, including one Youth Member-At-Large, and

WHEREAS, there currently exists two vacancies on the Committee- one Member-At-Large, and one Youth Member-At-Large, and

WHEREAS, the Committee, after performing outreach to advertise the vacancies, received two applications; and

WHEREAS, Evan Yoshino is qualified to serve as a Member-At-Large for a four-year term from January 1, 2024 through December 31, 2027, and

WHEREAS, Martin Montez is qualified to serve as a Youth Member-At-Large for a one-year term from July 1, 2024 through June 30, 2025, and

WHEREAS, on June 5, 2024, the Appointments Committee recommended the appointment of Evan Yoshino as a Member-At-Large, and the appointment of Martin Montez as a Youth Member-At-Large.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Evan Yoshino as a Member-At-Large for a

four-year term from January 1, 2024, to December 31, 2027 and Martin Montez as a Youth Member-At-Large for a one-year term from July 1, 2024 to June 30, 2025, on the City of Modesto Golf Courses Advisory Committee.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-251**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE CITY OF GLENDALE WITH CENTRAL SQUARE TECHNOLOGIES, LAKE MARY, FL FOR THE PURCHASE OF A PUBLIC SAFETY COMPUTER AIDED DISPATCH (CAD) SYSTEM AND ASSOCIATED COMPONENTS WITH CENTRAL SQUARE TECHNOLOGIES FOR A TOTAL AMOUNT NOT TO EXCEED \$2,977,904; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH CENTRAL SQUARE TECHNOLOGIES, TO CARRY OUT ANY NECESSARY BUDGET ADJUSTMENTS TO IMPLEMENT THE APPROVED FUNDING FOR THE PURCHASE AND NEGOTIATE AND ENTER INTO AGREEMENTS WITH THE COUNTY OF STANISLAUS, STANISLAUS REGIONAL 9-1-1 (SR911) AND THOSE AGENCIES DISPATCHED BY SR911, ALLOWING THE AGENCIES TO USE THE CAD SYSTEM AT THEIR COST

WHEREAS, the City of Modesto is responsible for providing public safety emergency response to the City’s residents, businesses and contract agency jurisdictions; and

WHEREAS, a Computer Aided Dispatch (CAD) system is used by Stanislaus Regional 9-1-1 (SR911) dispatchers to communicate with responding police and fire resources to ensure proper and accurate resources are sent to emergency calls for service; and

WHEREAS, the current “Dispatch Now” CAD system has been sunset by Central Square Technologies as of November 1, 2023 and will no longer provide software enhancements or updates; and

WHEREAS, the “Dispatch Now” CAD technology is obsolete and the potential for future system failure exists and the current CAD system is unable to support critical technical functionality that is offered by modern CAD systems; and

WHEREAS, the “Dispatch Now” CAD system is in need of immediate replacement; and

WHEREAS, on February 7, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Computer Aided Dispatch (CAD) System. On December 12, 2019, the City of Glendale, CA issued a Request for Proposal (RFP)# 121818 for Integrated Public Safety Solution on their vendor-notification portal and the Criminal Justice Information Systems (CJIS) Group distributed procurement documents to all CJIS providers; and

WHEREAS, on January 30, 2019, proposals were opened virtually at The Atlas: Market Edge formerly known as CJIS Group and City of Glendale Vendor-notification portal. Three (3) Bids were received and based on the evaluation process of the quantitative and qualitative criteria outlined in the RFP one (1) contract was awarded for this commodity which includes Computer Aided Dispatch (CAD) system; and

WHEREAS, based on the responsive and responsible proposer offering the Integrated Public Safety Solution as evaluated by the City of Glendale, City staff recommends to award to Central Square Technologies, Lake Mary, FL to purchase the CAD System and other components for an amount not to exceed \$2,977,904; and

WHEREAS, in March of 2024, the City of Modesto received notice of earmarked Federal Grant Funding in the amount of \$3,530,000 cosponsored by U.S. Congressman Duarte and the late U.S. Senator Feinstein, of which, \$2,200,000 is designated to support the procurement of a modern CAD system to support the future delivery of public safety service to the City of Modesto residents; and

WHEREAS, the City of Modesto has submitted a grant application for the guaranteed funds on June 29, 2024 and expects to receive the funds in October of 2024; and

WHEREAS, SR911, in partnership with SR911's key stakeholders, including the City of Modesto, selected Central Square Technology's "Enterprise" CAD as the clear modern CAD system to replace "Dispatch Now". The "Enterprise" CAD system allows for state-of-the-art interfaces and streamlines interoperability between agencies, allowing connectivity from several surrounding local government 9-1-1 and medical dispatch centers; and

WHEREAS, SR911's Consolidated Emergency Dispatch Agency Commission (CEDAC) approved the replacement of SR911's "Dispatch Now" CAD system with the state-of-the-art "Enterprise" CAD system, providing the SR911 Interim Executive Director, Kasey Young, the authority to work with City of Modesto staff to procure the CAD system through the City using Federal Grant funds; and

WHEREAS, to ensure continuity of regional dispatch services, it will be important for the City to establish long-term use agreements with the County of Stanislaus, SR911 and other public safety user agencies dispatched through the regional dispatch center; and

WHEREAS, the City of Modesto designated \$2,000,000 in Fiscal Year 2023-24 Measure H funds to improve public safety systems; and

WHEREAS, the City Manager would enter into negotiations and enter into an agreement with Central Square Technologies to procure their flagship "Enterprise" CAD system utilizing designated Measure H funds, of which, up to \$2,200,000 would be reimbursed by grant funds in October of 2024, and

WHEREAS, a contingency of 10% is recommended in the amount of \$212,665 funded by designated Measure H funds as noted above bringing the total not to exceed amount to \$2,977,904; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. By utilizing the City of Glendale, CA, the City is complying with the requirements defined under this code for Computer Aided Dispatch (CAD) System.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from the City of Glendale with Central Square Technologies, Lake Mary, FL for the purchase of a Public Safety Computer Aided Dispatch (CAD) system and associated components with Central Square Technologies for a total amount not to exceed \$2,977,904; authorizing the City Manager or his designee to negotiate and enter into an agreement with Central Square Technologies, in a form approved by the City Attorney; and to carry out any necessary budget adjustments to implement the approved funding for the purchase.

BE IT FURTHER RESOLVED, that the City Manager or his designee are authorized to negotiate and enter into agreements with the County of Stanislaus, Stanislaus Regional 9-1-1 (SR911) and those agencies dispatched by SR911, allowing the agencies to use the CAD system at their cost 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 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-252**

**RESOLUTION AMENDING FISCAL YEAR 2023-24 ANNUAL OPERATING
AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE
CITY MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE
PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

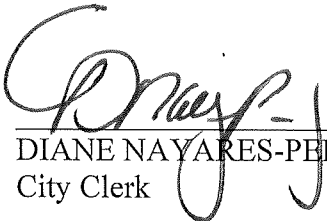
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

HUMAN RESOURCES

- A budget adjustment in the amount of \$200,000 is needed in the Employee Benefits Administration Fund (5520) to increase the expenditure budget for the employee milestone recognition payments. The increase in the budget will come from the fund reserves and the payments will be included as part of the future Employee Benefits Internal Service Fund (ISF) model.

MEASURE L – ENGINEERING SERVICES DEPARTMENT

- A budget adjustment is necessary to transfer \$369,039 from Fund 1420 – Surface Transportation/Measure L – Senate Bill (SB) 1 Maintenance of Effort (MOE) fund to Project 101042 - Paradise Road Active Transportation Plan in the Capital Grants – Streets CIP Projects Fund (3160) to satisfy the Fiscal Year 2023-2024 MOE for Measure L. In addition, the project discretionary budget is being increased.

NON-DEPARTMENTAL

- A budget adjustment is necessary to increase the Transfer Out from the Police Department Capital Facility Fee Fund 3440 to the General Fund 0100 in the amount of \$158,000. There is additional fund balance available in the Police Department Capital Facility Fee fund that can be transferred for repayment on the Police Department Headquarters (7000).
- A budget adjustment is necessary to increase the Transfer Out from the Fire Department Capital Facility Fee Fund 3450 to the General Fund 0100 in the amount of \$34,000. There is additional fund balance available in the Fire Department Capital Facility Fee fund that can be transferred for repayment on the loan for Fire Station #11.
- A budget adjustment is necessary to increase the Transfer Out from the General Government Capital Facility Fee Fund 3470 to the General Fund 0100 in the amount of \$83,000. There is additional fund balance available in the General Government Capital Facility Fee fund that can be transferred for repayment on the Tenth Street Plan Project (7000).

PARKS, NEIGHBORHOODS AND RECREATION

- A budget adjustment in the amount of \$200,000 is needed in the Non-Capital Parks Fund (1380) Project 101351 – Recreation Facility Improvements to increase the expenditure budget for necessary flooring renovations at the Senior Citizen's Center. As part of the adjustment, a Transfer-In from the General Fund will be established in the same amount to move Fiscal Year 2023-2024 salary savings from Recreation Operations cost center 33030 to the fund the project.

- A budget adjustment in the amount of \$400,000 is needed in the Golf Fund (4600) in Project 101294 - Dryden Clubhouse Renovation to increase the discretionary expenditure and revenue budgets based on the American Rescue Plan Act (ARPA) reallocation which was approved by City Council Resolution 2024-194.

POLICE DEPARTMENT

- A budget adjustment in the amount of \$300,384 is needed in the 2023-2024 Supplemental Law Enforcement Services Fund (SLESF) Project (101539) in the Police Grants Fund (1342) to increase the expense and revenue budget to account for State revenues and offsetting expenditures.
- A budget adjustment in the amount of \$62,085 is necessary to increase Salary and Benefits in the Traffic Offender Fund (1610). The fund is currently over budget due to higher-than-expected Overtime and Compensation Time Off Cash Out expenses. The increase in budget will be coming from the Fund Reserves.
- A budget adjustment is needed to Transfer Out from the General Fund (0100) to the Police Grants Fund (1342) and American Rescue Plan Act (ARPA) Fund (1390) in the amount of \$250,000 for the MPD – Department of Housing and Urban Development (HUD) Emergency Solutions Grant (ESG) Homeless Outreach (19205) and MPD - ARPA Outreach Specialist (19206), also known as the Community Health Assistance Team (CHAT). The Transfer Out is necessary to cover Ineligible Expenses, such as PERS Unfunded Accrued Liability, Internal Services Funds and expenses incurred after the ARPA funds were exhausted in the Cost Centers 19205 and 19206.

PUBLIC WORKS

- A budget adjustment is necessary to establish a transfer from the Surface Transportation Fund – Measure L/SB 1 Maintenance of Effort (MOE) Fund (1420) to the Surface Transportation Fund (1700) in the amount of \$1,144,825 to offset transportation operations in the fund and meet the Senate Bill 1 RMRA/Measure L MOE requirement.

UTILITIES

- A budget adjustment in the amount of \$466,667 is needed in the Wastewater Fund (4210) for Project 101473 Far-Field & Constituents of Emergent Concern (CEC) Studies to recognize the revenue which is anticipated to be received from the City of Turlock and Del Puerto Water District related a Memorandum of Understanding (MOU) which was approved by City Council Resolution 2023-306. Each entity will be sharing one-third (1/3) of the cost of the \$819,330 for a total of \$273,110 per agency. \$79,553 of revenue has already been budgeted per City Council Resolution 2024-076.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-253**

**RESOLUTION APPROVING A FIRST AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS COUNCIL
OF GOVERNMENTS FOR A SUBALLOCATION OF REGIONAL EARLY
ACTION PLANNING GRANT PROGRAM FUNDS; AND AUTHORIZING THE
CITY MANAGER OR HIS DESIGNEE TO SIGN THE FIRST AMENDMENT TO
THE MEMORANDUM OF UNDERSTANDING**

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the Metropolitan Planning Organization (MPO) for the Stanislaus Region, pursuant to State and Federal designation; and

WHEREAS, on February 27, 2020, the State of California Department of Housing and Community Development (HCD) released a Notice of Funding Availability (NOFA) for the Regional Early Action Planning Grant Program (REAP) to councils of governments and other regional entities with said funds to be released in three packages of funding; and

WHEREAS, on August 14, 2020, HCD approved an initial allocation of \$10,218,831 in REAP grant funding to the San Joaquin Valley MPOs; and

WHEREAS, on January 11, 2022, by Resolution No. 2022-010, Council approved a Memorandum of Understanding (MOU) with StanCOG for an initial allocation of \$161,955.53 which has since been fully requested by the City; and

WHEREAS, StanCOG has calculated the City of Modesto's final suballocation of the San Joaquin Valley MPOs allocation to be \$219,654.13; and

WHEREAS, StanCOG has prepared a First Amendment to the MOU to document the process whereby the City of Modesto will be reimbursed for eligible grant-funded housing-related work on the comprehensive General Plan update project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Memorandum of Understanding with the Stanislaus Council of Governments for a suballocation of Regional Early Action Planning Grant Program funds.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to sign the First Amendment to the Memorandum of Understanding, 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 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-254**

RESOLUTION AMENDING FISCAL YEAR 2024-25 MULTI-YEAR PROJECT BUDGET FOR PROJECT 100838 – MODESTO GENERAL PLAN UPDATE IN THE AMOUNT OF \$219,654.13 TO RECOGNIZE THE ADDITIONAL ALLOCATION UNDER THE REGIONAL EARLY ACTION PLANNING (REAP) GRANT AND FUND CERTAIN HOUSING-RELATED WORK ASSOCIATED WITH THE COMPREHENSIVE GENERAL PLAN UPDATE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the Metropolitan Planning Organization (MPO) for the Stanislaus Region, pursuant to State and Federal designation; and

WHEREAS, on February 27, 2020, the State of California Department of Housing and Community Development (HCD) released a Notice of Funding Availability (NOFA) for the Regional Early Action Planning Grant Program (REAP) to councils of governments and other regional entities with said funds to be released in three packages of funding; and

WHEREAS, on August 14, 2020, HCD approved an initial allocation of \$10,218,831 in REAP grant funding to the San Joaquin Valley MPOs; and

WHEREAS, on January 11, 2022, by Resolution No. 2022-010, Council approved a Memorandum of Understanding (MOU) with StanCOG for an initial allocation of \$161,955.53 which has since been fully requested by the City; and

WHEREAS, StanCOG has calculated the City of Modesto's final suballocation of the San Joaquin Valley MPOs allocation to be \$219,654.13; and

WHEREAS, StanCOG has prepared a First Amendment to the MOU to document the process whereby the City of Modesto will be reimbursed for eligible grant-funded housing-related work on the comprehensive General Plan update project; and

WHEREAS, the Fiscal Year 2024-25 Non-Capital Project 100838 – Modesto General Plan Update Budget must be increased by \$219,654.13 to recognize grant revenue and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2024-25 non-capital project budget for project 100838 – Modesto General Plan Update in the amount of \$219,654.13 to recognize the additional allocation under the Regional Early Action Planning (REAP) grant and fund certain housing-related work associated with the comprehensive General Plan update.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-255**

RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE TRANSIENT OCCUPANCY TAX FUNDING AGREEMENT WITH VISIT MODESTO, INC. FOR CONVENTION AND TOURISM SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the purpose of Visit Modesto is to attract visitors to the area by promoting and marketing Modesto and to provide coordination and leadership for the tourism industry, and

WHEREAS, the City has previously provided funding to Visit Modesto (formerly known as Modesto Convention and Visitor’s Bureau), and is willing to continue to provide certain funding to Visit Modesto, and

WHEREAS, the City imposed a Transient Occupancy Tax (“TOT”) on the privilege of occupying a hotel on a transit basis, pursuant to Article 6 of Title 8 of the Modesto Municipal Code, and

WHEREAS, the City and Visit Modesto entered into a TOT Funding Agreement dated July 1, 2019, and amended on July 14, 2020, and amended again on September 27, 2022; and

WHEREAS, the public purpose in providing such funding is the economic benefit that accrues to businesses and citizens of Modesto as a result of Visit Modesto’s promotion and marketing of Modesto for meetings, conventions, tour groups, and other visitor activities, and.

WHEREAS, the City desires to extend the term of the TOT Funding Agreement by one year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year extension of the Transient Occupancy Tax Funding

Agreement with Visit Modesto, Inc. for convention and tourism services to extend the term of such agreement by one year, to June 30, 2025.

BE IT FURTHER RESOLVED, that the City Manager or his designee is 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 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

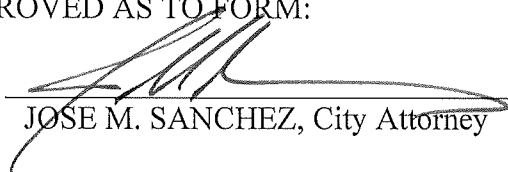
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-256**

**RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE MODESTO
TOURISM MARKETING DISTRICT OWNERS' ASSOCIATION AGREEMENT
WITH VISIT MODESTO, INC. FOR CONVENTION AND TOURISM
SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE AGREEMENT**

WHEREAS, on May 14, 2024, the City Council adopted Resolution Number 2024-170, (the "Resolution"), renewing the Modesto Tourism Marketing District ("MTMD") for a ten-year term in accordance with the provisions of the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., (the "1994 Law"), and

WHEREAS, the Visit Modesto (formerly known as Modesto Convention and Visitor's Board) was designated in the Resolution and MTMD Management District Plan as the Owners' Association in accordance with Streets and Highways Code Section 36612, and as the entity responsible for managing the operations of the MTMD, and

WHEREAS, the Streets and Highways Code section 36651 requires a contract between the City and the Owners' Association, and

WHEREAS, on May 14, 2024, by Resolution Number 2024-170, the Modesto City Council approved the MTMD agreement which authorized Visit Modesto to provide marketing and promotional programs intended to increase hotel room night sales at all hotels that remit an MTMD assessment, and

WHEREAS, the City desires, and Visit Modesto agrees, to continue to have Visit Modesto provide services to the City on the terms and conditions set forth in this Agreement, and the parties desire to extend the term of the existing agreement by one year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year extension of the Modesto Tourism Marketing District Owners' Association Agreement with Visit Modesto, Inc. for convention and tourism services to extend the term of such agreement by one year, to June 30, 2025.

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

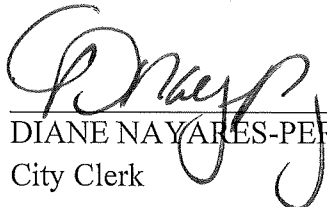
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-257**

RESOLUTION ACCEPTING THE SUTTER AVENUE STRENGTHEN AND REPLACE WATER MAINS PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING PAYMENTS TOTALING \$2,245,435 TO WEST VALLEY CONSTRUCTION COMPANY OF STOCKTON, CA AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Sutter Neighborhood Strengthen and Replace (S&R) Water Mains Project is located within Stanislaus County's West Modesto Sewer Improvement Project; and

WHEREAS, the project is located in a County pocket area bounded by Sutter Avenue in the West, South Avenue in the North, Sunset Avenue in the East, and Garden and Rose Lawn Avenues in the South; and

WHEREAS, this area had deficient water mains that were undersized, lacked pressure and was prone to leaks; and

WHEREAS, the Sutter Neighborhood S&R Water Mains Project replaced and upgraded water mains, associated water valves, services, and fire hydrants to increase service reliability, flows, and pressures; and

WHEREAS, the City partnered with Stanislaus County to coordinate the Sutter Neighborhood S&R Water Mains Project with their West Modesto Sewer Improvement Project; and

WHEREAS, on July 14, 2020, by Resolution No. 2020-315, Council approved an agreement with Black Water Consulting Engineers, Inc. (Black Water) in the amount not to exceed \$139,073, for Engineering Design Services for the Sutter Neighborhood Strengthen & Replace Water Mains Project; and

WHEREAS, the project was advertised for bids on September 28, 2022. Bids were publicly opened on October 25, 2022, and pursuant to City Charter Section 1307, West Valley Construction Company of Stockton, CA., was the lowest responsible bidder at 9.62% under the engineers estimate; and

WHEREAS, on January 24, 2023, by Resolution 20-35, and Council awarded a contract to West Valley Construction Company, in the amount of \$2,149,680. The Contractor received the Notice to Proceed with a start date of May 15, 2023. All contract work was completed on November 8, 2023; and

WHEREAS, the total project costs were \$2,600,823, which included design, construction, and construction administration costs. The total project amount originally budgeted was \$2,935,500 which included \$2,364,648 for the construction contract and contingency with West Valley Construction Company; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of eight percent (8%) for construction contracts of this dollar value. However, by Resolution 2023-36, Staff requested to increase the change order budget to ten percent (10%) \$214,968, due to the nature of rehabilitation projects where unforeseen utilities or buried structures, and other unaccounted for issues that may arise; and

WHEREAS, there are thirteen (13) change orders resulting in an overall increase of \$95,755 for change order work as listed on the attached change order log; and

WHEREAS, by accepting this project as complete, the city officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Sutter Avenue Strengthen and Replace Water Mains Project as complete, releasing securities, releasing payments totaling \$2,245,435 to West Valley Construction Company of Stockton, CA and authorizing the City Clerk to file a Notice of Completion.

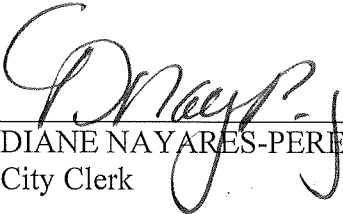
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

CONTRACT CHANGE ORDER LOG

Date: June 07, 2024

CHANGE ORDER NO.	DESCRIPTION	EXECUTED	AMOUNT	TIME EXT.	CAUSE			Approved
					DESIGN ISSUE	UNFORSEEN CONDITIONS	ADDED SCOPE	
PROJECT NUMBER AND NAME:								
2023/05 - Sutter Avenue Strengthen and Replace Water Mains (101154)								
01	Additional cost for unmarked utilities.	09/15/23	\$23,178.27	2 W.D.	No	Yes	No	Yes
02	4" water service at 630 Rouse Ave	09/15/23	\$6,300.00	0 W.D.	No	Yes	No	Yes
03	1 additional 6" GV at contract price.	09/15/23	\$2,600.00	0 W.D.	No	Yes	No	Yes
04	6" Fire service locates at 819 Sunset Ave	09/15/23	\$6,900.00	14 W.D.	No	Yes	No	Yes
05	Five 2" Water services	09/15/23	\$21,000.00	14 W.D.	No	Yes	No	Yes
06	634 Jean St. Service Extension	09/15/23	\$4,030.00	1 W.D.	No	Yes	No	Yes
07	New Hydrant Install on Cheatham Court.	01/17/24	\$10,950.00	0 W.D.	No	No	Yes	Yes
08	Additional AC Tonnage quantities	02/23/24	\$63,456.75	0 W.D.	No	No	Yes	Yes
09	Re-mob costs	02/23/24	\$6,780.00	0 W.D.	No	No	Yes	Yes
10	2 Hydrants at 12x8 Reducer Rouse/sunset	02/23/24	\$20,800.00	0 W.D.	No	No	Yes	Yes
11	Force Account Work	04/19/24	\$30,874.71	0 W.D.	No	Yes	No	Yes
12	Lost Time Claims	04/19/24	\$12,088.42	0 W.D.	No	Yes	No	Yes
13	Balancing Change Order	04/19/24	-\$113,203.21	0 W.D.	No	Yes	No	Yes

Original Contract Amount: \$2,149,680.00

Original Director's CCO Authority: \$171,974.00

IDA To: \$214,968.00

IDA Date: 1/24/2023

Total Working Days Time Extension: 31

Total Change Orders Processed To Date: \$95,754.94

Total Executed Change Orders To Date: \$95,754.94

CONTRACT CHANGE ORDER LOG

Date: June 07, 2024

CHANGE ORDER NO.	DESCRIPTION	EXECUTED	AMOUNT	TIME EXT.	CAUSE			Approved
					DESIGN ISSUE	UNFORSEEN CONDITIONS	ADDED SCOPE	

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-258**

RESOLUTION APPROVING THE AGREEMENTS WITH BURTON FIRE, MODESTO, CA FOR THE PURCHASE OF FIRE FLEET PARTS AND SERVICES FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$125,000 AND A TOTAL AMOUNT NOT TO EXCEED \$625,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, Modesto Fire Department which also includes the outside fire contract services with City of Ceres, Salida Fire District, City of Turlock, Consolidated Fire and Oakdale Fire Departments are one of the departments the Fleet Division provides parts and services for their fleet; and

WHEREAS, Burton Fire is the sole source distributor for Rosenbauer America sales and service dealer for fire apparatus and fire specialized equipment parts; and

WHEREAS, with the increase in annual spending, somewhat associated with inflation, City staff recommends entering into a multi-year agreement to establish pricing controls and ensure that the City stays within Council authority limits for agreements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services, 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; and

WHEREAS, Burton Fire is the sole distributor for the fire parts needed to manage the apparatus vehicles for Modesto Fire and outside fire contract services; and

WHEREAS, staff recommends that the purchase of fire parts from Burton Fire be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b), since Burton Fire is the Sole Provider of the parts needed to manage the fire fleet parts and services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreements with Burton Fire, Modesto, CA for the purchase of fire fleet parts and services for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount of \$125,000 and a total amount not to exceed \$625,000 over five years.

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

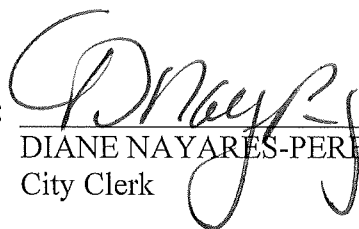
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Bavaro

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-259**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES TO FOLSOM LAKE FORD, FOLSOM, CA FOR THE PURCHASE OF TWENTY-TWO (22) FORD POLICE INTERCEPTORS FOR AN AMOUNT NOT TO EXCEED \$1,374,633; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs, including the addition of new vehicles due to the operational needs of the City; and

WHEREAS, on January 3, 2022, State of California, Department of General Services issued an Invitation for Bids under Event ID #0000020265 for Enforcement Vehicles and Police Pursuit on the State of California's bidding website. On February 4, 2022, the bid opening was conducted at the State of California, Department of General Services at their Sacramento office; and

WHEREAS, three (3) bids were received and based on the lowest cost to a responsive and responsible bid, Folsom Lake Ford, Folsom, CA was awarded the agreement for the Ford Interceptors under State Contract #1-22-23-14C; and

WHEREAS, based on the lowest responsive and responsible bid, City staff recommends to award to Folsom Lake Ford, Folsom, CA for the purchase of twenty-two (22) Ford Interceptors in an amount not to exceed \$1,374,633; and

WHEREAS, State of California conducted a public competitive bidding process which can be utilized by other government agencies to streamline the procurement process by developing Invitation for Bids (IFB)'s and Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, the competitive process is continually refined to best meet agency needs and allows State of California to offer exceptional products from nationally acclaimed vendors; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." By utilizing the State of California bidding process, the City is complying with this requirement for the purchase of the twenty-two (22) Ford Police Interceptors by utilizing the State of California bidding process since it complies with the City of Modesto's bidding process; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from the State of California,

Department of General Services to Folsom Lake Ford, Folsom, CA for the purchase of twenty-two (22) Ford Police Interceptors for an amount not to exceed \$1,374,633.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-260**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES TO WINNER CHEVROLET, ELK GROVE, CA FOR THE PURCHASE OF FIVE (5) CHEVROLET TAHOES FOR AN AMOUNT NOT TO EXCEED \$347,311; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage, and maintenance costs, including the addition of new vehicles due to the operational needs of the city; and

WHEREAS, on January 3, 2022, State of California, Department of General Services issued an Invitation for Bids under Event ID #0000020265 for Enforcement Vehicles and Police Pursuit on the State of California's bidding website. On February 4, 2022, the bid opening was conducted at the State of California, Department of General Services at their Sacramento office; and

WHEREAS, three (3) bids were received and based on the lowest cost to a responsive and responsible bid, Winner Chevrolet was awarded the bid for Chevrolet Tahoes under State Contract #1-22-23-14B; and

WHEREAS, based on the lowest responsive and responsible bid, City staff recommends to award to Winner Chevrolet for the purchase of five (5) Chevrolet Tahoes in an amount not to exceed \$347,311; and

WHEREAS, State of California conducted a public competitive bidding process which can be utilized by other government agencies to streamline the procurement process by developing Invitation for Bids (IFB)'s and Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, the competitive process is continually refined to best meet agency needs and allows State of California to offer exceptional products from nationally acclaimed vendors; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) "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 a procurement for the City at the lowest possible cost commensurate with the desired quality." By utilizing the State of California bidding process, the City is complying with this requirements for purchase of the five (5) Chevrolet Tahoes; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from the State of California, Department of General Services to Winner Chevrolet, Elk Grove, CA for the purchase of five (5) Chevrolet Tahoes for an amount not to exceed \$347,311.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

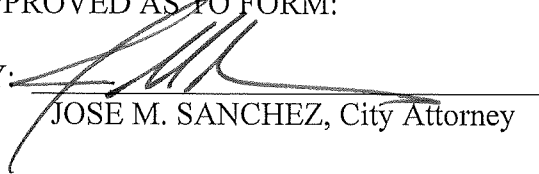
ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-261**

RESOLUTION APPROVING THE PURCHASING AGREEMENTS FOR THE PURCHASE OF EQUIPMENT AND VEHICLE PARTS AND SERVICES WITH TEREX SERVICES, STOCKTON, CA AND GOLDEN STATE EMERGENCY VEHICLE SERVICES, SACRAMENTO, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF \$250,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,250,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City Fleet Services Division services and maintains 1,583 in-service vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the City; and

WHEREAS, each vehicle or piece of equipment has countless parts to make the unit function safely and efficiently; and

WHEREAS, components can fail or break on any piece of equipment, and preparing a list of parts that will be required in any given Fiscal Year is not feasible and Downtime for any piece of equipment means that a crew or individual cannot perform their job duties and can adversely impact operations; and

WHEREAS, these purchasing agreements will allow the Fleet Services Division to obtain the parts required to maintain and repair vehicles and equipment timely, based on the nearest manufacturer for these parts and at competitive pricing. Fleet Services performs their own price checks constantly on items that are purchased and will strictly abide by all City policies as they pertain to cost limitations, repetitive orders and order splitting; and

WHEREAS, the Fleet parts that these vendors provide include the following material from Terex Services for specialized heavy equipment, specifically parts for

Aerial Devices, Digger Derricks, and Pressure Diggers, their associated controls, hydraulics, generators, the fire apparatus replacement parts and material are provided through Golden State Emergency Vehicle Services for specialized pumps, transmission, and engine components; and

WHEREAS, Fire apparatus built by Pierce Manufacturing are covered through Golden State Emergency Vehicle Services as the authorized dealership addressing comprehensive technical support, including repairs components on items such as chassis, body, electrical, pumps, and aerial elements on the apparatus; and

WHEREAS, these vendors are located in close proximity to Modesto as they are in Stockton and Sacramento; therefore, these vendors are able to provide quick turnaround and delivery of the parts needed for the City's Fleet inventory; and

WHEREAS, the Finance Department Purchasing Division evaluated similar parts with other competitive vendors and these two vendors were the lowest in cost; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, based on the price analysis conducted by City staff these agreements would comply with this exception based on Terex Services and Golden State Emergency Vehicle Services providing the lowest cost compared to competitive vendors identified outside of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreements for purchase of Equipment and Vehicle Parts and Services with Terex Services, Stockton, CA and Golden State Emergency Vehicle Services, Sacramento, CA for a two-year Agreement with three (3) one-year extension options, for an annual combined estimated amount of \$250,000 and a total amount not to exceed \$1,250,000 over five years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreements, 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 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-262**

RESOLUTION APPROVING THE PURCHASING AGREEMENTS UTILIZING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL AND OMNIA PARTNERS FOR THE PURCHASE OF EQUIPMENT AND VEHICLE PARTS AND SERVICES WITH CENCAL AUTO AND TRUCK PARTS, MODESTO, CA AND RUSH TRUCK CENTER, CERES, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF \$200,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,000,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City Fleet Services Division services and maintains 1,583 in-service vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the City; and

WHEREAS, each vehicle or piece of equipment has countless parts to make the unit function safely and efficiently; and

WHEREAS, components can fail or break on any piece of equipment, and preparing a list of parts that will be required in any given Fiscal Year is not feasible and Downtime for any piece of equipment means that a crew or individual cannot perform their job duties and can adversely impact operations; and

WHEREAS, on February 4, 2021, Sourcewell issued Request for Proposal (RFP) 032521- Genuine Parts Company (GPC) dba NAPA Auto Parts under Contract No. 051321 for vehicle parts and supplies on the USA Today, South Carolina's The State, Sourcewell Procurement Portal; and

WHEREAS, on March 25, 2021, proposals were opened electronically through the Sourcewell Procurement Portal. Seventeen (17) proposals were received, and based on the Committee criteria which was based on conformance to RFP Requirements,

pricing, financial viability and marketplace success, ability to sell and deliver service and warranty, four (4) contracts were awarded for this commodity, which included CenCal Auto and Truck Parts; and

WHEREAS, based on the responsible proposer offering the highest scoring, City staff recommends awarding to CenCal Auto and Truck Parts for the purchase of vehicle parts, supplies, and services for a two-year agreement with three one-year extension options at an estimated annual cost not to exceed \$120,000, and \$600,000 over five years; and

WHEREAS, on October 20, 2020, OMNIA Partners issued Request for Proposal (RFP) 25-20 under Master Agreement No. #05-47 for heavy equipment, diesel truck, bus parts, and related goods and services on the USA Today and National Cooperative Purchasing Alliance website; and

WHEREAS, on November 19, 2020, proposals were opened electronically through the National Cooperative Purchasing Alliance website and two (2) proposals were received, and based on the Committee criteria which was based on pricing, ability to service contract, references, technology, value added products and services, two (2) contracts were awarded for this commodity, which included Rush Truck Center; and

WHEREAS, based on the responsible proposer offering the highest scoring, City staff recommends to award to Rush Truck Center to purchase vehicle parts, supplies, and services for a two-year agreement with three one-year extension options at an estimated annual cost not to exceed \$80,000, and \$400,000 over five years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served and by utilizing the Sourcewell and OMNIA Partners, the City is complying with the requirements defined under this code for vehicle parts and supplies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreements utilizing the competitive bidding process from Sourcewell and OMNIA Partners for the purchase of Equipment and Vehicle Parts and Services with CenCal Auto and Truck Parts, Modesto, CA and Rush Truck Center, Ceres, CA for a two-year Agreement with three (3) one-year extension options, for an annual combined estimated amount of \$200,000 and a total amount not to exceed \$1,000,000 over five years.

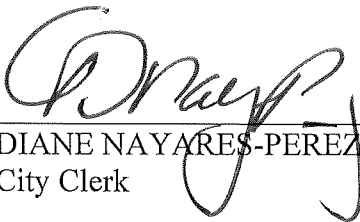
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-263**

RESOLUTION APPROVING THE CITY OF MODESTO PANDEMIC RECOVERY STRATEGY – MODESTO FORWARD GRANT AGREEMENT WITH DEL RIO CC FOUNDATION (FIRST TEE – CENTRAL VALLEY), IN AN AMOUNT NOT TO EXCEED \$250,000 IN AMERICAN RESCUE PLAN ACT FUNDING, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion emergency relief measure intended to provide relieve from the impact of COVID-19; and

WHEREAS, the legislation made a historic investment into local governments, include \$45,894,056 to the City of Modesto to address the local impact of COVID-19; and

WHEREAS, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward (Modesto Forward), a comprehensive spending plan designed to support the local recovery from the pandemic; and

WHEREAS, the spending plan included \$7,105,500 for Economic Vitality initiatives, with \$250,000 allocated to the Modesto Convention and Visitors Bureau (CVB) in the City’s Year 1 and Year 2’s spending plan; and

WHEREAS, by Resolution No. 2022-237, Council approved the Year 2 expenditure plan; and

WHEREAS, by Resolution No. 2023-251, Council approved the reallocation of ARPA funding to new or existing ARPA programs; and

WHEREAS, by Resolution No. 2024-294, Council approved the reallocation of APRA funding to new or existing ARPA program, including \$500,000 in funding to the First Tee – Central Valley and the Boys and Girls Clubs of Stanislaus County; and

WHEREAS, the First Tee – Central Valley will receive \$250,000; and

WHEREAS, the First Tee – Central Valley is operated by Del Rio CC Foundation, a California non-profit corporation; and

WHEREAS, the funds will be used to finish Phase 2 elements for the Dryden Park Project, located at 920 Roselawn Avenue, including outdoor golf hitting bays, storage, landscaping, natural turf, safety netting, and perimeter fencing; and

WHEREAS, all funds must be obligated by December 31, 2024 and expended by December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Pandemic Recovery Strategy – Modesto Forward – Grant Agreement with Del Rio CC Foundation, a California non-profit corporation, in an amount not to exceed \$250,000 in ARPA funds.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-264**

RESOLUTION APPROVING THE CITY OF MODESTO PANDEMIC RECOVERY STRATEGY – MODESTO FORWARD GRANT AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF STANISLAUS COUNTY, IN AN AMOUNT NOT TO EXCEED \$250,000 IN AMERICAN RESCUE PLAN ACT FUNDING, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion emergency relief measure intended to provide relieve from the impact of COVID-19; and

WHEREAS, the legislation made a historic investment into local governments, include \$45,894,056 to the City of Modesto to address the local impact of COVID-19; and

WHEREAS, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward (Modesto Forward), a comprehensive spending plan designed to support the local recovery from the pandemic; and

WHEREAS, the spending plan included \$7,105,500 for Economic Vitality initiatives, with \$250,000 allocated to the Modesto Convention and Visitors Bureau (CVB) in the City’s Year 1 and Year 2’s spending plan; and

WHEREAS, by Resolution No. 2022-237, Council approved the Year 2 expenditure plan; and

WHEREAS, by Resolution No. 2023-251, Council approved the reallocation of ARPA funding to new or existing ARPA programs; and

WHEREAS, by Resolution No. 2024-294, Council approved the reallocation of APRA funding to new or existing ARPA program, including \$500,000 in funding to the First Tee – Central Valley and the Boys and Girls Clubs of Stanislaus County; and

WHEREAS, the Boys and Girls Clubs of Stanislaus County, a California non-profit corporation, will receive \$250,000; and

WHEREAS, the funds will be used for a safe outdoor recreation site including basketball court(s), picnic area, concrete ping-pong tables, and green space for a community garden; and

WHEREAS, all funds must be obligated by December 31, 2024 and expended by December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Pandemic Recovery Strategy – Modesto Forward – Grant Agreement with the Boys and Girls Clubs of Stanislaus County, a California non-profit corporation, in an amount not to exceed \$250,000 in ARPA funds.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-265**

RESOLUTION AMENDING THE FISCAL YEAR 2023-24 NON-CAPITAL PROJECT BUDGET TO FUND PROJECT #101345 (AMERICAN RESCUE PLAN ACT PROJECT) IN AN AMOUNT NOT TO EXCEED \$500,000 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, under Project 101345, two funding agreements will be executed with Del Rio CC Foundation and Boys and Girls Clubs of Stanislaus County. Both organizations offer programs to help young people learn, develop, and thrive. The First Tee does so through the game of golf and the Boys and Girls Club does so through educational programming. Both organizations serve the community, especially those underserved in West Modesto; and

WHEREAS, American Rescue Plan Act (ARPA) funding of \$500,000 must be allocated to fund the agreements; and

WHEREAS, the Fiscal Year 2023-2024 Non-Capital Project Budget must be amended to increase Project 101345 – American Rescue Plan Act (ARPA) in a total amount of \$500,000 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2023-2024 Non-Capital Project Budget to increase Project 101345 – American Rescue Plan Act (ARPA) in an amount not to exceed \$500,000 in transfers, revenue and to budget expenditures to fund the project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-266**

**RESOLUTION APPROVING THE CULTURE COMMISSION’S REQUEST TO
MOVE FORWARD IN ISSUING A REQUEST FOR PROPOSALS CALLING
FOR ARTISTS AND MURALISTS FOR MODESTO’S 150th ANNIVERSARY
MURAL PROJECT**

WHEREAS, Section 1110 of the City of Modesto Charter authorizes the Culture Commission (Commission) to act as an advisory body to the City Council and City Manager in all matters pertaining to art, literature, music, and other cultural activities; and

WHEREAS, the Culture Commission served on the planning committee commemorating the City’s Sesquicentennial in 2020; and

WHEREAS, all commemorative events were cancelled due to the global pandemic; and

WHEREAS, the Culture Commission affirmed their goal to have a commemorative mural funded and created; and

WHEREAS, the Culture Commission developed a Request for Proposals (RFP) calling for artist and muralist for Modesto’s 150th Anniversary Project, which it approved on March 6, 2024; and

WHEREAS, muralists, artists, community groups, youth and student artists working with a professional, and art teachers interested in mentoring a group of students are encouraged to apply; and

WHEREAS, the mural would be located on the south facing side of the Tenth Street Parking Garage and serve as a celebration of Modesto, include imagery that

enhances the character of downtown, and be a destination for people to visit and photograph; and

WHEREAS, a budget of \$25,000 has been set aside in a non-capital project account for the award of contract, installation, and materials; and

WHEREAS, the Culture Commission's RFP Review Committee will review all proposals and make recommendations for City Council's consideration and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Culture Commission's request to move forward in issuing a Request for Proposal calling for artist and muralists for Modesto's 150th Anniversary Mural Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to carry out the next steps to issue the RFP.

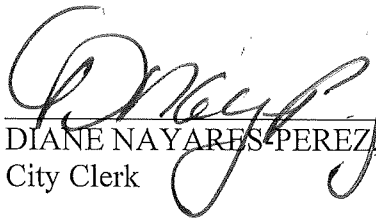
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-267**

RESOLUTION APPROVING THE LIST OF PROJECTS TO BE FUNDED WITH ROAD REPAIR AND ACCOUNTABILITY ACT TAX PROCEEDS IN FISCAL YEAR 2024-2025 IN AN AMOUNT UP TO \$5,888,194, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE PROJECTS

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor on April 28, 2017, to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of Modesto are aware of the projects proposed for funding in the community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt, by resolution, a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1, which must include description and the location of each proposed project, a proposed schedule for projects completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive funding in an estimated amount of \$5,672,650 in RMRA funding in Fiscal Year 2024-25 from SB1; and

WHEREAS, this is the eighth year in which the City is receiving SB1 funding which will enable the City to continue essential road maintenance, safety improvements in traffic signal and street light maintenance, and traffic sign and striping maintenance that would not have otherwise been possible without SB1; and

WHEREAS, the City has undergone a robust public process to ensure public input regarding the community's transportation priorities are incorporated into the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community priorities for transportation investment; and

WHEREAS, the funding from SB1 will help the City maintain and rehabilitate over one-hundred lane miles of residential streets throughout the City this year and multiple similar projects in the future; and

WHEREAS, the 2023 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in a "poor" condition, and this revenue will help the City increase the overall quality of its road system and over the next decade will bring its streets and roads into a "good" condition; and

WHEREAS, the SB1 project list and overall investment in the City's local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

WHEREAS, the projects listed in Attachment A include the following: The slurry seal project (program) that includes crack seal and asphalt repairs to existing pavement (Attachment - Streets SB1 Maps FY 24-25); the traffic signal and street light maintenance; the traffic sign and striping maintenance; radar detection cameras; and the proposed High Voltage Conversion (HVC) (Attachment – Elec SB1 Maps FY 25-25).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approve the list of projects, attached hereto as Attachment A, to be funded with Road Repair and Accountability Act Tax proceeds in an amount up to \$5,888,194.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to approve the projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

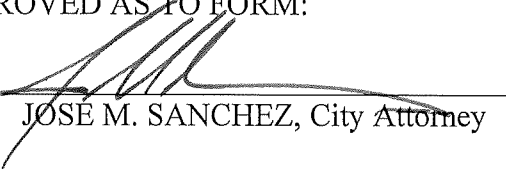
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

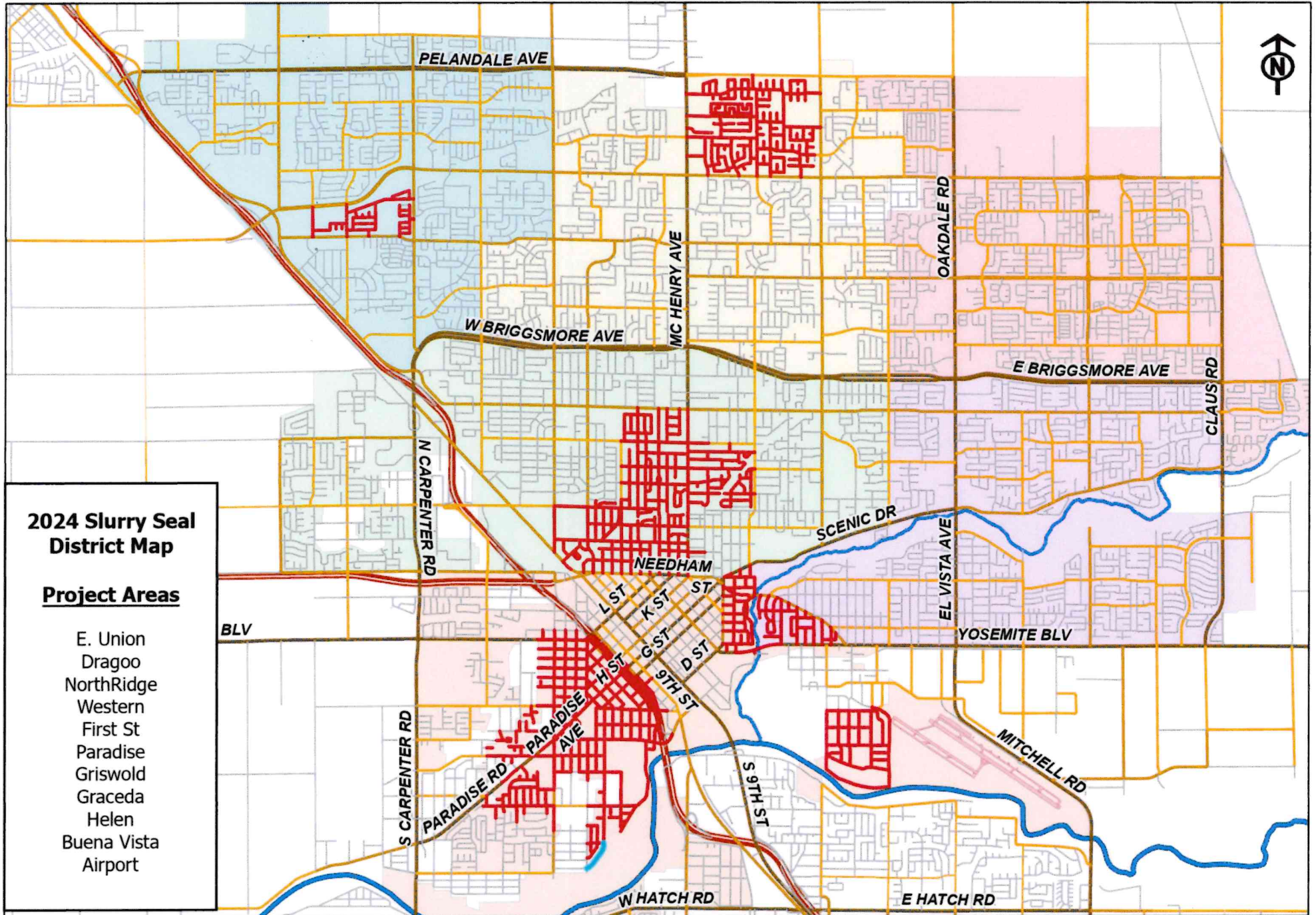

JOSE M. SANCHEZ, City Attorney

City of Modesto, Traffic Engineering & Operations Divisions
 FY24/25 SB1 Project List

Project Type	Project Name	Total Project Cost	Estimated Project Start Date	Estimated Project Completion Date	Useful Life	Locations	Community Benefit Summary
Slurry Seal Ttype 2 Surry, Crack Seal, Asphalt repairs)	Slurry Seal	\$2,337,405	July 1, 2024	June 30.2025	5-7 years	Various (map provided)	This project will include: Pavement improvement (existing), Striping Installation (existing Safety)
Street Rehabilitation	Road Maintenance and Rehabilitation	\$1,116,939	July 1, 2024	June 30.2025	10-20 years	Various (map provided)	This Project will include: Pavement improvement (Existing), Sidewalk and/or Crosswalk Rehab/Repair (Existing), Paving and ADA Curb Ramp Rehab/Repair (Existing)
Traffic Signal & Street Lighting Maintenance	Traffic Signal & Street Lighting Maintenance	\$838,850	July 1, 2024	June 30, 2025	10 Years	Standiford/Dale, Briggsmore/Carver, Oakdale/Floyd - 6 City Areas - See Maps for Full List	Public Safety; Signal and Street lighting maintenance within City limits
Street Lighting Maintenance (HVC)	High Voltage Conversion	\$645,000	July 1. 2024	June 30.2025	10 Years	Hawthorne, Ribier, Langford - See Maps for Full List	Public Safety; Street lighting maintenance within City Limits
Traffic Signal Maintenance	Replacement of Vehicle Detection in various locations	\$200,000	July 1, 2024	June 30, 2025	10-15 years	Hatch Rd & Ustick Rd, Hatch Rd & Dallas St, 1st St. & H St. - See Maps for Full List	Public Safety; Signal Maintenance
Traffic Sign & Striping Maintenance	FY 24-25 Traffic Sign & Striping Maintenance	\$750,000	July 1, 2024	June 30, 2025	5-7 years	E. Union, Dragoo, Paradise, 1st St. - See Maps for Full List	Public Safety; Striping and Sign maintenance within City limits
	Total FY 24/25	\$5,888,194					



2024 SLURRY SEAL PROJECT AREAS



City of Modesto, Streets
 Division Slurry Seal Program
 2024/25 Street Segment list

Street Name	From	To
Grecian Ave	Drakeshire Dr.	McHenry
Erin Wy	Geraldine Wy	Grecian Ave
Geraldine Wy	Gabriel Wy	Erin Wy
Noah Ct	End of Court	Geraldine Wy
Gabriel Wy	Geraldine Wy	Grecian Wy
Passages Ln	Dimensions St.	Grecian Ave
Dimensions St	Hallmark Wy	Passages Ln
Hallmark Wy	Collection st	Dimensions St
Imagine Ct	End of Court	Grecian Ave
Family Ln	Collections st	Grecian Ave
Collections st	Hallmack Wy	Family Ln
Discovery Ct	End of Court	Collections st
Dynasty Ln	Ancestry Wy	Dream Ln
Ancestry Wy	Evolution Wy	Dynasty Ln
Evolution wy	Dream Ln	Ancestry Wy
Dream Ln	Evolution Wy	Dynasty Ln
Dream Ct	End of Court	Dream Ln
Lifescapes Dr	Claratina Ave	Grecian Ave
Kindred Ct	End of Court	Grecian Ave
Mosaic Ct	End of Court	Grecian Ave
Reunion Ct	End of Court	Grecian Ave
Riggins Ct	End of Court	Grecian Ave
Drakeshire Ct	End of Court	Grecian Ave
Dragoo Park Dr	Sylvan Ave	Grecian Ave
HomeTown Wy	Highlights Wy	Dragoo Park Dr
Highlights Wy	Hometown Wy	Grecian Ave
Montana Dr	Coffee Rd	Drakshire Dr
Antiquity Wy	Loretelli Dr.	Montana Dr
Loretelli Dr	Acclaim Wy	Antiquity Wy
Acclaim Wy	Montana Dr.	Loretelli Dr
Acclaim Ct	End of Court	Montana Dr
Retreat Ct.	End of Court	Montana Dr
Alexandra Ct	End of Court	Montana Dr
Drakeshirire Dr	Sylvan Meadows Dr.	Grecian Ave
Coralwood Rd	Dragoo Park Dr	McHerny
Towery Ave	E. Union Ave	Coralwood Rd
Cassidy Ct	End of Court	Towery Ave
Ramsey Dr	Fensom Wy	Towery Ave

Street Name	From	To
Fensom Wy	Coralwood Rd.	Ramsey Dr.
Aspirations Ct	End of Court	Dragoo Park Dr
Haverhill Dr	Drakeshire Dr.	Dragoo Park Dr
Hilsboro Ct	End of Court	Haverhill Dr
Rexford Ct	End of Court	Haverhill Dr
Haverhill Ct	End of Court	Haverhill Dr
Wendy Ct	End of Court	Fensom Wy
Rexford Dr	Sylvan Ave	Haverhill Dr
Kenliworth Ct	End of Court	Rexford Dr
Newby Ln	Drakeshire Dr.	Rexford Dr
Stonington Ct	End of Court	Dragoo Park Dr
Almond Tree Pl	End of Court	Dragoo Park Dr
Sylvan Meadows Dr	Coffee Rd	Dragoo Park Dr
Almond Blossom Ct	End of Court	Sylvan Meadows Dr
Chiburis Ct	End of Court	Sylvan Meadows Dr
Cherry Glenn Wy	End of Court	Sylvan Meadows Dr
Sylvan meadows Ct	End of Court	Sylvan Meadows Dr
Fawndale Dr	Ferrari Dr	End of Road
Fawndale Ct	End of Court	Fawndale Dr
Fountain Wy	End of Court	Sylvan Meadows Dr
Claremont Ave	Sylvan Ave	Sylvan Meadows Dr
Claramont Ct	End of Court	Claramont Ave
Westmont Ct	End of Court	Claramont Ave
Westmont Terrace	End of Court	Claremont Ave
Grand Prix Dr	Coffee Rd	Drakeshire Dr
Lamborghni Ln	Ferrari Dr	Grand Prix Dr.
Ferrari Dr	Maserati Dr	Lamborghini Ln
Ghia Ct	End of Court	Ferrari Dr
Bugatti Wy	Grand Prix Dr	Ferrari Dr
Maserati Ct	End of Court	Maserati Dr
Parliament Ave	Rexford Dr	Dragoo Park Dr
Piccadily Ct	End of Court	Parliament Ave
Rugby Ln	Brentford Wy	Rexford Dr
Brentford Wy	Edmonton Ln	Rugby Ln
Edmonton Wy	Brentford Wy	Rexford Dr
Darlington Ct	End of Court	Edmonton Ln
E. Union Ave	Dragoo Park Dr	McHerny
Bridgeford Ln	Sylvan Ave	E. Union Ave
Swan Dr	Englewood Ln	E. Union Ave
Thelma Ln	Corte Madera Ave	Bridgeford Ln
Corte Madera Ave	Thelma Ln	Dorado Ln

Street Name	From	To
Basswood Ct	Sagewood Ln	Corte Madera Ave
Sagewood Ln	Englewood Ln	Basswood Ct
Seagewood Ct	End of Court	Englewood Ln
Dorado Ln	Northhampton Ln	Swan Dr
Dorado Ct	End of Court	Dorado Ln
Northhampton Ln	Sylvan Ave	E. Union Ave
Bellwood Ln	Northhampton Ln	Vista Verda Dr.
Bellwood Ct	End of Court	Bellwood Ln
Vista Verde Dr	Bellwood Ln	Riddle Ct
Riddle Ct	End of Court	Dix Ln
Dix Ln	Avanel Dr	E. Union Ave
Terrywood Ln	Dragoo Park Dr	Dix Ln
Avanel Dr	Dix Ln	Northhampton Ln
Avanel Ct	End of Court	Avanel Dr
Warren Wy	Bridgefords Ln	McHerny
Hahn Dr	W. Rumble Rd	Standiford Ave
English Oaks Dr	Fireweed Wy	Hahn Dr
Fireweed wy	Springflower Wy	English Oaks Dr
Springflower Wy	Fireweed Wy	Conant Ave
Woodrose Ct	End of Court	Springflower Wy
Tigerily Ct	End of Court	Springflower Wy
Northridge Dr	Prescott Rd	Conant Ave
Julia Wy	Weldon Ave	Northridge Dr
Weldon Ave	Maplenut Ave	Cedarwood Wy
Knoles Ct	End of Court	Weldon Ave
Weldon Ct	End of Court	Weldon Ave
Maplenut Ave	Southridge Dr	Northridge Dr
Cedarwood Wy	Southridge Dr	Weldon Ave
Edmunds Ave	Maplenut Ave	Cedarwood Wy
Southridge Dr	Maplenut Ave	Conant Ave
Ashland Wy	W. Rumble Rd	Southridge Dr
Holiday Ln	W. Rumble Rd	Golden West Ln
Hacienda Ln	Celebrity Ln	Holiday Ln
Festival Ln	Celebrity Ln	Holiday Ln
Golden West Ln	Celebrity Ln	Holiday Ln
Celebrity Ln	Hacienda Ln	Key West Ln
Kit Ln	Prescott Rd	Celebrity Ln
Broadmore In	Viking Ln	Key West Ln
Viking Ln	Celebrity Ln	Broadmore Ln
Barrington Ln	Celebrity Ln	Broadmore Ln
Key West Ln	Celebrity Ln	Broadmore Ln

Street Name	From	To
Woodcliff Wy	Claymont Dr	Northridge Dr
Claymont Dr	Brooktree Ln	Woodcliff Wy
Brooktree Ln	Northridge Dr.	Claymont Dr
Neece Dr.	Golf Course	Tuolumne Blv
Fairway Dr	Cliff Dr	Neece Dr
Cliff Dr	End of Court	Fairway Dr
Jean St	Neece Dr	Sunset Ave
Don St	Neece Dr	Sunset Ave
Roselawn Ave	Rouse Ave	Coloradro Ave
Signature Ct	End of Court	Sunset Ave
Cheathan Ct	End of Court	Roselawn Ave
Lema Ave	Snead Dr.	Coloradro Ave
Snead Dr	Colorado Ave	Lema Dr
Middlecoff Ave	Snead Dr.	Lema Dr
Pelton Ave	Roselawn Ave	Colorado Ave
Roselawn Ct	End of Court	Roselawn Ave
Roselawn Ave	Rouse Ave	South Ave
Rouse Ave	Colorado Ave	Neece Dr
South Ave	Roselawn Ave	Sutter Ave
Aluras ave	South Ave	Tuolumne Blv
Leon Ave	South Ave	Tuolumne Blv
Yosemite Ave	South Ave	Tuolumne Blv
Rosedale Ave	South Ave	Tuolumne Blv
Colorado Ave	South Ave	Tuolumne Blv
Western Wy	Roselawn Ave	Sutter Ave
Chicago Ave	Sutter Ave	Paradise Rd
Sutter Ave	Rouse Ave	Paradise/ Tuolumne
Rouse Ave	Sutter Ave	Wade Ave
Luck Dr	Rouse Ave	Holcombe Wy
Taos Ct	End of Court	Luck Dr
Holcombe Wy	Luck Dr	Vicksburg St
Vicksburg St	Rouse Ave	Hudson Ln
Gold Ct	End of Court	Vicksburg St
Sheridan St	Vicksburg St	Paradise Rd
Silver Ct	End of Court	Vicksburg St
Hudson Ln	Rouse Ave	End of Road
Toni Lane	Hudson Ln	Vicksburg st
Elsie St	Sutter Ave	Hudson Ln
Placid Ln	Rouse Ave	Elsie st
Annilane	Rouse Ave	Toni lane
Josilane	Rouse Ave	Toni lane

Street Name	From	To
Mamilane	Rouse Ave	Toni lane
Chicago Ave	Harris Ave	Elien Av
Haron Ln	Chicago Wy	Jeelu Wy
Jeelu Wy	End of Court	End of street
Windy Ct	End of Court	Jeelu Wy
Udona Ln	End of Court	Alcamo Ave
Houser Ln	Hope Village	County line
Seybold Ave	Houser Ln	Briggs Ave
Briggs Ave	MLK Dr	End of street
Spencer Ave	Holt Wy	Briggs Ave
Holt Wy	Ackerman Wy	Spencer Ave
Ackerman Wy	Briggs Ave	Holt Wy
Marshall Ave	End of street	California Ave
Toro Rd	End of street	Marshall Ave
Stratton Ave	End of Street	Marshall Ave
California Ave	S Jefferson St	Spencer Ave
Maple St	End of street	Washington St
Oak st	End of street	Washington St
Pine st	End of Street	Washington St
Spruce St	Washington St	MLK Dr
Vine St	Washington St	MLK Dr
Walnut St	S Jefferson St	MLK Dr
Ruberto st	S Jefferson St	MLK Dr
Ash St	Paradise Ave	MLK Dr
MLK Dr	Paradise Ave	Maze Blv
Madison St	Maze Blv	Paradise Ave
S. Jefferson St	Maze Blv	Paradise Ave
S. Washington St	Maze Blv	H St
K st	5th street	Washington St
J st	5th street	Washington St
I st	5th street	Washington St
H st	5th street	1 st
G st	5th street	1 st
F st	5th street	Sierra Dr
E st	5th street	4th street
4th street	Sierra Dr	Washington St
3rd street	Sierra Dr	Washington St
2nd street	Sierra Dr	Washington St
1st street	Sierra Dr	Washington St
Sierra Dr	5th street	Rosedale Ave
Center St	End of street	Rosedale Ave

Street Name	From	To
Rosedale Ave	Sierra Dr	Tuolumne Blv
Roselawn Ave	G street	South Ave
Rosemont Ave	Tuolumne Blv	Sierra Dr
Sunset Blv	Sierra Dr	Tuolumne Blv
Fresno Ave	Sierra Dr	Tuolumne Blv
Madera Ave	Sierra Dr	Tuolumne Blv
Merced Ave	Sierra Dr	Tuolumne Blv
Grinnell St	W. Roseburg	Balwin st
Fulton St	Hilton St	Balwin st
Enslin Ave	Stoddard Ave	W. Orangeburg Ave
Brady Ave	Coldwell Ave	Balwin st
Marlyn st	Hilton St	Balwin st
Balwin St	Marilyn st	Grinnell st
W. Roseburg	McHenry Ave	Virginia Ave
Sycamore Ave	Needham St	W. Orangeburg Ave
Magnolia Ave	Stoddard Ave	W. Orangeburg Ave
Alma Ave	End of street	End of street
Marian Ave	Alma Ave	Magnolia Ave
Lois Ave	Alma Ave	Magnolia Ave
Audrey Ave	Alma Ave	Magnolia Ave
Mensingher Ave	McHerny Ave	Enslin Ave
Fairmont	McHerny Ave	Virginia Ave
E. Fairmont	End of street	McHenry Ave
Griswold Ave	McHerny Ave	Virginia Ave
Myron Ave	Hackberry Ave	Virginia Ave
Smith Ave	Magnolia Ave	Brady Ave
Coldwell Ave	Sycamore Ave	Virginia Ave
Geer Ct	Grove Ave	Geer ave
Grove Ave	End of street	Geer Ct
Geer ave	Geer Ct.	Griswold Ave
Hackberry Ave	End of street	Coldwell Ave
Carolyn	Brady Ave	Brady Ave
Douglas Ave	End of court	Mensingher Ave
Madonia Ave	Campus Wy	Stoddard Ave
Campus Wy	N. 9th street	Arc Wy
Coyado Ave	Campus Wy	Campus Wy
Arc Wy	Campus Wy	College Ave
Stoddard Ave	College Ave	Tully Rd
Myrtle Ave	Coldwell Ave	Stoddard Ave
N. Olive	Coldwell Ave	Stoddard Ave
N. Orange Ave	Terminal Ave	Coldwell Ave

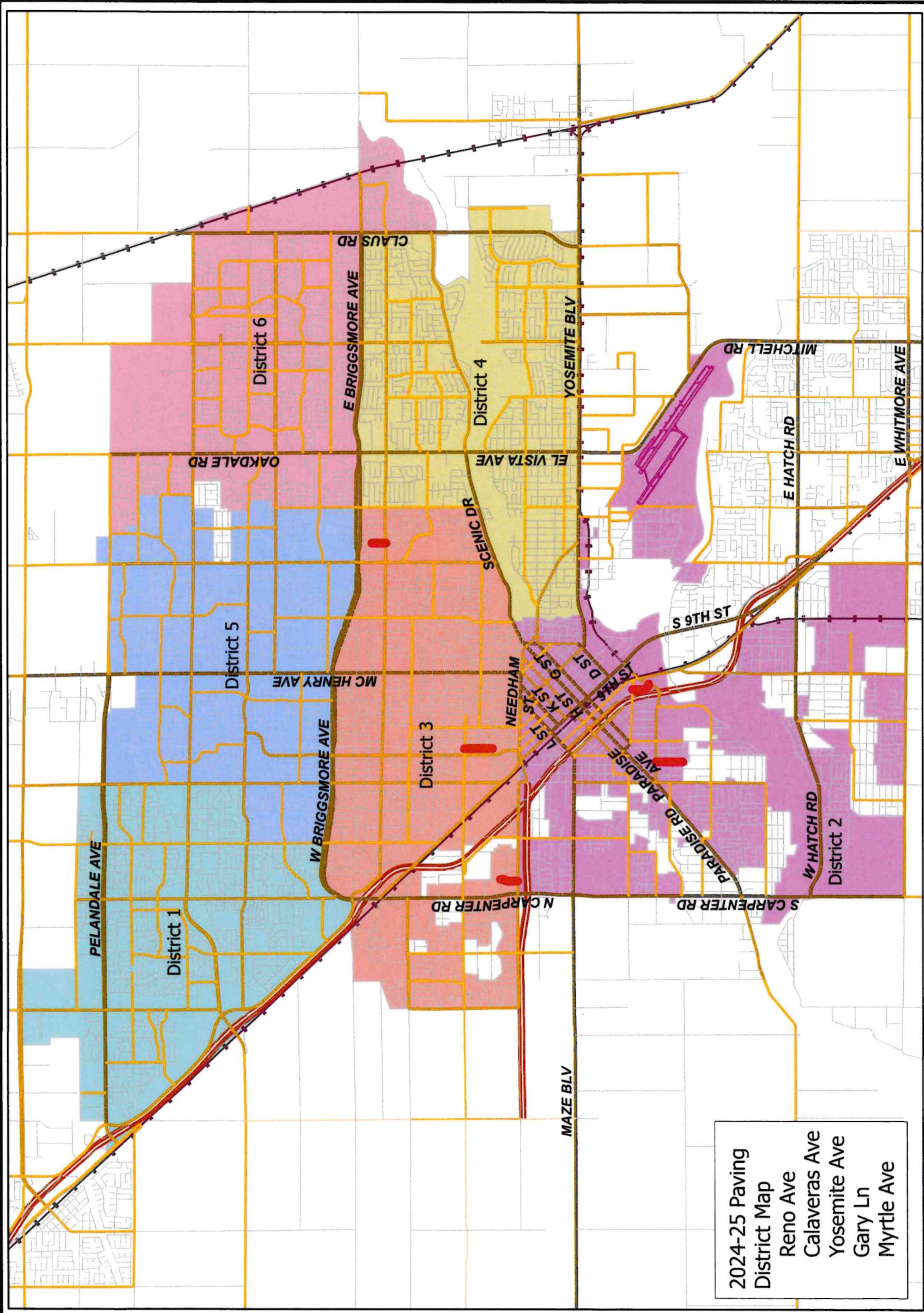
Street Name	From	To
Terminal Ave	Stoddard Ave	Coldwell Ave
Virginia Ave	Roseburg Ave	Stoddard Ave
Alice St	Park Ave	Virginia Ave
Wright St	Park Ave	Virginia Ave
Stoddard Ave	McHerny Ave	Virginia Ave
Wright St	McHerny Ave	Sycamore ave
Alice st	McHerny Ave	Sycamore ave
Poplar Ave	Needham st	Stoddard Ave
Park Ave	Needham St	W. Morris Ave
Manolia Ave	Mensinger Ave	Needham st
Elmwood Ave	Elmwood Ct	Needham st
W. Morris Ave	McHerny Ave	College Ave
Elmwood Ct	Magnolia Ave	McHerny Ave
Lottie Ave	W. Morris Ave	Achor Ct
Adam Ave	W. Morris Ave	Achor Ct
Achor Ct	End of Court	Magnolia Ave
Coleman Ct	Coldwell Ave	Enslen Ave
Enslen Park Ct	W. Morris Ave	Park Ave
Palm Ave	Sunrise Ave	McHerny Ave
Ila Wy	Corson Ave	Palm Ave
Corson Ave	Melrose Ave	McHerny Ave
Melrose Ave	Corson Ave	Palm Ave
Palmetto Dr.	Palm Ave	Palm Ave
E. Fairmont	End of Street	McHerny Ave
Hintze Ave	Patricia Ave	McHerny Ave
Patricia Ln	E. Fairmont Ave	Ila Wy
Kimble St	End of street	Corson Ave
Helen Ave	Sunrise Ave	McHerny Ave
Frances Ave	Ila wy	McHerny Ave
Lucern Ave	Sunrise Ave	Ila Wy
Chabot Ct	Chabot Ave	Duncan Ave
Chabot Ave	Chabot Ct	Muir Rd
Duncan Ave	Muir Rd	Chabot Ct
Muir Rd	Dumcan Ave	Oxford Wy
Ashby Ave	Muir Rd	High St
Carmel Dr.	Helen Ave	High St
High St	End of street	Lucern Ave
Bodem St	Downey Ave	Scenic Dr
Newgate St	Rue De Yoe	Downey Ave
Melrose St	Downey Ave	Scenic Dr
High St	Downey Ave	Scenic Dr

Street Name	From	To
Downey Ave	N Morton	Burney St
James St	Jennie st	Downey Ave
Rue De Yoe	N Morton	Burney St
N. Morton Blv	Jennie St	Downey Ave
Morton Wy	N Morton	La Loma Ave
State St	N Morton	James St
Howard St	James St	Burney St
Lane St	N Morton	Burney St
Walden St	Loma Vista Wy	Burney St
Kelley St	Loma Vista Wy	Burney St
Jennie St	N Morton	Burney St
Pleasant St	End of street	Jennie St
Fairview Ave	End of street	Jennie St
Loma Vista Wy	N Morton	Kelley St
Brook Wy	N Morton	N. Morton
El Rio Ave	La Sombra Ave	La Loma Ave
Buena Vista	Las Flores Ave	La Loma Ave
Bonita Ave	Buena Vista	La Loma Ave
Bonita Cl	Buena Vista	Buena Vista
Las Flores Ave	Yosemite Blv	La Loma Ave
Cuesta Ave	End of street	Las Flores Ave
La Sombra Ave	Las Palmas Ave	El Rio Ave
N Santa Rosa Ave	La Sombra Ave	La Loma Ave
Las Palmae Ave	Pequeno Ave	La Loma Ave
Wilson Ave	Pequeno Ave	La Loma Ave
N Santa ana Ave	Yosemite Blv	La Loma Ave
Santa Barbara Ave	Yosemite Blv	La Loma Ave
Santa Cruz	Yosemite Blv	La Loma Ave
Vilage Rd	Las Palmas Ave	Las Palmas Ave
Wilson Ave	Yosemite Blv	Escuelta Ave
Escuelita Ave	N Santa Ana Ave	Las Palmas Ave
Pequeno Ave	N Santa Ana Ave	Las Palmas Ave
Oregon Dr.	S Conejo Ave	S Santa Cruz Ave
Larkin Ave	Empire Ave	S Santa Cruz Ave
Monterey Ave	Tioga Dr.	S Santa Cruz Ave
Trenary Wy	Benson Ave	S Santa Cruz Ave
Hillside Dr	Tioga Dr.	S Santa Cruz Ave
Connie Wy	Tioga Dr.	Empire Ave
Bonnie Brae Ave	Tioga Dr.	Empire Ave
S Santa Cruz Ave	Hillside Dr	Oregon Dr.
Benson Ave	Hillside Dr	Oregon Dr.

Street Name	From	To
Kerr Ave	Hillside Dr	Oregon Dr.
Thrasher Ave	Hillside Dr	Oregon Dr.
Empire Ave	Hillside Dr	Oregon Dr.
S Conejo Ave	Monterey Ave	Oregon Dr.
Tenaya Dr	County/City Line.	Empire Ave
Kerr Ave	Mono Dr	Yosemite Blv
S Santa Cruz Ave	R&R crossing	Yosemite Blv
S. Santa Rosa Ave	R&R crossing	Yosemite Blv
Santa Ana Ave	R&R crossing	Yosemite Blv
De Harro St	End of court	Kerr Ave
Owens Dr	End of court	Kerr Ave



City of Modesto 2024-2025 SB1 Paving List



2024-25 Paving
District Map
Reno Ave
Calaveras Ave
Yosemite Ave
Gary Ln
Myrtle Ave

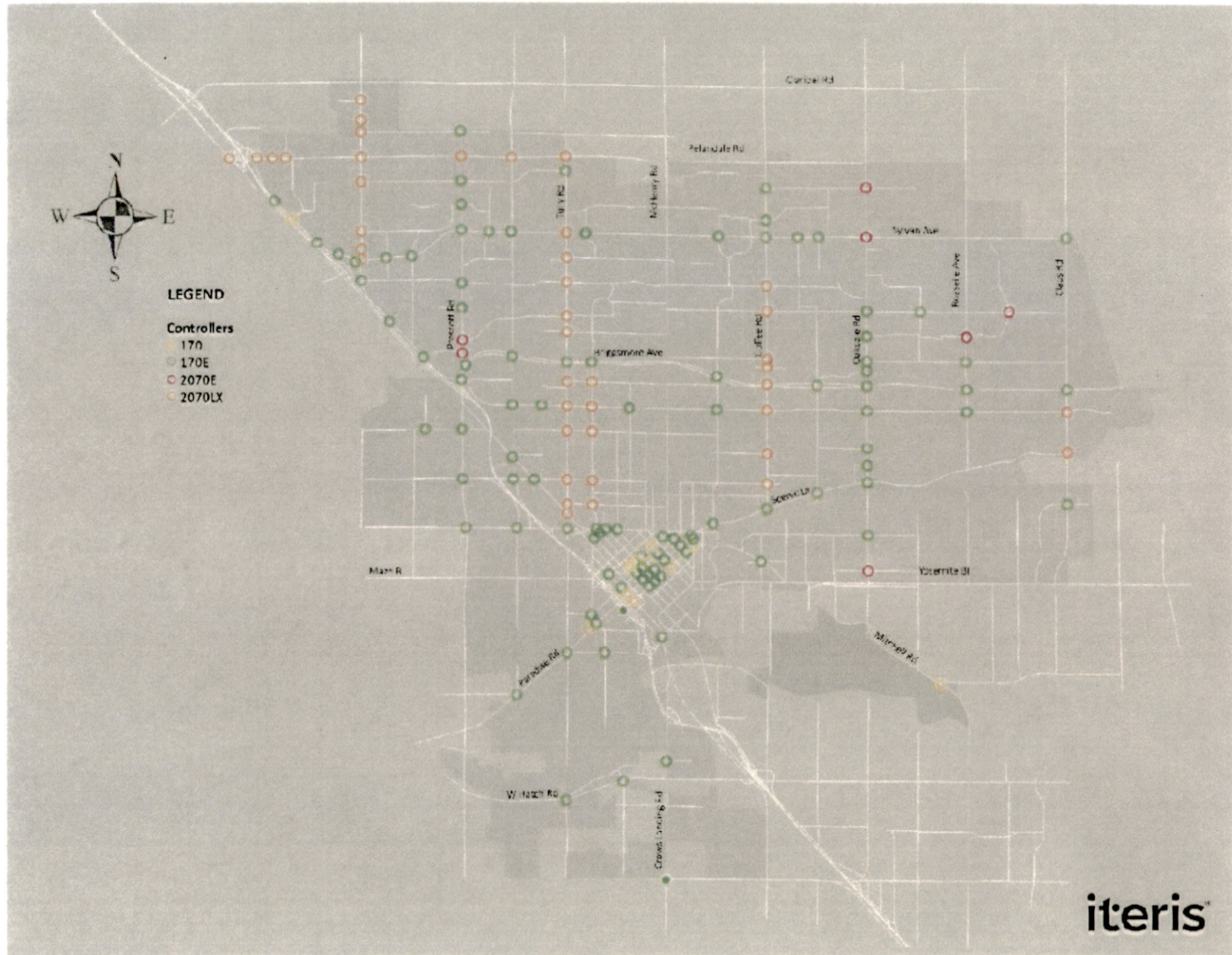


Date: 5/29/2024

2024-2025 SBI Street Rehabilitation

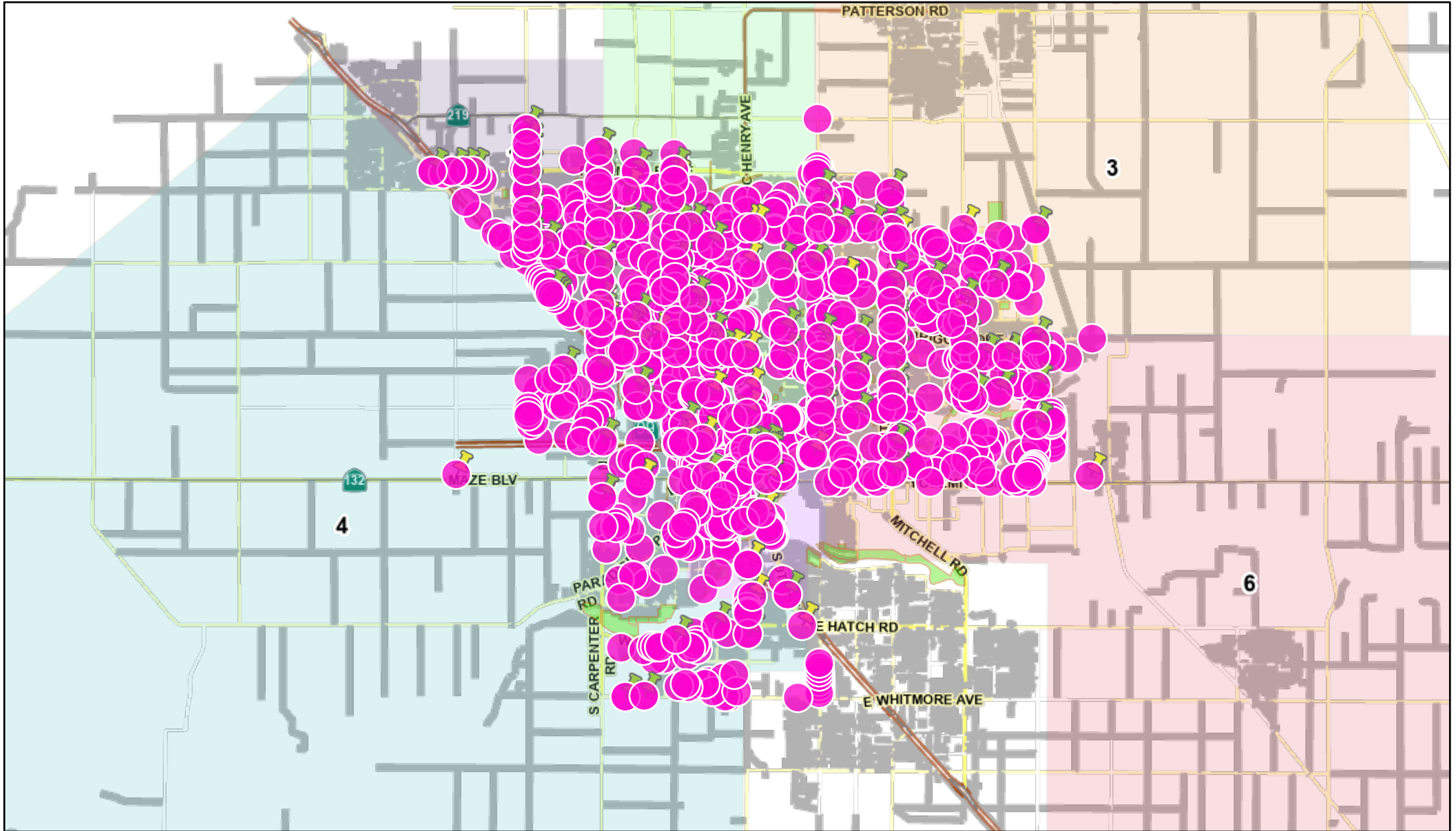
PCI	Street Name	Begin Location	End Location	SQFT	Cost	ADA Ramps	Completed
26	Coralwood	Mc Henry	Towery Ave	47,027	\$234,000.00	1	23/24
14	Reno	Kansas	Doker	31,080	\$155,400.00	5	
10	Houser	Raymond	Panama	33,208	\$166,040.00	4	23/24
28	Lakewood	E Orangeburg	Laramie	54,198	\$196,138.00	0	23/24
13	Winmoore	Crowslanding	Gobal	116,560	\$144,155.12	1	23/24
38	Roselle	710ft north of sylvan	Couny line	15,158	\$47,103.57	0	23/24
20	Calaveras	Sierra Dr	Tuolumne Bl	31,820	\$82,801.93	4	
33	Yosemite ave	Tuolumne Blv	South	48,544	\$212,973.18	2	
37	Gary Ln	Orangeburg ave	E. Coolidge Ave	21,312	\$71,778.90	4	
33	Myrtle Ave	Coldwell	Stoddard Ave	38,400	\$241,238.55	8	
Total				171156	764192.56	29	







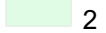


Figure 1 – Traffic Signals



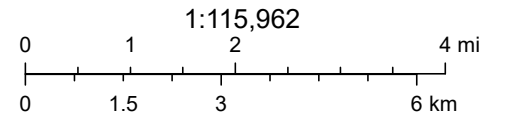
The following locations are subject to change

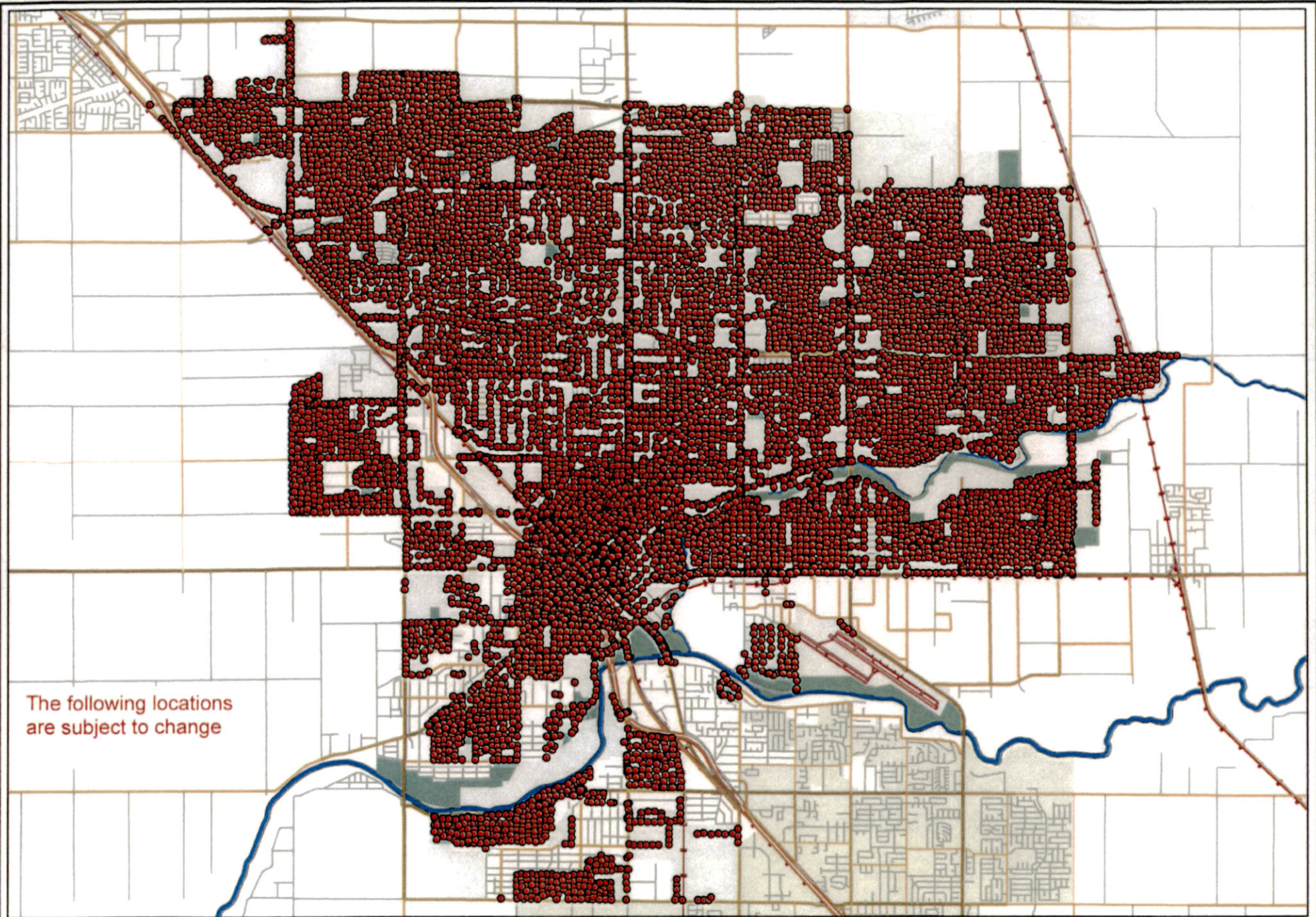
Traffic Electrical SB1- Map



	ShowInMap Address Results		Traffic Electrical Areas	4	
	ShowInMap XY Results		1		5
	Parks		2		6
			3		

- Standiford /Dale and Pelandale / Dale – Area 1
- Standiford /Tully and Briggsmore /Carver – Area 2
- Oakdale / Floyd and Oakdale / Sylvan – Area 3
- Carpenter / Bluegum and Kansas / Carpenter – Area 4
- Burny / LaLoma and 11th Street / I Street – Area 5
- Orangeburg / Claus and Scenic / Oakdale– Area 6





The following locations are subject to change



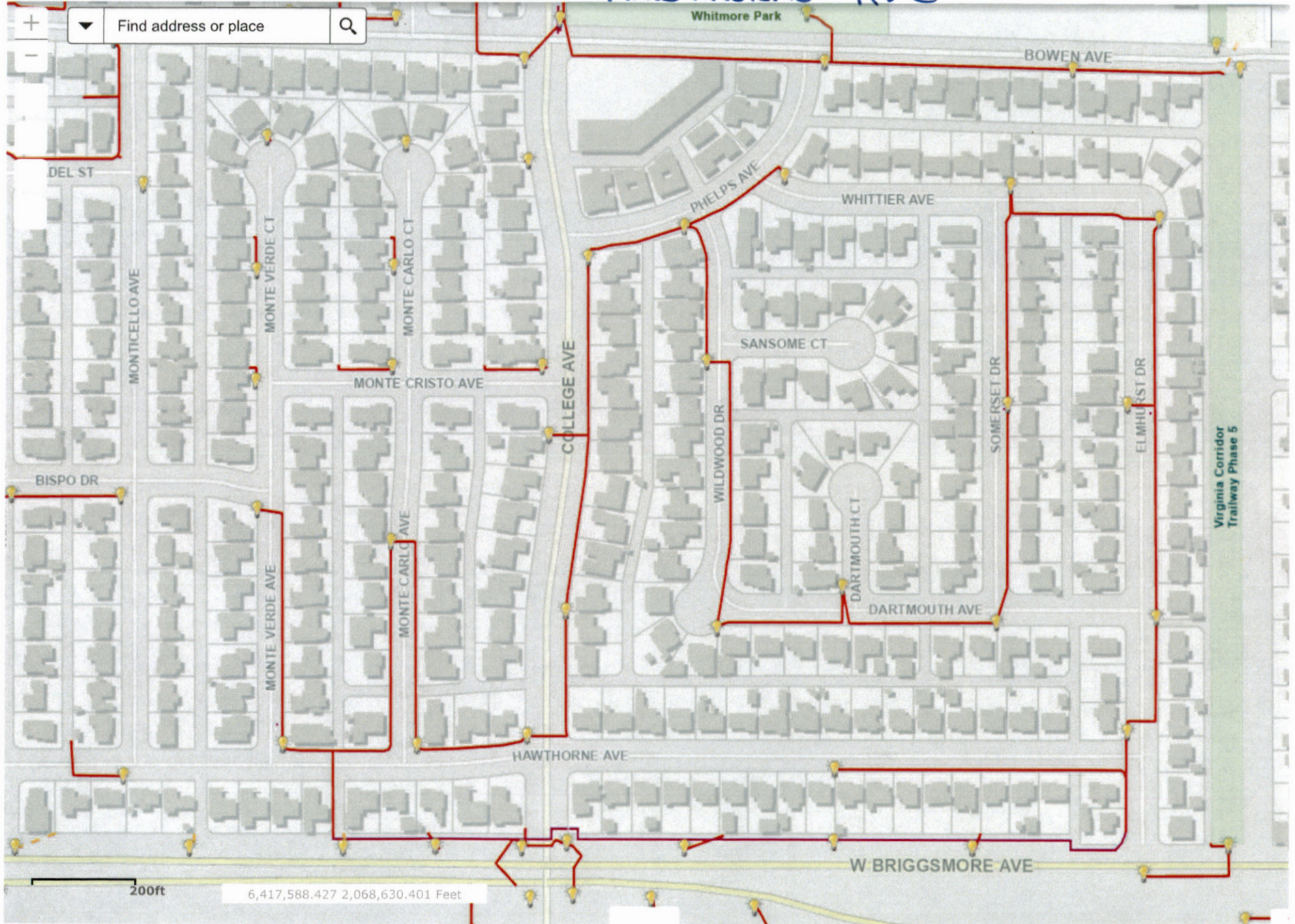
Date: 2/24/2021

City of Modesto Street Lights





HAWTHORNE - HVC



AREA SUBJECT TO CHANGE



RIBIER - HVC

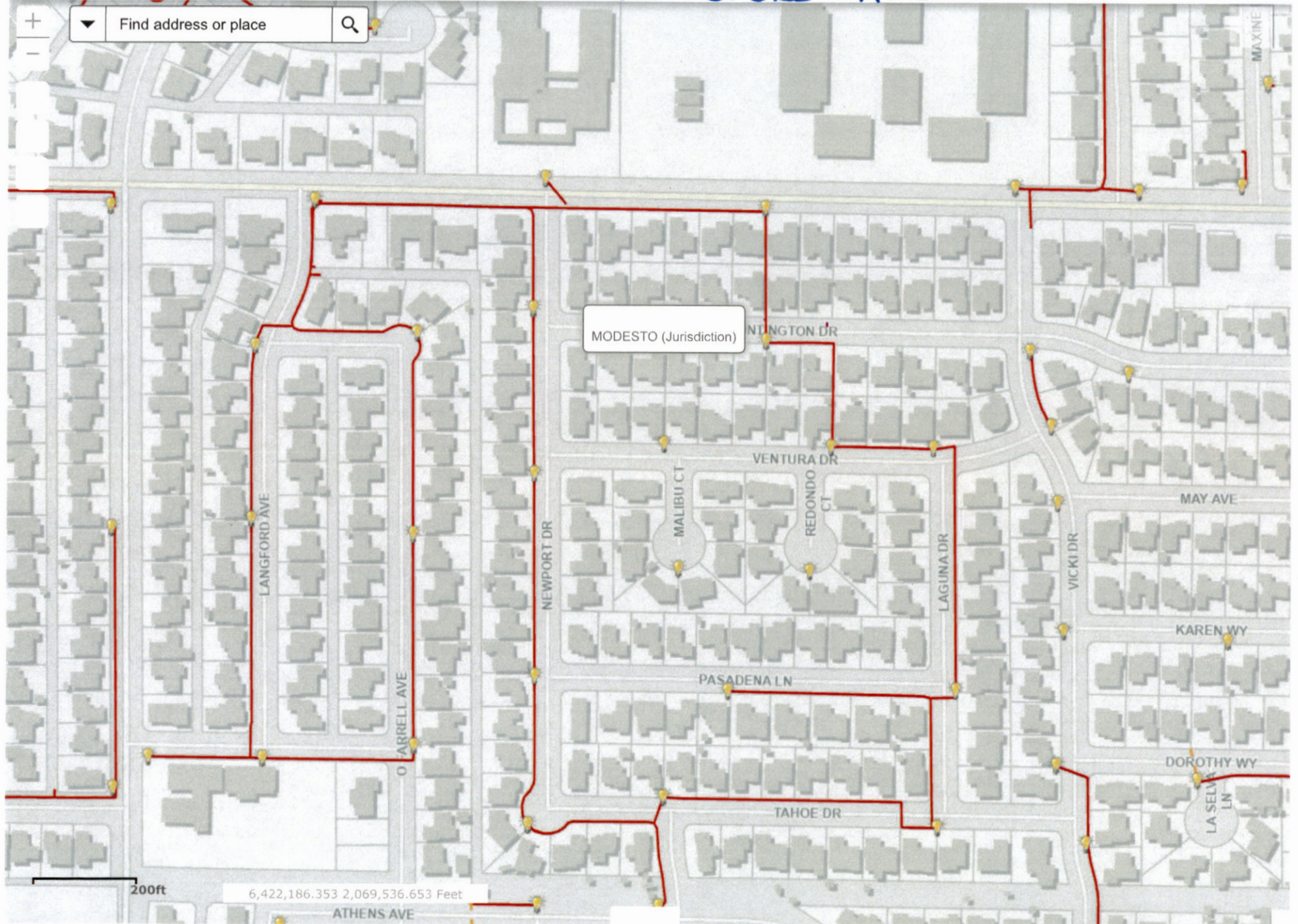
Find address or place



AREA SUBJECT TO CHANGE



LANGFORD - HVC

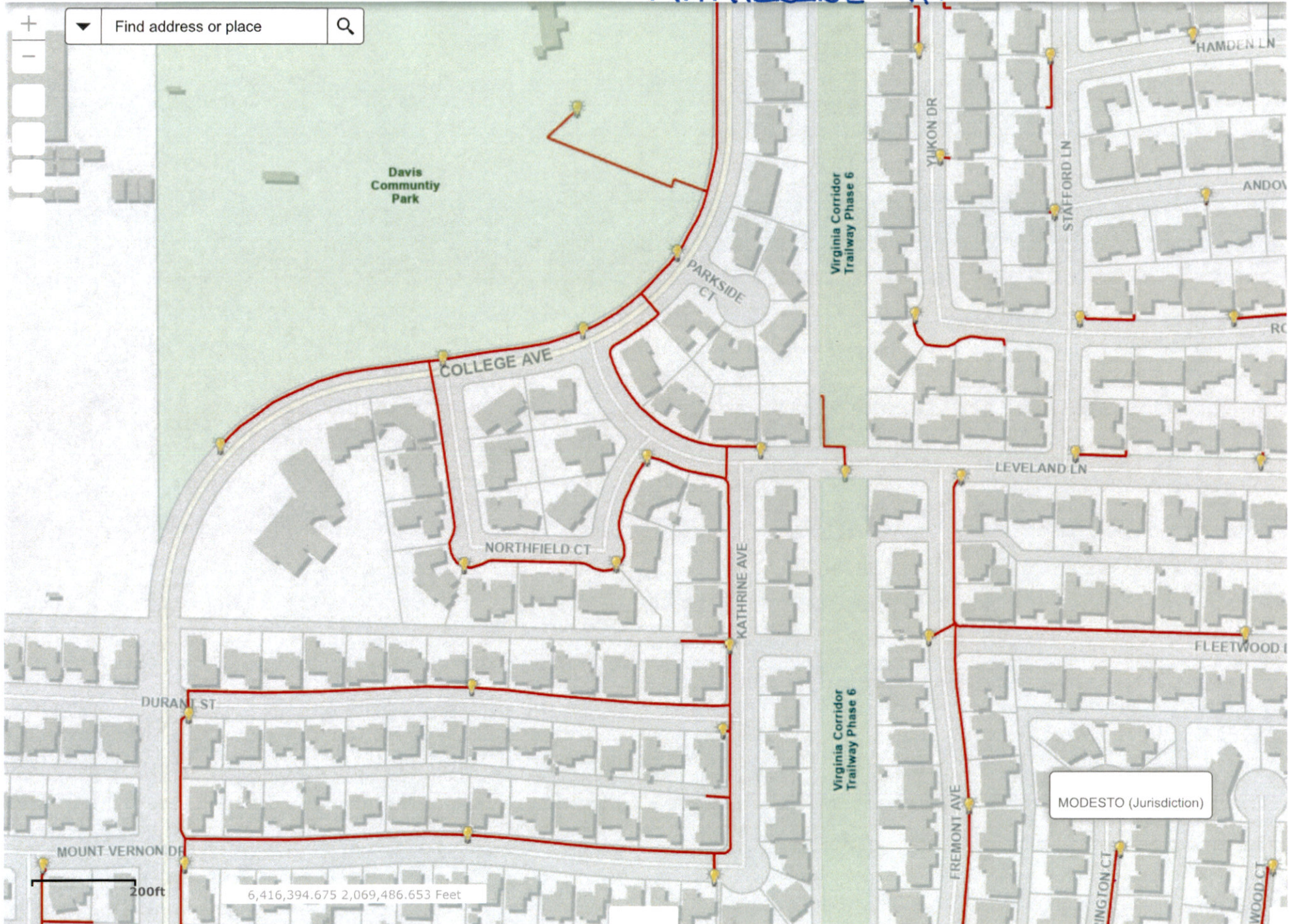


AREA SUBJECT TO CHANGE



KATHERINE - AVC

Find address or place



AREA SUBJECT TO CHANGE

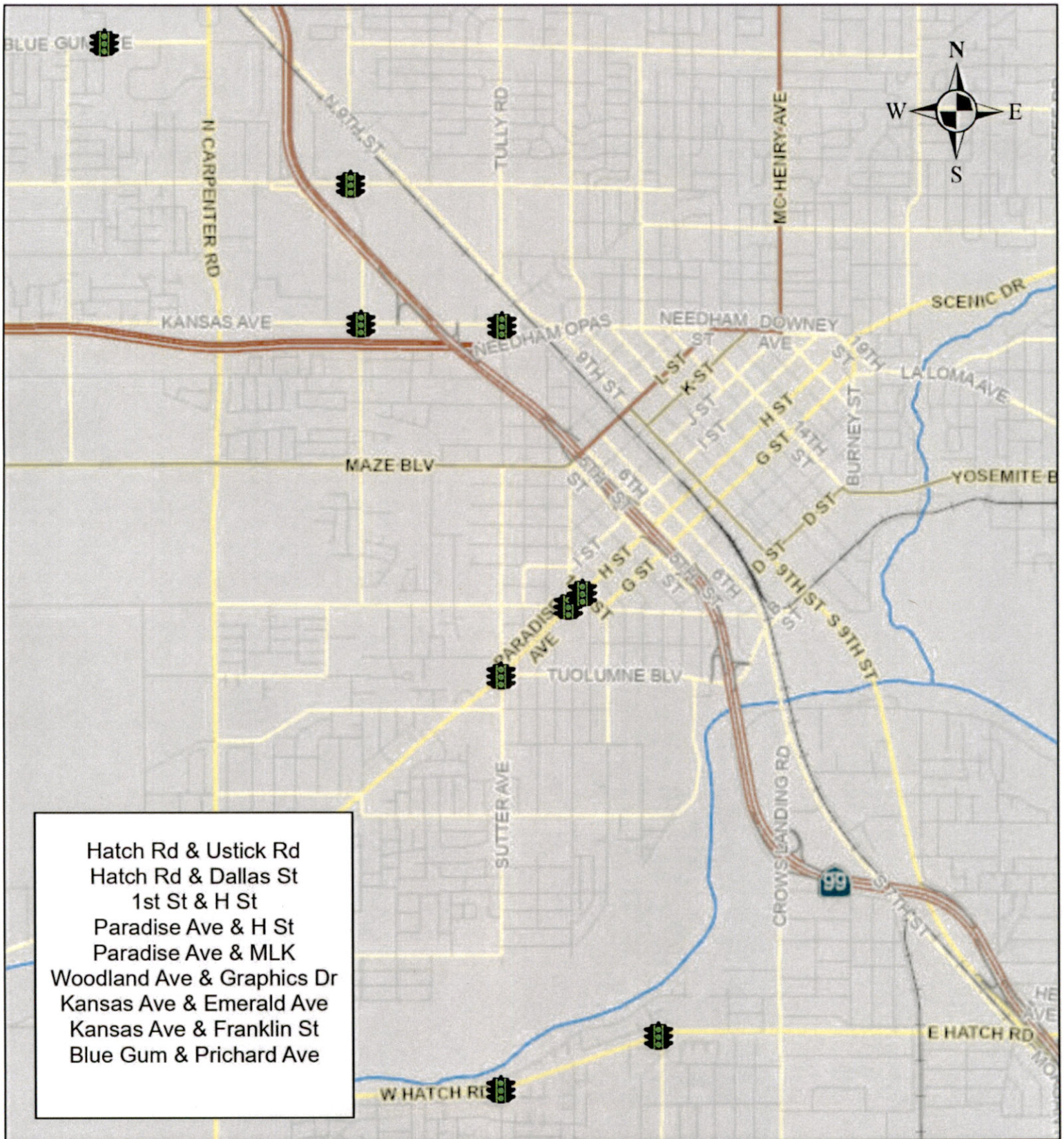


RONALD - HVC



AREA SUBJECT TO CHANGE

Traffic Signals to receive video/radar Detection Cameras

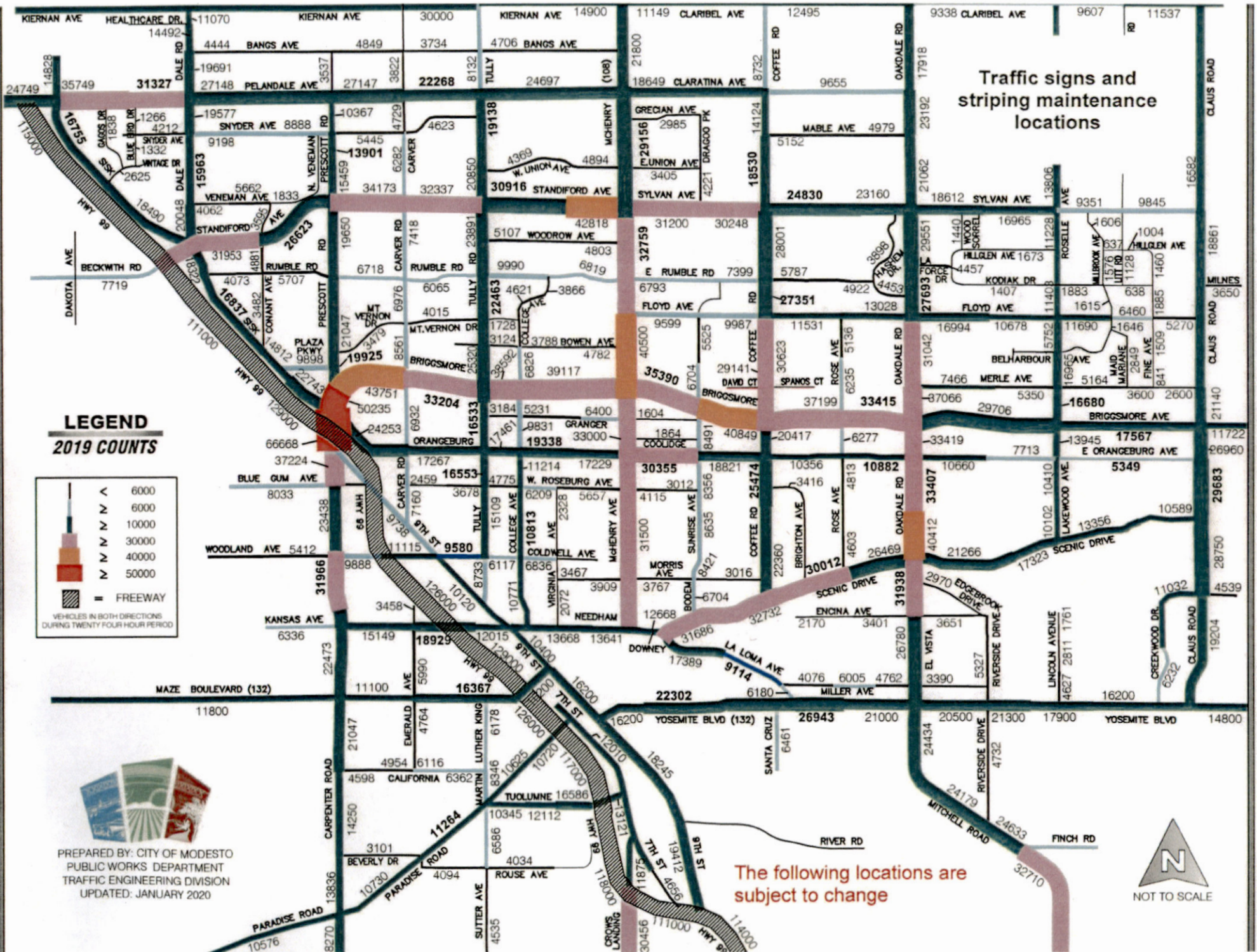
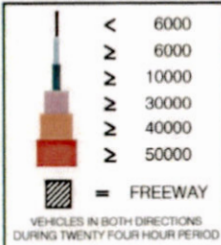


Traffic Signal Sign indicates location needing new video/radar detection systems. These locations are subject to change

Traffic signs and striping maintenance locations

LEGEND

2019 COUNTS



The following locations are subject to change

PREPARED BY: CITY OF MODESTO
PUBLIC WORKS DEPARTMENT
TRAFFIC ENGINEERING DIVISION
UPDATED: JANUARY 2020



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-268**

RESOLUTION APPROVING THE SECOND AMENDMENT WITH CHAMPION INDUSTRIAL CONTRACTORS INC. MODESTO, CA FOR ON-CALL PLUMBING SERVICES AND INCREASING THE AGREEMENT AMOUNT BY \$120,000 WITHIN THE TERM OF THE AGREEMENT FOR A NEW TOTAL AMOUNT OF \$552,370, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City has a need for on-call plumbing services at city properties on an “as needed” basis. Utilities, Parks, Police and Fire Departments, as well as Building Services, use on-call plumbing services; and

WHEREAS, this citywide contract will be for residential and commercial plumbing repairs, addressing issues that arise from city-related construction and maintenance events; and

WHEREAS, on November 18, 2018, by Resolution No. 2018-496, Council authorized the award of bid for the furnishing of On-Call Plumbing Services at city properties to Champion Industrial Contractors, Inc., for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$68,000 and a total amount not to exceed \$361,089 over five years; and

WHEREAS, on September 26, 2023, by Resolution No. 2023-428, Council authorized the first amendment for On-Call Plumbing Services with Champion Industrial Contractors, Inc., to increase the agreement amount by \$86,250 to a total revised amount not to exceed \$432,370 through the term of the agreement, and extending the term date from November 5, 2023, to May 5, 2024; and

WHEREAS, on April 23, 2024, under Resolution 2024-135 Council approved the Award of Bid for the furnishing of On-Call Plumbing Services agreement to Mark III

Construction, DBA M3 Service Sacramento, CA and Champion Industrial Contractors, Inc. Modesto, CA for a total combined amount not to exceed \$593,127 over five years; and

WHEREAS, a second amendment to increase the agreement amount by \$120,000 is necessary to continue to receive the services and render projects were completed prior to the new agreements being executed; thus, the previous agreement must capture these charges; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar good or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment with Champion Industrial Contractors, Inc., Modesto, CA for On-Call Plumbing Services and increase the Agreement amount by \$120,000 within the term of the Agreement for a new total amount of not to exceed \$552,370.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-269**

RESOLUTION APPROVING AN AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD), OAKLAND, CA FOR THE DISPOSAL OF NON-HAZARDOUS BRINE WASTE FOR A TOTAL AMOUNT NOT TO EXCEED \$352,450 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City operates a water treatment facility in the community of Grayson and this facility provides safe and reliable drinking water for residents and requires non-hazardous brine waste disposal services, and

WHEREAS, Water Division staff must treat the well water in Grayson for naturally occurring high nitrates and must dispose of the gray water that is produced by this treatment system to meet State Water Resources Control Board regulations, and

WHEREAS, brine waste has been delivered to East Bay Municipal Utility District (EBMUD) since initial operations of this treatment plant in 2007, as the City's wastewater treatment plant permit does not allow the disposal of brine waste at its facility, and

WHEREAS, on June 11, 2019, by Resolution No. 2019-266, Council approved a sole source agreement with EBMUD for an annual cost of \$66,150, with an annual increase of \$0.01 per gallon annually, and a 15% contingency for potential increases for a total not to exceed \$489,037 over five years, and

WHEREAS, on October 8, 2019, by Resolution No. 2019-459, Council approved an amendment to the purchasing agreement with EBMUD, increasing it by \$72,387 from \$489,037 to a new total amount of \$561,425, and

WHEREAS, The State Water Resources Control Board requires City staff to treat the water from Wells 274 and 295 for nitrates and dispose of the brine waste produced during the treatment process, and

WHEREAS, the brine waste must be disposed of at a qualified wastewater treatment facility and EBMUD is the only facility in the surrounding area that will accept non-hazardous brine waste, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, MMC Section 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, and

WHEREAS, 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 a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, staff recommends that the agreement for disposal of non-hazardous brine waste to EBMUD should be exempt from formal bidding procedures in accordance with MMC 8-3.204.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement East Bay Municipal Utility District (EBMUD), Oakland, CA for the disposal of non-hazardous brine waste for a three-year Agreement and a total amount not to exceed \$352,450 over three 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 9th day of July, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-270**

**RESOLUTION ADOPTING A REVISED GROUNDWATER SUSTAINABILITY
PLAN AND DOCUMENTING THE COMMITMENT TO DEVELOP AND
IMPLEMENT A WELL MITIGATION PROGRAM AND MANAGEMENT
ACTIONS IN THE MODESTO GROUNDWATER SUBBASIN**

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA) consists of the City of Modesto, Modesto Irrigation District, City of Oakdale, Oakdale Irrigation District, City of Riverbank, City of Waterford and County of Stanislaus, and was formed on February 16, 2017 for the purpose of sustainably managing groundwater in the Modesto Subbasin, within its jurisdictional boundaries, pursuant to the requirements of the Sustainable Groundwater Management Act (SGMA); and

WHEREAS, the STRGBA GSA coordinated with the County of Tuolumne to develop a single, coordinated groundwater sustainability plan (GSP) for the Modesto Subbasin which was approved by all parties; and

WHEREAS, the final Modesto Subbasin GSP was submitted to the California Department of Water Resources (DWR) on January 31, 2022; and

WHEREAS, Minimum Thresholds (MTs) were established in the Modesto Subbasin GSP as a basis of where long-term Undesirable Results would start to occur; and

WHEREAS, 2027 Interim Milestones (IMs) were established in the Modesto Subbasin GSP to acknowledge the continued groundwater level decline anticipated to occur temporarily during the initial years of GSP implementation; and

WHEREAS, the City of Modesto acknowledges that during the 20-year GSP implementation period it will be necessary to implement projects and management

actions to achieve and maintain sustainable groundwater conditions in the Subbasins by or before 2042; and

WHEREAS, the City of Modesto acknowledges that successful implementation of planned GSP projects to achieve their intended recharge benefits during the 20-year GSP implementation period (prior to 2042) is dependent in part on uncertainties related to hydrologic conditions, including precipitation and snowpack, and available water supply during that time period, and

WHEREAS, the City of Modesto acknowledges that implementation of management actions will be necessary to offset these uncertainties related to project implementation and project benefits to ensure that sustainable groundwater conditions are achieved in the subbasin by or before 2042; and

WHEREAS, the City of Modesto acknowledges that wet hydrologic conditions and faster implementation of projects may result in diminished need for management actions, and

WHEREAS, the City of Modesto acknowledges that dry hydrological conditions, prolonged drought, and delayed implementation of projects may result in an accelerated need for management actions, and

WHEREAS, on January 18, 2024, DWR provided notification to the GSA that the GSP was considered incomplete and two deficiencies were identified; and

WHEREAS, the GSA is required to correct the deficiencies and submit a revised or otherwise amended GSP by July 16, 2024; and

WHEREAS, on March 29, 2024 the GSA released the Notice of Intent to Adopt the Revised GSP to cities and counties in the plan area pursuant to Water Code section 10728.4; and

WHEREAS, the GSA has addressed the deficiencies through the development of a revised GSP which has been reviewed by the GSA member agencies and presented at public meetings; and

WHEREAS, the City of Modesto recognizes that in order to obtain a determination that the GSP is complete, DWR is seeking a firm commitment from the GSA to develop a well mitigation program and management actions to address and mitigate impacts from groundwater level declines that may occur when water levels drop below the MTs defined in the Modesto Subbasin GSP; and

WHEREAS, such management actions to be considered as outlined in the GSP include, but are not limited to:

- A groundwater allocation and pumping management program
- A groundwater extraction and surface water reporting program
- Groundwater extraction fees
- A groundwater pumping credit market and trading program
- Voluntary conservation/land fallowing
- Conservation practices; and

WHEREAS, the City of Modesto acknowledges that SGMA requires sustainable groundwater management based on a 2015 baseline but does not make GSAs responsible for injury caused by overdraft; and

WHEREAS, the City of Modesto acknowledges that they cannot control groundwater conditions not caused by actions taken by the GSA; and

WHEREAS, the STRGBA GSA revised GSP adoption resolution will also document the STRGBA GSA's commitment to develop and implement a well mitigation program and management actions along with the County of Tuolumne; and

WHEREAS, funding sources may be subject to the Proposition 218 process and may include GSA fees and assessments, landowner groundwater pumping fees and penalties, agency funds, and grant funding; and

WHEREAS, the final staff version of the revised GSP for the Modesto Subbasin was presented by reference to the Council of the City of Modesto on July 9, 2024; and

WHEREAS, the City of Modesto understands its staff and consultant team may finalize the amended GSP by making non-substantive revisions to the final revised Modesto Subbasin GSP presented on July 9, 2024;

WHEREAS, the final revised Modesto Subbasin GSP will be incorporated in its entirety by reference hereto this resolution.

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

1. The City of Modesto hereby approves and adopts the final staff version of the revised Modesto Subbasin GSP.
2. The City of Modesto authorizes collaboration with the STRGBA GSA, its member agencies, consultants, stakeholders and the County of Tuolumne to take such actions as may be reasonably necessary to:

- a. Develop and implement a well mitigation program inclusive of the procurement of baseline funding amounting to \$300,000 no later than January 31, 2026. Upon implementation, the well mitigation program shall continue into perpetuity unless otherwise directed by the STRGBA GSA.
 - b. Develop management actions, inclusive of a fee structure and/or identified sources of funding, no later than January 31, 2026. Such management actions shall be implemented no later than January 31, 2027 and, upon implementation, shall continue into perpetuity unless otherwise directed by the STRGBA GSA.
3. The City of Modesto authorizes the Modesto Subbasin Plan Manager and consultants to take such actions as may be reasonably necessary to:
 - a. finalize the staff version of the Modesto Subbasin GSP, barring any substantive changes to the document:
 - b. submit the final revised Modesto Subbasin GSP to DWR by July 16, 2024;

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-271**

**RESOLUTION ACCEPTING THE RESIGNATION OF MICHELLE BUER
FROM THE CITY OF MODESTO LANDMARK PRESERVATION
COMMISSION**

WHEREAS, the Landmark Preservation Commission was established to advise City Council on matters related to historic structures and other resources in addition to policies and practices pertaining to preservation of Modesto's landmarks, and

WHEREAS, on December 14, 2021, by Resolution No. 2021-482, Michelle Buer was appointed to serve as a member of the Landmark Preservation Commission, and

WHEREAS, Michelle Buer has tendered her resignation from the Landmark Preservation Commission effective July 15, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Michelle Buer from the City of Modesto Landmark Preservation Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST.



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-272**

**RESOLUTION APPOINTING ANGELA DREW AS THE POET LAUREATE OF
THE CITY OF MODESTO FOR A TWO-YEAR TERM RETROACTIVE TO
JULY 1, 2024 THROUGH JUNE 30, 2026**

WHEREAS, on July 13, 1993, by Resolution 93-412, the City Council established a non-salaried honorary position of Poet Laureate of the City of Modesto, and

WHEREAS, the purpose of a Poet Laureate is to present original poems at various City functions and occasions, and

WHEREAS, in compliance with City Council Policy No. 6.020, the Culture Commission completed the Poet Laureate application and review process, and

WHEREAS, on July 3, 2024, the Culture Commission unanimously voted to recommend Angela Drew for consideration as the next Poet Laureate of the City of Modesto, and

WHEREAS, the Culture Commission recommends the appointment of Angela Drew as the next Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2024 through December 31, 2026, and

WHEREAS, Angela Drew is qualified and willing to serve as Poet Laureate.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Angela Drew as the Poet Laureate of the City of Modesto for a two-year term retroactive to July 1, 2024 through December 31, 2026.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-273**

RESOLUTION APPROVING THE UPDATED CITY COUNCIL DISTRICT MAP TO INCLUDE ANNEXED TERRITORY KNOWN AS FAIRVIEW VILLAGE NO. 2 TO DISTRICT 2 PURSUANT TO CALIFORNIA ELECTION CODE SECTION 21625(A)

WHEREAS, on March 23, 2022, the Fairview Village No. 2 annexation was approved by the Stanislaus County Local Agency Formation Commission (“LAFCO”); and

WHEREAS, this annexed property is located at the corner of Carpenter Road and Whitmore Avenue and added approximately 178 acres and 28 residents to the City of Modesto; and

WHEREAS, like many cities throughout California, Modesto utilizes a district-based system of electing Council Members. After each decennial U.S. census, cities with district-based systems must “redistrict” to adjust the boundaries of the Council Members’ districts using the new census data; and

WHEREAS, every ten years, Council Member Districts must be examined and potentially redrawn so that each district is substantially equal in population. Redistricting determines which neighborhoods and communities are grouped together into a district for the purpose of electing a Council Member; and

WHEREAS, in September 2021, following the completion of the 2020 U.S. Census, the City of Modesto began the redistricting process. Under Section 501(b)(2) of the City Charter (“Charter”), the City Council was required to appoint a Citizens’ Districting Commission (“Commission”) tasked with the function of recommending to the Council the districts from which Council Members shall be elected; and

WHEREAS, Charter Section 501(b)(3) required the City Council to appoint a Commission consisting of nine qualified electors residing within the City, reflecting the demographic and geographic diversity of the City. On September 28, 2021, by Resolution No. 2021-389, the Council appointed nine members to the Commission; and

WHEREAS, on March 8, 2022, by Resolution No. 2022-140, Council approved the Final Council District Maps recommended by the Citizens' Districting Commission; and

WHEREAS, the Fairview Village No. 2 annexation took place after the City completed its redistricting. The City is required to adjust its approved Council District Map to include the newly annexed property; and

WHEREAS, Pursuant to the California Election Code Section 21625(a), after redistricting, a city council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances: a court orders the council to redistrict; the council is settling a legal claim that its boundaries violate the U.S. Constitution, the federal Voting Rights Act of 1965, or the Elections Code; the boundaries of the city change by the addition of territory due to annexation or by subtraction of territory; the number of council members by districts is increased or decreased; or an independent redistricting commission is established to adopt new council districts between federal decennial census; and

WHEREAS, since the annexation took place after the City completed its redistricting process, Section 21623(a) of the California Election Code allows the City Council to add the new territory to the nearest existing Council district without changing the boundaries of other Council districts; and

WHEREAS, as part of adding this new territory to District 2, City staff engaged the demographer who assisted with the redistricting process in 2022 to confirm that this annexation did not impact the City's 2022 redistricting efforts; and

WHEREAS, according to the analysis by the demographer, the annexed area increases the Latino Citizen Voting Age Population ("CVAP") by 1%, which is a very minimal change from the 2022 demographic data for the City. This addition will not change the other five Council district boundaries; and

WHEREAS, although this action will officially change the District 2 boundaries, the final certification of the Fairview Village No. 2 annexation was sent to the ROV in May of 2022 by LAFCO; therefore, the annexed area was included in the City's Municipal Elections in November 2022 and March 2024; and

WHEREAS, upon Council approval, the City Clerk will transmit the newly approved City Council Districts to the Stanislaus County Registrar of Voters ("ROV") for their records.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby approves the updated City Council District Map to include annexed territory known as Fairview Village No. 2 to District 2, **attached** hereto as **Exhibit A**, pursuant to California Election Code Section 21625(a).

BE IT FURTHER RESOLVED, that the City Clerk, or her designee is hereby directed to provide a certified copy of this Resolution and the District Map to the Stanislaus County Register of Voters.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

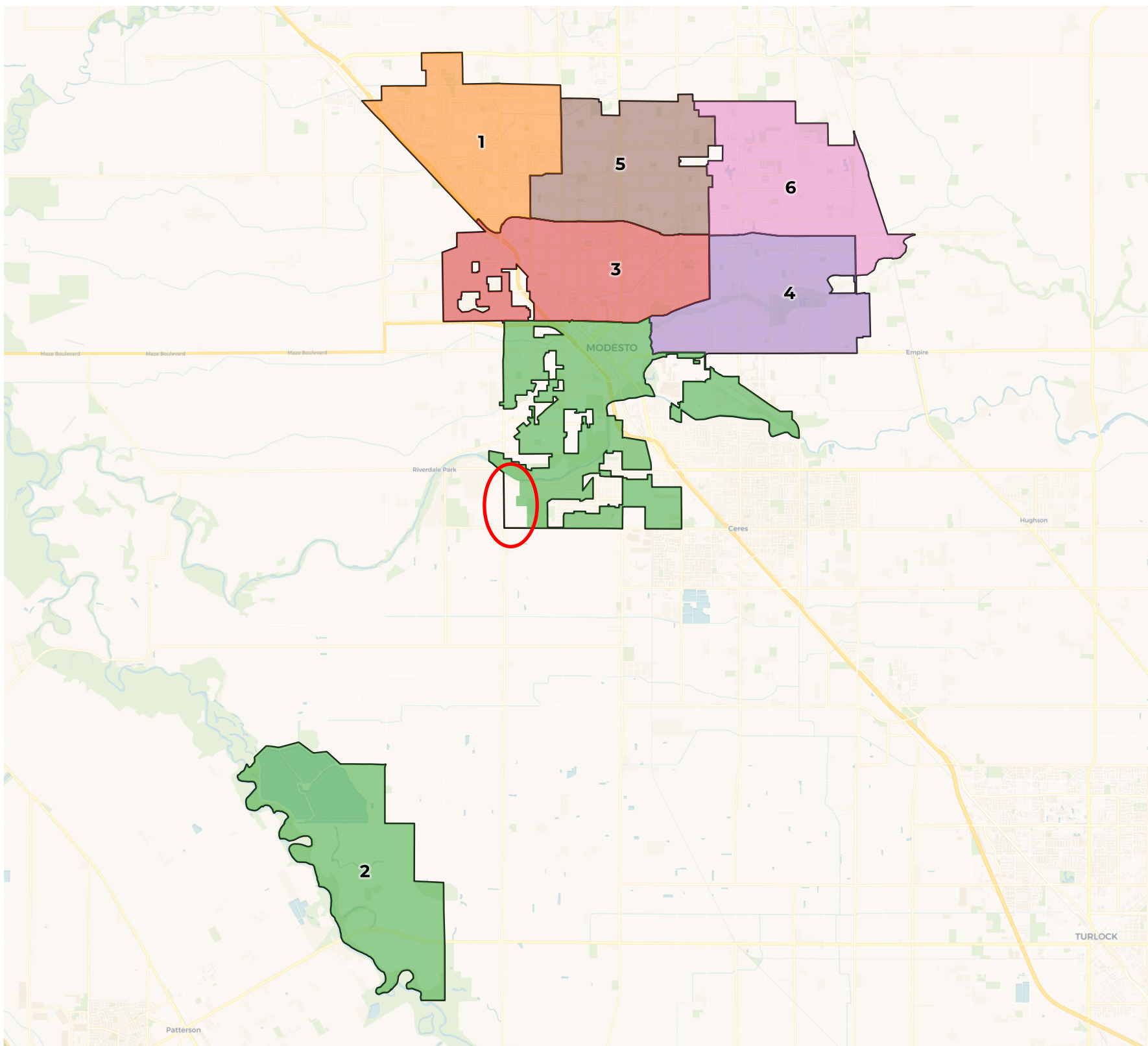
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-274**

RESOLUTION ACCEPTING THE CITY OF MODESTO'S PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM YEAR FOUR AWARD, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY PROGRAM AGREEMENTS REQUIRED FOR IMPLEMENTATION AND ACCEPTANCE OF THE PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2 (SB 2), known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing and the Act established the Permanent Local Housing Allocation (PLHA) Program administered by the California Department of Housing and Community Development (HCD), and

WHEREAS, the PLHA Program provides a permanent source of funding to cities and counties to help meet the unmet need for affordable housing and increase the supply of affordable housing units, and

WHEREAS, on December 29, 2023, HCD released the fourth round of funding under the 2023 Formula NOFA, and

WHEREAS, the City was estimated to receive \$5,818,482 of PLHA Program funding for fiscal years 2020-2025, and

WHEREAS, funding for the PLHA is generated through a fee on real estate transactions, which may fluctuate from year to year, and

WHEREAS, according to HCD, the City's fourth-year allocation is \$831,356, and

WHEREAS, on July 14, 2020, by Resolution number 2020-318, the City of Modesto adopted the five-year PLHA Plan, and

WHEREAS, based on the approved plan the fourth-year allocation of \$831,356 will be allocated in accordance with the approved plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Four Allocation.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute any program agreements required for implementation and acceptance of the Permanent Local Housing Allocation (PLHA) Program.

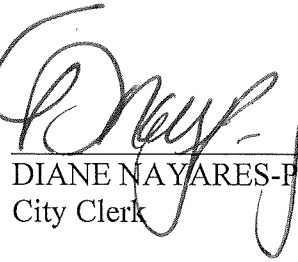
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

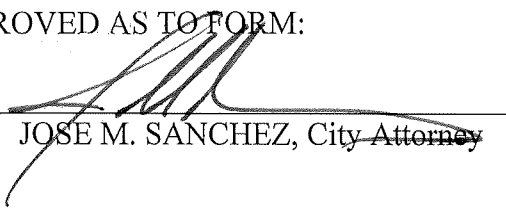


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-275**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-2025 MULTI-YEAR
FUND BUDGET TO A PROJECT FOR THE FISCAL YEAR 2024-2025 PLHA
PROGRAM TO BE FUNDED WITH THE PERMANENT LOCAL HOUSING
ALLOCATION PROGRAM GRANT**

WHEREAS, the City of Modesto applied to receive entitlement funding from the State of California Housing and Community Development Department (HCD) based on its entitlement status of the U.S. Department of Housing and Urban Development Community Development Block Grant Program, and

WHEREAS, the fiscal year 2024-2025 Multi-Year budget must be amended as outlined in **Exhibit A**, and

WHEREAS, the Program was estimated to provide \$5,818,482 over the prior five years to the City, including \$831,356 for the current fiscal year for eligible PLHA Program Activities and Administration, and

WHEREAS, these funds are allocated through the 302(C)(4) Plan which has been approved by the City Council by Resolution 2020-318.

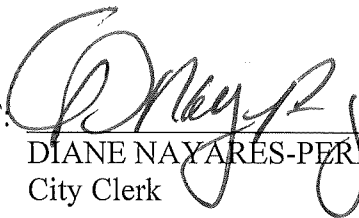
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 2024-2025 multi-year fund budget is hereby amended to include a project for the fiscal year 2024-2025 PLHA Program to be funded with Permanent Local Housing Allocation Program Grant in the amount of \$831,356.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST. 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Exhibit A

City of Modesto Community & Economic Development Department Community Development Division	Funds Reimbursed with Entitlement State Funds Permanent Local Housing Allocation (PLHA) FUND 1120 COST CENTER 1499B
	TOTAL
Direct Grant	\$ 789,789
301(b) Admin Exp AUC	\$ 41,567
TOTAL Expenses	\$ 831,356
Intergov - State Housing Community Development	\$ 831,356
TOTAL Revenues	\$ 831,356
Total	\$ -

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-276**

RESOLUTION AMENDING SECTION 6 (HOUSING REHABILITATION PROGRAM) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on November 9, 2023, City Council authorized an Ordinance amending sections of Title 8, Chapter 3 of the Modesto Municipal Code to increase the City Manager’s authority for all contracts and purchase orders from \$50,000 to \$100,000 for goods/services; increasing the City Manager’s authority for all emergency projects, purchases and services; increasing the formal bidding authority from \$50,000 to \$100,000, and

WHEREAS, in order to align with this updated Purchasing Policy, the Section 6 policy (Homeowner Rehabilitation Program) has updated the following sections 5.0, 9.0, and 11.0, to include increasing loan approvals up to \$100,000 for Housing Rehabilitation Loan Committee and to forward to City Council for approval all projects in excess of \$100,000 to conform to the current City Procurement Policy and amending language specific to cost of allowed rehabilitation amount for manufactured homes, and

WHEREAS, the approval of these policy changes will authorize the City staff to begin moving forward with projects that do not exceed \$100,000 immediately following the approval of the Housing Rehabilitation Loan Committee which encompasses a significant majority of the approved rehabilitation projects.

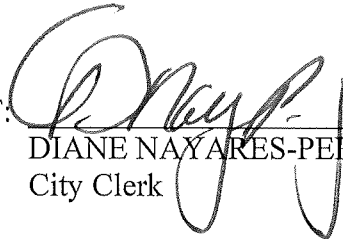
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Section 6 (Housing Rehabilitation Program) of the Housing and Urban Development Policies & Procedures Manual.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-277**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH COMMUNITY HOUSING AND SHELTER SERVICES TO ADMINISTER A HOMELESS PREVENTION PROGRAM IN THE AMOUNT NOT TO EXCEED \$525,000 TO SUPPORT HOUSEHOLDS EXPERIENCING HOMELESSNESS OR AT IMMINENT RISK OF EXPERIENCING HOMELESSNESS IN THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in April of 2021, President Biden signed into law the American Rescue Plan Act a \$1.9 trillion emergency relief measure intended to provide relief to address the impact of COVID-19, and

WHEREAS, this legislation included \$45,897,056 available to the City of Modesto to help address the local impact of COVID-19; and

WHEREAS, the funding was made available by the United States Treasury directly to the City in two phases: 50 percent was made available in May 2021, and the remaining 50 percent was made available in May 2022, and

WHEREAS, the deadline to obligate funds is December 31, 2024, with an expenditure deadline of December 31, 2025, and

WHEREAS, the Pandemic Recovery Strategy, Modesto Forward strategy, and the associated spending plan for the American Rescue Plan funds was approved by Resolution 2021-194 on May 25, 2021, and

WHEREAS, the Pandemic Recovery Strategy, Modesto Forward strategy, and the associated spending plan for the American Rescue Plan fund reallocation was approved by Resolution 2023-251 on June 6, 2023, and

WHEREAS, the rising number of individuals experiencing homelessness prompted the City to think critically about the needs of the homeless community and the gaps in the current systems, and

WHEREAS, through the Camp2Home initiative the City created a comprehensive response to homelessness that offers individuals a path from homelessness to self-sufficiency, and

WHEREAS, the Camp2Home program aims at tackling homelessness on five key fronts: street outreach, shelter, job training, employment, and permanent housing, and

WHEREAS, City staff recommends a partnership with Community Housing and Shelter Services (CHSS) to administer a homeless prevention program utilizing American Rescue Plan Act funding to support the permanent housing component of Camp2Home, and

WHEREAS, the homeless prevention program will provide interventions to assist individuals experiencing homelessness or in imminent risk of experiencing homelessness including housing stabilization case management and short-term rental and utility assistance necessary to prevent an individual or family from moving into an emergency shelter or place not meant for human habitation, and

WHEREAS, CHSS will utilize ARPA funds to provide interventions to assist individuals experiencing homelessness or in imminent risk of experiencing homelessness including housing stabilization case management and short-term rental and utility assistance necessary to prevent an individual or family from moving into an emergency shelter or place not meant for human habitation, and

WHEREAS, the cost of this agreement is not to exceed \$525,000 using American Rescue Plan Act allocated to homeless support programs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement in an amount not to exceed \$525,000 to Community Housing and Shelter Services to assist households who are experiencing homelessness or in imminent risk of becoming homeless.

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

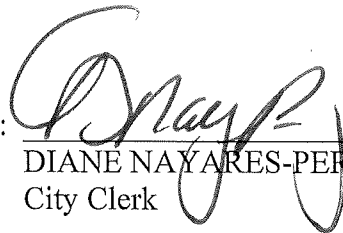
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

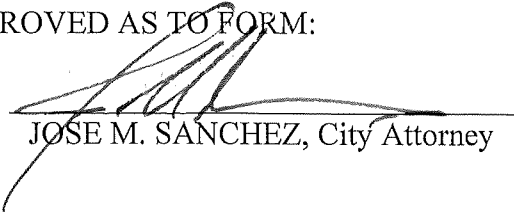


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-278**

**RESOLUTION APPROVING THE AMENDMENTS TO THE CAPITAL FACILITIES
FEES POLICIES AND PROCEDURES**

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the City Council to establish a Capital Facilities Fees (“CFF”) program by resolution; and

WHEREAS, the City of Modesto Capital Facilities Fees (“CFF”) Program was established in 1989 to mitigate the impacts of new development, and the City Council previously established CFF rates based on comprehensive nexus studies; and

WHEREAS, the Owner has submitted a request to the City to form the Community Facilities District pursuant to the City’s Policies & Procedures for the Formation, Annexation, and Administration of Community Facilities Districts created pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the “City’s CFD Policies and Procedures”); and

WHEREAS, the petition submitted by the Owner complies with the requirements of Section 53319 of the Act and the City’s CFD Policies and Procedures; and

WHEREAS, CFF collected may be used for the purchase, construction, expansion, rehabilitation or acquisition of public facilities; and

WHEREAS, there have been several updates and amendments that have set policy direction on the amount and administration of fees collected for impacts associated with new development; and

WHEREAS, the City’s Capital Facilities Fees Policies and Procedures were last revised on September 22, 2020 by Resolution No. 2020-407; and

WHEREAS, the key recommendations ensure that the CFF policies align with the City’s 6th Cycle Housing Element; and

WHEREAS, the recommended modifications need to take place in the following areas: Junior Accessory Dwelling Units, Affordable Housing Exemptions, and Farmworker Housing Exemptions; and

WHEREAS, California law allows for creation of junior accessory dwelling units (JADU) in single family residential zones. The code limits the number of JADUs to one per residential lot zoned for single family residential; and

WHEREAS, any JADU under 500 sq. ft. is exempt from impact fees; and

WHEREAS, affordable units restricted to very-low income households are exempt

WHEREAS, Very Low-Income Housing will now be defined as Affordable Housing; and

WHEREAS, affordable housing will be restricted to households under 80% Area Median Income (AMI); and

WHEREAS, Agricultural and/or Farmworker Housing is proposed to be eligible for a CFF exemption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves the Amendments to the Capital Facilities Fees Policies and Procedures, **attached** hereto as **Exhibit A**.

BE IT FURTHER RESOLVED this resolution shall go into effect and be in full force and operation from and after sixty (60) days after passage and adoption.

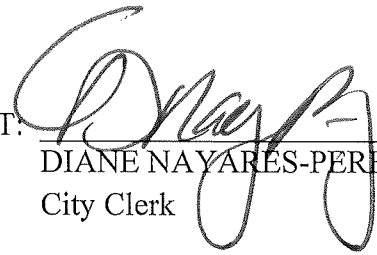
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

EXHIBIT A

**City of Modesto Capital Facilities Fees
Policies and Procedures**

**Amended Policies and Procedures Adopted on Month X, 20XX
City Council Resolution 20XX-**



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INTENT

In 1987, the City of Modesto established a Capital Facilities Fee (CFF) Program to mitigate the impacts of new development as outlined in §6600 of the California Government Code. The CFF collected may be used for the purchase, construction, expansion, rehabilitation or acquisition of public facilities. New development projects that are assessed a CFF include, but are not limited to, new building and construction projects, commercial building additions and changes of use to more intensive land use categories.

The following policies and procedures (Policies and Procedures) shall guide in the administration of the City of Modesto CFF Program. This administrative manual elaborates upon the administrative directions contained in the Modesto's Municipal Code, California State Code and City Council Resolutions.

ADMINISTRATIVE ORGANIZATION & RESPONSIBILITY

CFF Administrator

The Administrator of Infrastructure Financing Programs shall serve as the CFF Administrator and is charged with the overall administration and oversight of the CFF Program. The CFF Administrator has the responsibility of ensuring all issues relating to the CFF Program are managed in accordance with applicable rules and regulations.

ADMINISTRATIVE REQUIREMENTS

Factors Considered

The City Council has determined that the CFF adopted by the City of Modesto shall be based on the following two factors: (i) reflect full cost allocation to each category of new development of capital facilities necessary to serve growth; and (ii) be reviewed annually to consider an escalation to account for inflation.

Annual Report

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Description of the type of impact fee in the account or fund.

- Identification of the amount of the impact fee.
- The beginning and ending balance of the account or fund.
- The amount of impact fees collected and interest earned.
- Identification of each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identification of an approximate date by which the construction of the public improvements will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Description of each interfund transfer or loan made from the account or fund, including the public improvements on which the transferred or loaned impact fees were expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

In addition to the requirements above, the City Council has determined that the annual report should also contain the following information:

- The cumulative inventory of exempt residential units and the percent of anticipated total exempt units at build-out.
- A comparison of cumulative exempt units to total units built since 1989. During recessions and other times of low production of market-rate housing, it is acknowledged that the cumulative, exempt units may exceed two percent (2%) of the total units built.

Five-Year Report

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable

relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

Annual Inflationary Adjustments

In an effort to ensure that all fees collected are adequate, an annual inflationary adjustment is applied each year to the CFF Program. The annual inflationary adjustments are:

- Administratively adjusted annually by the CFF Administrator or his/her designee for all land use categories to account for inflation or deflation.
- Based on the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December the year preceding each inflationary adjustment.
- Becomes effective on or about July 1st of each year.

The City will provide at least one (1) meeting with stakeholders and other interested parties at least sixty (60) days in advance of the effective date of the adjustment. While the annual adjustment is an administrative function, the item should be submitted to the City Council for their information.

CFF Program Updates

The imposition of development impact fees requires identification of the facilities to be provided and the fee amounts imposed must not exceed the cost of the necessary facilities. To fulfill this requirement, the City shall undertake periodic studies to identify the facilities needed and their costs.

Land Value Updates

In an effort to keep pace with market conditions affecting the City's ability to construct public facilities, the City shall annually update the land values of its CFF Program. The intent of the annual updates is to ensure that new development pays for its share of future infrastructure necessary to serve the needs of the City.

DETERMINATION OF CFF

CFF is based on specific land use categories. As a matter of policy, a broad range of uses have been generally categorized as being residential, commercial, office or industrial. Table 1 identifies the approved land use categories. Full definitions of approved land use categories can be found in Appendix A. Undefined uses, as outlined in Table 2, are charged at rates that are determined by the CFF Administrator using similar land use determinations.

An applicant may request a reduction in the CFF if it is determined that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current CFF. Any such fee reduction must be based on a trip generation study, using accepted methodology, as determined by the City. The fee reduction shall be no greater than

a proportionate reduction in trips demonstrated in the trip generation study. Any such reduction shall be approved by the City Manager.

COLLECTION OF FEES

Calculation and Collection of CFF

As codified in the Modesto Municipal Code, the CFF is collected at the time of building permit issuance. For fee assessments, the Director of the Community and Economic Development Department has the final authority on the determination of land use.

Payments

CFF is collected by the Building Safety Division prior to issuance of a building permit. In the event the payment subsequently proves to be invalid due to insufficient funds, improper execution or for any other reason, the Finance Department shall notify the fee payer, the contractor, and the property owner and a hold shall be placed on the permit and subsequent inspections until the required CFF is paid.

Refunds

If a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced, then the fee payer is entitled to a refund, without interest and less a two and one-half percent (2.5%) administrative fee. Requests for refunds must be made in writing and addressed to the CFF Administrator. Refunds shall be issued within four (4) weeks of the written request.

Protests

In the event a fee payer agrees to pay CFF in protest at the time of building permit issuance, a notification of the protested payment must be made in writing to the CFF Administrator at the time the fees are paid. The protest shall be scheduled for review by the CFF Review Committee and a written response shall be sent to the fee payer.

Appeals

Any individual calculation of the CFF made may be appealed in accordance with the Modesto Municipal Codes 1-4.01 – 1.4.05. Appeals shall be limited to disputes regarding the calculation of CFF due.

EXEMPTIONS, DEFERRALS AND CREDITS

The City of Modesto supports economic development through the growth of Modesto businesses. It also encourages the construction Affordable Housing development projects within the City. CFF deferral, credit and exemption programs benefit economic growth and development by allowing the deferral, credit and/or waiver of impact fees.

Credits and Exemptions

In some situations, credits are provided to acknowledge that the expansion, replacement or reconstruction of a building will have no additional impact on facilities needed as a result of new development. Exemptions are also provided to foster the development of residential units affordable to Very Low Income households, Affordable Housing for persons earning 80% of the Area Median Income (AMI), as well as certain qualifying residential units affordable to Low Income households. CFF Credit and Exemption descriptions, qualifications and requirements are provided in Table 3. With respect to Affordable Housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units. However, it is acknowledged that during recessions and other times of low production of market-rate housing, the cumulative, exempt units may exceed two percent (2%) of the total units built. Exemptions that meet the requirements of these Policies and Procedures, including the attached Tables, may be approved by the City Manager. The City Manager, in his or her discretion, may refer any exemption application to the City Council for action. However, any exemptions granted above the two (2%) threshold described above require the approval of the City Council.

Deferrals

The CFF Program allows for two types of deferrals. The first allows non-residential developers to pay a portion of the CFF at the time of building permit issuance and defer payment of the balance over a five (5) year period with interest. The second deferral allows developers of Low Income Housing units to defer payment of CFF for a period of time, not to exceed twenty (20) years, with interest. Table 4 identifies the CFF deferral program guidelines for Low Income Housing and non-residential development projects. All deferrals require an agreement with the City, along with a promissory note and deed of trust recorded on the property to secure payment of the CFF, prior to building permit issuance. CFF Deferrals that meet the requirements of these Policies and Procedures, including the attached Tables, may be approved by the City Manager. The City Manager, in his or her discretion, may refer any exemption application to the City Council for action.

DEVELOPMENT DEDICATIONS

Residential Streets

The collector and local streets required by new development shall be dedicated and improved by the abutting developer in accordance with City Standard Specifications.

Expressways

Expressway improvements shall be constructed as required by the conditions of approval.

- The developer shall be reimbursed the cost of said improvements and right-of-way dedication pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.

- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When **interim improvements** are required to facilitate current development prior to future expressway improvements, the interim improvements shall be funded and provided by the abutting developer.
- When **extra facilities** are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

Arterial & Major Collector Streets

Arterial and major collector streets shall be constructed per City Standard Specifications. A standard width of forty (40) feet shall be dedicated and improved to City Standard Specifications. ***In all cases described in this section, the forty (40) foot width shall be measured from the new property line on each side of the street towards the street centerline.*** This dedication is a requirement of development and not subject to reimbursement.

- When a developer is required to dedicate and improve more than the required forty (40) feet, the cost of right-of-way and improvements in excess of forty (40) feet shall be reimbursed to the developer pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.
- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When there is an **existing street**, where the forty (40) feet dedication and improvements have been previously made, any additional dedication and improvements shall be subject to appropriate reimbursement to the developer.
- When there is an **existing street** and if the streets have not been previously improved to City Standard Specifications, only the dedication or improvements in excess of forty (40) feet will be subject to the appropriate reimbursement.
- When **extra facilities** are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

The City's Standard Specifications can be found online at www.modestogov.com. Appendix B details the City's Street Exaction Policy.

REIMBURSEMENT & OTHER RELATED AGREEMENTS

The planning contained in the City's Capital Improvement Program (CIP) and the CFF Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds for reimbursement. Prior to commencement of any work that is eligible for reimbursement, a Reimbursement Agreement between the developer and the City must be approved per Modesto Municipal Code §8-3.102. A Reimbursement Agreement will be required where the development occurs fronting a planned CFF fund project, or which required CFF funded work

off-site. All such work shall be done by developer advances and will be subject to reimbursement pursuant to the terms of the Reimbursement Agreement.

Initial Request for Reimbursement

It is the obligation of the developer, landowner and/or the developer's engineer to submit a request to the CFF Administrator for reimbursement. Requests will not be granted if the dedication or improvements have already been made or started prior to execution of a Reimbursement Agreement. Each request shall include:

- An Engineer's Estimate of the work to be performed that is eligible for reimbursement.
- All exhibits relating to the improvements or right-of-way including the plat and, where applicable, closure calculations.
- Design costs incurred prior to the execution of the Reimbursement Agreement for completed and accepted City-funded facilities as determined and approved by the CFF Administrator.

Reimbursement Agreement

Prior to the issuance of a construction permit and recording of a final map for dedication, the developer will be required to enter into all necessary agreements in a form provided by the City and consistent with these Policies and Procedures. All agreements will be reviewed and approved as to form by the CFF Administrator, City Attorney and others as the City deems appropriate. City Council approval shall be required for all reimbursements over \$49,999.

Timing

The planning contained in the CFF Program and the City's annual adopted Capital Improvement Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds. Furthermore, the CFF Administrator shall determine the fiscal year(s) in which funds will become available and appropriate for reimbursement.

Notice to Proceed

Once the appropriate agreement(s) are executed, a Notice to Proceed shall be issued by the CFF Administrator to the developer to commence construction of reimbursable improvements.

Reimbursement Payments

Upon completion, verification of invoices and acceptance of improvements, reimbursements shall be issued from the applicable CFF fund in the manner set forth in the Reimbursement Agreement.

CONSTRUCTION CONTRACTOR REQUIREMENTS

In retaining construction contractors for work which is reimbursable by the City of Modesto and where a Reimbursement Agreement (or other similar agreement) with the City is less than \$300,000.00, the developer shall abide by the following bid process:

Three Competitive Bids

The developer shall provide three (3) competitive bids. If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the City. The City may allow this if the developer can provide adequate justification.

Licensing

The developer shall make sure that all contractors and subcontractors are licensed in accordance with §7000 through §7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed. Developer, its contractors and subcontractors shall have and maintain a City business license during the term of any agreement.

Payment of Prevailing Wages

In accordance with California Labor Code developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the City, developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The City shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, §4.19, for the work performed unless the City authorizes the use of overtime or legal holiday time, in advance and in writing.

The developer shall maintain certified payroll records for all labor costs incurred on all City reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the City or any state regulatory agency for review, audit and inspection or copying upon request.

Indemnification

Developer shall indemnify and hold the City harmless for ensuring that the project is bid and constructed in accordance with City standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.

Overtime & Change Orders

The City shall retain the right to be in attendance to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be justified and documented. Except in the case of an emergency, any such charges shall be approved by the City in advance and in writing. In the case of an emergency, any such charges may be authorized by the City if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.

TABLE 1 - CFF LAND USE CATEGORIES

CATEGORY	DESCRIPTION
RESIDENTIAL	
Single-Family	Single-family detached homes on individual lots. Density of development is typically ten (10) dwellings per acre or less.
Multi-Family	Multiple-family dwelling units and multi-family residential planned unit developments greater than a density of ten (10) units per acre.
	<ul style="list-style-type: none"> ▪ Duplexes ▪ Triplexes ▪ Mobile Homes ▪ High & Low Rise Apartments ▪ High & Low Rise Condominiums ▪ Medium-Density Developments
Senior Housing	Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.
Hotel	Hotel and motel rooms
COMMERCIAL OTHER	
Retail	<p><u>Retail, including, but not limited to:</u></p> <ul style="list-style-type: none"> ▪ Convenience Markets ▪ Supermarkets ▪ Drug Stores ▪ Department Stores ▪ New & Used Car Sales ▪ Nursery Sales/Displays ▪ General Merchandise ▪ Building Materials ▪ Lumber Stores ▪ Specialty Retail Stores ▪ Racquetball Courts ▪ Discount Stores ▪ Paint Stores ▪ Hardware Stores ▪ Video Arcades ▪ Health Club ▪ Locker Rooms and Showers <p><u>Restaurants, including, but not limited to:</u></p> <ul style="list-style-type: none"> ▪ Fast Food ▪ Sit Down Restaurants ▪ Bars ▪ Cocktail Lounges ▪ Drinking Establishments ▪ Covered and Enclosed Patio Dining <p><u>Banks:</u></p> <ul style="list-style-type: none"> ▪ Banks ▪ Savings & Loans ▪ Credit Unions <p><u>Other:</u></p> <ul style="list-style-type: none"> ▪ Storage facilities, also known as “mini” storage facilities for personal items and not associated with industrial use.
COMMERCIAL OTHER	
Church	Structures primarily designed as a place for worship. Also includes church multi-purpose rooms.
Daycare & School	An educational, vocational, daycare facility or gyms for private schools.
Hospital	Structures designed for healing services, both in-patient and out-patient, that includes surgical care of the sick, injured, or physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered “professional offices” if located off-site, unless a multi-site campus is covered by a P-D zone or hospital uses. Separate sets of offices on the same site for physicians are considered “professional offices”.

CATEGORY	DESCRIPTION
COMMERCIAL OTHER	
Nursing Home	Structures designed for use as a convalescent hospital, retirement home, or a twenty-four (24) hour care center for seven (7) or more persons in addition to members of the family.
OFFICE	
Medical Office	Offices and clinics devoted to the practice of medical professions or providing medical services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately.
General Office	All other types of general and professional offices.
INDUSTRIAL	
Manufacturing, Light Industrial, & Industrial Park	<p>Facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered include:</p> <ul style="list-style-type: none"> ▪ Electronics Assembly ▪ Paper Products ▪ Metal Fabricator ▪ Bottling Plant ▪ Cabinet Shop ▪ Machine Shop ▪ Sheet-Metal Shop ▪ Pulp/Paper Mill ▪ Welding Shop ▪ Wholesale Shop ▪ Recycling Facility ▪ Rock Crushing ▪ Stockyard ▪ Tannery ▪ Equipment Rental Yard ▪ Food Processor, Brewery, or Bakery ▪ Junk Handling, Processing, or Storage ▪ Septic Tank and Cesspool Storage ▪ Vehicle Salvaging and Wrecking ▪ Burning Operations for Wood and Lumber Products ▪ Landfill, Waste Product Disposal, and Transfer Stations ▪ Reduction, Processing, Storage of Offal, Dead Animals, Bones, or similar materials ▪ Manufacture, Fabrication, Processing, Treatment of Explosives, Great Products, Chemicals, Chemical Products, and Oil ▪ Material Testing, Labor Manufacturer <p><i>Note: When a development proposal contains more than an incidental mixture of mixed industrial uses, the general type of uses should be segregated and treated separately.</i></p>
	Warehousing, Distribution, & Heavy Industrial

TABLE 2 - CFF UNDEFINED LAND USES

BUILDING USE	DESCRIPTION										
Shell Buildings	<p>Builders will often apply for a building permit to construct the “shell” of a building.</p> <ul style="list-style-type: none"> ▪ The shell use shall be determined at the time of building permit issuance. ▪ The first tenant improvements to the shell building shall be charged according to land use. 										
Roof Structures	When an open area exists and a roof structure is added, 100% of the total CFF shall be charged if the structure is supported by the addition of one (1) or more side walls. 50% of the total CFF shall be charged if the structure has no side walls.										
Multiple Use Structures	With the exception of commercial uses, if there is more than one (1) primary land use within a building, and the applicant can document that a secondary land use accounts for more than fifteen percent (15%) of the gross floor area of the structure, then the CFF shall be calculated separately for each use and the results summed.										
Canopy Construction	When an open area exists and a canopy structure is added, 100% of the total CFF shall be charged if the canopy is enclosed on three (3) or more sides and 50% of the total CFF shall be charged if the canopy is enclosed on one (1) or two (2) sides. Canopied business or storefront entryways and freestanding membrane canopies with no sides are exempt.										
Mezzanines	When a second floor open area or balcony exists, 100% of the total CFF shall be charged.										
Change of Use for Existing Buildings	With the exception of shell buildings, any alteration or change of use to an existing building does not trigger the payment of CFF provided that no additional square footage is added. If additional square footage is added, the CFF shall be charged based on the additional square footage and land use. Should the change of use fall within a lower land use category, no refunds or credits for the previously paid CFF shall be made.										
Ancillary Recreation Buildings	The CFF paid on the dwelling unit or room basis is deemed adequate for ancillary recreation buildings such as mobile home clubhouses, cabanas, weight rooms, lounges, or activity buildings which are primarily oriented to the residential development.										
Accessory Dwelling Unit	<p>California law (Government Code §65852.2) exempts Accessory Dwelling Units (ADU) less than 750 sq. ft. from local impact fees and requires that fees for an ADU of 750 sq. ft. or greater must be charged proportionately in relation to the square footage of the primary dwelling unit. For example, if an ADU is 900 square feet and the primary dwelling unit is an 1,800 square foot single family home, the impact fees can't be greater than 50% of the single-family CFF rate. Fee Calculation: (900 sq. ft./1,800 sq. ft.) * \$15,016 = \$7,508 (50% of the single-family CFF rate). However, in no event shall the impact fees for the ADU exceed the CFF rate for Multi-Family residential.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="background-color: #4F81BD; color: white; text-align: center;">CFF ADU Impact Fee Example*</th> </tr> </thead> <tbody> <tr> <td style="width: 70%;">Primary dwelling gross floor area (sq. ft.)</td> <td style="text-align: center;">100%</td> </tr> <tr> <td>Proposed Accessory Dwelling Unit Size (sq. ft.)</td> <td style="text-align: center;">50%</td> </tr> <tr> <td>ADU Impact Fee Total</td> <td style="text-align: right;">\$7,508.00</td> </tr> <tr> <td colspan="2">*\$15,016 CFF Single Family Residential/Dwelling through June 30, 2020</td> </tr> </tbody> </table>	CFF ADU Impact Fee Example*		Primary dwelling gross floor area (sq. ft.)	100%	Proposed Accessory Dwelling Unit Size (sq. ft.)	50%	ADU Impact Fee Total	\$7,508.00	*\$15,016 CFF Single Family Residential/Dwelling through June 30, 2020	
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*\$15,016 CFF Single Family Residential/Dwelling through June 30, 2020											

Junior Accessory Dwelling Unit	California law allows for the creation of junior accessory dwelling units (JADU) in single-family residential zones. State law limits the number of JADUs to one per residential lot zoned for single-family residences with a single-family residence built, proposed to be built, on the lot. Similar to the ADU any JADU under 750 sq. ft. is exempt from impact fees.
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TABLE 3 - CFF CREDITS AND EXEMPTIONS

TYPE		DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL	Accessory Dwelling Unit	<ul style="list-style-type: none"> Second dwelling unit located adjacent or connected a single-family dwelling unit. Units less than 750 sq. ft. 	<ul style="list-style-type: none"> No Charge
	Junior Accessory Dwelling Unit	<ul style="list-style-type: none"> Second dwelling unit connected to a single-family dwelling unit. Units less than 500 sq. ft. 	<ul style="list-style-type: none"> No Charge
	Very Low and Low Income Housing	<ul style="list-style-type: none"> Any Very Low and Low Income housing units constructed or expanded by the Housing Authority of the County of Stanislaus or by any entity in which the Housing Authority is a major partner. 	<ul style="list-style-type: none"> Application City Manager Approval if project meets all requirements, otherwise CC approval.
	CHDO Housing	<ul style="list-style-type: none"> Housing constructed or expanded by a CHDO Organization that will be made affordable to households earning sixty (60%) or less of the Area Median Income. CDHO Organization must meet all CDHO Housing qualification for ten (10) year period and residential units must satisfy affordability requirements for 10 year period. If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the CHDO Housing criteria. Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. <i>If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF, equal to the CFF in effect when building permits were issued, would become due, with no interest thereon.</i> 	<ul style="list-style-type: none"> Application Agreement, Promissory Note, Deed of Trust CH & CDC Approval City Manager Approval if project meets all requirements, otherwise CC approval.
		<ul style="list-style-type: none"> 	
	Shelters	<ul style="list-style-type: none"> Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless. (Examples include emergency shelters, transitional housing and Safe Havens) 	<ul style="list-style-type: none"> No Charge
	Recreational Buildings	<ul style="list-style-type: none"> For residential projects, the CFF on a dwelling unit or room basis are deemed adequate for ancillary recreation buildings that are oriented and primary to the residential development. Mobile home park club houses, cabanas, weight rooms, lounges, and activity buildings. 	<ul style="list-style-type: none"> No Charge
	Alterations & Additions	<ul style="list-style-type: none"> Any alteration or addition to a residential structure provided that no new dwelling units are created. 	<ul style="list-style-type: none"> No Charge
	Farmworker Housing	<ul style="list-style-type: none"> Housing constructed or expanded that will be used exclusively to house members of the farmworker community 	<ul style="list-style-type: none"> Application Agreement, Promissory Note, Deed of Trust CH & CDC Approval

		<ul style="list-style-type: none"> ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Affordable Housing	<ul style="list-style-type: none"> ▪ Housing constructed or expanded that will be made affordable to households earning eighty percent (80%) or less of the Area Median Income. ▪ Residential units must be maintained as affordable to persons earning 80% of less AMI households for a period of 10 years. ▪ If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the 80% AMI criteria. ▪ Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. ▪ <i>If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF would become due, with no interest thereon.</i> 	<ul style="list-style-type: none"> ▪ Application Agreement, Promissory Note, Deed of Trust ▪ CH & CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Single-Family Replacement & Reconstruction	<ul style="list-style-type: none"> ▪ Any replacement or reconstruction of a residential structure that has been destroyed or demolished provided that no new dwelling units are created. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous residential structure. ▪ Non-transferrable. ▪ The residential structure is located on the same property of the demolished or abandoned residential structure. 	<ul style="list-style-type: none"> ▪ No Charge
Multi-Family Replacement & Reconstruction	<ul style="list-style-type: none"> ▪ Any replacement or reconstruction of a multi-family residential structure that has been destroyed or demolished provided that the square footage of the new structure is equal to or less than that of the previous structure and the number of units in the new structure is equal to or less than that of the previous structure. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous multi-family residential structure. ▪ Non-transferrable. ▪ The new multi-family residential structure is located on the same property of the demolished or abandoned multi-family residential structure. 	<ul style="list-style-type: none"> ▪ No Charge

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

TYPE		DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL	Replacement due to Eminent Domain	<ul style="list-style-type: none"> ▪ Any replacement of an existing building that has been or shall be vacated due to eminent domain proceedings, or the threat of such proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ Use is not devoted to a higher-density capacity and/or does not result in the generation of additional peak hour trip ends. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ Non-transferrable. ▪ <i>Exception: If the new building is CFF Land Use that is intensified from the CFF Land Use of the previous building, the incremental difference between the new building CFF Land Use and the previous building CFF Land Use shall be due at building permit issuance.</i> ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge ▪ Time Sensitive
COMMERCIAL	Sales & Construction Trailers	<ul style="list-style-type: none"> ▪ Maximum term use of two (2) years. 	<ul style="list-style-type: none"> ▪ No Charge
	All Other Trailers	<ul style="list-style-type: none"> ▪ All other types of temporary trailers are charged the full CFF. The CFF is refundable (less 2.5% administrative fee) if requested, in writing, within six (6) years of payment of the CFF. 	<ul style="list-style-type: none"> ▪ CFF Charged ▪ Refundable
	Truck Loading Bays	<ul style="list-style-type: none"> ▪ Canopied and enclosed and not used as staging area for storage or protection or product. 	<ul style="list-style-type: none"> ▪ No Charge
	Parking Garages	<ul style="list-style-type: none"> ▪ Public and private garages. 	<ul style="list-style-type: none"> ▪ No Charge
	Agricultural	<ul style="list-style-type: none"> ▪ Shade structures, lath houses, and netted areas. 	<ul style="list-style-type: none"> ▪ No Charge
	Outdoor Dining Patio	<ul style="list-style-type: none"> ▪ Uncovered and enclosed dining areas. 	<ul style="list-style-type: none"> ▪ No Charge
	Commercial Replacement & Reconstruction	<ul style="list-style-type: none"> ▪ Any replacement or reconstruction of a non-residential structure that has been destroyed or demolished. ▪ New building is located on the same property as the destroyed or demolished building. ▪ Based on prior CFF Land Use and building square footage. ▪ Non-transferrable. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge
Tenant Improvements (excluding Shell Buildings) and Changes of Use	<ul style="list-style-type: none"> ▪ Any alteration or change of use to an existing building, if no new square footage is added. ▪ No refunds for diminished use capacities or reduced square footage. ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge 	

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

TYPE		DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
COMMERCIAL	Tenant Improvements in Shell Buildings and Changes of Use	<ul style="list-style-type: none"> ▪ Tenant improvements within a shell building if the improved use is (1) devoted to the same CFF Land Use that the Shell Building paid or (2) is devoted to a CFF Land Use with a lower impact. ▪ No refunds for diminished use capacities or reduced square footage. ▪ <i>Exception: If tenant improvements are for a CFF Land Use that is intensified from what was paid for the Shell Building, the incremental difference between the Shell Building CFF Land Use and the Tenant Improvement CFF Land Use shall be due at building permit issuance.</i> ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge
	Replacement due to Eminent Domain	<ul style="list-style-type: none"> ▪ Any replacement of an existing building that has been or shall be vacated due to threat of/or eminent domain proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ The use is not devoted to a higher-density capacity and does not result in the generation of additional peak hour trip ends. 	<ul style="list-style-type: none"> ▪ No Charge ▪ Time Sensitive
	Commercial/Industrial Relocation Credit	<ul style="list-style-type: none"> ▪ Transfer of CFF credit from existing building to a new building. ▪ Project involves commercial and/or industrial job retention of at least twenty-five (25) jobs or redevelopment of blighted area. ▪ Beneficiary of the relocation credit must be the owner of the existing building or the existing building was demolished and paid CFF when rebuilt. 	<ul style="list-style-type: none"> ▪ No Charge ▪ CC Approval

TABLE 4 - CFF DEFERRALS

TYPE	DESCRIPTION	QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
Low Income Housing	<ul style="list-style-type: none"> ▪ Payment of CFF is deferred for twenty (20) years (“Deferral Period”). No payments are due during the first five (5) years. Annual payments of principal and simple interest begin in the sixth (6th) year. ▪ Interest will not accrue during the first five (5) years. ▪ In the sixth (6th) year, simple interest will be calculated at the rate of 5%. Interest may be waived with approval of the City Council. ▪ A lien is placed on the property. ▪ If the property is sold or refinanced within the Deferral Period, the new buyer will be allowed to assume the Deferral Payment Agreement if the buyer continues to satisfy the affordability requirements. ▪ If the property is sold or refinanced within the Deferral Period and the buyer does not qualify to assume the Deferral Payment Agreement, the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the Deferral Period. ▪ CFF fee and accrued interest become immediately due if housing unit no longer meets affordability requirements. 	<ul style="list-style-type: none"> ▪ Any housing unit that is affordable to Low Income Housing unit constructed by any person or entity. ▪ The housing unit must be purchased by, or rented to, a homebuyer earning between fifty-one and eighty percent (51 – 80%) of the Area Median Income who will use it as their principal place of residence for the duration of the deferral time period. The units must be sold or rented at an affordable price, such that tenant does not pay more than 30% of adjusted household income for housing costs. ▪ The affordability restrictions must be in place for 30 years. 	<ul style="list-style-type: none"> ▪ Application ▪ Deferred Payment Agreement and Notice of Lien ▪ Promissory Note ▪ City Deed of Trust ▪ CH&CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Commercial, Industrial and Multi-Family	<ul style="list-style-type: none"> ▪ Twenty percent (20%) of total CFF paid at building permit issuance. ▪ Remaining eighty percent (80%), plus interest, paid annually over five (5) years. ▪ Interest is equal to the five percent (5%) or the Wall Street Journal Prime Rate in effect at the time of Agreement execution, whichever is greater. Interest may be waived with approval of the City Council ▪ A lien is placed on the property. ▪ If the property is sold or transferred within the deferral period, payment of the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the deferral period. 	<ul style="list-style-type: none"> ▪ Any commercial, industrial or multi-family development project in which CFF is being assessed. ▪ For those projects where a mitigated negative declaration or an Environmental Impact Report (EIR) has been certified, no CFF deferral shall be allowed to the extent that one (1) or more of the mitigation measures consists of payment of CFF or construction or installation of a public improvement, the cost of which, subject to funding availability, may be eligible for reimbursement of CFF. 	<ul style="list-style-type: none"> ▪ Application ▪ Deferral of CFF, Water Connection and/or Wastewater Capacity Agreement and Notice of Lien ▪ Promissory Note ▪ Deed of Trust ▪ \$250 Administrative Fee ▪ \$500 Title Report Fee ▪ CH&CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Single-Family Residential	<ul style="list-style-type: none"> ▪ Payment of CFF, as well as water connection and/or waste water capacity fees, may be deferred until final inspection. ▪ A lien is placed on the property. ▪ If the property is sold or transferred within the deferral period, payment of the full CFF deferral would become due immediately. 	<ul style="list-style-type: none"> ▪ Any single-family residence may apply for deferral 	<ul style="list-style-type: none"> ▪ Application ▪ Deferral of CFF, Water Connection and/or Wastewater Capacity

	<ul style="list-style-type: none">▪ Interest penalties apply if fees are not paid within the deferral period.		Agreement and Notice of Lien <ul style="list-style-type: none">▪ City Manager Approval if project meets all requirements, otherwise CC approval
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APPENDIX A - DEFINITIONS

The intent and meaning of the terms that are used shall be as defined in these CFF Policies & Procedures except as specifically noted, revised or added.

Definitions – A

Accessory Dwelling Unit. An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home or multi-family structure. ADUs go by many different names including accessory apartments, secondary suites, and granny flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Affordable Housing. Affordable Housing is a Qualified Occupant(s) earning not more than eighty percent (80%) of the Area Median Income (AMI)

Applicant. The applicant for a building permit for which an impact fee is due pursuant to the provisions of these CFF Policies and Procedures.

Area Median Income. Area Median Income also known as AMI is the household income for the median/ middle income for a household in a given region.

Arterial. A moderate or high-volume street with four (4) to six (6) travel lanes which carries large volumes of traffic between areas in urban centers, with flow usually consisting of large, signaled intersections with other arterials and many collector roads.

Definitions – B

Banks. Full service banking institutions with or without drive up windows.
(CFF Rate = Retail)

Building Inspection. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Building Safety Division. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Definitions – C

Capital Facilities Fee. Impact fees established to mitigate the impacts of new development as outlined in §66000 of the California Government Code for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities.

Certificate of Occupancy. Final sign off of a building permit.

CHDO Housing. Shall mean housing found to be affordable to households earning sixty percent (60%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

CHDO Organization. A specific type of nonprofit organization that has been certified by HOME Investment Partnership Program (HOME) as a Community Housing Development Organization.

CFF Administrator. The Administrator of the Infrastructure Financing Programs for the City of Modesto.

Church. Structures primarily designed or used as a place of public worship.
(*CFF Rate = Church*)

City. The City of Modesto.

City Attorney. The City Attorney, or his or her designee, of the City of Modesto.

City Council. The City Council of the City of Modesto (CC).

City Engineer. The City Engineer, or his or her designee, of the City of Modesto.

Collector. A low or moderate-capacity road, usually consisting of a mixture of signaled intersections with arterial roads and signals, circles or stop signs with other collector and local roads.

Commercial. Commercial and retail uses. (*CFF Rate = Retail*)

Community & Economic Development. The Community & Economic Development Department of the City of Modesto.

Convenience Markets. Convenience markets, with or without on-site pumps and open 24 hours or extended hours. (*CFF Rate = Retail*)

Definitions – D

Daycare/School. An educational, vocational or daycare facility.
(*CFF Rate = Daycare*)

Development Project. Any project undertaken for the purpose of development. Development projects include projects involving issuance of a permit for construction or reconstruction but not a permit to operate.

Developer. See Applicant.

Director. Director of Community and Economic Development.

Definitions – E

Expressway. A high-volume, access-controlled roadway with three classes consisting of four (4) to six (6) lanes where spacing between interchanges with arterial roadways is limited to one mile.

Definitions – F

Facilities. See Public Facilities

Farmworker. Agricultural workers are defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor.

Farmworker Housing. Housing dedicated to affordable housing for farmworkers.

Fee. A monetary exaction other than a tax or special assessment whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad-hoc basis, that is charged by a local agency to the applicant in conjunction with approval of a development project for the purposes of defraying all or a portion of the cost of public facilities related to the development project. This does not include fees specified in §66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with §65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for their development of property in furtherance or for the benefit of a development project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with §33000) of Division 24 of the Health and Safety Code).

Fee Payer. See Applicant.

Finance. The Finance Department of the City of Modesto.

Definitions – G (Reserved)

Definitions – H

Hospital. A structure designed for health services, both inpatient and outpatient; that includes surgical care of the sick, injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, outpatient departments, training facilities, central services facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered

“professional offices” if located off-site unless a multi-site campus is covered by a P-D Zone or hospital uses. A separate set of offices on the same site for physicians is considered “professional offices.” (*CFF Rate = Hospital*)

Definitions – I

Improvements. See Public Facilities.

Industrial Land Use. (*CFF Rate = Industrial(Manufacturing)*)

Manufacturing, Light Industrial & Industrial Parks Uses:

- Electronic assembly, paper products
- Metal fabricator
- Bottling plant
- Cabinet shop
- Machine shop
- Sheet-metal shop
- Welding shop
- Wholesale shop
- Printing plant
- Mini-warehouse
- Materials testing labors manufacturer
- Food processor, brewery, bakery
- Recycling facility
- Burning operations for lumber and wood products
- Junk handling, processing and storage
- Landfill and waste products disposal or transfer station
- Manufacture, fabrication, processing, packaging and treatment of explosives, oil, great products, chemicals, and chemical products.
- Rock crushing
- Pulp and paper mill
- Reduction, processing, and storage of offal, dead animals, bones or similar materials
- Septic tank and cesspool services
- Stockyard
- Tannery
- Vehicle salvaging and wrecking

Mixed Industrial Uses

When a development project contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purposes of calculating development fees.

Definitions – J

Junior Accessory Dwelling Unit. A Secondary unit to be constructed within the walls of the proposed or existing single-family residence.

Definitions – L

Low Income Housing. Housing found to be affordable to households earning fifty-one to eighty (51 - 80%) percent of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

Definitions – M

Medium Density Residential. Duplex or triplex buildings located on a single lot designated for occupancy by two (2) or three (3) families. *(CFF Rate = Multi-Family Residential)*

Multi-Family Residential. Multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments greater than a density of ten (10) units per acre. The category also applies to mobile homes. *(CFF Rate = Multi-Family Residential)*

Definitions – N

Nursing Home. Structures designated for use as a convalescent hospital, retirement home, or a twenty-hour care center for seven (7) or more persons in addition to members of the family. *(CFF Rate = Nursing Home)*

Definitions – O

Office (General). General and professional offices excluding medical offices. *(CFF Rate = General Office)*

Office (Medical). Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately. *(CFF Rate = Medical Office)*

Definitions – P

Parks, Recreation & Neighborhoods. The Parks, Recreation & Neighborhoods Department of the City of Modesto.

Public Facilities. Public buildings include the following:

- Public buildings including park, recreation, police, fire and administration buildings.
- Facilities for storage, treatment, and distribution of nonagricultural water.
- Facilities for the collection, treatment, reclamation and disposal of water.
- Facilities for the collection and disposal of storm waters and for flood control purposes.
- Facilities for the generation of electricity and the distribution of gas and electricity.

- Facilities for the distribution of information, including radio and communication like towers and satellite dishes.
- Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, parkways and related facilities.
- Parks and recreation facilities, including bike trails, public landscape areas and community centers.

Public Works. The Public Works Department of the City of Modesto.

Definitions – Q (Reserved)

Definitions – R

Recreational Buildings. Ancillary recreational buildings that are oriented primarily to a residential development.

Restaurants (Fast Food). Fast food restaurants with or without sit-down facilities and with or without drive up windows. Generally food is ordered and taken to be consumed outside the restaurant building, however some on-site seating is usually provided. *(CFF Rate = Retail)*

Restaurants (Sit-Down – high turnover). Sit-down restaurants where food is ordered and consumed in the restaurants and customers generally stay less than one (1) hour. Sit-down restaurants typically serve breakfast, lunch or dinner and also include drinking establishments such as bars and cocktail lounges. *(CFF Rate = Retail)*

Restaurants (Sit-Down – low turnover). Sit-down restaurants which generally have turnover rates of one (1) hour or longer and typically do not serve breakfast, and may or may not serve lunch. *(CFF Rate = Retail)*

Retail. Includes a wide range of retail service uses, both freestanding and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, video arcades, and new and used car sales, auto repair shops, and car washes. *(CFF Rate = Retail)*

Definitions – S

Savings & Loans. Includes thrift and credit unions, with or without drive-up windows and which typically offer fewer financial services than banks and are smaller in gross floor area than banks. If a given Savings & Loan is 5,000 gross feet or more, or provides full banking services, it should be treated as a bank. *(CFF Rate = Retail)*

Senior Housing Residential. Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.
(CFF Rate = Senior Housing Residential)

Shelter. Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless.

Single-Family Residential. Single-family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less. *(CFF Rate = Single-Family Residential)*

Square Foot (sf). As used for the calculation of impact fees is the same as the square footage for determination of the issuance of building permits.

Definitions – T (Reserved)

Definitions – U

Utility Planning & Projects. The Utility Planning & Projects Department of the City of Modesto.

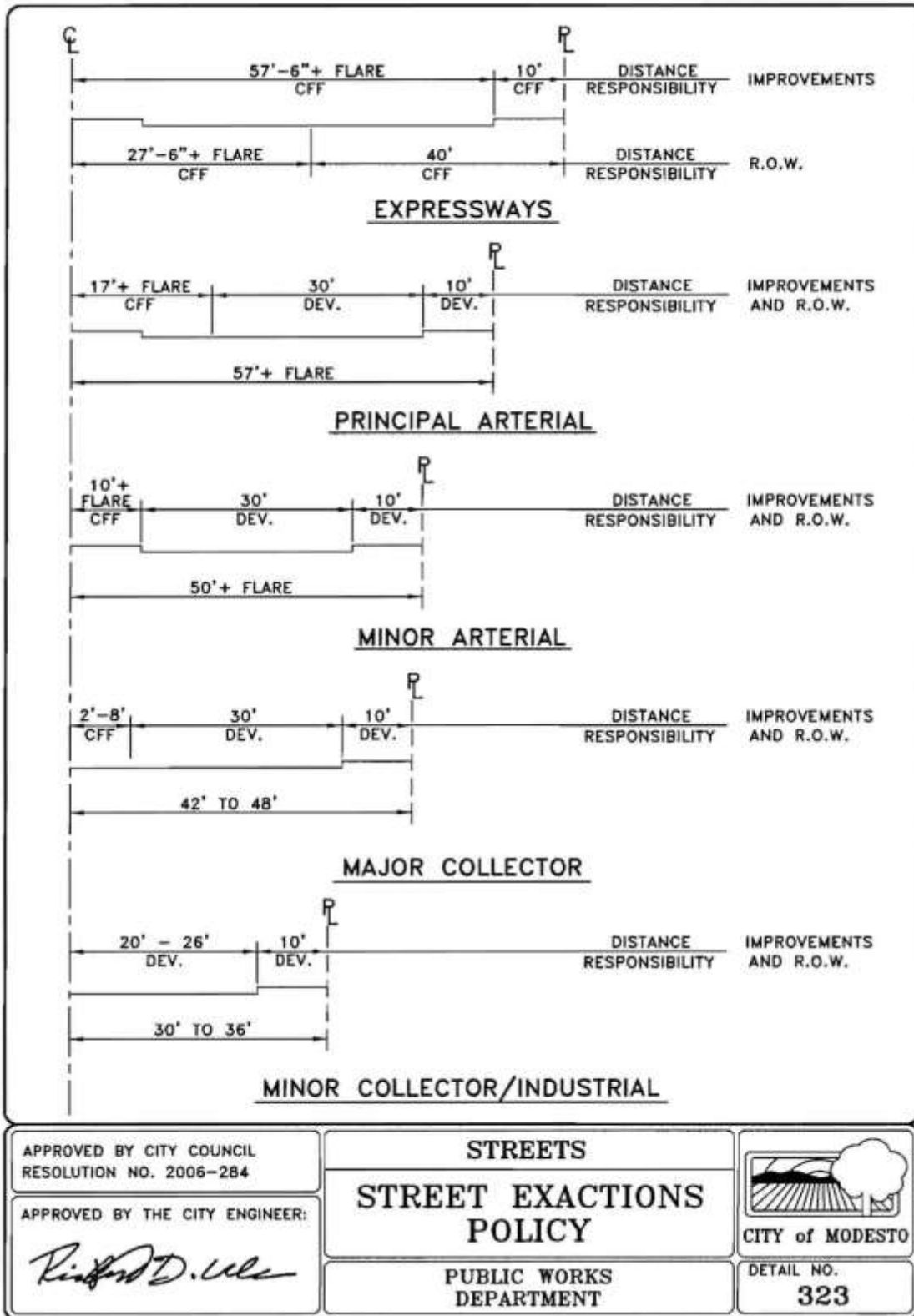
Definitions – V (Reserved)

Definitions – W

Warehouse Distribution & Heavy Land Use. Facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping of materials. Uses which are considered to be in this category include freight, warehousing, corporation yard, freight yard, equipment rental yard, moving and storage services, bulk feed storage and lumberyard.
(CFF Rate = Industrial (Warehousing))

Definitions X,Y, & Z (Reserved)

APPENDIX B - STREET EXACTIONS POLICY



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-279**

RESOLUTION OF INTENTION TO FORM CITY OF MODESTO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2024-1 (TIVOLI) TO ESTABLISH IMPROVEMENT AREA NO. 1, DESIGNATE A FUTURE ANNEXATION AREA AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN SAID COMMUNITY FACILITIES DISTRICT

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”) the City Council of the City of Modesto (“City”) is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

WHEREAS, the owners (collectively, the “Owner”) of not less than 10 percent of the area of land depicted on the map of the proposed community facilities district referred to below on file with the City Clerk (the “Property”), has filed a written petition with the City to establish the City of Modesto Community Facilities District No. 2024-1 (Tivoli) (the “Community Facilities District”) in order to finance the cost of the facilities and services in **Exhibit A** hereto (the “Facilities and Services”), as well as all costs associated with the creation of the Community Facilities District and administering the Community Facilities District (collectively, the “Incidental Expenses”); and

WHEREAS, the Owner has submitted a request to the City to form the Community Facilities District pursuant to the City’s Policies & Procedures for the Formation, Annexation, and Administration of Community Facilities Districts created pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the “City’s CFD Policies and Procedures”); and

WHEREAS, the petition submitted by the Owner complies with the requirements of Section 53319 of the Act and the City’s CFD Policies and Procedures; and

WHEREAS, subject to the satisfaction of all applicable requirements of law, it is the intention of this City Council to finance the Incidental Expenses and to pay for the Facilities and Services through the formation of the Community Facilities District and the levy of both an annual and one-time special ta, provided that the levy of the special tax is approved at an election to be held within the boundaries of the Community Facilities District.

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

Section 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Community Facilities District is proposed to be established under the terms of the Act. It is further proposed that the boundaries of the Community Facilities District shall be as depicted on the map of the proposed Community Facilities District which is on file with the City Clerk. The City Clerk is hereby directed to sign the original map of the Community Facilities District and record it with all proper endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as required by Section 3111 of the Streets and Highways Code of the State of California.

SECTION 3. The name of the proposed Community Facilities District shall be “City of Modesto Community Facilities District No. 2024-1 (Tivoli).”

SECTION 4. The Facilities and Services proposed to be provided within the Community Facilities District are services or facilities, as the case may be, which the City

is authorized by law to construct, acquire, own and operate, or to provide. This City Council hereby finds and determines that the descriptions of the Facilities and Services contained herein is sufficiently informative to allow taxpayers within the proposed Community Facilities District to understand what the funds of the Community Facilities District may be used to pay for. The Incidental Expenses expected to be incurred include the cost of forming the Community Facilities District and levying and collecting a special tax within the Community Facilities District.

SECTION 5. Except where funds are otherwise available, it is the intention of this City Council to levy annually in accordance with the procedures contained in the Act special taxes, secured by recordation of a continuing lien against all non-exempt real property in the Community Facilities District, sufficient to pay for the Incidental Expenses and the Facilities and Services. The rate, method of apportionment and manner of collection of the special tax are described in detail in **Appendix B attached** hereto and incorporated herein as though set forth at length (the “Rate and Method”). Appendix B allows each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel.

If special taxes of the Community Facilities District are levied against any parcel used for private residential purposes to pay for public facilities, (i) such tax shall not be levied or collected to pay for Facilities after the 2064-65 tax year and (ii) under no circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than ten percent (10%).

This City Council hereby determines the Rate and Method to be reasonable. The special tax is apportioned to each parcel on the basis of its land use and area pursuant to

Section 53325.3 of the Act; and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special tax, this City Council shall, on behalf of the Community Facilities District, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in the Rate and Method, to the extent necessary upon the remaining property within the Community Facilities District which is not delinquent or exempt in order to yield the special tax revenues required for the purposes described in this Section 5.

SECTION 6. A public hearing (the “Hearing”) on the establishment of the Community Facilities District and the proposed Rate and Method shall be held at 5:30 p.m., or as soon thereafter as practicable, on September 10, 2024, in the Modesto City Council Chamber, 1010 Tenth Street, Modesto, California 95353. Should this City Council determine to form the Community Facilities District, a special election will be held to authorize the levy of the special tax in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portion thereof owned within the Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 7. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed Community Facilities District, may appear and be heard.

SECTION 8. Each officer of the City who is or will be responsible for providing the Facilities and Services within the proposed Community Facilities District, if it is established, is hereby directed to study the proposed Community Facilities District and, at or before the time of the Hearing, file a report with this City Council containing a brief description of the Facilities and Services, as the case may be, which will in his or her opinion be required to meet adequately the needs of the proposed Community Facilities District and an estimate of the cost of providing those Facilities and Services and an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 9. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by this City Council, with or without interest.

SECTION 10. The Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing. The Clerk is further directed to mail a copy of the Notice to each of the landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and

landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

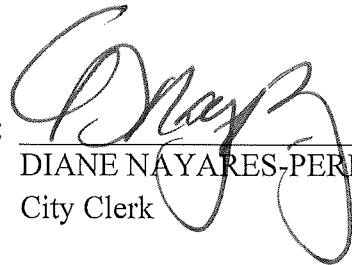
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

EXHIBIT A

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI)

LIST OF FACILITIES

The types of Facilities and Services proposed to be financed by Community Facilities District No. 2024-1 (CFD) are as follows:

Authorized Facilities:

The CFD shall be authorized to finance all or any part of the costs of acquisition, construction and improvement of the following facilities (the "Facilities"):

- Claratina On-Site
 - 6 Lanes at Oakdale to Roselle
 - Signals at Claratina & Oakdale
 - Claratina- Roselle Roundabout
 - Water & Storm Drains Oakdale to Roselle
- Roselle
 - 4 Lanes at Claratina to Sylvan
 - Signals at Roselle & Aria
 - Wastewater & Storm Drains Claratina to Sylvan
- Sylvan Ave
 - 4 Lanes at Oakdale to Roselle
 - Sylvan – Aria Roundabout
 - Water Aria to McReynolds
- Oakdale
 - 6 Lanes at Claratina to Sylvan
 - Signals at Oakdale & Mable
 - Signals at Oakdale & Bridgewood
 - Water & Storm Drains Claratina to Sylvan
- Bridgewood
 - 2 Lanes Oakdale to Aria
 - Aria Roundabout
 - Wood Sorrel Roundabout
 - Water, Wastewater & Storm Drains Oakdale to Aria
- Aria
 - 2 Lanes Sylvan to Roselle
 - Roundabouts at "A", "B", "C", & "D"
 - Water at Sylvan to "C" Street, "A" Street to Roselle, and "C" Street to "A" Street
 - Wastewater and Storm Drains Sylvan to Roselle
- "A" Street
 - 2 Lanes at Claratina to Aria
 - "B" Street Roundabout

- Water Claratina to Aria, Aria to Mable
 - Storm Drain Claratina to Aria
- McReynolds
 - Roundabout McReynolds to “C” Street
- Roundabout
 - Roundabout To Be Determined
- Irrigation (MID)
- Central Basin
- Park Improvements
- Improvements to Existing Neighborhoods
- Right of Way

The Facilities shall include all hard and soft costs associated with the improvements, including the costs of acquisition of land and rights-of-way, the costs of design, engineering and planning, the costs of environmental or traffic studies, surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check, and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing. The CFD may also fund, and the special taxes may also be used to directly pay for, the purchase, construction, expansion, improvement or rehabilitation of any of the Facilities, and to reimburse the City or any third parties for advances made to purchase, construct, expand, improve or rehabilitate any of the Facilities.

LIST OF SERVICES

The services to be funded in whole or in part by the CFD include all direct and incidental costs related to providing the maintenance of public infrastructure within the area of the CFD, the future annexation area, and areas adjacent to or in the vicinity of such areas. More specifically, the services shall include, but not be limited to: maintenance, repair and replacement of parkways, tree pruning, landscaped medians, masonry walls, neighborhood pocket park, storm drainage basin facilities, including but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems.

The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Authorized services shall also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, and (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year.

The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD was created.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of special taxes, fees and expenses of attorneys, any fees of the County of Stanislaus related to the CFD or the collection of special taxes, an allocable share of the salaries of the City staff related thereto, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor’s Parcel in Improvement Area No. 1 of the City of Modesto Community Facilities District No. 2024-1 (Tivoli) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in Improvement Area No. 1, unless exempted by law or by the provisions of Section H below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into Improvement Area No. 1 unless a separate Rate and Method of Apportionment 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 Development Plan.

“**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 California Government Code.

“**Administrative Expenses**” means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City in carrying out its duties with respect to Improvement Area No. 1, the CFD and the Bonds, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, amounts needed to pay rebate to the federal government with respect to Bonds, costs associated with complying with continuing disclosure requirements for the City and any major property owners or other obligated parties, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of Improvement Area No. 1 and the CFD.

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

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

“**Annual Facilities Special Tax Requirement**” means the amount necessary in any Fiscal Year to: (i) pay principal and interest on Bonds that are due in the calendar year that begins in such

Fiscal Year; (ii) pay periodic costs on the Bonds, including but not limited to, credit enhancement, liquidity support, and rebate payments on the Bonds; (iii) replenish reserve funds created for the Bonds under the Indenture to the extent such replenishment has not been included in the computation of the Special Tax Requirement in a previous Fiscal Year; (iv) cure any delinquencies in the payment of principal or interest on Bonds which have occurred in the prior Fiscal Year; (v) pay Administrative Expenses; and (vi) pay directly for Authorized Facilities and Authorized Services, so long as such levy under this clause (vi) does not increase the Special Tax levied on Undeveloped Property. The amounts referred to in clauses (i) and (ii) of the definition of Special Tax Requirement may be reduced in any Fiscal Year by: (a) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against such costs pursuant to the Indenture; (b) in the sole and absolute discretion of the City, proceeds received from the collection of penalties associated with delinquent Special Taxes; and (c) any other revenues available to pay such costs, each as determined in the sole discretion of the City.

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

“Annual Maintenance 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 Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

“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” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Facilities” means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“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.

“Bonds” means bonds or other debt (as defined in the Act), whether in one or more series, secured by the Annual Facilities Special Tax and issued or assumed by the CFD to fund Authorized Facilities.

“Building Permit” means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

“Capitalized Interest” means funds in any capitalized interest account available to pay debt service on Bonds.

“Certificate of Occupancy” means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential and/or non-residential use.

“CFD” means the City of Modesto Community Facilities District No. 2024-1 (Tivoli).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“County” means the County of Stanislaus.

“Density Category” means, individually, Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, or Medium High Density Residential Property.

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

For purposes of levying the Annual Maintenance Special Tax and Annual Facilities Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;
- for Multi-Family Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023; and
- for Non-Residential Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

For purposes of levying the One-Time Facilities Special Tax, all Parcels for which a Certificate of Occupancy was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

“Development Class” means, individually, Developed Property, Taxable Owners Association Property, Taxable Welfare Exemption Property, and Taxable Public Property.

“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%).

“Expected Land Uses” means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel based on reference to the Land Use Diagram and Attachment 2 hereto, the latter of which will be updated with each annexation of property into Improvement Area No. 1.

“Final Map” means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates SFD Lots. The term “Final Map” shall not include any large-lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor’s Parcels that are designated as remainder parcels.

“First Bond Sale” means issuance of the first series of Bonds secured, in whole or in part, by Annual Facilities Special Taxes levied and collected from Parcels of Taxable Property in Improvement Area No. 1.

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

“Future Annexation Area” means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as “future annexation area” on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

“Improvement Area No. 1” means Improvement Area No. 1 of the CFD.

“Indenture” means an indenture, fiscal agent agreement, or other agreement authorizing issuance of the Bonds.

“Land Use Class” means one of the five mutually-exclusive land use classes identified in Table 1 and Table 2 in Section C below. The City shall, in its sole discretion, determine the appropriate Land Use Class for a Parcel of Taxable Property.

“Land Use Diagram” means the exhibit in the Tivoli Specific Plan entitled “Tivoli Specific Plan Land Use Diagram”, as may be amended from time to time. The Land Use Diagram at CFD Formation is included as Attachment 1 hereto.

“Low Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 4 to 6 dwelling units per gross acre. Such Parcels are identified by an LDR designation in the Land Use Diagram.

“Maximum Annual Facilities Special Tax” means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Annual Facilities Special Tax Revenues” means the aggregate amount that could be generated at any point in time if the Maximum Annual Facilities Special Tax was levied and collected on all Parcels of Taxable Property in Improvement Area No. 1.

“Maximum Annual Maintenance Special Tax” means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum One-Time Facilities Special Tax” means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Special Taxes” means, collectively for any Parcel, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

“Medium Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 7 to 17 dwelling units per gross acre. Such Parcels are identified by an MDR designation in the Land Use Diagram.

“Medium High Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 18 to 24 dwelling units per gross acre. Such Parcels are identified by an MDHR designation in the Land Use Diagram. For purposes of this RMA, Medium High Density Residential Property shall also include any property that is zoned at an average density range higher than 18 to 24 dwelling units per acre, regardless of the designation that is assigned to such Parcel(s).

“Multi-Family Property” means all Parcels of Developed Property for which Building Permits have been 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. If a Building Permit has not yet been issued on the Parcel, the Administrator shall reference the Tivoli Specific Plan and/or the Parcel’s zoning designation to determine whether the Parcel is Multi-Family Property.

“Net Taxable Acreage” or **“Net Taxable Acre”** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

“Non-Residential Property” means any Parcel of Taxable Property in the CFD that does not fit within the definition of Residential Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property, as determined by the Administrator.

“One-Time Facilities Special Tax” means a Special Tax levied and collected in full by the City prior to issuance of a Certificate of Occupancy for a Parcel of Taxable Property.

“Original Parcel” means an Assessor’s Parcel in Improvement Area No. 1 at the time of CFD Formation, or added to Improvement Area No. 1 upon annexation, as identified in Attachment 3 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within Improvement Area No. 1.

“Owners Association Property” means any property within the boundaries of Improvement Area No. 1 that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

“Per-Acre Special Taxes” means the per-acre Special Taxes identified in Table 1 and Table 2 in Section C below.

“Proportionately” means, for each Development Class, 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 parcels assigned to the Development Class.

“Public Property” means any property within the boundaries of Improvement Area No. 1 that is owned by the federal government, State of California, County, City, or other public agency.

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

“Required Coverage” means the amount by which the Maximum Annual Facilities Special Tax Revenues must exceed the Bond debt service and priority Administrative Expenses (if any), as set forth in the Indenture, Certificate of Special Tax Consultant, or other formation or bond document that sets forth the minimum required debt service coverage.

“Residential Property” in any Fiscal Year means, collectively, all Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, and Medium High Density Residential Property.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

“SFD Unit” means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

“Special Taxes” means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

“Special Tax Category” means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

“Subdivision Map” means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

“Successor Parcel” means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

“Taxable Owners Association Property” means, in any Fiscal Year after the First Bond Sale, any Parcel of Owners Association Property that satisfies all three of the following conditions: (i) the Parcel had not been Owners Association Property on the date of the First Bond Sale; (ii) based on reference to Attachments 1 and 2, the Parcel was not anticipated to be Owners Association Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Owners Association Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of Improvement Area No. 1 that are not exempt from the Special Taxes pursuant to law or Section H below.

“Taxable Public Property” means in any Fiscal Year after the First Bond Sale, any Parcel of Public Property that satisfies all three of the following conditions: (i) the Parcel had not been Public Property on the date of the First Bond Sale; (ii) based on reference to Attachments 1 and 2, the Parcel was not anticipated to be Public Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Public Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Taxable Welfare Exemption Property” means in any Fiscal Year after the First Bond Sale, any Parcel of Welfare Exemption Property that satisfies all three of the following conditions: (i) the Parcel had not been Welfare Exemption Property on the date of issuance of the First Bond Sale; (ii) based on reference to Attachments 1 and 2, the Parcel was not anticipated to be Welfare Exemption Property based on the Expected Land Uses, as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it has become Welfare Exemption Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Tentative Map” means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

“Tivoli Specific Plan” means the specific plan for development within the Tivoli project that was originally adopted by the City Council on February 26, 2008, further updated on September 27, 2016, and as may be amended from time to time.

“Transition Event” shall be deemed to have occurred when the Administrator determines that the following events have occurred: (i) all Bonds secured by the levy and collection of Facilities Special Taxes in the CFD have been fully repaid; (ii) all Administrative Expenses from prior Fiscal Years have been paid or reimbursed to the City; and (iii) there are no other Authorized Facilities that the City intends to fund with Bonds or Facilities Special Taxes.

“Transition Year” means the first Fiscal Year in which the Administrator determines that the Transition Event occurred in the prior Fiscal Year.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property that are not Developed Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property as defined herein.

“Very Low Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed as large lot, rural-oriented estate homes with an average density range of 1 to 3 dwelling units per acre. Such Parcels are identified by a VLDR designation in the Land Use Diagram.

“Welfare Exemption Property” means, in any Fiscal Year, any Parcels in Improvement Area No. 1 that have received a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property in Improvement Area No. 1. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) categorize each Parcel of Residential Property into the appropriate Density Category; (iii) determine the Net Taxable Acreage of each Parcel; (iv) determine the Annual Facilities Special Tax Requirement and Annual Maintenance Special Tax Requirement, and (v) determine whether the Transition Event has occurred in a prior Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a Subdivision Map for property in Improvement Area No. 1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcels created by the Subdivision Map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Special Taxes for the property affected by recordation of the Subdivision Map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Subdivision Map.

C. MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in Improvement Area No. 1 in each Fiscal Year. The Per-Acre Special Taxes set forth in Table 1 and Table 2 below shall be used for purposes of Sections C.1 and C.2 below:

Table 1
Per-Acre Special Taxes Prior to the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	\$100,000 per Net Taxable Acre	\$5,724 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Low Density Residential Property	\$100,000 per Net Taxable Acre	\$10,260 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Medium Density Residential Property	\$100,000 per Net Taxable Acre	\$13,725 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Medium High Density Residential Property	\$100,000 per Net Taxable Acre	\$13,087 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Non-Residential Property	\$100,000 per Net Taxable Acre	\$7,375 per Net Taxable Acre	\$5,166 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

Table 2
Per-Acre Special Taxes In and After the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$6,597 per Net Taxable Acre
Low Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$7,731 per Net Taxable Acre
Medium Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$8,597 per Net Taxable Acre
Medium High Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$8,438 per Net Taxable Acre
Non-Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$7,010 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 2 are subject to the annual adjustments described in Section D below.

1. Original Parcels

The Maximum Special Taxes prior to the Transition Year for each Land Use Class expected on the Original Parcels as of CFD Formation are identified in Attachment 2, which will be updated by the Administrator as needed to reflect Original Parcels added to Improvement Area No. 1 due to annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in Attachment 2 (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to a Land Use Class that has higher Per-Acre Special Taxes based on reference to Table 1 and Table 2 above. Upon approval of such a change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable

Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update Attachment 2 to reflect the higher Maximum Special Taxes for the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezone would cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remain the same as originally assigned to the Original Parcel.

2. *Successor Parcels*

a. All Successor Parcels are SFD Lots

If all Parcels created by a recorded Subdivision Map are SFD Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1. Determine the greater of: (i) the sum of the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the sum of the Net Taxable Acreage of each Density Category within the Subdivision Map multiplied by the Per-Acre Special Taxes for each Density Category.

Step 2. Separately for each Density Category created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of Successor Parcels to determine the Maximum Special Taxes for each SFD Lot.

b. No Successor Parcels are SFD Lots

If none of the Successor Parcels created by recordation of a Subdivision Map are SFD Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1. Identify the Expected Land Uses for the Original Parcel.

Step 2. Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.

Step 3. If the Net Taxable Acreage of each Land Use Class from Step 2 is the same as the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.

Step 4. If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps **separately for each Special Tax Category**:

Step 4a. Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

Step 4b. If the amount calculated in Step 4a is **greater than** the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 (pre-Transition Year) and Table 2 (in and after Transition Year) above to determine the Maximum Special Tax for each Successor Parcel.

Step 4c. If the amount calculated in Step 4a is **less than** the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the Successor Parcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per-acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 and Table 2 above.

c. Some, But Not All, Successor Parcels are SFD Lots

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are SFD Lots and some are not, the Administrator shall (i) break out the aggregate Net Taxable Acreage of all SFD Lots separately from the Net Taxable Acreage of other Land Use Classes, (ii) for the aggregate Net Taxable Acreage of the SFD Lots, apply the steps in Section C.2a to determine the Maximum Special Taxes for each SFD Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for the other Land Use Classes on the Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate. After each reallocation of the Maximum

Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Escalation of Special Taxes

1a. One-Time Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor.

1b. Annual Facilities Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

1c. Annual Maintenance Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

2. Partial Prepayment of Maximum Annual Facilities Special Tax

If a Parcel makes a partial prepayment of the Annual Facilities Special Tax pursuant to Section I below, the Administrator shall recalculate the Maximum Annual Facilities Special Tax for the Parcel pursuant to Section I. In addition, the Administrator shall update Attachment 2 to reflect the prepayment and the revised Maximum Annual Facilities Special Tax Revenues for Improvement Area No. 1. Such updates shall be maintained internally by the Administrator and shall not require recordation of an amended RMA. After the prepayment has been received, the application of Sections F and I of this RMA shall be based on the adjusted Expected Maximum Annual Facilities Special Tax Revenues after the prepayment.

3. Conversion of a Parcel of Public Property to Private Use

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of the Special Taxes, and the Administrator shall determine the appropriate Maximum Special Taxes for the Parcel based on the Net Taxable Acreage of the Parcel.

E. ANNEXATIONS

If, in any Fiscal Year, a property owner within the Future Annexation Area wants to annex property into Improvement Area No. 1, the Administrator shall apply the following steps as part of the annexation proceedings:

- Step 1.** Working with City staff and the landowner, the Administrator shall determine the Land Use Classes that are expected within the area to be annexed.
- Step 2.** The Administrator shall prepare and keep on file an updated Attachment 2 that identifies the Assessor's Parcel Number(s), Expected Land Use, Expected Net Taxable Acreage, One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax for the annexed property.
- Step 3.** The Administrator shall prepare and keep on file an updated Attachment 3 that adds the Assessor's Parcel(s) in the annexed area to the Original Parcels in Improvement Area No. 1.
- Step 4.** The Administrator shall ensure that a Notice of Special Tax Lien is recorded against all Parcels that are annexed to Improvement Area No. 1.
- Step 5.** The Administrator shall recalculate the Public Facilities Requirement used in the prepayment calculation in Section I below to include the estimated net proceeds that can be generated to fund Authorized Facilities based on the Maximum Annual Facilities Special Tax capacity from the annexed area. The adjusted Public Facilities Requirement shall be calculated by (i) dividing the increased Maximum Annual Facilities Special Tax Revenues that can be collected after the annexation by the Maximum Annual Facilities Special Tax Revenues that were in place prior to the annexation, and (ii) multiplying the quotient by the Public Facilities Requirement that was in place prior to the annexation.

F. METHOD OF LEVY OF THE SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in Improvement Area No. 1 and shall be collected as set forth in Section G below.

2. Annual Facilities Special Tax

Each Fiscal Year until the Transition Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year and levy the Annual Facilities Special Tax on all Parcels of Taxable Property as follows:

- Step 1:** The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of

the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Facilities Special Tax Requirement prior to applying any Capitalized Interest that is available in the CFD accounts.

- Step 2:** If additional revenue is needed after Step 1, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Facilities Special Tax Requirement.
- Step 3:** If additional revenue is needed after Step 2, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.
- Step 4:** If additional revenue is needed after Step 3, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

No Annual Facilities Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

3. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for the Fiscal Year and levy the Annual Maintenance Special Tax on Parcels of Taxable Property as follows:

- Step 1:** The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Maintenance Special Tax Requirement.
- Step 2:** If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Maintenance Special Tax Requirement.
- Step 3:** If additional revenue is needed after Step 2 the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Maintenance

Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

No Annual Maintenance Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

G. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a Certificate of Occupancy being issued for any residential or non-residential structure on Taxable Property within Improvement Area No. 1 and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section I below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall Annual Facilities Special Taxes be levied after Fiscal Year 2074-75. The Annual Maintenance Special Tax shall be levied in perpetuity unless and until the City determines that the Annual Maintenance Special Tax is no longer needed to pay for Authorized Services. Under no circumstances may the Annual Facilities Special Tax on a Parcel of Developed Property in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

H. EXEMPTIONS

Notwithstanding any other provision of this RMA, no One-Facilities Special Tax or Annual Facilities Special Tax shall be levied in any Fiscal Year on the following: (i) Public Property, except Taxable Public Property, (ii) Owners Association Property, except Taxable Owners Association Property, (iii) Welfare Exemption Property, except Taxable Welfare Exemption Property, and (iv) Parcels of Undeveloped Property. In addition, no Annual Facilities Special Tax shall be levied on (i) Parcels that are owned by a public utility for an unmanned facility, and (ii) Parcels that are subject to an easement that precludes any other use on the Parcel.

No Annual Maintenance Special Tax shall be levied on the following: (i) Public Property, including Taxable Public Property, (ii) Owners Association Property, including Taxable Owners Association Property, and (iii) Welfare Exemption Property, including Taxable Welfare Exemption Property.

I. PARTIAL PREPAYMENT OF THE ANNUAL FACILITIES SPECIAL TAX

The following definitions apply to this Section I:

“Outstanding Bonds” means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

“Previously Issued Bonds” means all Bonds that have been issued prior to the date of prepayment.

“Public Facilities Requirement” means either \$7.3 million in 2024 dollars, which shall increase on January 1, 2025, and on each January 1 thereafter by two percent (2%) of the amount in effect in the prior year, or such other number as shall be determined by the City as sufficient to fund improvements that are authorized to be funded by the CFD. The Public Facilities Requirements shown above will be adjusted each time there is an annexation of property into Improvement Area No. 1.

“Remaining Facilities Costs” means the Public Facilities Requirement minus public facility costs funded by Previously Issued Bonds, developer equity, and any other source of funding.

A property owner may prepay up to 75% of the Annual Facilities Special Tax obligation applicable to a Parcel, thereby reducing the Maximum Annual Facilities Special Tax applicable to the Parcel, provided that a prepayment may be made only if (i) there are no delinquent Special Taxes with respect to such Parcel at the time of prepayment, and (ii) there has not in any prior Fiscal Year been a partial prepayment of the Annual Facilities Special Tax assigned to the Parcel. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor’s Parcel intending to prepay a portion of the Annual Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

	Bond Redemption Amount
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
less	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1.** Compute the amount that could be collected from the Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.
- Step 2.** Divide the Maximum Annual Facilities Special Tax from Step 1 by the current Maximum Annual Facilities Special Tax Revenues.
- Step 3.** Multiply the quotient computed in Step 2 by the percentage of the Maximum Annual Facilities Special Tax that the property owner wants to prepay, which percentage shall not exceed 75%.
- Step 4.** Multiply the quotient computed pursuant to Step 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the “Bond Redemption Amount”*).
- Step 5.** Compute the current Remaining Facilities Costs (if any).
- Step 6.** Multiply the quotient computed pursuant to Step 3 by the amount determined pursuant to Step 5 to compute the amount of Remaining Facilities Costs to be prepaid (*the “Remaining Facilities Amount”*).
- Step 7.** Multiply the Bond Redemption Amount computed pursuant to Step 4 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the “Redemption Premium”*).
- Step 8.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment will be received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest payment date after the prepayment has been received, Steps 8, 9, and 10 of this prepayment formula will not apply.
- Step 9:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.

- Step 10:** Subtract the amount computed pursuant to Step 9 from the amount computed pursuant to Step 8 (the “*Defeasance Requirement*”).
- Step 11.** The administrative fees and expenses associated with the prepayment will be determined by the Administrator and include the costs of computing the prepayment, redeeming Bonds, and recording any notices to evidence the prepayment and the redemption (the “*Administrative Fees and Expenses*”).
- Step 12.** If and to the extent so provided in the Bond Indenture, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “*Reserve Fund Credit*”).
- Step 13.** The Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 4, 6, 7, 10, and 11, less the amount computed pursuant to Step 12 (the “*Prepayment Amount*”).
- Step 14.** From the Prepayment Amount, the amounts computed pursuant to Steps 4, 7, and 10 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Step 6 shall be deposited into the Improvement Fund. The amount computed pursuant to Step 11 shall be retained in the account or fund that is established to pay Administrative Expenses.

Once a partial prepayment has been received, an Amendment to Notice of Facilities Special Tax Lien shall be recorded against the Parcel to reflect the reduced Facilities Special Tax lien for the Parcel, which shall be equal to the portion of the Maximum Annual Facilities Special Tax that was not prepaid, and the Administrator shall update Attachment 2 to show the revised Expected Maximum Annual Facilities Special Tax Revenues. However, an Amendment to Notice of Facilities Special Tax Lien shall not be recorded until all Special Taxes levied on the Parcel in the current or prior Fiscal Years have been collected.

If an owner that has partially prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may, in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original partial prepayment for the Parcel.

Notwithstanding the foregoing, if at any point in time the Administrator determines that the Maximum Annual Facilities Special Tax Revenue that can be collected from Taxable Property that remains subject to the Annual Facilities Special Tax after the proposed prepayment is less than the Required Coverage on Bonds that will remain outstanding after defeasance or redemption of Bonds from proceeds of the estimated prepayment, the amount of the prepayment shall be increased until the amount of Bonds defeased or redeemed is sufficient to reduce remaining annual debt service to a point at which Required Coverage is maintained.

J. INTERPRETATION OF SPECIAL TAX FORMULA

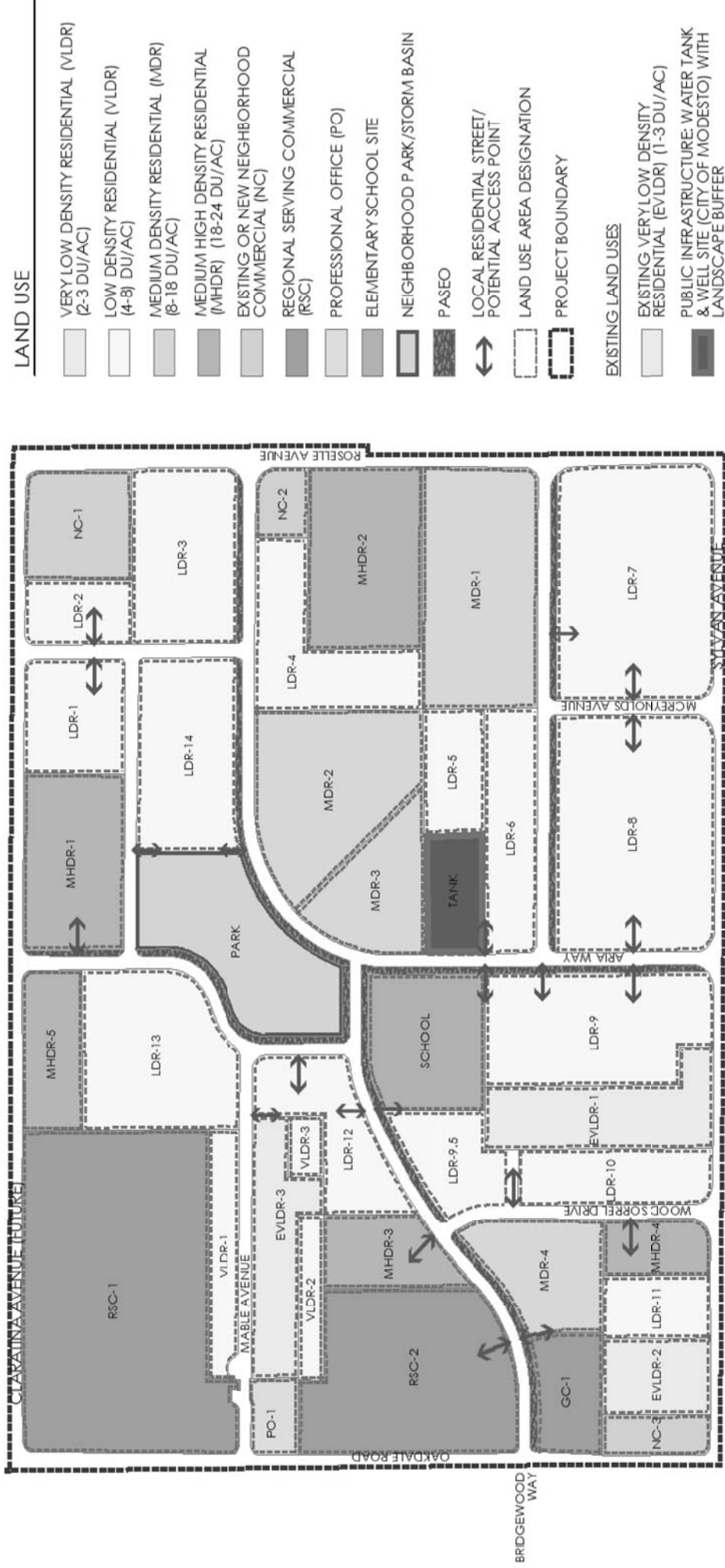
The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rates or method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations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

ATTACHMENT 1

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

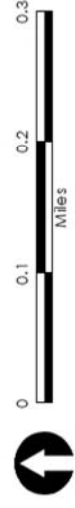
**Tivoli Specific Plan
Land Use Diagram**

EXHIBIT 3.1 - LAND USE DIAGRAM (LUD)



LAND USE

- VERY LOW DENSITY RESIDENTIAL (VLDR) (2-3 DU/AC)
 - LOW DENSITY RESIDENTIAL (VLDR) (4-8) DU/AC
 - MEDIUM DENSITY RESIDENTIAL (MDR) (8-18 DU/AC)
 - MEDIUM HIGH DENSITY RESIDENTIAL (MHDR) (18-24 DU/AC)
 - EXISTING OR NEW NEIGHBORHOOD COMMERCIAL (NC)
 - REGIONAL SERVING COMMERCIAL (RSC)
 - PROFESSIONAL OFFICE (PO)
 - ELEMENTARY SCHOOL SITE
 - NEIGHBORHOOD PARK/STORM BASIN
 - PASEO
 - LOCAL RESIDENTIAL STREET/POTENTIAL ACCESS POINT
 - LAND USE AREA DESIGNATION
 - PROJECT BOUNDARY
- EXISTING LAND USES
- EXISTING VERY LOW DENSITY RESIDENTIAL (EVLD) (1-3 DU/AC)
 - PUBLIC INFRASTRUCTURE: WATER TANK & WELL SITE (CITY OF MODESTO) WITH LANDSCAPE BUFFER



CREDIT: O'DELL ENGINEERING, DAHLIN GROUP

LAND USE DIAGRAM

AMENDED 2016
JULY 6, 2016

TIVOLI SPECIFIC PLAN
MODESTO, CALIFORNIA



ATTACHMENT 2

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

**Maximum Special Taxes Assigned to Expected Land Uses
Within Each Original Parcel
Prior to the Transition Year**

Event Adding Parcel to CFD	Assessor's Parcel Number	Expected Land Use /1	Expected Net Taxable Acreage	Maximum One-Time Facilities Special Tax (FY 2024-25) /2	Maximum Annual Facilities Special Tax (FY 2024-25) /2	Maximum Annual Maintenance Special Tax (FY 2024-25) /2
CFD Formation	083-004-059-000	MDR	4.50	\$450,000	\$61,761	\$23,247
CFD Formation	083-004-060-000	MDR	4.78	\$478,000	\$65,604	\$24,693
CFD Formation	083-004-068-000	LDR	35.89	\$3,589,000	\$368,244	\$185,408

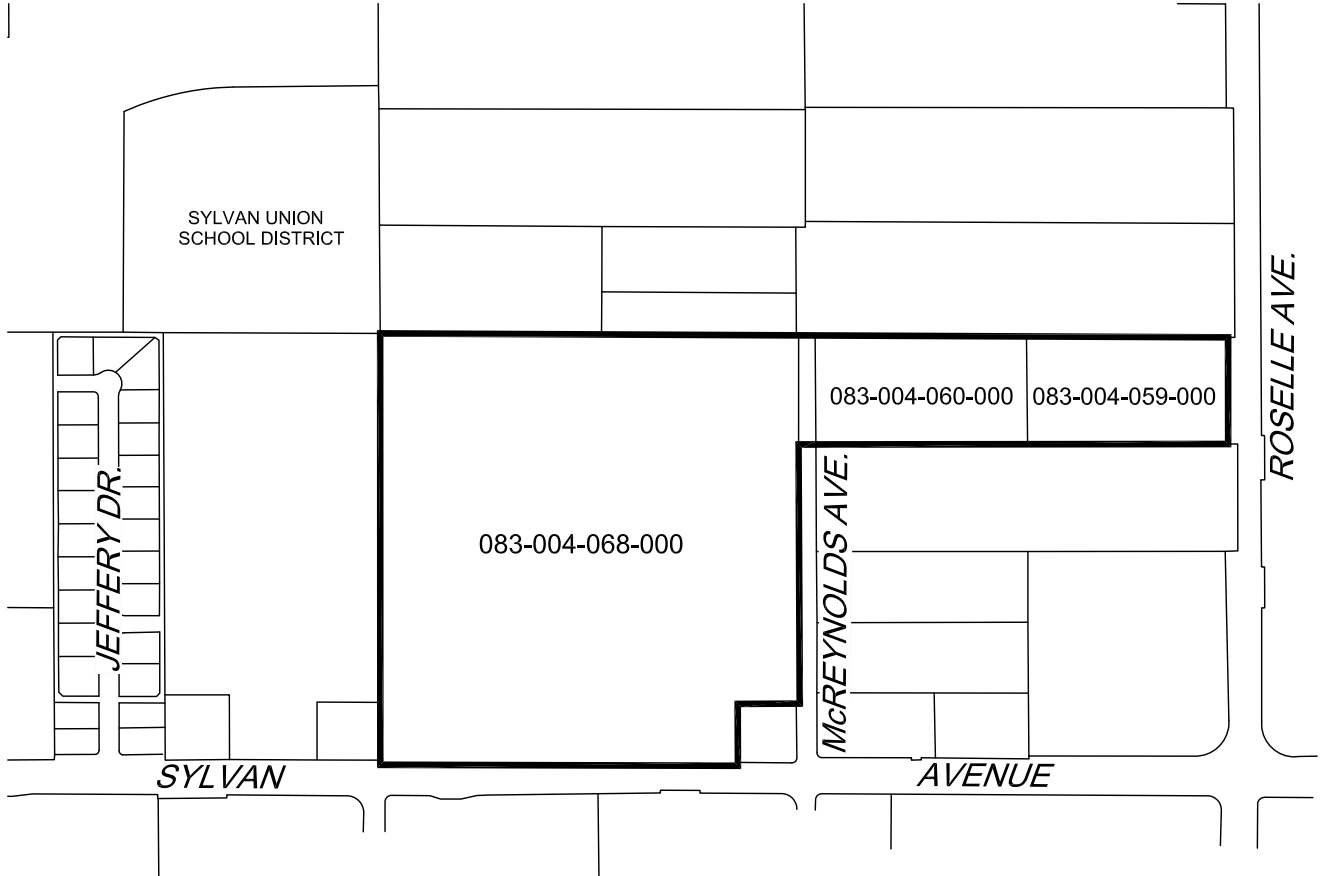
1. VLDR = Very Low Density Residential, LDR = Low Density Residential, MDR = Medium Density Residential, MHDR = Medium High Density Residential, and NR = Non-Residential
2. The Maximum Special Taxes set forth above shall be adjusted pursuant to Section D of the RMA.

ATTACHMENT 3

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

Original Parcels in Improvement Area No. 1

ATTACHMENT 3
ORIGINAL PARCELS IN CFD
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)



LEGEND

- ASSESSOR'S PARCEL LOT LINE
- 083-003-017-000 ASSESSORS PARCEL NUMBER
- COMMUNITY FACILITIES DISTRICT NO. 2024-1 AND IMPROVEMENT AREA NO. 1



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-280**

**RESOLUTION OF INTENTION OF THE CITY OF MODESTO TO INCUR
BONDED INDEBTEDNESS IN THE AMOUNT NOT TO EXCEED \$120,000,000
WITHIN THE PROPOSED CITY OF MODESTO COMMUNITY FACILITIES
DISTRICT NO. 2024-1 (TIVOLI)**

WHEREAS, the City Council (the “City Council”) of the City of Modesto (the “City”), has heretofore adopted Resolution No. 2024-280 (the “Resolution of Intention”), stating the City Council’s intention to establish City of Modesto Community Facilities District No. 2024-1 (Tivoli) (the “Community Facilities District”), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”), to finance the purchase, construction, expansion, modification, rehabilitation or improvement of certain public capital improvements and fees related thereto with an estimated useful life of five years or longer, which the Community Facilities District is authorized by law to construct, own, operate or provide and that are necessary to meet increased demands placed upon the City as a result of development occurring within the proposed Community Facilities District, including but not limited to facilities listed on **Appendix A** to the Resolution of Intention (the “Facilities”); and

WHEREAS, in order to finance the Facilities it is necessary to incur bonded indebtedness on behalf of the Community Facilities District in the aggregate amount not to exceed \$120,000,000, the repayment of which is to be secured by all or a part of the Annual Facilities Special Tax levied in accordance with Section 53340 et seq. of the Act on all or a part of the property within the Community Facilities District, and when annexed, within the Future Annexation Area, other than those properties exempted from

taxation as provided in the rate and method of apportionment **attached** as **Appendix B** to the Resolution of Intention.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. It is necessary to incur bonded indebtedness in one or more series within the CFD in the aggregate amount not to exceed \$120,000,000 to finance the costs of a portion of the Facilities.

SECTION 3. The bonded indebtedness will be incurred for the purpose of financing the costs of purchasing, constructing, expanding, modifying, rehabilitating or improving a portion of the Facilities, the acquisition of necessary equipment and property therefor and fulfilling contractual commitments and carrying out the powers and purposes of the Community Facilities District, including, but not limited to, the financing of the costs associated with the issuance of the bonds and all other costs necessary to finance the Facilities which are permitted to be financed pursuant to the Act.

SECTION 4. It is the intent of the City Council, acting as the legislative body of the Community Facilities District when formed, to authorize the sale of bonds in one or more series, in the maximum aggregate principal amount not to exceed \$120,000,000, secured by all or a portion of the Annual Facilities Special Tax of the Community Facilities District, or one or more zones or improvement areas within the Community Facilities District, bearing interest payable semi-annually or in such other manner as the City Council shall determine at a maximum interest rate of 12 percent per annum or such rate not in excess of the maximum rate permitted by law at the time the bonds are issued.

The term of the bonds of each series shall be determined pursuant to a resolution of the City Council authorizing the issuance of the bonds of such series, but such term shall in no event exceed 40 years or such longer term as is then permitted by law.

SECTION 5. A public hearing (the “Hearing”) on the proposed debt issue shall be held on September 10, 2024, at 5:30 p.m., or as soon thereafter as practicable, at the Modesto City Council Chamber, 1010 Tenth Street, Modesto, CA 95353. At the Hearing at the time and place set forth above, any interested persons, including all persons owning land or registered to vote within the proposed Community Facilities District, may appear and be heard.

SECTION 6. Should this City Council determine to form the Community Facilities District, the proposition to incur bonded indebtedness in the maximum aggregate principal amount not to exceed \$120,000,000 shall be submitted to the qualified electors of the Community Facilities District. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portion thereof owned within the Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 7. The City Clerk is hereby directed to publish a notice (the “Notice”) of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing. The City Clerk is further directed to mail a copy of the Notice to each of the landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this

Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)

LIST OF FACILITIES

The types of Facilities and Services proposed to be financed by Community Facilities District No. 2024-1 (CFD) are as follows:

Authorized Facilities:

The CFD shall be authorized to finance all or any part of the costs of acquisition, construction and improvement of the following facilities (the "Facilities"):

- Claratina
 - Oakdale to Roselle
 - Intersection Claratina & Oakdale
 - Intersection Claratina- Roselle
 - Water & Storm Drains
- Roselle
 - Claratina to Sylvan
 - Intersections Roselle & Aria
 - Wastewater & Storm Drains
- Sylvan Ave
 - Oakdale to Roselle
 - Sylvan – Aria Intersection
 - Water
- Oakdale
 - Claratina to Sylvan
 - Intersection Oakdale & Mable
 - Intersection Oakdale & Bridgewood
 - Water & Storm Drains
- Bridgewood
 - Oakdale to Aria
 - Aria Intersection
 - Wood Sorrel Intersection
 - Water, Wastewater & Storm Drains
- Aria
 - Sylvan to Roselle
 - Intersections "A", "B", "C", & "D"
 - Water
 - Wastewater and Storm Drains
- "A" Street
 - Claratina to Aria
 - "B" Street Intersection
 - Water
 - Storm Drain

- McReynolds
 - Intersection McReynolds to “C” Street
- Irrigation (MID)
- Central Basin
- Park Improvements
- Improvements to Existing Neighborhoods
- Right of Way

The Facilities shall include all hard and soft costs associated with the improvements, including the costs of acquisition of land and rights-of-way, the costs of design, engineering and planning, the costs of environmental or traffic studies, surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check, and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing. The CFD may also fund, and the special taxes may also be used to directly pay for, the purchase, construction, expansion, improvement or rehabilitation of any of the Facilities, and to reimburse the City or any third parties for advances made to purchase, construct, expand, improve or rehabilitate any of the Facilities.

LIST OF SERVICES

The services to be funded in whole or in part by the CFD include all direct and incidental costs related to providing the maintenance of public infrastructure within the area of the CFD, the future annexation area, and areas adjacent to or in the vicinity of such areas. More specifically, the services shall include, but not be limited to: maintenance, repair and replacement of parkways, tree pruning, landscaped medians, masonry walls, neighborhood pocket park, storm drainage basin facilities, including but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems.

The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Authorized services shall also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, and (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year.

The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD was created.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of special taxes, fees and expenses of attorneys, any fees of the County of Stanislaus related to the CFD or the collection of special taxes, an allocable share of the salaries of the City staff related thereto, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor’s Parcel in Improvement Area No. 1 of the City of Modesto Community Facilities District No. 2024-1 (Tivoli) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in Improvement Area No. 1, unless exempted by law or by the provisions of Section H below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into Improvement Area No. 1 unless a separate Rate and Method of Apportionment 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 Development Plan.

“**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 California Government Code.

“**Administrative Expenses**” means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City in carrying out its duties with respect to Improvement Area No. 1, the CFD and the Bonds, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, amounts needed to pay rebate to the federal government with respect to Bonds, costs associated with complying with continuing disclosure requirements for the City and any major property owners or other obligated parties, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of Improvement Area No. 1 and the CFD.

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

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

“**Annual Facilities Special Tax Requirement**” means the amount necessary in any Fiscal Year to: (i) pay principal and interest on Bonds that are due in the calendar year that begins in such

Fiscal Year; (ii) pay periodic costs on the Bonds, including but not limited to, credit enhancement, liquidity support, and rebate payments on the Bonds; (iii) replenish reserve funds created for the Bonds under the Indenture to the extent such replenishment has not been included in the computation of the Special Tax Requirement in a previous Fiscal Year; (iv) cure any delinquencies in the payment of principal or interest on Bonds which have occurred in the prior Fiscal Year; (v) pay Administrative Expenses; and (vi) pay directly for Authorized Facilities and Authorized Services, so long as such levy under this clause (vi) does not increase the Special Tax levied on Undeveloped Property. The amounts referred to in clauses (i) and (ii) of the definition of Special Tax Requirement may be reduced in any Fiscal Year by: (a) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against such costs pursuant to the Indenture; (b) in the sole and absolute discretion of the City, proceeds received from the collection of penalties associated with delinquent Special Taxes; and (c) any other revenues available to pay such costs, each as determined in the sole discretion of the City.

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

“Annual Maintenance 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 Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

“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” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Facilities” means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“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.

“Bonds” means bonds or other debt (as defined in the Act), whether in one or more series, secured by the Annual Facilities Special Tax and issued or assumed by the CFD to fund Authorized Facilities.

“Building Permit” means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

“Capitalized Interest” means funds in any capitalized interest account available to pay debt service on Bonds.

“Certificate of Occupancy” means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential and/or non-residential use.

“CFD” means the City of Modesto Community Facilities District No. 2024-1 (Tivoli).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“County” means the County of Stanislaus.

“Density Category” means, individually, Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, or Medium High Density Residential Property.

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

For purposes of levying the Annual Maintenance Special Tax and Annual Facilities Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;
- for Multi-Family Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023; and
- for Non-Residential Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

For purposes of levying the One-Time Facilities Special Tax, all Parcels for which a Certificate of Occupancy was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

“Development Class” means, individually, Developed Property, Taxable Owners Association Property, Taxable Welfare Exemption Property, and Taxable Public Property.

“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%).

“Expected Land Uses” means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel based on reference to the Land Use Diagram and Attachment 2 hereto, the latter of which will be updated with each annexation of property into Improvement Area No. 1.

“Final Map” means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates SFD Lots. The term “Final Map” shall not include any large-lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor’s Parcels that are designated as remainder parcels.

“First Bond Sale” means issuance of the first series of Bonds secured, in whole or in part, by Annual Facilities Special Taxes levied and collected from Parcels of Taxable Property in Improvement Area No. 1.

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

“Future Annexation Area” means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as “future annexation area” on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

“Improvement Area No. 1” means Improvement Area No. 1 of the CFD.

“Indenture” means an indenture, fiscal agent agreement, or other agreement authorizing issuance of the Bonds.

“Land Use Class” means one of the five mutually-exclusive land use classes identified in Table 1 and Table 2 in Section C below. The City shall, in its sole discretion, determine the appropriate Land Use Class for a Parcel of Taxable Property.

“Land Use Diagram” means the exhibit in the Tivoli Specific Plan entitled “Tivoli Specific Plan Land Use Diagram”, as may be amended from time to time. The Land Use Diagram at CFD Formation is included as Attachment 1 hereto.

“Low Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 4 to 6 dwelling units per gross acre. Such Parcels are identified by an LDR designation in the Land Use Diagram.

“Maximum Annual Facilities Special Tax” means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Annual Facilities Special Tax Revenues” means the aggregate amount that could be generated at any point in time if the Maximum Annual Facilities Special Tax was levied and collected on all Parcels of Taxable Property in Improvement Area No. 1.

“Maximum Annual Maintenance Special Tax” means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum One-Time Facilities Special Tax” means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Special Taxes” means, collectively for any Parcel, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

“Medium Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 7 to 17 dwelling units per gross acre. Such Parcels are identified by an MDR designation in the Land Use Diagram.

“Medium High Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 18 to 24 dwelling units per gross acre. Such Parcels are identified by an MDHR designation in the Land Use Diagram. For purposes of this RMA, Medium High Density Residential Property shall also include any property that is zoned at an average density range higher than 18 to 24 dwelling units per acre, regardless of the designation that is assigned to such Parcel(s).

“Multi-Family Property” means all Parcels of Developed Property for which Building Permits have been 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. If a Building Permit has not yet been issued on the Parcel, the Administrator shall reference the Tivoli Specific Plan and/or the Parcel’s zoning designation to determine whether the Parcel is Multi-Family Property.

“Net Taxable Acreage” or **“Net Taxable Acre”** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

“Non-Residential Property” means any Parcel of Taxable Property in the CFD that does not fit within the definition of Residential Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property, as determined by the Administrator.

“One-Time Facilities Special Tax” means a Special Tax levied and collected in full by the City prior to issuance of a Certificate of Occupancy for a Parcel of Taxable Property.

“Original Parcel” means an Assessor’s Parcel in Improvement Area No. 1 at the time of CFD Formation, or added to Improvement Area No. 1 upon annexation, as identified in Attachment 3 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within Improvement Area No. 1.

“Owners Association Property” means any property within the boundaries of Improvement Area No. 1 that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

“Per-Acre Special Taxes” means the per-acre Special Taxes identified in Table 1 and Table 2 in Section C below.

“Proportionately” means, for each Development Class, 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 parcels assigned to the Development Class.

“Public Property” means any property within the boundaries of Improvement Area No. 1 that is owned by the federal government, State of California, County, City, or other public agency.

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

“Required Coverage” means the amount by which the Maximum Annual Facilities Special Tax Revenues must exceed the Bond debt service and priority Administrative Expenses (if any), as set forth in the Indenture, Certificate of Special Tax Consultant, or other formation or bond document that sets forth the minimum required debt service coverage.

“Residential Property” in any Fiscal Year means, collectively, all Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, and Medium High Density Residential Property.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

“SFD Unit” means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

“Special Taxes” means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

“Special Tax Category” means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

“Subdivision Map” means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

“Successor Parcel” means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

“Taxable Owners Association Property” means, in any Fiscal Year after the First Bond Sale, any Parcel of Owners Association Property that satisfies all three of the following conditions: (i) the Parcel had not been Owners Association Property on the date of the First Bond Sale; (ii) based on reference to Attachments 1 and 2, the Parcel was not anticipated to be Owners Association Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Owners Association Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of Improvement Area No. 1 that are not exempt from the Special Taxes pursuant to law or Section H below.

“Taxable Public Property” means in any Fiscal Year after the First Bond Sale, any Parcel of Public Property that satisfies all three of the following conditions: (i) the Parcel had not been Public Property on the date of the First Bond Sale; (ii) based on reference to Attachments 1 and 2, the Parcel was not anticipated to be Public Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Public Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Taxable Welfare Exemption Property” means in any Fiscal Year after the First Bond Sale, any Parcel of Welfare Exemption Property that satisfies all three of the following conditions: (i) the Parcel had not been Welfare Exemption Property on the date of issuance of the First Bond Sale; (ii) based on reference to Attachments 1 and 2, the Parcel was not anticipated to be Welfare Exemption Property based on the Expected Land Uses, as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it has become Welfare Exemption Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Tentative Map” means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

“Tivoli Specific Plan” means the specific plan for development within the Tivoli project that was originally adopted by the City Council on February 26, 2008, further updated on September 27, 2016, and as may be amended from time to time.

“Transition Event” shall be deemed to have occurred when the Administrator determines that the following events have occurred: (i) all Bonds secured by the levy and collection of Facilities Special Taxes in the CFD have been fully repaid; (ii) all Administrative Expenses from prior Fiscal Years have been paid or reimbursed to the City; and (iii) there are no other Authorized Facilities that the City intends to fund with Bonds or Facilities Special Taxes.

“Transition Year” means the first Fiscal Year in which the Administrator determines that the Transition Event occurred in the prior Fiscal Year.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property that are not Developed Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property as defined herein.

“Very Low Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed as large lot, rural-oriented estate homes with an average density range of 1 to 3 dwelling units per acre. Such Parcels are identified by a VLDR designation in the Land Use Diagram.

“Welfare Exemption Property” means, in any Fiscal Year, any Parcels in Improvement Area No. 1 that have received a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property in Improvement Area No. 1. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) categorize each Parcel of Residential Property into the appropriate Density Category; (iii) determine the Net Taxable Acreage of each Parcel; (iv) determine the Annual Facilities Special Tax Requirement and Annual Maintenance Special Tax Requirement, and (v) determine whether the Transition Event has occurred in a prior Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a Subdivision Map for property in Improvement Area No. 1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcels created by the Subdivision Map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Special Taxes for the property affected by recordation of the Subdivision Map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Subdivision Map.

C. MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in Improvement Area No. 1 in each Fiscal Year. The Per-Acre Special Taxes set forth in Table 1 and Table 2 below shall be used for purposes of Sections C.1 and C.2 below:

Table 1
Per-Acre Special Taxes Prior to the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	\$100,000 per Net Taxable Acre	\$5,724 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Low Density Residential Property	\$100,000 per Net Taxable Acre	\$10,260 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Medium Density Residential Property	\$100,000 per Net Taxable Acre	\$13,725 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Medium High Density Residential Property	\$100,000 per Net Taxable Acre	\$13,087 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Non-Residential Property	\$100,000 per Net Taxable Acre	\$7,375 per Net Taxable Acre	\$5,166 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

Table 2
Per-Acre Special Taxes In and After the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$6,597 per Net Taxable Acre
Low Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$7,731 per Net Taxable Acre
Medium Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$8,597 per Net Taxable Acre
Medium High Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$8,438 per Net Taxable Acre
Non-Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$7,010 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 2 are subject to the annual adjustments described in Section D below.

1. Original Parcels

The Maximum Special Taxes prior to the Transition Year for each Land Use Class expected on the Original Parcels as of CFD Formation are identified in Attachment 2, which will be updated by the Administrator as needed to reflect Original Parcels added to Improvement Area No. 1 due to annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in Attachment 2 (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to a Land Use Class that has higher Per-Acre Special Taxes based on reference to Table 1 and Table 2 above. Upon approval of such a change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable

Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update Attachment 2 to reflect the higher Maximum Special Taxes for the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezone would cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remain the same as originally assigned to the Original Parcel.

2. *Successor Parcels*

a. All Successor Parcels are SFD Lots

If all Parcels created by a recorded Subdivision Map are SFD Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1. Determine the greater of: (i) the sum of the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the sum of the Net Taxable Acreage of each Density Category within the Subdivision Map multiplied by the Per-Acre Special Taxes for each Density Category.

Step 2. Separately for each Density Category created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of Successor Parcels to determine the Maximum Special Taxes for each SFD Lot.

b. No Successor Parcels are SFD Lots

If none of the Successor Parcels created by recordation of a Subdivision Map are SFD Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1. Identify the Expected Land Uses for the Original Parcel.

Step 2. Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.

Step 3. If the Net Taxable Acreage of each Land Use Class from Step 2 is the same as the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.

Step 4. If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps **separately for each Special Tax Category**:

Step 4a. Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

Step 4b. If the amount calculated in Step 4a is *greater than* the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 (pre-Transition Year) and Table 2 (in and after Transition Year) above to determine the Maximum Special Tax for each Successor Parcel.

Step 4c. If the amount calculated in Step 4a is *less than* the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the Successor Parcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per-acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 and Table 2 above.

c. Some, But Not All, Successor Parcels are SFD Lots

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are SFD Lots and some are not, the Administrator shall (i) break out the aggregate Net Taxable Acreage of all SFD Lots separately from the Net Taxable Acreage of other Land Use Classes, (ii) for the aggregate Net Taxable Acreage of the SFD Lots, apply the steps in Section C.2a to determine the Maximum Special Taxes for each SFD Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for the other Land Use Classes on the Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate. After each reallocation of the Maximum

Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Escalation of Special Taxes

1a. One-Time Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor.

1b. Annual Facilities Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

1c. Annual Maintenance Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

2. Partial Prepayment of Maximum Annual Facilities Special Tax

If a Parcel makes a partial prepayment of the Annual Facilities Special Tax pursuant to Section I below, the Administrator shall recalculate the Maximum Annual Facilities Special Tax for the Parcel pursuant to Section I. In addition, the Administrator shall update Attachment 2 to reflect the prepayment and the revised Maximum Annual Facilities Special Tax Revenues for Improvement Area No. 1. Such updates shall be maintained internally by the Administrator and shall not require recordation of an amended RMA. After the prepayment has been received, the application of Sections F and I of this RMA shall be based on the adjusted Expected Maximum Annual Facilities Special Tax Revenues after the prepayment.

3. Conversion of a Parcel of Public Property to Private Use

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of the Special Taxes, and the Administrator shall determine the appropriate Maximum Special Taxes for the Parcel based on the Net Taxable Acreage of the Parcel.

E. ANNEXATIONS

If, in any Fiscal Year, a property owner within the Future Annexation Area wants to annex property into Improvement Area No. 1, the Administrator shall apply the following steps as part of the annexation proceedings:

- Step 1.** Working with City staff and the landowner, the Administrator shall determine the Land Use Classes that are expected within the area to be annexed.
- Step 2.** The Administrator shall prepare and keep on file an updated Attachment 2 that identifies the Assessor's Parcel Number(s), Expected Land Use, Expected Net Taxable Acreage, One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax for the annexed property.
- Step 3.** The Administrator shall prepare and keep on file an updated Attachment 3 that adds the Assessor's Parcel(s) in the annexed area to the Original Parcels in Improvement Area No. 1.
- Step 4.** The Administrator shall ensure that a Notice of Special Tax Lien is recorded against all Parcels that are annexed to Improvement Area No. 1.
- Step 5.** The Administrator shall recalculate the Public Facilities Requirement used in the prepayment calculation in Section I below to include the estimated net proceeds that can be generated to fund Authorized Facilities based on the Maximum Annual Facilities Special Tax capacity from the annexed area. The adjusted Public Facilities Requirement shall be calculated by (i) dividing the increased Maximum Annual Facilities Special Tax Revenues that can be collected after the annexation by the Maximum Annual Facilities Special Tax Revenues that were in place prior to the annexation, and (ii) multiplying the quotient by the Public Facilities Requirement that was in place prior to the annexation.

F. METHOD OF LEVY OF THE SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in Improvement Area No. 1 and shall be collected as set forth in Section G below.

2. Annual Facilities Special Tax

Each Fiscal Year until the Transition Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year and levy the Annual Facilities Special Tax on all Parcels of Taxable Property as follows:

- Step 1:** The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of

the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Facilities Special Tax Requirement prior to applying any Capitalized Interest that is available in the CFD accounts.

- Step 2:** If additional revenue is needed after Step 1, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Facilities Special Tax Requirement.
- Step 3:** If additional revenue is needed after Step 2, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.
- Step 4:** If additional revenue is needed after Step 3, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

No Annual Facilities Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

3. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for the Fiscal Year and levy the Annual Maintenance Special Tax on Parcels of Taxable Property as follows:

- Step 1:** The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Maintenance Special Tax Requirement.
- Step 2:** If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Maintenance Special Tax Requirement.
- Step 3:** If additional revenue is needed after Step 2 the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Maintenance

Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

No Annual Maintenance Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

G. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a Certificate of Occupancy being issued for any residential or non-residential structure on Taxable Property within Improvement Area No. 1 and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section I below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall Annual Facilities Special Taxes be levied after Fiscal Year 2074-75. The Annual Maintenance Special Tax shall be levied in perpetuity unless and until the City determines that the Annual Maintenance Special Tax is no longer needed to pay for Authorized Services. Under no circumstances may the Annual Facilities Special Tax on a Parcel of Developed Property in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

H. EXEMPTIONS

Notwithstanding any other provision of this RMA, no One-Facilities Special Tax or Annual Facilities Special Tax shall be levied in any Fiscal Year on the following: (i) Public Property, except Taxable Public Property, (ii) Owners Association Property, except Taxable Owners Association Property, (iii) Welfare Exemption Property, except Taxable Welfare Exemption Property, and (iv) Parcels of Undeveloped Property. In addition, no Annual Facilities Special Tax shall be levied on (i) Parcels that are owned by a public utility for an unmanned facility, and (ii) Parcels that are subject to an easement that precludes any other use on the Parcel.

No Annual Maintenance Special Tax shall be levied on the following: (i) Public Property, including Taxable Public Property, (ii) Owners Association Property, including Taxable Owners Association Property, and (iii) Welfare Exemption Property, including Taxable Welfare Exemption Property.

I. PARTIAL PREPAYMENT OF THE ANNUAL FACILITIES SPECIAL TAX

The following definitions apply to this Section I:

“Outstanding Bonds” means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

“Previously Issued Bonds” means all Bonds that have been issued prior to the date of prepayment.

“Public Facilities Requirement” means either \$7.3 million in 2024 dollars, which shall increase on January 1, 2025, and on each January 1 thereafter by two percent (2%) of the amount in effect in the prior year, or such other number as shall be determined by the City as sufficient to fund improvements that are authorized to be funded by the CFD. The Public Facilities Requirements shown above will be adjusted each time there is an annexation of property into Improvement Area No. 1.

“Remaining Facilities Costs” means the Public Facilities Requirement minus public facility costs funded by Previously Issued Bonds, developer equity, and any other source of funding.

A property owner may prepay up to 75% of the Annual Facilities Special Tax obligation applicable to a Parcel, thereby reducing the Maximum Annual Facilities Special Tax applicable to the Parcel, provided that a prepayment may be made only if (i) there are no delinquent Special Taxes with respect to such Parcel at the time of prepayment, and (ii) there has not in any prior Fiscal Year been a partial prepayment of the Annual Facilities Special Tax assigned to the Parcel. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor’s Parcel intending to prepay a portion of the Annual Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

	Bond Redemption Amount
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
less	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1.** Compute the amount that could be collected from the Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.
- Step 2.** Divide the Maximum Annual Facilities Special Tax from Step 1 by the current Maximum Annual Facilities Special Tax Revenues.
- Step 3.** Multiply the quotient computed in Step 2 by the percentage of the Maximum Annual Facilities Special Tax that the property owner wants to prepay, which percentage shall not exceed 75%.
- Step 4.** Multiply the quotient computed pursuant to Step 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the “Bond Redemption Amount”*).
- Step 5.** Compute the current Remaining Facilities Costs (if any).
- Step 6.** Multiply the quotient computed pursuant to Step 3 by the amount determined pursuant to Step 5 to compute the amount of Remaining Facilities Costs to be prepaid (*the “Remaining Facilities Amount”*).
- Step 7.** Multiply the Bond Redemption Amount computed pursuant to Step 4 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the “Redemption Premium”*).
- Step 8.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment will be received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest payment date after the prepayment has been received, Steps 8, 9, and 10 of this prepayment formula will not apply.
- Step 9:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.

- Step 10:** Subtract the amount computed pursuant to Step 9 from the amount computed pursuant to Step 8 (the “*Defeasance Requirement*”).
- Step 11.** The administrative fees and expenses associated with the prepayment will be determined by the Administrator and include the costs of computing the prepayment, redeeming Bonds, and recording any notices to evidence the prepayment and the redemption (the “*Administrative Fees and Expenses*”).
- Step 12.** If and to the extent so provided in the Bond Indenture, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “*Reserve Fund Credit*”).
- Step 13.** The Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 4, 6, 7, 10, and 11, less the amount computed pursuant to Step 12 (the “*Prepayment Amount*”).
- Step 14.** From the Prepayment Amount, the amounts computed pursuant to Steps 4, 7, and 10 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Step 6 shall be deposited into the Improvement Fund. The amount computed pursuant to Step 11 shall be retained in the account or fund that is established to pay Administrative Expenses.

Once a partial prepayment has been received, an Amendment to Notice of Facilities Special Tax Lien shall be recorded against the Parcel to reflect the reduced Facilities Special Tax lien for the Parcel, which shall be equal to the portion of the Maximum Annual Facilities Special Tax that was not prepaid, and the Administrator shall update Attachment 2 to show the revised Expected Maximum Annual Facilities Special Tax Revenues. However, an Amendment to Notice of Facilities Special Tax Lien shall not be recorded until all Special Taxes levied on the Parcel in the current or prior Fiscal Years have been collected.

If an owner that has partially prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may, in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original partial prepayment for the Parcel.

Notwithstanding the foregoing, if at any point in time the Administrator determines that the Maximum Annual Facilities Special Tax Revenue that can be collected from Taxable Property that remains subject to the Annual Facilities Special Tax after the proposed prepayment is less than the Required Coverage on Bonds that will remain outstanding after defeasance or redemption of Bonds from proceeds of the estimated prepayment, the amount of the prepayment shall be increased until the amount of Bonds defeased or redeemed is sufficient to reduce remaining annual debt service to a point at which Required Coverage is maintained.

J. INTERPRETATION OF SPECIAL TAX FORMULA

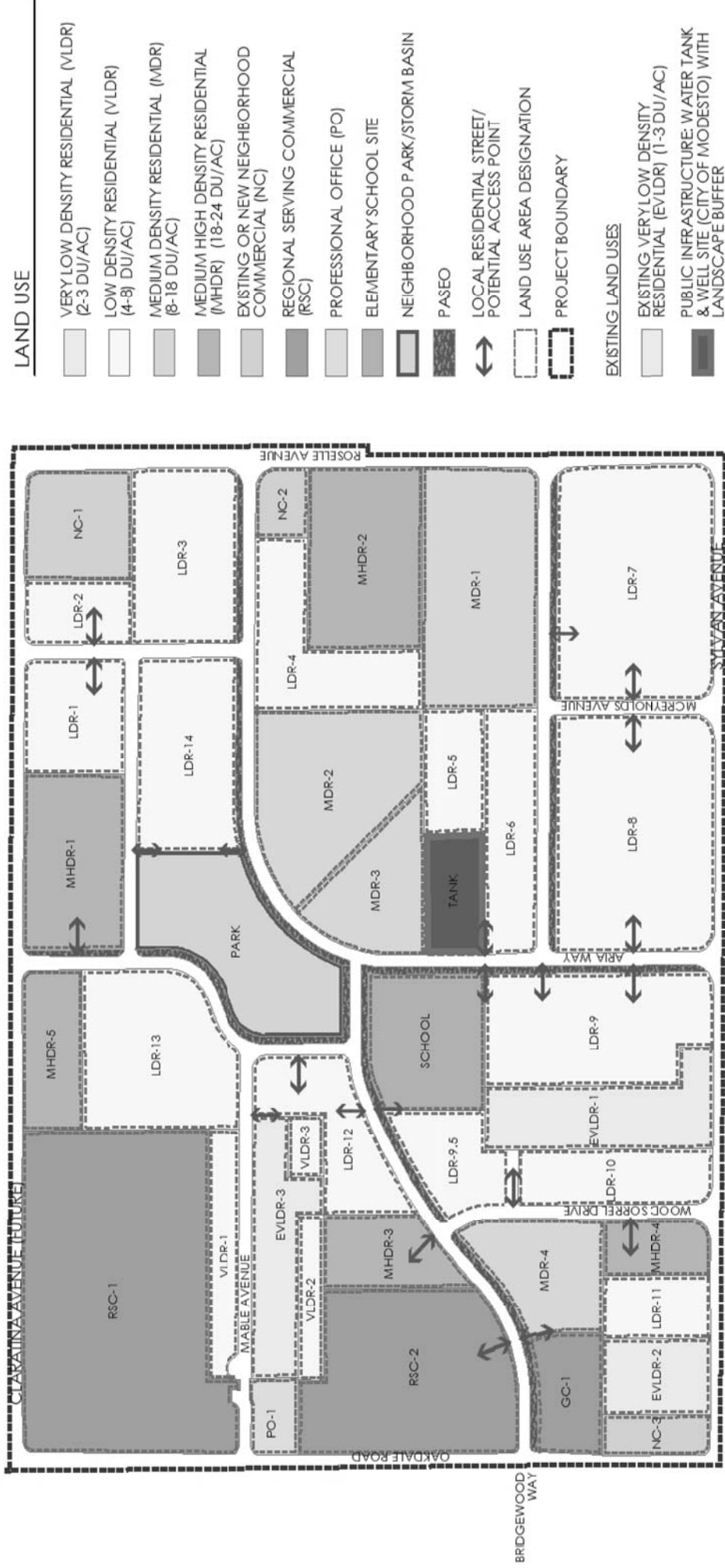
The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rates or method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations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

ATTACHMENT 1

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

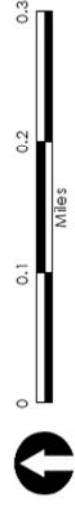
**Tivoli Specific Plan
Land Use Diagram**

EXHIBIT 3.1 - LAND USE DIAGRAM (LUD)



LAND USE

- VERY LOW DENSITY RESIDENTIAL (VLD) (2-3 DU/AC)
 - LOW DENSITY RESIDENTIAL (LDR) (4-8 DU/AC)
 - MEDIUM DENSITY RESIDENTIAL (MDR) (8-18 DU/AC)
 - MEDIUM HIGH DENSITY RESIDENTIAL (MHDR) (18-24 DU/AC)
 - EXISTING OR NEW NEIGHBORHOOD COMMERCIAL (NC)
 - REGIONAL SERVING COMMERCIAL (RSC)
 - PROFESSIONAL OFFICE (PO)
 - ELEMENTARY SCHOOL SITE
 - NEIGHBORHOOD PARK/STORM BASIN
 - PASEO
 - LOCAL RESIDENTIAL STREET/POTENTIAL ACCESS POINT
 - LAND USE AREA DESIGNATION
 - PROJECT BOUNDARY
- EXISTING LAND USES
- EXISTING VERY LOW DENSITY RESIDENTIAL (EVLD) (1-3 DU/AC)
 - PUBLIC INFRASTRUCTURE: WATER TANK & WELL SITE (CITY OF MODESTO) WITH LANDSCAPE BUFFER



CREDIT: O'DELL ENGINEERING, DAHLIN GROUP

LAND USE DIAGRAM

AMENDED 2016
JULY 6, 2016

TIVOLI SPECIFIC PLAN
MODESTO, CALIFORNIA



ATTACHMENT 2

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

**Maximum Special Taxes Assigned to Expected Land Uses
Within Each Original Parcel
Prior to the Transition Year**

Event Adding Parcel to CFD	Assessor's Parcel Number	Expected Land Use /1	Expected Net Taxable Acreage	Maximum One-Time Facilities Special Tax (FY 2024-25) /2	Maximum Annual Facilities Special Tax (FY 2024-25) /2	Maximum Annual Maintenance Special Tax (FY 2024-25) /2
CFD Formation	083-004-059-000	MDR	4.50	\$450,000	\$61,761	\$23,247
CFD Formation	083-004-060-000	MDR	4.78	\$478,000	\$65,604	\$24,693
CFD Formation	083-004-068-000	LDR	35.89	\$3,589,000	\$368,244	\$185,408

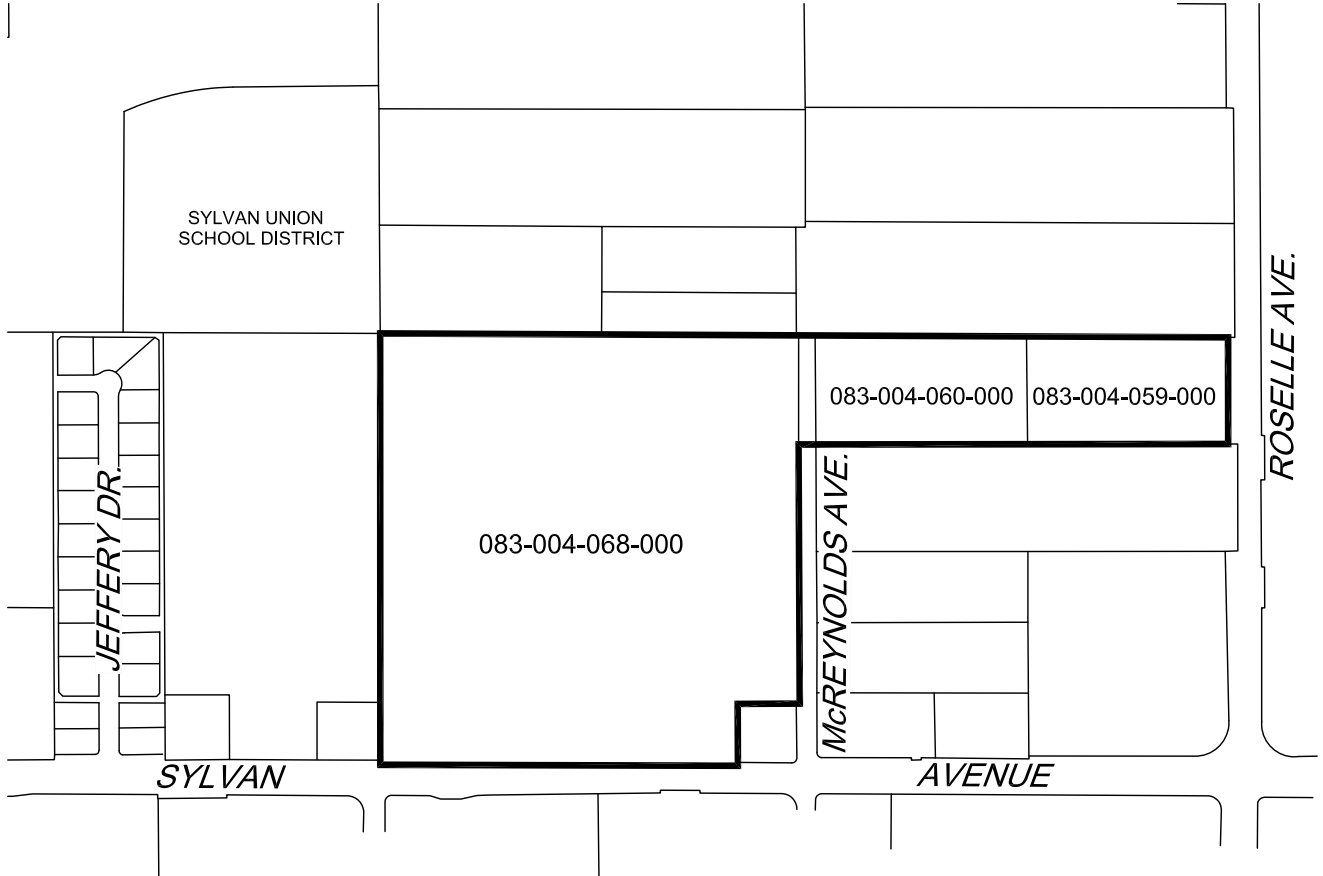
1. VLDR = Very Low Density Residential, LDR = Low Density Residential, MDR = Medium Density Residential, MHDR = Medium High Density Residential, and NR = Non-Residential
2. The Maximum Special Taxes set forth above shall be adjusted pursuant to Section D of the RMA.

ATTACHMENT 3

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)**

Original Parcels in Improvement Area No. 1

ATTACHMENT 3
ORIGINAL PARCELS IN CFD
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)



LEGEND

- ASSESSOR'S PARCEL LOT LINE
- 083-003-017-000 ASSESSORS PARCEL NUMBER
- COMMUNITY FACILITIES DISTRICT NO. 2024-1 AND IMPROVEMENT AREA NO. 1



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-281**

**RESOLUTION APPROVING AN AGREEMENT WITH LESAR
DEVELOPMENT CONSULTANTS TO ASSIST IN THE DEVELOPMENT OF
THE 2025-2030 CONSOLIDATED PLAN, INCLUDING THE YEAR ONE
ANNUAL ACTION PLAN AND AFFIRMATIVELY FURTHERING FAIR
HOUSING PLAN, FOR A TOTAL AMOUNT NOT TO EXCEED \$200,000 AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT**

WHEREAS, the City of Modesto is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates the following program funds to the City of Modesto through a formula-based allocation: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG); and

WHEREAS, as an entitlement community, HUD requires entitlement grantees adopt a comprehensive, long-term plan known as the Five-Year Consolidated Plan for the use of HUD funds allocated to the City, and

WHEREAS, the Consolidated Plan analyzes the City's housing and community development needs, with a priority focus on low and moderate-income individuals, households, and neighborhoods, and describes five-year strategies for meeting those needs, and

WHEREAS, the Program Year (PY) 2024-2025 Annual Action Plan (AAP) will represent the first year of the City's 2025-2030 Consolidated Plan and is required to identify the expected resources to be available and projects to be undertaken; and

WHEREAS, the Affirmatively Furthering Fair Housing faithfully implement the Fair Housing Act's statutory mandate to affirmatively further fair housing, which directs

HUD to ensure that the agency and its program participants proactively take meaningful actions to overcome patterns of segregation, promote fair housing choice, eliminate disparities in opportunities, and foster inclusive communities free from discrimination; and

WHEREAS, the City has determined that there is a need for a firm to assist in the planning and execution of the 2025-2030 Consolidated Plan with first year Annual Action Plan and the Affirmatively Furthering Fair Housing Plan; and

WHEREAS, LeSar Development Consultants has been deemed qualified, willing, and able to provide the services to prepare said document(s), and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures. However, MMC 8-3.204(d) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agent determines that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, here, as the RFP process did not yield a qualified candidate to carry out the necessary services, the Purchasing Manager authorized a search outside of the formal procurement process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with LeSar Development Consultants to assist in the development of the 2025-2030 Consolidated Plan, including the Year One Annual

Action Plan and the Affirmatively Furthering Fair Housing Plan, for a total amount not to exceed \$200,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-282**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENTS FOR PLAN REVIEW AND INSPECTION SERVICES TO WILDAN ENGINEERING, ELK GROVE, CA AND BPR CONSULTING GROUP, MADERA, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$500,000 AND A TOTAL NOT TO EXCEED \$2,500,000 OVER FIVE YEARS; AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN CONSULTANTS BASED ON AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, by Resolution No. 2019-411, Council approved agreements with Interwest Consulting Group and 4LEAF, Inc; and

WHEREAS, by Resolution No. 2021-397, Council approved a first amendment to the contracts to increase the annual estimated amount of each contract by \$347,000 to \$400,000 for the third year with a total amount not to exceed \$612,000 per contract over five years; and

WHEREAS, by Resolution No. 2024-229, Council approved a second amendment to the 4-LEAF Inc. contract to increase the annual estimated amount of the contract by \$30,000; and

WHEREAS, the CITY exhausted all extensions provided through the Agreements which are set to expire September 23, 2024; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services, to be formally bid; and

WHEREAS, the Building Safety Division issued Request for Proposal (RFP) 2324-59 for Plan Check and Inspection Services on February 27, 2024; and

WHEREAS, the RFP was posted on the City's website and formally advertised;
and

WHEREAS, six (6) companies submitted proposals; and

WHEREAS, all six (6) companies provided responsive and responsible proposals;
and

WHEREAS; an evaluation committee comprised of one (1) Senior Building Inspector, one (1) Plan Checker, the Building Safety Program Coordinator, and the Chief Building Official evaluated the proposals; and

WHEREAS, criteria used in evaluation of the proposer's offer of services included Project Team and Experience, Performance, Resumes, Proposed Compensation, and References; and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal and contracts for Professional Services for Plan Review and Inspection Services to BPR Consulting Group and Wildan Engineering; and

WHEREAS, approving professional services agreements with Wildan Engineering, Elk Grove, CA and BPR Consulting Group, Madera, CA for Plan Review and Inspection Services conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the services Agreements with Wildan Engineering, Elk Grove, CA and BPR Consulting Group, Madera, CA for plan review and inspection services for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of \$500,000 and a total combined amount not to exceed \$2,500,000 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.

BE IT FURTHER RESOLVED that the Director of Finance may adjust the agreement totals between consultant's based on availability and department's needs, ensuring the combined total amount does not change.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-283**

**RESOLUTION APPROVING THE CHANGE IN OWNERSHIP REQUEST FOR
RETAIL DISPENSARY CR AND D INC. RESULTING IN CAROLINA
FERNANDEZ ACQUIRING EIGHTY PERCENT (80%) OF CR AND D INC.**

WHEREAS, the City Council via Resolution 2018-566 issued a commercial cannabis permit to CR and D Inc., located at 439 Maze Blvd.; and

WHEREAS, the business was jointly owned by Deanna Garcia, Tyler Tamagni, Kimberly Cargile, and Matthew Pedraza; and

WHEREAS, on February 9, 2024, Deanna Garcia requested approval for a change in ownership of CR and D Inc. which would result in Carolina Fernandez acquiring eighty percent (80%) of the business with Deanna Garcia, an original owner, retaining the remaining twenty percent (20%); and

WHEREAS, pursuant to Modesto Municipal Code, 10-3.704(d), permits issued in accordance with the City's Cannabis Ordinance are not transferable to another individual without City approval; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-298, Council approved a change in ownership policy for commercial cannabis permits within the City to provide guidance on the approval process for these changes; and

WHEREAS, the policies and procedures include the following requirements:

- If a new individual acquires an aggregate ownership interest of fifty-one (51%) percent of a cannabis business when they previously had not will require City Council approval for Dispensaries or approval by the Cannabis Program and Permit Review Committee for non-dispensaries.

- If an originally approved owners retain one hundred (100%) percent interest in the cannabis business amongst them then this transaction would not meet the definition of a change in ownership per California Department of Cannabis Control (DCC) regulations section 15023.
- An original owner(s) must retain a minimum of twenty (20%) percent ownership interest in the businesses to continue operating under their current commercial cannabis permit following City approval of the change, otherwise the business must cease operation and reapply for a commercial cannabis permit under the new business structure; and

WHEREAS, the City requested and received documentation from the business that included proof of filing with the Secretary of State, successful completion of background checks as required by Modesto City Code section 10-3.704(3)(2), executed purchase agreements, and signed resignations from the original owners relinquishing their shares; and

WHEREAS, the new ownership structure complies with the requirements of the City of Modesto's adopted change in ownership policy; and

WHEREAS, the change in ownership request was presented to the Cannabis Program and Permit Review Committee on June 17, 2024 with the committee providing a recommendation to forward the request to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves change in ownership request for retail dispensary CR and D Inc. resulting in Carolina Fernandez acquiring eighty percent (80%) of CR and D Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Alvarez

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-284**

RESOLUTION APPROVING AN AGREEMENT WITH GOLDEN STATE FIRE APPARATUS FOR THE PURCHASE OF ONE BME 4X4 FREIGHTLINER WILDLAND PUMPER FOR THE ESTIMATED COST OF \$530,831 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department responds to more than 230 vegetation fire calls per year within our local area. The current apparatus in our fleet is close to 20 years old and has been unreliable and out of service for most recent years. Replacement of this apparatus is crucial to maintaining consistency in response standards; and

WHEREAS, Staff recommends adding a Type III engine to the fleet in order to address a critical need for the City, Stanislaus County, and the State of California as a whole; and

WHEREAS, the apparatus purchase would be from Pierce Manufacturing through Golden State Fire Apparatus (GSFA), who is a leading provider of such vehicles. At this time, there are no dealers of this type located within the City of Modesto; and

WHEREAS, the apparatus specified in a proposal from GSFA shall be ready for final delivery within an approximate time frame of three to four months. Terms of Payment dictate that the total amount shall be due upon delivery or pickup; and

WHEREAS; the total cost of the engine will be approximately \$530,831; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, an exception to the rule set forth in MMC Section 8-3.202(h) states that with the approval of Council, the City of Modesto can join with other units of

government in cooperative purchasing plans when the best interest of the City would be served thereby and MMC Section 8-3.204(d) is available where the Purchasing Manager, in his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, the purchase of one (1) Type III fire engine for use by the Modesto Fire Department by “piggybacking” on the competitive bid process completed by the H-GAC contract with Golden State Fire Apparatus, will conform to MMC Section 8-3.202(h).


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves approving an agreement with Golden State Fire Apparatus for the purchase of one BME 4x4 Freightliner Wildland pumper for the estimated cost of \$530,831 and authorizing the City Manager, or his designee, 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-285**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL
OPERATING BUDGET TO APPROPRIATE \$530,831 IN THE MFD – MEASURE
H – FACILITIES & FLEET COST CENTER (18611) IN GENERAL FUND –
MEASURE H FUND (0160) FOR ONE BME 4X4 FREIGHTLINER WILDLAND
PUMPER AND AUTHORIZING THE CITY MANAGER TO TAKE THE
NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET
ADJUSTMENTS**

WHEREAS, Staff recommends adding a Type III engine to the fleet in order to address a critical need for the City, Stanislaus County, and the State of California as a whole; and

WHEREAS, certain budgetary actions are needed to fund the purchase of the apparatus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Annual Operating Budget to appropriate \$530,831 in the MFD – Measure H – Facilities & Fleet Cost Center (18611) in General Fund – Measure H Fund (0160) for one BME 4X4 Freightliner Wildland Pumper.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to take the necessary steps to implement the required budget adjustments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

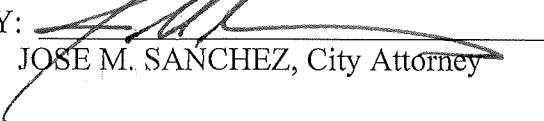
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-286**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
AGREEMENT WITH OPPENHEIMER INVESTIGATIONS GROUP, LLP,
OAKLAND, CA TO COMPLETE ONGOING IMPORTANT SPECIFIC
MATTERS, INCREASING THE AGREEMENT AMOUNT BY \$40,000 TO A
NEW TOTAL AMOUNT NOT TO EXCEED \$140,000 AND AUTHORIZING THE
CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT**

WHEREAS, in 2022, the Human Resources Department issued a Request for Proposals (RFP) for investigative services, in which Oppenheimer Investigations Group, LLP, Oakland, CA was selected; and

WHEREAS, on September 13, 2022, by Resolution No. 2022-376, Council approved a Legal Services agreement with Oppenheimer Investigations Group in an amount not to exceed \$100,000 with a termination date of September 11, 2024; and

WHEREAS, exceptions to the formal bidding processes are granted in Modesto Municipal Code Section 8-3.204 “[w]here the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”; and

WHEREAS, it is requested that this agreement be amended to include an additional \$40,000 for continued services due to on-going City needs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the agreement with Oppenheimer Investigations Group, LLP, Oakland, CA to complete ongoing important specific matters, increasing the agreement amount by \$40,000 to a new total amount not to exceed

\$140,000.

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

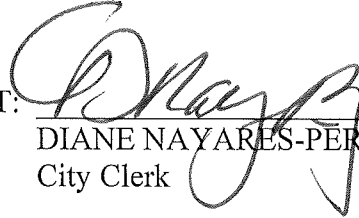
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

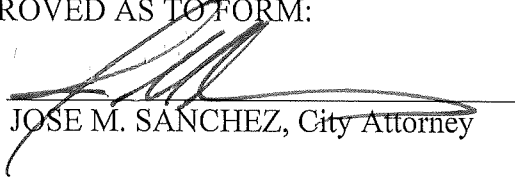


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-287**

RESOLUTION APPROVING THE LEGAL SERVICES AGREEMENTS WITH RENNE PUBLIC LAW GROUP, SAN FRANCISCO, CA; OPPENHEIMER INVESTIGATIONS GROUP LLP, OAKLAND, CA; AND LIEBERT CASSIDY WHITMORE, FRESNO, CA; AND CONSULTANT SERVICES AGREEMENTS WITH MUNICIPAL RESOURCE GROUP, LLC, WILTON, CA AND DIGISTREAM, SACRAMENTO, CA TO CONDUCT CITYWIDE ADMINISTRATIVE INVESTIGATIONS ON AN AS NEEDED BASIS, IN AN AMOUNT NOT TO EXCEED \$100,000 EACH FOR TWO YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City conducts internal and external administrative investigations into possible employee misconduct that may lead to discipline, and

WHEREAS, the City has utilized the services of outside agencies to conduct some of their administrative investigations, and

WHEREAS, the City Manager authorized Human Resources Department to issue a Request for Proposals (RFP) for Investigative Services, and

WHEREAS, on March 14, 2024, the Human Resources Department issued RFP INF 24-21 for Investigative Services on the City's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online and via email of the bid opportunity. Eleven (11) companies downloaded the RFP document from PlanetBids, and

WHEREAS, following the request, proposals were received and opened via email. Eleven (11) companies provided responsive and responsible proposals to conduct investigative services, and

WHEREAS, an evaluation committee comprised of two (2) City staff members which included the Director of Human Resources and the Human Resources Employee

Relations Coordinator evaluated the proposals. The evaluation was based on the ability to address all RFP Requirements, Qualifications, References and Costs, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for Legal Services Agreements to Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore, Fresno, CA and Consultant Agreements to Municipal Resource Group, LLC, Wilton, CA and DigiStream, Sacramento, CA; and

WHEREAS, the approval for Administrative Investigations conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto hereby approves Legal Services Agreements for conducting Citywide Administrative Investigations on an as-needed basis with Renne Public Law Group, San Francisco, CA; Oppenheimer Investigations Group LLP, Oakland, CA; and Liebert Cassidy Whitmore , Fresno, CA and Consultant Agreements with Municipal Resource Group, LLC, Wilton, CA; and DigiStream, Sacramento, CA for a two year agreement at the sole discretion of the City, for total not to exceed cost of \$100,000 each.

BE IT FURHTER RESOLVED that the City Manager, or his designee is authorized to execute the agreements, 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-288**

RESOLUTION APPROVING THE INCREASE OF PURCHASE ORDER 216609 WITH TRACY FORD, TRACY, CA FOR SIX FORD INTERCEPTOR PATROL SPORT UTILITY VEHICLES BY \$96,302 FROM \$241,425 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED \$337,727, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER PRICE INCREASE

WHEREAS, Ford Police Interceptor vehicles are used in daily law enforcement activities citywide by the Modesto Police Department; and

WHEREAS, on September 28, 2021, the Purchasing Division issued RFB 2122-22 for Six Ford Police Interceptors on the City's website under commodity codes 07000-Automotive Vehicles; and

WHEREAS, eleven companies chose to download the RFB document, four vendors chose to submit a bid, there was no local bid received; and

WHEREAS, on October 16, 2021 bids were formally opened in the City Clerk's office and Tracy Ford, Tracy, CA, was the only responsive and responsible bidder, and City staff recommended awarding the purchase of six Ford Police Interceptors to Tracy Ford, Tracy, CA for a total cost not to exceed \$241,425; and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on January 11, 2022, by Resolution 2022-015, Council approved the purchase of the six Police Interceptors from Tracy Ford, Tracy, CA; and

WHEREAS, due to a delay in receiving the vehicles, prices increased by an additional \$96,302 for a new cost of \$337,727, which is an increase in cost of 40 percent; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”; and

WHEREAS, the cost increase over the original bid is in alignment with current pricing and it is the recommendation from staff to increase the purchase order to continue the order and delivery of the law enforcement vehicles; and

WHEREAS, the Finance Committee considered this item on June 24, 2024, and recommended approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the price increase of Purchase Order 216609 for Tracy Ford, Tracy, CA by \$96,302 for six Ford Interceptor Patrol Sport Utility vehicles for a total amount not to exceed \$337,727.

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

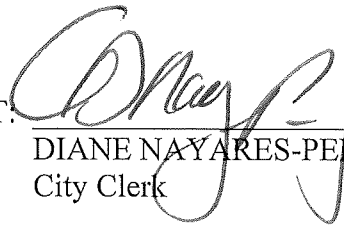
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-289**

RESOLUTION APPROVING THE FIRST AMENDMENT FOR CONSULTANT SERVICES WITH HF&H CONSULTANTS, LLC., WALNUT CREEK, CA FOR THE SOLID WASTE HAULERS AUDIT AND PERFORMANCE REVIEW INCREASING THE AGREEMENT AMOUNT BY \$99,855 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$249,855 OVER THE TERM OF THE ORIGINAL AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, Modesto has contracts with two private sector companies to collect residential, commercial, and industrial garbage, organics, and recyclables in the City; and

WHEREAS, on June 27, 2023, by Resolution No. 2023-314, Council approved an agreement with HF&H Consultants LLC. to conduct an audit and performance review of the Haulers, to analyze the current rate setting methodology and test it for validity, as well as develop a new rate setting methodology; and

WHEREAS, the first phase included in-depth Hauler financial audits, and analysis of existing conditions (e.g., costs, rates, fees, methodologies, level of service, etc.). A report was prepared at the end of Phase 1 summarizing findings and recommending possible courses of action. Phase 2 was intended to develop a draft set of rate and fee methodologies and options for further consideration and potential adoption; and

WHEREAS, upon completion of Phase 1, City staff indicated a desire to renegotiate the City's current franchise agreements with its solid waste Haulers; and

WHEREAS, it is in the best interest of the City to amend the current HF&H agreement for these services as HF&H has spent the preceding year evaluating the current agreements and gained an in depth understanding of the City's needs. The proposed amendment will expand Phase 2 to include the negotiation of amending and restating the Haulers' franchise agreements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, to increase efficiency and avoid delays or disruptions to City projects or service.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment for Consultant Services with HF&H Consultants, LLC., Walnut Creek, CA for the solid waste haulers audit and performance review increasing the agreement amount by \$99,855 to a new total amount not to exceed \$249,855 over the term of the original agreement.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-290**

RESOLUTION APPROVING THE ANNUAL RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE SOLID WASTE HAULERS, FOR A DECREASE OF \$1.08 PER MONTH FOR RESIDENTIAL SERVICES, AN INCREASE OF \$6.61 PER CUBIC YARD FOR COMMERCIAL SERVICES, AND AN INCREASE OF \$24.87 PER PULL FOR INDUSTRIAL SERVICES, TO BECOME EFFECTIVE SEPTEMBER 1, 2024, AND RESCINDING RESOLUTION NO. 2023-312 FOR THE AUGUST 1, 2023 ANNUAL RATE ADJUSTMENT

WHEREAS, Section 2 (f) of the City's Service Agreements with its solid waste collectors requires that rates will be reviewed annually by the City and, if deemed necessary by the City Council, adjustments shall be made to become effective on or near July 1 of each year; and

WHEREAS, the haulers submitted their audited financials for FY 22/23 and City staff use an existing computer modeling formula to determine the lowest cost hauler's base rate and recommend the maximum rate that the haulers can charge for solid waste collection services; and

WHEREAS, the Green Waste Fee was increased by 3.2% in accordance with the Bureau of Labor Statistics Consumer Price Index - West Region (CPI) adjustment ending in February 2024; and

WHEREAS, the agreements between City of Modesto and Gilton Solid Waste and Bertolotti Disposal Services requires the haulers to pay a franchise fee to the City at the rate of 9.9% and 10.3%, respectively; and

WHEREAS, the current maximum rate for residential service is \$56.01, and a \$1.08 decrease is recommended for a new maximum residential rate of \$54.93 to be effective September 1, 2024; and

WHEREAS, the current maximum rate for commercial service is \$65.56 for one-cubic yard picked up once weekly per month, and a \$6.61 increase is recommended for a new maximum commercial rate of \$72.17 to be effective September 1, 2024; and

WHEREAS, commercial front loader compactors typically contain three times the amount of solid waste as a standard commercial bin and maximum rates are therefore based on a multiple of three times the rate of the commercial bin maximum rate; and

WHEREAS, the actual disposal charge for drop boxes is negotiated directly between the garbage collection company and the customer; and

WHEREAS, the current maximum rate for drop boxes and roll-off compactor service is \$476.06 for one-cubic yard picked up, and a \$24.29 increase is recommended for a new maximum commercial rate of \$500.35 to be effective September 1, 2024; and

WHEREAS, the current AB 939 Green Waste Diversion fee is \$17.97 and is increased by 3.2% CPI. The new fee is \$18.55 to be effective September 1, 2024; and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for solid waste service in the City of Modesto should be revised as recommended above and **attached** hereto as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Solid Waste Services provided by the Solid Waste haulers, as **attached** hereto as **Attachment A**, dated September 1, 2024, and incorporated herein by reference. Said Maximum Charges for Solid Waste Service shall include all other services as stipulated in the Service Agreements and shall become effective September 1, 2024 and shall remain in effect until revised or rescinded by

Council.

BE IT FURTHER RESOLVED, that Resolution No. 2023-312 for the August 1, 2023 annual rate adjustment is hereby rescinded effective September 1, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR SOLID WASTE SERVICE – SEPTEMBER 1, 2024

RESIDENTIAL CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container each for garbage and organics picked up weekly, 1 container for recycling picked up bi-weekly
- 2 bulky item collections per year by appointment
- City tree maintenance; collection & composting of green waste and forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for household hazardous waste

Base Rate	\$ 39.04
Fuel Adjustment	- \$ 0.11
Weekly Organics Collection	\$ 3.14
Green Waste	\$ 5.44
Geer Road Landfill	\$ 0.81
Compost Facility Improvements	\$ 1.70
SB 1383 Collection Fee	\$ 2.70
City Implementation	\$ 1.05
Recycling Fees	\$ 0.46
Carpenter Road Landfill	\$ 0.70
Maximum Monthly Rate	\$ 54.93

Additional Garbage Container - \$15.23 each per month picked up weekly

Additional Organics Container Weekly - \$15.23 each per month picked up weekly

Additional Organics Container Bi-Weekly - \$9.50 each per month picked up bi-weekly

Additional Recycling Container - \$9.50 each per month picked up bi-weekly

*Containers must be placed in a location set forth in Section 5-5.121 of the MMC.

COMMERCIAL AND MULTIFAMILY CONTAINERS - Maximum Monthly Rate

Weekly rental for Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	\$ 53.16
*Fuel Rate Adjustment	- \$ 0.13
Green Waste	\$ 11.04
Geer Road Landfill	\$ 0.95
Compost Facility Improvements	\$ 3.08
Litter Abatement	\$ 0.59
City Implementation	\$ 1.90
Recycling Fees	\$ 0.63
Carpenter Road Landfill	\$ 0.95
Maximum Rate 1 Cubic Yard	\$ 72.17

Bin Maximum Rates						
Container Size	Number of Collections Per Week					
	1	2	3	4	5	6
1 CY	\$72.17	\$144.34	\$216.51	\$288.68	\$360.85	\$433.02
2 CY	\$144.34	\$288.68	\$433.02	\$577.36	\$721.70	\$866.04
3 CY	\$216.51	\$433.02	\$649.53	\$866.04	\$1,082.55	\$1,299.06
4 CY	\$288.68	\$577.36	\$866.04	\$1,154.72	\$1,443.40	\$1,732.08
5 CY	\$360.85	\$721.70	\$1,082.55	\$1,443.40	\$1,804.25	\$2,165.10
6 CY	\$433.02	\$866.04	\$1,299.06	\$1,732.08	\$2,165.10	\$2,598.12

Material Type	96 Gallon Cart Maximum Rates				
	Number of Collection Per Week				
	1	2	3	4	5
Recycling/Organics	\$25.00	\$50.00	\$75.00	\$100.00	\$125.00

***Residential and Commercial Fuel Component Adjustments** - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel from January 1, 2024 to March 31, 2024. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the haulers' audited financials at annual rate review each year.

DROP BOX CONTAINERS – Maximum Rate Per Pick-Up

Actual disposal charges are paid and negotiated directly between the customer and the solid waste company. The solid waste company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle.

An AB 939 Green Waste Diversion Fee of \$18.55 per ton is added to the disposal charges.

Base Rate	\$ 421.10
Geer Road Landfill	\$ 29.77
Carpenter Road Landfill	\$ 29.77
Recycling Fees	\$ 19.71
Maximum Rate Per Pick Up	\$500.35

Rental Fees

- \$0.85 per day up to 7-day maximum rental
- \$3.00 per day for boxes kept 7 or more days without servicing
- \$10.00 per day for boxes kept 21 or more days without servicing

COMPACTORS – Maximum Monthly Rate

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$649.53	\$1,299.06	\$1,948.59	\$2,598.12	\$3,247.65	\$3,897.18
4 CY	\$866.04	\$1,732.08	\$2,598.12	\$3,464.16	\$4,330.20	\$5,196.24
6 CY	\$1,299.06	\$2,598.12	\$3,897.18	\$5,196.24	\$6,495.30	\$7,794.36

Other Compactor Fees

- Hospital Waste Compactors \$265.00 per pick-up
- Washing Compactor \$30.00
- Disposal Charge Actual charge to be paid by customer
- AB939 Green Waste Diversion Fee \$18.55 per ton

EXTRA PICKUPS

Standard containers or equivalent \$3.50 plus \$2.30/container
 Detachable containers \$12.00 plus \$4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the solid waste company and the customer.

COMMERCIAL CONTAINER ONLY – Replacement and Cleaning Services

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92

NOTATION: Pursuant to Section 11-6.15(b)(2) of the Modesto Municipal Code, the solid waste company may require a deposit equivalent to two months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-291**

**RESOLUTION APPROVING A FUEL RATE ADJUSTMENT TO THE
MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION
SERVICES PROVIDED BY THE HAULERS, FOR A REDUCTION OF \$0.11
PER MONTH FOR RESIDENTIAL SERVICES, AND A REDUCTION OF \$0.13
PER CUBIC YARD FOR COMMERCIAL SERVICES, TO BECOME
EFFECTIVE SEPTEMBER 1, 2024**

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of solid waste in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers; and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler; and

WHEREAS, Section 2 (f) of the City's Service Agreements with its solid waste collectors requires that when the City adjusts the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates; and

WHEREAS, the City analyzes the fuel rates using the methodology approved by the Council which uses the average diesel fuel prices from the Department of Energy/Energy Information Agency for a prior quarter to set the fuel component for a subsequent quarter. The rate is adjusted up or down accordingly; and

WHEREAS, on June 27, 2006, by Resolution No. 2006-410, Council approved making routine quarterly adjustments as needed to the component of the maximum rates attributable to the cost of fuel; and

WHEREAS, the fuel rates analyzed for this rate adjustment were based on the Department of Energy average diesel fuel prices from January 2024 through March 2024; and

WHEREAS, this action is to adjust maximum rates for fuel and therefore does not require environmental review; and

WHEREAS, it was found and determined by the Council of the City of Modesto that the quarterly adjustment to the fuel component of the maximum rates should be made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the fuel rate adjustment to the Maximum Rate Schedule for Solid Waste Services, **Attachment A**, incorporated herein, dated September 1, 2024, for a reduction of \$0.11 per month for residential services and a reduction of \$0.13 per cubic yard per month for commercial services and shall become effective September 1, 2024.

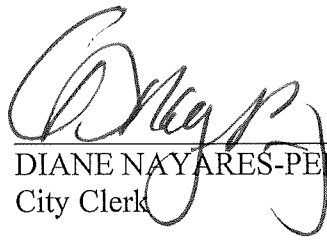
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR SOLID WASTE SERVICE – SEPTEMBER 1, 2024

RESIDENTIAL CONTAINERS - Maximum Monthly Rate

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City Implementation	\$ 1.05
Recycling Fees	\$ 0.46
Carpenter Road Landfill	\$ 0.70
Maximum Monthly Rate	\$ 54.93

Additional Garbage Container - \$15.23 each per month picked up weekly

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Maximum Rate 1 Cubic Yard	\$ 72.17

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3 CY	\$216.51	\$433.02	\$649.53	\$866.04	\$1,082.55	\$1,299.06
4 CY	\$288.68	\$577.36	\$866.04	\$1,154.72	\$1,443.40	\$1,732.08
5 CY	\$360.85	\$721.70	\$1,082.55	\$1,443.40	\$1,804.25	\$2,165.10
6 CY	\$433.02	\$866.04	\$1,299.06	\$1,732.08	\$2,165.10	\$2,598.12

Material Type	96 Gallon Cart Maximum Rates				
	Number of Collection Per Week				
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Recycling/Organics	\$25.00	\$50.00	\$75.00	\$100.00	\$125.00

***Residential and Commercial Fuel Component Adjustments** - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel from January 1, 2024 to March 31, 2024. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the haulers' audited financials at annual rate review each year.

DROP BOX CONTAINERS – Maximum Rate Per Pick-Up

Actual disposal charges are paid and negotiated directly between the customer and the solid waste company. The solid waste company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle.

An AB 939 Green Waste Diversion Fee of \$18.55 per ton is added to the disposal charges.

Base Rate	\$ 421.10
Geer Road Landfill	\$ 29.77
Carpenter Road Landfill	\$ 29.77
Recycling Fees	\$ 19.71
Maximum Rate Per Pick Up	\$500.35

Rental Fees

- \$0.85 per day up to 7-day maximum rental
- \$3.00 per day for boxes kept 7 or more days without servicing
- \$10.00 per day for boxes kept 21 or more days without servicing

COMPACTORS – Maximum Monthly Rate

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$649.53	\$1,299.06	\$1,948.59	\$2,598.12	\$3,247.65	\$3,897.18
4 CY	\$866.04	\$1,732.08	\$2,598.12	\$3,464.16	\$4,330.20	\$5,196.24
6 CY	\$1,299.06	\$2,598.12	\$3,897.18	\$5,196.24	\$6,495.30	\$7,794.36

Other Compactor Fees

- Hospital Waste Compactors \$265.00 per pick-up
- Washing Compactor \$30.00
- Disposal Charge Actual charge to be paid by customer
- AB939 Green Waste Diversion Fee \$18.55 per ton

EXTRA PICKUPS

Standard containers or equivalent \$3.50 plus \$2.30/container
 Detachable containers \$12.00 plus \$4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the solid waste company and the customer.

COMMERCIAL CONTAINER ONLY–Replacement and Cleaning Services

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92

NOTATION: Pursuant to Section 11-6.15(b)(2) of the Modesto Municipal Code, the solid waste company may require a deposit equivalent to two months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-292**

RESOLUTION APPROVING THE UPDATE TO THE SCHEDULE OF CASH SECURITY DEPOSITS AND FEES FOR SELF-HAUL RESIDENTS AND BUSINESSES IN ACCORDANCE WITH ASSEMBLY BILL 939, AND RESCINDING RESOLUTION NO. 2022-471

WHEREAS, on February 24, 1998, by Resolution 1998-113 Council approved the establishing of a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto; and

WHEREAS, pursuant to Section 5-5.130 of the Modesto Municipal Code cash security deposit and fees associated with AB939 for the removal of solid waste can be deposited with the City in an amount set from time to time by resolution of the City Council; and

WHEREAS, the updated schedule would set the deposit for residential self-haul to be 60 months multiplied by the current maximum monthly rate at the time of approval and set the deposit for commercial self-haul to be based deposit times total number of cubic yards in bin(s) times the number of collections per week; and

WHEREAS, the updated schedule will also establish an annual Assembly Bill 939 fee of 9.9% to both residential and commercial self-haulers. Funds will be distributed to both the General and Street Funds and will require a renewal of the self-haul program every three years.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Modesto hereby approves the update of a schedule of cash security deposits to be charge to residents and businesses for self-haul of solid waste in the City of Modesto, a copy of said schedule is **attached** hereto as **Exhibit “A”** incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Resolution 2022-471 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

JOSE M. SANCHEZ, City Attorney

EXHIBIT “A”

**CASH SECURITY DEPOSITS FOR
SELF-HAUL RESIDENTS AND BUSINESSES
CITY OF MODESTO**

Pursuant to the Modesto Municipal Code, Section 5-5.130, any person, other than a collector who has an agreement with the City, who wishes to remove and dispose of waste created or produced on premises they occupy or control must first provide a cash security deposit to the City. Such deposits shall be based on the following criteria:

Applications must be renewed every three (3) years

A security deposit shall be made for each separate residential dwelling, multifamily, or business location owned or controlled by a noncustomer.

For any residential, multifamily, or commercial property that is currently served by an authorized collector the City shall contact the collector and determine the existing service level being provided. Based on the service level, the City shall require a cash security deposit based on the formula noted and defined below.

For any residential, multifamily, or commercial property that is not currently serviced by an authorize collector, the City shall consult with the authorized collector assigned to the service address and determine an appropriate service level. The City shall require a cash security deposit based on the formula noted and defined below.

DEPOSIT

RESIDENTIAL OR COMMERCIAL – CART SERVICE

- a) For any residential, multifamily, or commercial property that is, or would be served by carts, the cash security deposit shall be equal to:

60 months x 51.25 (maximum monthly rate)

RESIDENTIAL OR COMMERCIAL- BIN SERVICE

- b) For any multifamily, or commercial property that is, or would be served by bins, the cash security deposit shall be equal to:

Base deposit x Multiplier= Cash Security Deposit

- a) Base Deposit: \$5000
- b) Multiplier: Total number of cubic yards in bin(s) times the number of collections per week

ANNUAL AB 939 FEE

RESIDENTIAL OR COMMERCIAL – CART SERVICE

Those residential, multifamily, or commercial properties participating in the Self-Haul program will be required to pay to the City of Modesto an annual AB939 Fee of 9.9% of the annual garbage rate.

- a) The formula for any residential, multifamily, or commercial property that is, or would be served by carts, the annual AB939 fee will be equal to:

$$\$51.25 \text{ (Maximum Monthly Rate)} \times 12 \text{ months} \times 9.9\%$$

RESIDENTIAL OR COMMERCIAL- BIN SERVICE

- b) The formula for any multifamily, or commercial property that is, or would be served by bin, the annual AB939 fee will be equal to:

$$\$64.04 \text{ (Maximum Rate 1 cubic yard)} \times \text{(Number of cubic yards in bin(s))} \\ \times \text{(number of pick-ups per week)} \times (12 \text{ months}) \times 9.9\%$$

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-293**

**RESOLUTION APPROVING THE FINAL REPORT AND
RECOMMENDATIONS OF HF&H CONSULTANTS, LLC., WALNUT CREEK,
CA REGARDING CITY OF MODESTO 2023 SOLID WASTE FINANCIAL
REVIEW AND RATE ANALYSIS, WHICH PROVIDE STAFF NEXT STEPS
FOR RATE METHODOLOGY DEVELOPMENT AND HAULERS' FRANCHISE
AGREEMENT REVIEW**

WHEREAS, Modesto has contracts with two private sector companies (Haulers) for the exclusive right to collect residential, commercial, and industrial garbage, organics, and recycling in the City; and

WHEREAS, the City sets the maximum rate that can be charged by the Haulers for each waste collection service and proposes rate adjustments to be made effective on or near July 1 of each year if deemed necessary by the City Council; and

WHEREAS, the City bases its rate analysis on audited financial records provided by both Haulers but recognizes that independent financial review and analysis of rate methodology should be completed to ensure accuracy and transparency for rate-payers; and

WHEREAS on June 27, 2023, by Resolution No. 2023-314, Council approved an agreement with HF&H Consultants LLC., to conduct an audit and performance review of the Haulers, to analyze the current rate setting methodology and test it for validity, and to develop a new rate setting methodology; and

WHEREAS, HF&H met with City staff and Haulers to gather the necessary information to conduct an audit and performance review of the Haulers, to analyze the current rate setting methodology and test it for validity, and to develop a new rate setting methodology. Where applicable, they requested more information from the City or

Haulers, conducted selected deep analysis of data, and evaluated the methodology for gathering or analyzing data. This project consists of two phases. Phase one is the HF&H Audit summary and results, and phase two will include creating a new rate setting methodology.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the final report and recommendations of HF&H Consultants, LLC., Walnut Creek, CA regarding City of Modesto 2023 Solid Waste Financial Review and Rate Analysis, which provide staff next steps for rate methodology development and Haulers' franchise agreement review.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-294**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR CONCRETE SERVICES TO UNITED PAVEMENT MAINTENANCE, HUGHSON, CA AND WESTSIDE LANDSCAPE & CONCRETE, NEWMAN, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$3,450,000 AND A TOTAL AMOUNT NOT TO EXCEED \$17,250,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the Public Works Department Curbs, Gutters and Sidewalks Division program repairs displaced or damaged concrete sidewalks, curb and gutter that have been damaged by City trees or City utilities; and

WHEREAS, this division has been working on over 5,000 outstanding work orders related to sidewalks that are in need of removal, repair, or replacement; and

WHEREAS, on October 10, 2023, under Resolution No. 2023-442, Council approved an Agreement with United Pavement Maintenance, Hughson, CA for concrete services for a total amount not to exceed \$2,350,000 for one-year; and

WHEREAS, Since the approval of this one-year agreement, the Public Works staff have been able to address 199 work orders related to the replacement and repair of sidewalks; and

WHEREAS, with the approval of the Fiscal Year 2024-25 Measure H spending plan, the Council approved an additional \$1.8 million for the City to continue to obtain an outside contractor for sidewalk repairs; and

WHEREAS, on July 10, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Concrete – Curb Gutter and Sidewalk Replacement Services; and

WHEREAS, on April 19, 2024, the Purchasing Division issued Invitation for Bids (IFB) 2324-74 for the furnishing of curb, gutter, sidewalk, taper, transition apron, asphalt concrete, and AC pavement replacement, including the fabrication and installation of handicap access ramps, on an “as needed” basis throughout the year, on the City’s PlanetBids public bidding website under various commodity codes 91430 (Concrete); and

WHEREAS, prospective bidders were notified online and via email of the bid opportunity and ten (10) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on May 21, 2024, bids were formally opened in the City Clerk’s office and broadcast virtually via Microsoft Teams Livestream; and

WHEREAS, six (6) bidders chose to respond and there was one (1) local bid received and two (2) were deemed “non-responsive” due to incomplete bid documents not provided as part of their bid submittal; and

WHEREAS, based on providing the two (2) lowest responsible and responsive bids, City staff recommends awarding the Concrete – Curb Gutter and Sidewalk Replacement Services to United Pavement Maintenance, Hughson, CA and Westside Landscape & Concrete, Newman, CA for a two (2) year agreement with three (3) one-year extension options, for a \$3,450,000 estimated annual amount for a total of \$17,250,000 over five years; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for concrete services with United Pavement Maintenance, Hughson, CA. and Westside Landscape & Concrete, Newman, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreements for Concrete Services to United Pavement Maintenance, Hughson, CA. and Westside Landscape & Concrete, Newman, CA for a two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of \$3,450,000 and a total amount not to exceed \$17,250,000 over five years.

BE IT FURTHER RESOLVED, the Director of Finance, or her designee is authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreements, 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, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-295**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH THE VALLEY FIRST CREDIT UNION, TO MAIN STREET BUSINESS DEVELOPMENT LOAN PROGRAM, FOR A TOTAL AMOUNT NOT TO EXCEED \$500,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) into law. The City of Modesto received approximately \$45.8 million in ARPA funds in two tranches to help address the continued impact of the COVID-19 pandemic on the economy, public health, individuals, and businesses; and

WHEREAS, the City of Modesto may use ARPA funds to address a number of areas, including:

1. Replace revenue that was lost, delayed, or decreased as determined based on the projections as of January 27, 2020 as a result of the COVID-19 emergency,
2. Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality,

3. Cost overruns incurred as a result of the COVID-19 emergency; and

WHEREAS, on May 25, 2021, the City Council approved Resolution No. 2021-194 approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan. The Modesto Forward plan allocated \$1,000,000 in funding to support the “Small biz support with expansion and retention”; and

WHEREAS, Modesto is a vibrant city in California’s Central Valley, and 9th

largest City in California faces significant challenges related to small business loan.

Modesto's small businesses are grappling with exacerbated financial challenges amid the pandemic, struggling to secure crucial loans and investments; and

WHEREAS, in response, Modesto, in partnership with Valley First Credit Union and backed by \$500,000 from ARPA, is implementing targeted initiatives. These efforts aim to streamline access to capital, expand financial counseling, and offer incentives to stimulate growth. By fostering partnerships and advocating for resilience-focused policies, Modesto aims to support small businesses, ensuring a robust economic recovery and community revitalization; and

WHEREAS, small businesses in Modesto are encountering significant barriers in securing essential loans and investments from local financial institutions. These challenges have been exacerbated by structural hurdles worsened during the pandemic, limiting businesses' ability to access capital needed for startup, survival, and expansion's; and

WHEREAS, the partnership between Valley First Credit Union and Modesto, aimed at bolstering small businesses, promises to have a positive impact on local economic resilience. By addressing critical financial barriers; and

WHEREAS, the City of Modesto has been actively coordinating with Valley First Credit Union on a proposal to fund Small Business Development Loan Program. Valley First Credit Union has been identified as an ideal recipient. The proposed funding amount is \$500,000, which is part of the American Rescue Plan Act (ARPA) funding. Loans would range from \$2,500 to \$75,000 with repayment terms from 12-60 months Interest rate would be at five points below prime. For reference prime rate is 8.5% so the loans would be 3.50% APR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Modesto Forward Grant Agreement with the Valley First Credit Union, to support Small Development Loan Program, for a total amount not to exceed \$500,000,

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

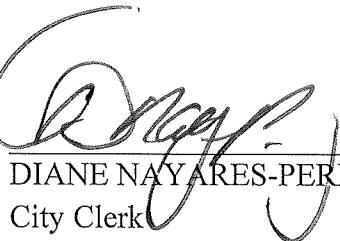
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-296**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH THE VALLEY FIRST CREDIT UNION, TO MAIN STREET BUSINESS BEAUTIFICATION, FOR A TOTAL AMOUNT NOT TO EXCEED \$500,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) into law. The City of Modesto received approximately \$45.8 million in ARPA funds in two tranches to help address the continued impact of the COVID-19 pandemic on the economy, public health, individuals, and businesses; and

WHEREAS, the City of Modesto may use ARPA funds to address a number of areas, including:

1. Replace revenue that was lost, delayed, or decreased as determined based on the projections as of January 27, 2020 as a result of the COVID-19 emergency,
2. Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality,

3. Cost overruns incurred as a result of the COVID-19 emergency; and

WHEREAS, on May 25, 2021, the City Council approved Resolution No. 2021-194 approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan. The Modesto Forward plan allocated \$1,000,000 in funding to support the “Small biz support with expansion and retention”; and

WHEREAS, Modesto is a vibrant city in California’s Central Valley, and 9th

largest City in California faces significant challenges related to small business loans.

Modesto's small businesses are grappling with exacerbated financial challenges amid the pandemic, struggling to secure crucial loans and investments; and

WHEREAS, Modesto, in partnership with Valley First Credit Union and backed by \$500,000 from ARPA, is implementing targeted initiatives. These efforts aim to streamline access to capital, expand financial counseling, and offer incentives to stimulate growth. By fostering partnerships and advocating for resilience-focused policies, Modesto aims to support small businesses, community revitalization; and

WHEREAS, economic disruptions stemming from the pandemic have heightened inflationary pressures and led to volatile interest rates. Small businesses, grappling with reduced cash flow and heightened operational uncertainties, are increasingly challenged to manage borrowing costs, and sustain day-to-day operations.; and

WHEREAS, the partnership between Valley First Credit Union and Modesto, aimed at bolstering small businesses, promises to have a positive impact on local economic resilience. By addressing critical financial barriers; and

WHEREAS, aligned with our city's strategic initiatives, the Expand Beautification tranche focuses on revitalizing our community to enhance aesthetics and economic vitality. Small businesses in Modesto have faced significant economic disruptions triggered by the pandemic, including inflationary pressures and volatile interest rates, which have compounded difficulties faced by local enterprises. The resultant decrease in consumer spending, coupled with heightened operational uncertainties, has placed small businesses in a precarious financial position; and

WHEREAS, Valley First Credit Union's involvement will strengthen these efforts by providing financial resources for: Remediation of blighted properties, revitalizing

neglected areas of our city. Facade rehabilitation and enhancement, enhancing the visual appeal and attractiveness of our neighborhoods. Financial support for historical preservation initiatives, preserving our city's heritage. Assisting with unreinforced masonry improvements, ensuring safety and sustainability in older structures; and

WHEREAS, the City of Modesto has been actively coordinating with Valley First Credit Union on a proposal to fund Beautification Improvement Program. Valley First Credit Union has been identified as an ideal recipient. The proposed funding amount is \$500,000, which is part of the American Rescue Plan Act (ARPA) funding. Loans would range from \$2,500 to \$75,000 with repayment terms from 12-60 months Interest rate would be at five points below prime. For reference prime rate is 8.5% so the loans would be 3.50% APR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Modesto Forward Grant Agreement with the Valley First Credit Union, to support Beautification Improvement Program, for a total amount not to exceed \$500,000.

BE IT FURTHER RESOLVED, that the City Manager or his designee is 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 27th day of August, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

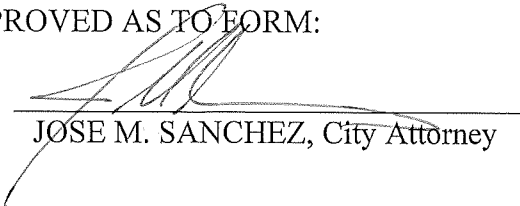
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-297**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND, SUNRISE MHC, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 433 S 7TH STREET (APN: 038-003-015) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Sunrise MHC, LLC, a California Limited Liability Company, own property located at 433 S 7th Street; and

WHEREAS the owners are proposing to connect a Mobile Home Park to City water main; and

WHEREAS, a representative of the property owners has requested a water service connection to the property; and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001; and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas; and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001; and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval; and

WHEREAS the property located at 433 S 7th Street is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection; and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development; and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction; and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement between the City of Modesto and Sunrise MHC, LLC a California Limited Liability Company to connect to the City of Modesto's existing water system for the property located at 433 S 7th Street (APN:038-003-015).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve Letter and execute the Outside Service Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-298**

**RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION
FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE
ALL NECESSARY GRANT DOCUMENTS**

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA) was signed into law on November 15, 2021; and

WHEREAS, under the IIJA, the Local Highway Safety Improvement Program (HSIP) is a core federal aid program for states; and

WHEREAS, the purpose of the HSIP program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and tribal land; and

WHEREAS, Caltrans Division of Local Assistance typically announces a call for HSIP project applications in the Spring either annually or biennially; and

WHEREAS, the total available funds vary with each funding cycle but have been upwards of \$200 million for the past several cycles; and

WHEREAS, applications are typically due in September of the year that the call for applications is made; and

WHEREAS, for the last few cycles, there has been two funding categories for HSIP: Benefit Cost Ratio (BCR) and Funding Set-Asides (SA); and

WHEREAS, there are five set-aside categories for this cycle: Guard Rail Upgrades, Pedestrian Crossing Enhancements, Installing Edgelines, Bike Safety Improvements, and Set-asides for Tribes; and

WHEREAS, there is a maximum funding request for each set-aside category between \$350,000 and \$1 million per local agency; and

WHEREAS, there is no maximum number of applications that can be submitted per agency for the BCR category however, there is a maximum award amount of \$10 million per agency; and

WHEREAS, typically the maximum federal reimbursement ration for an HSIP grant is 90% with a local match of 10%; and

WHEREAS, a project may be eligible for 100% HSIP reimbursement if all components of the project are eligible for 100% reimbursement per Section 4.2 of the Local Roadway Safety Manual (LRSM).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a Grant Application for Highway Safety Improvement Program (HSIP) funds.

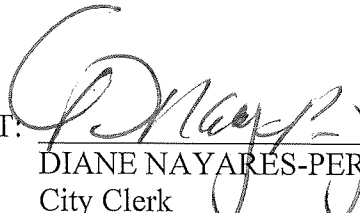
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-299**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL TO PAPE MACHINERY, FRENCH CAMP, CA FOR THE PURCHASE OF ONE (1) JOHN DEERE WHEEL LOADER FOR AN AMOUNT NOT TO EXCEED \$406,110; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, new vehicles need to be added to the City's Fleet inventory due to the operational needs of City departments and when these vehicles are added to the fleet, they are also added to the Fleet Replacement list to prepare for future replacement; and

WHEREAS, on November 2022, Sourcewell issued Request for Proposal (RFP) #011723 for Heavy Construction Equipment with Related Attachments and Technology; and

WHEREAS, the RFP was advertised through the New York Contract Reporter, Oregon advertising and through the Sourcewell public website; and

WHEREAS, on February 4, 2022, the bid opening was conducted electronically through the Sourcewell procurement portal; and

WHEREAS, eighteen (18) bids were received and based on the highest scored proposal, three (3) proposals were awarded under Sourcewell Contract #011723-JDC which includes the John Deere Wheel Loader; and

WHEREAS, based on the highest scored proposal, City staff recommends to award to Pape Machinery, French Camp, CA for the purchase of one (1) John Deere Wheel Loader in the amount not to exceed \$406,110; and

WHEREAS, Sourcewell is a cooperative agreement to streamline the procurement process by developing Request for Proposals (RFP)'s for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Sourcewell bidding process, the City is complying with the requirements defined under this code for the purchase of (1) John Deere Wheel Loader.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Sourcewell to Pape Machinery, French Camp, CA for the purchase of one (1) John Deere Wheel Loader for an amount not to exceed \$406,110.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-300**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM THE FLORIDA SHERIFFS ASSOCIATION TO ALLIGATOR ALLEY HARLEY DAVIDSON, SUNRISE, FL FOR THE PURCHASE OF SIX (6) POLICE MOTORCYCLES FOR AN AMOUNT NOT TO EXCEED \$195,605; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on May 2023, Florida Sheriffs Association (FSA) issued Invitation for Bids (IFB) #FSA23-VEL31.0 for Pursuit, Administrative, & Other Vehicles; and

WHEREAS, the IFB was advertised through the Florida Administrative Weekly, State of Florida Office of Supplier Diversity and FSA's public websites; and

WHEREAS, on September 1, 2023, the bid opening was conducted at the FSA building location; and

WHEREAS, twenty (22) bids were received and based on the bids which were the lowest bid per vehicle they were awarded the bid under the FSA Agreement # FSA23-VEL31.0 which includes the Police Motorcycles; and

WHEREAS, City staff recommends to award to Alligator Alley Harley Davidson, Sunrise FL for the purchase of six (6) Police Motorcycles in the amount not to exceed \$195,605; and

WHEREAS, using a public agencies bidding process streamlines the procurement process by developing Request for Proposals (RFP)'s for large public agencies competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing another public agency's bidding process, the City is complying with the requirements defined under this code for the purchase of (6) Police Motorcycles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from the Florida Sheriffs Association to Alligator Alley Harley Davidson, Sunrise FL for the purchase of six (6) Police Motorcycles for an amount not to exceed \$195,605.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-301**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM TEXAS ASSOCIATION OF SCHOOL BOARDS TO RUSH TRUCK CENTER, CERES, CA FOR THE PURCHASE OF TWO (2) F250 SUPER DUTY TRUCKS FOR AN AMOUNT NOT TO EXCEED \$128,585; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs including the addition of new vehicles due to the operational needs for the city; and

WHEREAS, on February 2023, Texas Association of School Boards coordinated with Buy Board Purchasing Cooperative to issue Contract #724-23 for Vehicles, Police Motorcycles, Trucks, Parts, and Maintenance Repair Services; and

WHEREAS, the Request for Proposal (RFP) was advertised through Abilene Reporter News, Brownsville Herald, Hearst Media Solutions, the Lawton Constitution, The Oregonian, and Buy Board website; and

WHEREAS, on September 7, 2023, the bid opening was conducted at the Texas Association of School Boards building location; and

WHEREAS, seventeen (17) proposals were received and based on the proposal meeting the evaluation criteria they were awarded the contract under the Buy Board Contract #724-23 which includes the F250 Super Duty Trucks; and

WHEREAS, City staff recommends to award to Rush Truck Centers, Ceres, CA for the purchase of two (2) F250 Super Duty Trucks in the amount not to exceed \$128,585; and

WHEREAS, using a public agencies bidding process streamlines the procurement process by developing Request for Proposals (RFP)'s for large public agencies competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 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) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing another public agency's bidding process, the City is complying with the requirements defined under this code for the purchase of (2) F250 Super Duty Trucks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the competitive bidding process from Texas Association of School Boards to Rush Truck Center, Ceres, CA for the purchase of two (2) F250 Super Duty Trucks for an amount not to exceed \$128,585.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

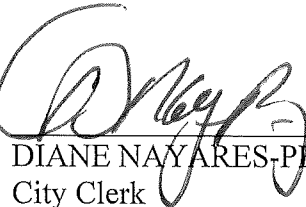
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-302**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2023 PLAYGROUND REPLACEMENT PHASE 1 PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO SIERRA PLAY PARTNERS OF RIPON, CA, IN THE AMOUNT OF \$689,575, PLUS \$68,958, IN CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$758,533 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, with an estimated \$70+ million in deferred maintenance in our park system, many park amenities are severely in need of replacement; and

WHEREAS, in June 2023, Council approved the FY 2023-2024 budget, which included \$6,100,000 of Measure H funding for deferred park maintenance; and

WHEREAS, as part of the deferred park maintenance allocation, \$2,520,000, is budgeted for the replacement of playground structures at eight (8) City parks; and

WHEREAS, on February 27, 2024, by Council Resolution 2024-071, Council approved the purchase of six playgrounds for a total not to exceed \$959,394; and

WHEREAS, with the purchase of play equipment, site work is necessary for installation of the play equipment; and

WHEREAS, the site work for the project was advertised for bids on May 7, 2024; and

WHEREAS, bids were publicly opened on June 11, 2024, pursuant to City Charter Section 1307, and four bids were received; and

WHEREAS, Sierra Play Partners, of Ripon, CA, was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual

services to be formally bid; and

WHEREAS, the award of contract for the construction of the 2023 Playground Replacement Phase 1 Project, to Sierra Play Partners, of Ripon, CA, conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommends awarding the contract to Sierra Play Partners, of Ripon, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2023 Playground Replacement Phase 1 Project, accepts the Bid, and awards a construction contract to Sierra Play Partners, of Ripon, CA, in the amount of \$689,575 plus \$68,958 in contingency (if needed), for a total amount not to exceed \$758,533.

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 27th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-303**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
2024 SPORT COURT LIGHTING PROJECT FOR DAVIS COMMUNITY PARK
AND BEYER COMMUNITY PARK, ACCEPTING THE BID AND AWARDING A
CONSTRUCTION CONTRACT TO FLUORESCO SERVICES, LLC, OF
PHOENIX, AZ, IN THE AMOUNT OF \$103,500, PLUS \$10,350, IN
CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO
EXCEED \$113,850 AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, with an estimated \$70+ million in deferred maintenance in our park system, many park amenities are severely in need of replacement; and

WHEREAS, in June 2023, Council approved the FY 2023-2024 budget, which included \$6,100,000 of Measure H funding for deferred park maintenance; and

WHEREAS, as part of the deferred park maintenance allocation, \$190,000, is budgeted for the renovation of the lighting of the sport courts within the park system; and

WHEREAS, Davis Community Park's sport court lighting was originally installed in 1969 and Beyer Community Park's was originally installed in 1987; and

WHEREAS, over the years the technology for sport court lighting systems have become more efficient and cost effective which is favorable for maintenance and longevity of the facilities in our park system; and

WHEREAS, the site work for the project was advertised for bids on June 14, 2024; and

WHEREAS, bids were publicly opened on July 23, 2024, pursuant to City Charter Section 1307, and six bids were received; and

WHEREAS, Fluoresco Services, LLC, of Phoenix, AZ., was determined to be the responsible bidder with the lowest responsive bid; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, the award of contract for the construction of the 2024 Sport Court Lighting project, to Fluoresco Services, LLC, of Phoenix, AZ., conforms to Modesto Municipal Code, 8-3.203; and

WHEREAS, staff recommend awarding the contract to Fluoresco Services, LLC, of Phoenix, AZ.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2024 Sport Court Lighting Project, accepts the Bid, and awards a construction contract to Fluoresco Services, LLC, of Phoenix, AZ, in the amount of \$103,500 plus \$10,350 in contingency (if needed), for a total amount not to exceed \$113,850.

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 27th day of August, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-304**

RESOLUTION APPROVING THE CITY OF MODESTO PANDEMIC RECOVERY STRATEGY – MODESTO FORWARD GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GRAFFITI USA CLASSIC CAR MUSEUM FOR \$350,000 IN AMERICAN RESCUE PLAN ACT FUNDING, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion emergency relief measure intended to provide relieve from the impact of COVID-19; and

WHEREAS, the legislation made a historic investment into local governments, include \$45,894,056 to the City of Modesto to address the local impact of COVID-19; and

WHEREAS, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward (Modesto Forward), a comprehensive spending plan designed to support the local recovery from the pandemic; and

WHEREAS, the spending plan included a \$500,000 allocation to the Graffiti USA Classic Car Museum, in the City’s Year 1 spending plan; and

WHEREAS, by Resolution No. 2022-104, Council awarded \$500,000 to the Graffiti USA Classic Car Museum; and

WHEREAS, by Resolution No. 2024-294, Council approve the reallocation of APRA funding to new or existing ARPA programs, including \$350,000 in funding to the Graffiti USA Classic Car Museum (“Recipient”); and

WHEREAS, the Recipient is in good standing and will utilize the ARPA funding to continue working on its Phase I construction of the museum, specifically for the

materials and construction of its electrical infrastructure and exterior architectural features; and

WHEREAS, all funds must be obligated by December 31, 2024 and expended by December 31, 2026; and

WHEREAS, the Finance Department will process any budget adjustments necessary to remit the \$350,000 payment to the Recipient.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Pandemic Recovery Strategy – Modesto Forward – Grant Agreement between the City of Modesto and Graffiti USA Classic Car Museum, a California non-profit corporation, in an amount not to exceed \$350,000 in ARPA funds.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-305**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE LANDSCAPE MAINTENANCE, WEED ABATEMENT, TRASH REMOVAL, AND RODENT CONTROL SERVICES TO GROVER LANDSCAPE SERVICES, INC., MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$187,000 AND TOTAL AMOUNT NOT TO EXCEED \$1,030,347 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Utilities Department, Wastewater Division, is responsible for maintaining the sewer and storm lift station, stormwater basins, and Regional Water Recycling Facilities: Sutter and Jennings Campus; and

WHEREAS, these properties require regular landscaping services that include, but are not limited to, real property landscape maintenance, weed abatement, trash removal, and rodent control in order to maintain their proper functions and eliminate safety risks; and

WHEREAS, the City currently has an active PRN Citywide Agreement with Grover Landscape Services, Inc. (Grover) as an On-Call Vegetation Management Agreement for landscaping services on an as needed basis. However, the Scope of Work necessary to maintain the Wastewater Division's sewer and storm lift stations, stormwater basins, and treatment facilities encompasses a much broader set of requirements to be performed on a regular basis; and

WHEREAS, the City's current Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control services Agreement is set to expire on August 07, 2024. In order to continue maintenance on the City's various Sewer and Storm related sites, a new agreement is necessary; and

WHEREAS, on December 5, 2023, the City Manager authorized the Purchasing

Manager to solicit the procurement for Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control Services. On April 23, 2024, the Purchasing Division issued Invitation for Bids (IFB) IFB 2324-61 for Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control Services on the City's PlanetBids public bidding website under various commodity codes. Prospective bidders were notified online and via email of the bid opportunity. Thirty-three (33) companies downloaded the IFB documents from PlanetBids; and

WHEREAS, on June 4, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Four (4) chose to respond, there was one (1) local bid received. Based on providing the lowest responsive and responsible bid, City staff recommended to award the Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control Services to Grover Landscape Services, Inc., Modesto, CA for the total amount not to exceed \$1,030,347; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow the formal bid procedures. An award of Bid and Agreement for Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control Services for the Utilities Department, Wastewater Division use to Grover Landscape Services, Inc., Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Grover Landscape Services, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the award of bid and agreement for the Landscape Maintenance, Weed Abatement, Trash Removal, and Rodent Control services to Grover Landscape

Services, Inc., Modesto, CA, for two (2) year agreement with three (3) one-year extension options, for an annual estimated amount of \$187,000 and total amount not to exceed \$1,030,347 over five 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 27th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-306**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENTS FOR GENERATOR REPAIR AND PREVENTATIVE MAINTENANCE SERVICE TO BAY CITY ELECTRIC WORKS OF LIVERMORE, CA AND POWERGEN INC., OF TRACY, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,214,800 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the City of Modesto Utilities Department, Police Department and Public Works Department rely upon contractual agreements for repair and preventive maintenance of approximately sixty-eight (68) generators, although additional generators may be identified over the course of this service agreement, and

WHEREAS, stationary generators provide emergency back-up power to various City facilities, allowing departments to continue operations during a power outage, and

WHEREAS, portable generators provide power for special projects in remote areas, back-up power to smaller facilities and power for special City events, and

WHEREAS, on January 10, 2022, the City Manager authorized the Purchasing Manager to solicit the procurement for Generator Repair and Preventative Maintenance Services, and

WHEREAS, on March 13, 2024, the Purchasing Division issued Invitation for Bids (IFB) No.2122-46RB, Generator Repair and Preventative Maintenance Service, on the City's PlanetBids public website under various commodity codes, and

WHEREAS, on April 23, 2024, bids were formally opened in the City Clerk's Office and broadcast via Microsoft Teams Livestream, and

WHEREAS, two (2) companies chose to respond, and no local bids were received, and

WHEREAS, based on providing the lowest and responsive and responsible bid, City staff recommends awarding the Generator Repair and Preventative Maintenance Service Agreements to Bay City Electric Works of Livermore, CA as Primary and PowerGen Inc. of Tracy, CA as Secondary, and

WHEREAS, to ensure continued service to the City, contracts may be awarded to more than one contractor to provide backup if the primary contractor is unable to meet the City's needs, and

WHEREAS, a secondary contractor may be awarded a specific job if the primary contractor is unable to perform the service, unable to complete the specific job within the time frame required by the City, or unable to maintain acceptable quality standards required by the City, and

WHEREAS, the operation of Wastewater generators is essential to maintaining operations in the event a generator fails and emergency rental services are required, and \$250,000 from the Wastewater fund will be allocated for emergency rental purposes only, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures. An award of bid and agreements for Generator Repair and Preventative Maintenance Service got citywide use to Bay City Electric Works and PowerGen Inc., conforms to the Modesto Municipal Code because the City

complied with formal bid procedures, and Bay City Electric Works and PowerGen Inc., were the lowest responsive and responsible bidders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreements for Generator Repair and Preventative Maintenance Service to Bay City Electric Works of Livermore, CA and PowerGen Inc., of Tracy, CA for a two (2) year agreement with three (3) one-year extension options, for a total amount not to exceed \$1,214,800 over five years,

BE IT FURTHER RESOLVED, the Director of Finance is authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreements 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 27th day of August, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-307**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT TO WEST COAST SAND AND GRAVEL, INC. OF BUENA PARK, CA, FOR THE PURCHASE OF ROCK, SAND AND GRAVEL FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$712,000 AND A TOTAL AMOUNT NOT TO EXCEED \$3,920,700 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, various departments throughout the City utilize aggregate base, cut back, fractured rock, hydro-patch, concrete mix, 3/4" crushed rock, 3/8" crushed rock, drain rock, concrete sand, cobblestone, and track-out rock for city related construction projects and city road maintenance, and

WHEREAS, the Water Division utilizes aggregate base, crushed rock and sand for various construction projects, infrastructure maintenance, capital improvement projects, backfilling and compacting holes, emergency repairs, customer water meter line repair, and main water line repairs; and concrete mix and base rock are used to provide compaction and water absorption for saturated holes, and

WHEREAS, on April 2, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the Purchase of Rock, Sand, and Gravel, and

WHEREAS, on April 25, 2024, the Purchasing Division issued Invitation For Bids (IFB) No. 2324-82, Purchase of Rock, Sand and Gravel on the City's PlanetBids public bidding website under various commodity codes, and prospective bidders were notified online and via email of the bid opportunity, and

WHEREAS, fifteen (15) companies downloaded the IFB document from PlanetBids, and

WHEREAS, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream on June 4, 2024, and two (2) companies chose to respond, one of which was a local bidder, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow formal bid procedure. An award of bid and agreement for the purchase and delivery of rock, sand, and gravel to West Coast Sand and Gravel, Inc. of Buena Park, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and West Coast Sand and Gravel was the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreement to West Coast Sand and Gravel, Inc. of Buena Park, CA, for the purchase of rock, sand and gravel for a two (2) year agreement with three (3) one-year extension options, for an estimated annual amount of \$712,000 and a total amount not to exceed \$3,920,700 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to execute the purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-308**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH THE BASEBALL CLUB OF MODESTO, LLC TO LEASE THE JOHN THURMAN FIELD FACILITY THROUGH SEPTEMBER 30, 2025, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO FINALIZE THE LANGUAGE OF THE AMENDMENT PURSUANT TO THE NEGOTIATED TERMS AND EXECUTE THE AGREEMENT

WHEREAS, the City is the owner of the property, stadium, and parking facilities that comprise John Thurman Field; and

WHEREAS, on February 27, 2024, by Resolution No. 2024-052, the Council approved an agreement with The Baseball Club of Modesto, LLC to lease the John Thurman Field Facility through September 30, 2024. This Agreement gave the Parties additional time to enter negotiations for a long-term lease; and

WHEREAS, during this period, the Parties were unable to reach agreement on a long-term lease; and

WHEREAS, on July 10, 2024, the Parties announced publicly that a mutual agreement on a long-term lease extension could not be reached; and

WHEREAS, since then, there have been additional conversations and the City and The Baseball Club of Modesto, LLC have reached a tentative draft lease amendment for a one-year term extension; and

WHEREAS, this Amendment will allow the Parties to continue negotiations for a long-term lease; and

WHEREAS, the Amendment includes the following key terms:

- Term: October 1, 2024, through September 30, 2025.

- **Rent:** The annual rent shall be Six Hundred Thousand Dollars (\$600,000). Lease payments shall be paid on a monthly basis, divided equally over the twelve (12 months). Seventy-Five Thousand Dollars (\$75,000) of the annual rent will be held by the Tenant and used for capital improvements. Following the end of the year, the Tenant shall submit an accounting to the City showing the use of the Seventy-Five Thousand Dollars (\$75,000) withheld by the Tenant. Any amount not used for capital improvements shall be paid to the City.
- **Maintenance and Capital Improvements:** The Tenant shall be solely responsible for all ongoing repairs and maintenance expenses.
- **Mandated Capital Improvements:** The Tenant agrees to fund all Improvements to the property which are required by Major League Baseball (“MLB”), Minor League Baseball (“MiLB”), Major League Baseball Players Association (“MLBPA”), Minor League Baseball Players Association (“MiLBPA”), or any other entity with authority or control over the condition and specifications of stadiums used for minor league baseball.
- **Proximity Clause:** The Tenant agrees that they, their Parent Organization, or any other affiliates associated with the Tenant will not engage any other city or entity within Stanislaus County to negotiate the development or redevelopment of a baseball or multipurpose sports facility during the term of the Lease and through December 2026. The Tenant agrees to and acknowledges that a breach of this provision will result in a penalty of fifty percent (50%) of the base rent equal to Three Hundred Thousand Dollars (\$300,000).

- Long-Term Lease Negotiations: The Parties agree that if a new long-term lease agreement for the property is not finalized by April 1, 2025, unless otherwise agreed in writing, negotiations will end, and the Tenant shall vacate the Property by October 1, 2025.

WHEREAS, the City and The Baseball Club of Modesto, LLC are still finalizing all of the details of the Lease Amendment, and the City Council desires to authorize the City Manager to finalize those details, subject to the negotiated terms described above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Lease Agreement with The Baseball Club of Modesto, LLC to lease the John Thurman Field facility through September 30, 2025.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to finalize the language of the First Amendment to the Lease Agreement pursuant to the negotiated terms and execute the Agreement, in a form approved by the City Attorney, subject to the terms contained in this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-309**

RESOLUTION DECLARING SPECIFIED CITY OWNED PROPERTIES AS SURPLUS LAND, AUTHORIZING THE CITY MANAGER TO DETERMINE WHICH PROPERTIES MAY BE DECLARED EXEMPT SURPLUS LAND, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR THE CONVEYANCE OF SUCH PROPERTIES IN ACCORDANCE WITH THE SURPLUS LAND ACT

WHEREAS, the Surplus Land Act (Government Code sections 54220-54234; “SLA”) requires local agencies that wish to sell or lease land that is not necessary for the agency’s use (“surplus land”) to first offer the surplus land for sale or lease through the issuance of a notice of availability to affordable housing developers and certain other entities, and then to engage in good faith negotiations with responding parties for a specified time, before selling or leasing the land or engaging in negotiations to dispose of the land; and

WHEREAS, there are specified exemptions under the SLA for the sale or lease of land which is designated “exempt surplus land” under the SLA, provided the local agency declares the properties exempt surplus land and the local agency provides notice to the California Department of Housing and Community Development (“HCD”); and

WHEREAS, staff of the City of Modesto has inventoried the real property assets owned by the City and has compiled a list of such properties which are not necessary for the use of the City and may be declared surplus land, as set forth in **Exhibit “A” attached** to this Resolution; and

WHEREAS, the City Council desires to declare such properties as surplus land, and to authorize and direct the City Manager and his designees to take all actions

required to facilitate the sale or lease of such properties through the Surplus Land Act process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares all of the properties set forth on **Exhibit “A” attached** to this Resolution to be surplus land in accordance with the SLA.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to determine which of the surplus land properties may be declared exempt surplus land, and to make such properties available for sale or lease through such procedures as are required or permitted pursuant to the SLA.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to negotiate proposed agreements for sale or lease of such properties with selected persons and entities in accordance with the SLA, and to submit draft agreements for conveyance of such properties to the City Council for its approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"

LIST OF SURPLUS LAND

City of Modesto: List of Surplus Properties			
Location	Assessor Parcel #	Current Zoning	Approximate Size
1753 MORGAN RD*	086-014-010	M-2	27,773 sq. ft./ 0.64 acre
ENCINA AVE**	033-036-001	R-1	14,620 sq. ft./ 0.34 acre
COLFAX & GLENDALE AVES**	033-033-046	R-1	13,060 sq. ft./ 0.30 acre
MC GERRY ST**	065-012-047	R-1	10,932 sq. ft./ 0.25 acre
WHITMORE AVE***	086-014-007	M-2	10,021 sq. ft./ 0.23 acre
705 E WHITMORE AVE**	086-014-012	M-2	3,998 sq. ft./ 0.09 acre
WHITMORE AVE**	086-014-006	M-2	10,000 sq. ft./ 0.23 acre
FRAZINE RD**	133-001-026	C-3	10,000 sq. ft./ 0.23 acre
924 VIRGINIA AVE**	113-008-005	R-1	9,444 sq. ft./ 0.22 acre
132 OLIVERO RD**	086-010-033	NONE	9,310 sq. ft./ 0.21 acre
110 POPLAR AVE**	110-009-036	R-1	7,000 sq. ft./ 0.16 acre
1700 MC HENRY AVE**	120-033-002	MU-P	4,316 sq. ft./ 0.10 acre
1000 COFFEE RD**	032-011-002	R-1	3,007 sq. ft./ 0.07 acre
TULLY RD**	059-001-006	R-1	2,998 sq. ft./ 0.07 acre
CARPENTER RD**	029-012-050	M-1	2,474 sq. ft./ 0.06 acre
435 COLLEGE AVE**	109-002-001	R-2	2,225 sq. ft./ 0.05 acre
GRIMES AVE**	017-012-012	SP	1,875 sq. ft./ 0.04 acre
917 CAROLYN DR**	072-040-001	NONE	880 sq. ft./ 0.02 acre
GOLF COURSE PARKING LOT 321 NEECE DR	102-013-001	R-1	9,045 sq. ft./ 0.21 acre
GOLF COURSE PARKING LOT NEECE DR	102-013-002	R-1	7,540 sq. ft./ 0.17 acre
GOLF COURSE PARKING LOT NEECE DR	102-013-003	R-1	7,201 sq. ft./ 0.17 acre
MUNI/ JOHN THURMAN FIELD 601 NEECE DR	102-012-001	R-1	2,961,436 sq. ft./ 67.99 acre
JOHN THURMAN FIELD PARKING 511 S SUNSET BLVD	102-012-004	R-1	343,895 sq. ft./ 7.89 acre
HINTZE AVE****	112-006-007	R-1	7,493 sq. ft./ 0.17 acre
LA LOMA AVE****	108-014-001	R-1	5,401 sq. ft./ 0.12 acre
SCENIC DR****	111-010-001	C-1	1,307 sq. ft./ 0.03 acre
308 LOCUST ST	101-004-049	R-1	6,981 sq. ft./ 0.16 acre
1701 CONNIE WAY	035-050-022	R-2	6,240 sq. ft./ 0.14 acre
* Pump Station			
** Well Site			
*** Tank Site			
**** Island Park			

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-310**

**RESOLUTION VACATING THE APPOINTMENTS OF MICHELLE BUER
AND YELITZA PENA FROM THE ENTERTAINMENT COMMISSION**

WHEREAS, the Entertainment Commission was established to oversee the entertainment permit process, including dance and processing of special event requests within the City of Modesto, and

WHEREAS, on July 11, 2023, by Resolution No. 2023-324, Michelle Buer and Yelitza Pena were appointed to the Entertainment Commission with a term expiration date of June 30, 2027, and

WHEREAS, Michelle Buer and Yelitza Pena have not attended any Entertainment Commission meetings since being appointed, and

WHEREAS, Section 8.2 of the Entertainment Commission bylaws¹ state that unexcused absences of three (3) consecutive regular meetings or five (5) or more regular meetings in a twelve (12) month period shall result in the position being vacated, and

WHEREAS, City staff reached out to Commissioner Buer and Commissioner Pena on April 25, 2024, to notify her of the consecutive absences and to offer the opportunity to submit a resignation, and

WHEREAS, Commissioner Buer and Commissioner Pena have not tendered their resignation or been responsive to staff.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby vacates the appointments of Michelle Buer and Yelitza Pena from

¹ [Rules and Regulations \(modestogov.com\)](https://www.modestogov.com/rules-and-regulations)

the Entertainment Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-311**

**RESOLUTION ACCEPTING THE RESIGNATION OF CARRIE MILLER
FROM THE ENTERTAINMENT COMMISSION**

WHEREAS, the Entertainment Commission was established to oversee the entertainment permit process, including dance and processing of special event requests within the City of Modesto, and

WHEREAS, on June 06, 2023, by Resolution No 2023-244, Carrie Miller was appointed to serve as a member of the Entertainment Commission with a term expiration date of June 30, 2027, and

WHEREAS, Carrie Miller has tendered her resignation from the Entertainment Commission effective April, 25, 2024.


NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Carrie Miller from the Entertainment Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-312**

**RESOLUTION ACCEPTING THE RESIGNATION OF LISA LOMAS FROM
THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION**

WHEREAS, the Landmark Preservation Commission was established to advise City Council on matters related to historic structures and other resources in addition to policies and practices pertaining to preservation of Modesto's landmarks, and

WHEREAS, on December 1, 2020, by Resolution No. 2020-494, Lisa Lomas was appointed to serve as a member of the Landmark Preservation Commission with a term expiration date of December 31, 2024, and

WHEREAS, Lisa Lomas has tendered her resignation from the Landmark Preservation Commission effective August 6, 2024.

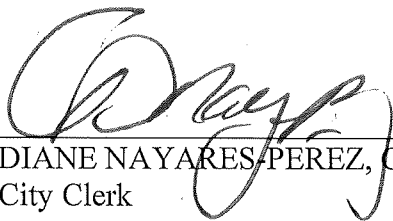
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Lisa Lomas from the City of Modesto Landmark Preservation Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-313**

**RESOLUTION ACCEPTING THE RESIGNATION OF JOHN BERGMAN
FROM THE HOUSING REHABILITATION LOAN COMMITTEE**

WHEREAS, the Housing Rehabilitation Loan Committee was established to review and approve the City of Modesto's (City) housing rehabilitation loans and grants and for reviewing policy and procedures for the program; and

WHEREAS, on March 4, 2021, by Resolution No. 2021-095, John Bergman was appointed to serve as a member of the Housing Rehabilitation Loan Committee with a term expiration date of January 1, 2025; and

WHEREAS, John Bergman has tendered his resignation from the Housing Rehabilitation Loan Committee effective April 26, 2024.


NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of John Bergman from the Housing Rehabilitation Loan Committee with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-314**

**RESOLUTION AMENDING THE FISCAL YEAR 2023-24 AND 2024-25
ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS
AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY
STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24 and Fiscal Year 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 and Fiscal Year 2024-25 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment is needed to increase the budget in Fund 1130 – Community Development Block Grants (CDBG) in the Housing and Urban Development (HUD) Program by \$300,000 for Administration during FY2024. The increase of expenses is due to an increase in the Indirect Rate Cost Proposals adjustments (ICRP) and support for potential and new programs including the Economic Development Initiative (EDI), Bridge Housing, Camp2Home, and Homekey programs, creating low-income housing and providing support to those unhoused in our community. This is fully funded by Federal CDBG funds and has no impact to the General Fund.
- A budget adjustment in the amount of \$200,000 is needed to account for the Homeowner Rehabilitation Loans that are being converted to Grants in the Revolving Loan Fund (1155). This program is designed to eliminate health and safety hazards in residential properties for qualifying low-income households, and each loan has met the affordability covenant. The Homeowner Rehabilitation Program is funded through the Community Block Grant Revolving Loan Fund.

MEASURE L – ENGINEERING SERVICES DEPARTMENT

- A budget adjustment is necessary to recognize actual revenue received in the Measure L Fund (1410) for the fiscal year FY 2023-24. The additional revenue to recognize is in an amount up to \$3,200,000 for the Local Streets & Roads (14625), Traffic Management (14626), and Bike & Pedestrian (14627) cost centers.

FIRE DEPARTMENT

- A budget adjustment is needed to reallocate the budgeted revenue from the General Fund (0100) to the Grants – Operations Grants Reimbursed Fund (1341) in the amount of \$600,720 for the MFD – 2020 Federal Emergency Management Agency (FEMA) Staffing For Adequate Fire and Emergency Response (SAFER) Grant. In addition, an increase is needed to the transfer out from the General Fund (0100) to the Grants – Operations Grants Reimbursed Fund (1341) in the amount of \$600,720 to account for overtime expenses that are ineligible to be reimbursed by the grant and the overtime account within the MFD – 2020 FEMA SAFER Grant cost center needs to be increased by the same amount as those expenses are paid from the cost center.

HUMAN RESOURCES DEPARTMENT

- A budget adjustment in the amount of \$2,600,000 is needed in the Insurance – Liability Insurance Fund (5330) to account for an increase in Insurance Premiums and Claims Payments in the fiscal year. A portion of the increase is being covered by the fund reserves. Additionally, the overall Internal Service Fund (ISF) is being increased by \$1,300,000 which will increase the revenue to Fund 5330 and increase the expense budgets for the ISF model. The expense increases of \$1,300,000 have been split

amongst various funds of which the breakdown can be seen below. The increase for General Fund will come from Fiscal Year 2023-24 General Fund carryover funds.

Fund	Fund Name	Total Increase
0100	General Fund	\$815,631
1133	HUD Administration	\$3,367
1300	Capital Improvement Support	\$36,175
1390	American Rescue Grants Fund	\$654
1610	Traffic Offender Fund	\$418
1700	Surface Transportation Fund	\$167,943
3220	Infrastructure Financing Program Administration	\$2,635
4000	Parking Fund	\$1,945
4100	Water Fund	\$63,480
4210	Sewer Operations Fund	\$90,903
4310	Airport Operating Fund	\$2,702
4480	Storm Drainage Fund	\$1,738
4700	Community Center Operations Fund	\$1,497
4890	Compost Fund	\$2,668
4891	Solid Waste Fund	\$3,073
4892	Green Waste Fund	\$67,441
5110	Inventory Purchases Fund	\$1,505
5120	Mail Services ISF Fund	\$340
5230	Information Technology Fund	\$14,809
5310	Insurance - Administration Fund	\$1,902
5400	Fleet Management Fund	\$16,192
5520	Employee Benefits Administration Fund	\$546
5800	Building Services Fund	\$2,436
Grand Total		\$1,300,000

PARKS, RECREATION & NEIGHBORHOODS

- Per the agreement that was entered into with the Modesto Convention & Visitors Bureau (CVB) by the City of Modesto, the City is to provide to the Modesto Centre Plaza (MCP) an amount equal to thirty percent (30%) of the of the City’s annual Transient Occupancy Tax (TOT) receipts that exceed \$2,850,000 for the sole purpose of funding deferred maintenance and capital improvements at the Modesto Centre Plaza. In Fiscal Year 2023-24, the City is estimated to receive total TOT receipts of \$3,351,195 and the 30% of the amount that exceeds \$2,850,000 that is required to be transferred to the capital improvements for the Modesto Centre Plaza is \$150,359. The Fiscal Year 2023-24 originally estimated \$249,000 to be transferred to the project. Therefore, a budget adjustment is required in Fiscal Year 2023-24 to reduce the transfer out from the

General Fund in the amount of \$98,641 into the Non-Capital Multi-Year Project 101251 (PRN - MCP Deferred Maintenance) in Fund 4700 (Community Center Operations Fund) to meet the requirements of the agreement concerning TOT revenues. The project revenue and expenditure budget will also be decreased by the same amount of \$98,641 per the agreement.

POLICE DEPARTEMENT

- A budget adjustment in the amount of \$75,000 is necessary to establish a transfer out from the General Fund (Fund 0100) to the 2022-2025 Board of State and Community Corrections (BSCC) California Violence Intervention and Prevention (CALVIP) Grant Project (101422) in Police – Grants Fund 1342, for the match funds by way of existing staff time and use of facilities within the Police Department and Parks, Recreation and Neighborhoods Department. This was approved by Council on July 12, 2022, per resolution 2022-305, but the item did not include a budget resolution to establish the transfer for the City’s match.
- A budget adjustment in the amount of \$8,700 is needed to increase the Police - Grants Fund (1342) for Project 101609 – 2024/2025 Alcoholic Beverage Control (ABC) Grant to recognize the annual revenue received from the Department of Alcoholic Beverage Control from the State of California and allocate to the project discretionary expense budget based on the Alcohol Policing Partnership Program award in the amount of \$58,700. Due to the need to begin work on the grant, a budget adjustment in the amount of \$50,000 was completed on the City Manager’s authority. The adjustment will increase the budget by an additional \$8,700 for a total project budget of \$58,700.
- A budget adjustment in an amount not to exceed \$250,000 is necessary to increase Discretionary Expenses in the Traffic Safety Fund (1600). The fund is currently over budget due to higher-than-expected repair and equipment needs. The increase in budget will be coming from the Fund Reserves.
- A budget adjustment in the amount of \$645,000 is necessary in the Police Grants Fund (1342) MPD - Community Health and Assistance Team (CHAT) CCP Fund Cost Center 19396 to increase the Salary and Discretionary Expenditure budgets and corresponding revenue based on the Fiscal Year 2023-2024 actual expenditures in this Cost Center. \$466,000 in budgeted Salary Appropriations will be moved from the MPD - HUD ESG Homeless Outreach Cost Center 19205 and MPD - ARPA Outreach Specialists cost center 19206. Cost Centers 19205 and 19206 were previously funded by Housing and Urban Development (HUD) ESG Funding which expired 12/30/2022 and was most recently fund by America Rescue Plan Act (ARPA) funding which was exhausted 9/30/2024. On July 12, 2022, The Modesto Police Department was awarded funding from Stanislaus County Community Corrections Partnership (CPP) funding to support on-going Community Health and Assistance Team (CHAT) Efforts. All employees whose Home Cost Centers were 19205 and 19206 were moved to 19396. This budget adjustment will move remaining budgets in 19205 and 19206 to 19396 and increase the budget enough to cover the existing shortage. As part of the adjustment, a Transfer-in from the General fund will be established in the amount of \$6,000 to cover ineligible discretionary or internal service fund expenditures.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being taken to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 23-24 for the activity through June 2024. Below is a table showing the net effect in each sub-fund because of the various adjustments.*

Fund	Fund Name	Net Impact of Adjustments
1309	Capital Improvement Support Fleet Replacement	\$49,661
1709	Surface Transportation Fleet Replacement	\$517,988
4109	Water Fund Fleet Replacement	\$1,176,040
4219	Wastewater Fleet Replacement	\$455,191
4489	Storm Drainage Fleet Replacement Fund	\$1,364,413
4709	Centre Plaza Fleet Replacement Fund	\$39,246
4899	Solid Waste Fleet Replacement Fund	\$536,700
5410	General Fund Equipment Fleet Replacement	\$2,390,936
	Total Transfer Outs	\$6,530,175
5409	Transfer In – Fleet Management Fleet Replacement	\$6,530,175
	Total Transfer Ins	\$6,530,175

A budget adjustment is necessary to establish a transfer in the amount of \$49,661 from the Capital Improvement Support Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) ½ ton truck.

A budget adjustment is necessary to establish a transfer in the amount of \$447,880 from the Surface Transportation Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 9-wheel compactor, (1) 4-ton roller vibration, (2) ½ ton trucks, (1) ¾ ton truck, (3) concrete grinder, and (3) concrete push trucks.

A budget adjustment is necessary to establish a transfer in the amount of \$1,105,411 from the Water Fund Fleet Replacement Fund to Fleet Replacement Fund for purchase of (8) ¾ ton trucks, (1) 5,000 lb. forklift, (1) forklift variable reach, (1) 15.0 truck with dump, and (1) ¾ ton utility van.

A budget adjustment is necessary to establish a transfer in the amount of \$455,191 from the Wastewater Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 5,000 lb. forklift, (1) axle truck tractor, and (2) ½ ton trucks.

A budget adjustment is necessary to establish a transfer in the amount of \$1,308,861 from the Storm Drain Fleet Replacement Fund to Fleet Replacement Fund for purchase of (2) 60.0 vacuum 3 axle trucks and (1) ¾ ton truck.

A budget adjustment is necessary to establish a transfer in the amount of \$39,246 from the Centre Plaza Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 5,000 lb. forklift.

A budget adjustment is necessary to establish a transfer in the amount of \$536,700 from the Solid Waste Fleet Replacement Fund to Fleet Replacement Fund for purchase of (2) loaders, (1) 14-yard dump truck, and (1) ½ ton truck.

A budget adjustment is necessary to establish a transfer in the amount of \$2,314,752 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund for purchase of (8) ½ ton trucks, (2) ¾ ton truck, (12) patrol SUV, (3) full size SUVs, (7) 1 ton stake side dump trucks, (1) 7 passenger van, and equipment for Police builds.

UTILITIES

- A budget adjustment in the amount of \$19,000,000 is required from the Water Fund (4100) to the Water CIP Fund (4180) for capital project expenditures related to the Water Fund. For tracking purposes, Capital projects are all expensed out of Water CIP Fund (4180) and at end of the fiscal year, a transfer from the Water Fund (4100) is needed to cover the expenses in the Water CIP Fund.
- A budget adjustment in the amount of \$100,000 in the Water PCE Mitigation Fund (4112) is necessary to fund ongoing legal costs associated with PCE Litigation. The Water PCE Mitigation Fund (4112) is separate from the Water Fund (4100), and the PCE legal costs are not funded by rate payers.
- A budget adjustment in the amount of \$51,000 in the Water 2008 Water Refunding Revenue COP 2008 Series Fund (4130) is necessary to fund the increase in the annual debt service. The increase in cost is due to the variable rate debt which was higher than previously expected.
- A budget adjustment in the amount of \$62,000 in the 2015 Wastewater Refunding Private Placement Fund (4241) is necessary to fund the increase in the annual debt service. The increase in cost is due to the variable rate debt which was higher than previously expected.

FISCAL YEAR 2024-25

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of \$199,320 is necessary in the Non-Capital Multi-Year Project 101251 (PRN – Modesto Center Plaza (MCP) Deferred Maintenance) in Fund 4700 (Community Center Operations Funds) to match the current budget revenue in the project. The Fiscal Year 2024-25 budget included the transfer in from the General Fund to the project but did not increase the expenditure budget for the project. This adjustment will increase the expenditure budget so that it matches and balances the revenue currently on the project.

PUBLIC WORKS

- A budget adjustment in the amount of \$822,250 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101489 – TOC Upgrades. The project recently received an E-76 for construction grant funds from the Department of Transportation (CalTrans) on July 13, 2024. Due to the urgency to begin billing this project, an initial budget adjustment was completed for \$25,000. This adjustment will amend the budget by \$797,250 to bring the total budget to the awarded grant amount of \$822,250. The adjustment will recognize the grant revenue and amend the project discretionary expenditure accounts.
- A budget adjustment is necessary to increase the FY 2024-2025 10th Street JPA Allocation from various City funds for the fiscal year 2024-2025 assessment that was approved by the 10th Street JPA Commission Board on May 28, 2024 for the 10th Street Place, of which, the City’s portion of the increase is \$71,554. The assessment of \$71,554 has been split amongst several funds of which the breakdown can be seen below.

Fund Name	Fund	Total Change
General Fund	0100	\$41,369
HUD Administration	1133	\$601
Capital Improvement Support	1300	\$4,190
Surface Transportation Fund	1700	\$4,278
Water Fund	4100	\$9,149
Sewer Operations Fund	4210	\$3,133
Solid Waste Fund	4891	\$2,610
Mail Services ISF	5120	\$198
Information Technology Fund	5230	\$4,882
Insurance - Administration Fund	5310	\$851
Employee Benefits Fund	5520	\$293
	Grand Total	\$71,554

The adjustment will also increase the revenue and expenses in the 10th Street JPA Fund by amounts below in the following accounts:

<u>Account</u>	<u>Amount</u>
5810-52310-42405 (City of Modesto Contribution)	\$35,777
5810-52310-53505 (Intergovernmental Services - Other)	\$35,777

- A budget adjustment is necessary in the amount of \$54,000 to appropriate the revenue and expenditures in the Special Aviation Fund (4320) AIP-046-OnCall Consulting, Project 101613 related to the Federal Aviation Administration (FAA) Grant 3-06-0153-046-2024 (AIP-046), which includes \$48,600 of grant funding and \$5,400 of local match funding via transfer from the Stanislaus County Aircraft Tax fund (Fund 4330) to the Special Aviation fund (Fund 4320). \$50,000 of revenue, expenditures and transfers have already been budgeted on the City Manager’s signature to pay necessary vendor invoices.
- A budget adjustment in the amount of \$129,000 is needed in the Solid Waste Fund (4891) to increase the discretionary expenditure budgets related to amending hauling agreements with various hauling vendors and the Legal Services associated with amending said agreements. The increase in discretionary budgets will come from the fund reserves where there is sufficient funds available.
- A budget adjustment in the amount of \$1,000,000 is needed in the Surface Transportation Fund (1700) to increase the Upgrade High Voltage FY 23/24 Project (101515) expense budget and establish the Upgrade High Voltage FY 24/25 Project (101616) and increase the transfer out from the Gas Tax Fund (1730) to the two projects. These projects will continue to upgrade the High Voltage Circuits within the City. City Council per resolution 2019-91 recommended the approach to replace 150 high voltage streetlights each year at an estimated cost of \$1,000,000. This adjustment is accounting for the actual replacement expenses incurred in Fiscal Year 2023-2024 and anticipated in Fiscal Year 2024-2025 which was not included as part of budget adoption.

UTILITIES

- A budget adjustment in the amount of \$177,024 is needed in the Water Fund (4100) to reduce the budget and Wastewater Fund (4210) to increase the budget for reallocation of salary and benefits costs for two Electrical and Instrumentation Technician positions as the positions are being moved from the Water Fund to the Wastewater Fund.
- A budget adjustment in the amount of \$325,000 is necessary in the Wastewater Fund (4210) Supplemental Environmental Project (Project #101615) to establish the expenditure budget related to a Central Valley Regional Water Quality Board settlement to resolve violations of water quality laws. This adjustment will be processed upon the approval by Central Valley Regional Water Quality Board. The increase in budget will come from the Wastewater reserves.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-315**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2024-25 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council Resolution pursuant on June 18, 2024, as part of the Annual Budget of the City of Modesto for Fiscal Year 2024-25, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

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, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which September 10, 2024 falls, (Pay Period beginning September 10, 2024), unless otherwise noted, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation for various departments as **attached** in **Exhibit C**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**Position Allocation Amendment
FY 2024/2025
Effective September 10, 2024**

QTY	OPN	Description of Adjustment	Position	Department	Division	Current CC#	CC# Move To	Division Moving To
1.00	1433	Move (1) Multimedia Designer	Multimedia Designer	CMO	Communication and Legislative Affairs	02015	14180	Economic Development
1.00	0037	Range Change - Traffic Engineer 458	Traffic Engineer	Engineering	Transportation Engineering and Design	13220	n/a	n/a
3.00	New	Add (3) Police Technician	Police Technician	MPD	Measure H - Real Time Crime Center - RTCC	19326	n/a	n/a
1.00	1598	Eliminate (1) Public Safety Communications Manager	Public Safety Communications Manager	MPD	Records and Support	19420	n/a	n/a
1.00	1580	Move (1) Maintenance Worker II	Maintenance Worker II	MPD	Investigations Services	19220	19521	Measure H - Alt Response Unit
1.00	1352	Move (1) Police CSO	Police Community Service Officer	MPD	Investigative Services	19220	19511	Measure H Area Command
1.00	New	Add (1) Administrative Office Assistant III	Administrative Office Assistant III	Public Works	Building Administration	52110	n/a	n/a
1.00	1323	Move (1) Electrician from cc 45050 to cc 44313	Electrician	Utilities	Water Wells and Tanks	45050	44313	Sutter Plant Maintenance
1.00	0666	Move (1) Electrician from cc 45050 to cc 44313	Electrician	Utilities	Water Wells and Tanks	45050	44313	Sutter Plant Maintenance

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-316**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF
MODESTO TO CREATE NEW CLASSIFICATIONS AND AMEND EXISTING
CLASSIFICATIONS**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2024- pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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


1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended as per **EXHIBIT D**.
2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which September 10, 2024 falls, (Pay Period beginning September 10, 2024).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Classification Plan Amendments
FY 2024/2025
Effective September 10, 2024

QTY	Dept	OPN	Position Title	Description of Adjustment	Salary Range Assignment	Division	Cost Center
1.00	CED	0037	Traffic Engineer	Range change from 454 to 458	458	ENG.Transportation Engineering and Design	13220

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-317**

RESOLUTION APPROVING A THIRD AMENDMENT TO AN AGREEMENT WITH HARRIS & ASSOCIATES TO PROVIDE COMMUNITY FACILITIES DISTRICT ENGINEERING SERVICES, INCREASING THE AGREEMENT AMOUNT BY \$200,000 TO A NEW TOTAL AMOUNT OF \$550,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in 1982, the Mello-Roos Community facilities Act of 1982 (Act) was adopted by the State of California as a method for financing infrastructure improvements and services associated with new development. The Act allows for infrastructure improvements and services to be funded through a special tax paid by property owners; and

WHEREAS, based on the demands of the unprecedented levels of new development, on July 14, 2021, the City released a Request for Qualifications (RFQ) soliciting qualifications from experienced public sector consulting firms and/or individuals, with demonstrated understanding and familiarity in Community Facility Districts (CFDs), special assessments districts, to provide engineering services and infrastructure assessments; and

WHEREAS, on September 13, 2021, the City entered into a Standard Consulting Agreement with Harris and Associates to assist with Community Facilities Districts Engineering Services for \$45,000; and

WHEREAS, a First Amendment to the Standard Consulting Agreement with Harris & Associates was executed on November 23, 2021, by Resolution No. 2021-448, for an amount not to exceed \$250,000; and

WHEREAS, a Second Amendment to the Standard Consulting Agreement with

Harris & Associates was executed on October 24, 2023, by Resolution No. 2023-460, for an amount not to exceed \$350,000; and

WHEREAS, Harris & Associates is currently assisting the City on several projects that require a variety of technical services related to engineering, infrastructure assessment, and landscaping maintenance; and

WHEREAS, some of the additional areas that require support are forming of Community Facilities Districts and project areas such as: Kiernan Business Park #2, Village One Triangle, Tivoli North Facilities Master Plan; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City Services; and

WHEREAS, the City desires to execute a Third Amendment to the Standard Consultant Agreement with Harris & Associates for Community Facilities Districts Engineering Services to increase the agreement amount by \$200,000 for a total revised amount not to exceed \$550,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Standard Consultant Agreement with Harris & Associates to provide Community Facilities Districts Engineering Services, increasing the agreement amount by \$200,000 to a new total amount of \$550,000.

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

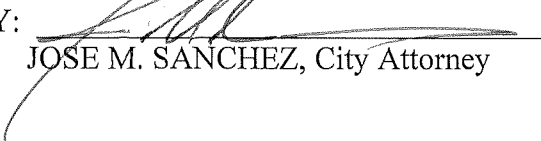
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-318**

RESOLUTION OF INTENTION TO FORM CITY OF MODESTO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2024-2 (FAIRVIEW VILLAGE #2), AN AREA BOUNDED BY CARPENTER ROAD, WHITMORE AVENUE, AND HATCH ROAD AND TO DESIGNATE CERTAIN PARCELS AS FUTURE ANNEXATION AREA FOR THE CFD NO. 2024-2 AND AUTHORIZE THE LEVY OF SPECIAL TAX WITHIN CFD NO. 2024-2

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”), the City Council of the City of Modesto (the “City”) is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

WHEREAS, the owner (collectively, the “Owner”) of not less than 10 percent of the area of land depicted on the map of the proposed community facilities district referred establish to below on file with the City Clerk (the “Property”), has filed a written petition with the City to establish the City of Modesto Community Facilities No. 2024-2 (Fairview #2) (the “Community Facilities District”), in order to finance the cost of the facilities and services listed in Appendix A hereto (the “Facilities” and “Services”), as well as all costs associated with the creation of the Community Facilities District and administering the Community Facilities District (collectively, the “Incidental Expenses”); and

WHEREAS, the Owner has submitted to the City an application to form the Community Facilities District pursuant to the City’s Policies and Procedures for the Formation, Annexation and Administration of Community Facilities Districts Created

Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982 (the “City’s CFD Policies and Procedures”); and

WHEREAS, the Owner has submitted deposits required by the City for payment of City fees and costs incurred in conducting proceedings to create the Community Facilities District; and

WHEREAS, the petition submitted by the Owner complies with the requirements of 53319 of the Act and the City’s CFD Policies and Procedures; and

WHEREAS, subject to the satisfaction of all applicable requirements of law, it is the intention of this City Council to finance the Incidental Expenses and to pay for the Facilities and Services through the formation of the Community Facilities District and the levy of annual facilities and maintenance special taxes and one-time facilities special tax, provided that the levy of the special taxes is approved at an election to be held within the initial boundaries of the Community Facilities District; and

WHEREAS, the City Council also desires to institute proceedings to designate certain property within the Fairview Specific Plan, as future annexation to the Community Facilities District (the “Future Annexation Area”) under and pursuant to the terms of the Act for the purpose of financing facilities and services authorized pursuant to the Act, including the Facilities and Services; and

WHEREAS, the City Council has determined that public convenience and necessity require that pursuant to Sections 53328.1 and/or 53339.3 of the Act, the Future Annexation Area be designated for annexation to the Community Facilities District with the condition that parcels within that territory may be annexed only with the unanimous

approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Community Facilities District is proposed to be established, with the initial parcels to be further designated as Improvement Area No. 1, and other property is proposed to be designated as future annexation area, under the terms of the Act. It is further proposed that the boundaries of the Community Facilities District and the boundaries of the future annexation area, shall be as depicted on the map of the proposed Community Facilities District which is on file with the City Clerk entitled “Map of Proposed Boundaries and Future Annexation Area of the City of Modesto Community Facilities District No. 2024-2 (Fairview #2).” The City Clerk is hereby directed to sign the original map of the Community Facilities District and record it with all proper endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as required by Section 3111 of the Streets and Highways Code of the State of California.

SECTION 3. The name of the proposed community facilities district shall be “City of Modesto Community Facilities District No. 2024-2 (Fairview #2).”

SECTION 4. The Facilities and Services proposed to be provided within the Community Facilities District are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide. This City

Council hereby finds and determines that the descriptions of the Facilities and Services contained herein is sufficiently informative to allow taxpayers within the proposed improvement areas within Community Facilities District to understand what the funds of the Community Facilities District may be used to pay for. The Incidental Expenses expected to be incurred include the cost of forming the Community Facilities District and levying and collecting a special tax within the Community Facilities District.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas. Improvement areas may be designated when property is annexed into the Community Facilities District.

SECTION 6. Except where funds are otherwise available, it is the intention of the City Council to levy in accordance with procedures contained in the Act within the Community Facilities District (i) a one-time special tax sufficient to pay for the costs of financing the purchase, construction, expansion, modification, rehabilitation or improvement of a portion of the Facilities (the “One-Time Facilities Special Tax”), and (ii) an annual special tax sufficient to pay for the costs of financing the Services (the “Annual Maintenance Special Tax,” and, together with the Annual Facilities Special Tax and the One-Time Facilities Special Tax, the “Special Taxes”), and to pay for Incidental Expenses. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of the Special Taxes shall attach to all nonexempt real property in the Community Facilities District, and when annexed, the Future Annexation Area, and that lien shall continue in force and effect until collection of the Special Taxes ceases.

The rate, method of apportionment and manner of collection of the special tax are described in detail in **Appendix B attached** hereto and incorporated herein as though set forth at length (the “Rate and Method”). **Appendix B** allows each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel.

If special taxes within the Community Facilities District are levied against any parcel used for private residential purposes to pay for public facilities, under no circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District, and for each annexed area or future improvement area from the Future Annexation Area, when annexed, by more than ten percent (10%) within the Community Facilities District or same improvement area, as applicable.

This City Council hereby determines the Rate and Method to be reasonable. The special tax is apportioned to each parcel on the basis of its land use and area pursuant to Section 53325.3 of the Act; and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special tax, this City Council shall, on behalf of the Community Facilities District, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in the Rate and Method, to the extent necessary upon the remaining property within the Community Facilities District, and for each annexed area or future improvement area from the Future Annexation Area, when annexed, which is not delinquent or exempt in order to yield the special tax revenues

required for the purposes described in this Section 5. The Annual Maintenance Special Tax shall be levied and collected in perpetuity. The One-Time Facilities Special Tax shall be levied and collected as provided in the Rate and Method.

SECTION 6. A public hearing (the “Hearing”) on the establishment of the Community Facilities District, the designation of the Future Annexation Area and the proposed Rate and Method shall be held on October 22, 2024, at 5:30 p.m., or as soon thereafter as practicable, at the Modesto City Council Chamber, 1010 Tenth Street, Modesto, CA 95353. Should this City Council determine to form the Community Facilities District, a special election will be held to authorize the levy of the special tax within the Community Facilities District in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing within the Community Facilities District having one vote for each acre of land or portion thereof owned within the Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 7. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed Community Facilities District or the Future Annexation Area, may appear and be heard.

SECTION 8. Each officer of the City who is or will be responsible for providing the Facilities and Services within the proposed Community Facilities District, if it is established, and within the Future Annexation Area, when annexed, is hereby directed to study the proposed Community Facilities District and, at or before the time of the Hearing, file a report with this City Council containing a brief description of the Facilities

and Services, as the case may be, which will in his or her opinion be required to meet adequately the needs of the proposed Community Facilities District and an estimate of the cost of providing those Facilities and Services and an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 9. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by this City Council, with or without interest.

SECTION 10. Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the Special Taxes.

SECTION 11. The City Council hereby finds that the proposed Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the proposed Community Facilities District, and when annexed, the Future Annexation Area.

SECTION 12. The City Clerk is hereby directed to publish a notice (the “Notice”) of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing. The City Clerk is further directed to mail a copy of the Notice to each of the

landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

SECTION 13. The Future Annexation Area will be annexed into the Community Facilities District only at such time as the Community Facilities District receives unanimous written approval to be annexed from the owner or owners of each parcel or parcels of the portion of the Future Annexation Area proposed to be annexed at that time. Annexations to the Community Facilities District may include separate and distinct improvement areas, modified descriptions of facilities and services and/or modified special tax rates as set forth in a modified or separate Rate and Method at the time of annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-2
(FAIRVIEW VILLAGE #2)

LIST OF FACILITIES

The types of Facilities and Services proposed to be financed by Community Facilities District No. 2024-2 (CFD) are as follows:

Authorized Facilities:

The CFD shall be authorized to finance all or any part of the costs of acquisition, construction and improvement of the following facilities (the "Facilities"):

- Water System
- Wastewater System
- Storm Drain System
- Road Improvements
- Canal Crossing Improvements

The Facilities shall include all hard and soft costs associated with the improvements, including the costs of acquisition of land and rights-of-way, the costs of design, engineering and planning, the costs of environmental or traffic studies, surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check, and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing. The CFD may also fund, and the special taxes may also be used to directly pay for, the purchase, construction, expansion, improvement or rehabilitation of any of the Facilities, and to reimburse the City or any third parties for advances made to purchase, construct, expand, improve or rehabilitate any of the Facilities.

LIST OF SERVICES

Maintenance of the Neighborhood Park(s), arterial road parkway, median and roundabout landscaping, tree pruning, connector street parkway, median landscaping, bike trails, masonry walls, central basin and storm drain facilities.

The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Authorized services shall also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, and (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year.

The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD was created.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of special taxes, fees and expenses of attorneys, any fees of the County of Stanislaus related to the CFD or the collection of special taxes, an allocable share of the salaries of the City staff related thereto, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

APPENDIX B

PROPOSED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO

COMMUNITY FACILITIES DISTRICT NO. 2024-2(FAIRVIEW VILLAGE #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into the CFD unless a separate Rate and Method of Apportionment 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 Development Plan.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Part 1, Division 2 of Title 5 of the California Government Code.

“Administrative Expenses” means any or all of the following: the expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, costs associated with foreclosure and collection of delinquent Special Taxes, 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 Taxes according to this RMA.

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

“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” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Facilities” means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“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.

“Building Permit” means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

“CFD” means the City of Modesto Community Facilities District No. 2024-2 (Fairview Village#2).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“County” means the County of Stanislaus.

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

For purposes of levying the Annual Maintenance Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;
- for Single Family Attached Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;
- for Other Property, all parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

For purposes of levying the One-Time Facilities Special Tax: all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

“Development Class” means, individually, Developed Property and Undeveloped Property.

“Development Plan” means a condominium plan, apartment plan, site plan or other development plan that identifies such information as the type of structure, the acreage, the square footage, and/or the number of Units that will be developed on Single Family Attached Property or Other Property.

“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 periods 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, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates Single Family Detached Lots. The term “Final Map” shall not include any large-lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create Single Family Detached Lots, including Assessor’s Parcels that are designated as remainder parcels.

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

“Future Annexation Area” means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as “future annexation area” on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

“Maintenance 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 Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

“Maximum Annual Maintenance Special Tax” means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum One-Time Facilities Special Tax” means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Special Taxes” means, collectively, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax.

“One-Time Facilities Special Tax” means a special tax, levied on Taxable Property to pay the One-Time Facilities Special Tax Requirement and collected by the City prior to a Building Permit being issued on a Parcel of Taxable Property.

“One-Time Facilities Special Tax Requirement” means, for a Parcel of Taxable Property in the CFD, the amount needed to pay the Parcel’s share of the cost of Authorized Facilities as

determined by the City, which amount shall not exceed the Maximum One-Time Facilities Special Tax assigned to the Parcel pursuant to this RMA.

“Original Parcel” means an Assessor’s Parcel in the CFD at the time of CFD Formation, or added to the CFD upon annexation, as identified in Attachment 1 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

“Owners Association Property” means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

“Other Property” means any Parcel of Developed Property in the CFD that is not Single Family Attached Property or Single Family Detached Property.

“Proportionately” means, for each Development Class, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

“Public Property” means any property within the boundaries of the CFD that is owned by the federal government, State of California, County, City, or other public agency.

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

“SFD Unit” means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale Units, including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued or will be issued for construction of a SFD Unit.

“Special Taxes” means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

“Subdivision Map” means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

“Successor Parcel” means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

“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 G below.

“Tentative Map” means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within the CFD that are not Developed Property.

“Unit” means (i) for Single Family Detached Property, an SFD Unit and (ii) for Single Family Attached Property, an individual residential unit within a duplex, triplex, fourplex, townhome, or condominium structure.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Taxable Property. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) determine whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) for Developed Property, categorize each Parcel as Single Family Detached Property, Single Family Attached Property, or Other Property, (iv) for Parcels of Single Family Attached Property, determine the number of Units on each Parcel, (v) for Other Property, determine the Acreage of each Parcel, and (vi) determine the Maintenance Special Tax Requirement.

For Single Family Attached Property, the number of Units shall be determined by referencing the relevant Development Plan. If, in any Fiscal Year, an Assessor's Parcel includes both Developed Property and Undeveloped Property, the Administrator shall determine the acreage associated with the Developed Property, subtract this acreage from the total Acreage of the Assessor's Parcel, and use the remaining acreage to calculate the Special Tax that will apply to Undeveloped Property within the Assessor's Parcel. The Special Tax shall then be calculated for Developed Property on the Parcel, and the total Special Tax levied on the Assessor's Parcel shall be the sum of the Special Taxes determined separately for the Undeveloped Property and Developed Property on the Parcel.

C. CALCULATING THE MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in the CFD in each Fiscal Year.

1. Original Parcels

The Maximum Special Taxes for each Original Parcel in the CFD as of CFD Formation are identified in Attachment 1. Attachment 1 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to annexations.

2. Successor Parcels

a. All Successor Parcels are Single Family Detached Lots

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Divide the Maximum Special Taxes from Step 1 by the number of Single Family Detached Lots created by the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. No Successor Parcels are Single Family Detached Lots

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Divide the Maximum Special Taxes from Step 1 by the Acreage from Step 2 to calculate Maximum Special Taxes per acre;

Step 4: Multiply the per-acre Maximum Special Taxes from Step 3 by the Acreage in each Successor Parcel to calculate the Maximum Special Taxes for each Successor Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

c. Some, But Not All, Successor Parcels are Single Family Detached Lots

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following

steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Determine the total Acreage of Single Family Detached Property created by the subdivision by taking the sum of the Acreage in the individual Single Family Detached Lots;

Step 4: Divide the Maximum Special Taxes from Step 1 by the Acreage calculated in Step 2 to calculate Maximum Special Taxes per acre;

Step 5: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of Single Family Detached Property calculated in Step 3 to determine the total Maximum Special Taxes to be assigned to the Single Family Detached Property created by the subdivision;

Step 6: Divide the amount calculated in Step 5 by the number of Single Family Detached Lots created by the subdivision to determine the Maximum Special Taxes for each Single Family Detached Lot;

Step 7: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of each Successor Parcel that is not Single Family Detached Property to calculate the Maximum Special Taxes for such Parcels.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. ESCALATION OF MAXIMUM SPECIAL TAXES

1. One-Time Facilities Special Tax

Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Annual Maintenance Special Tax

Beginning in January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

E. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

Prior to issuance of a Building Permit for a Parcel of Taxable Property, the One-Time Facilities Special Tax shall be levied on the Parcel in the amount of the One-Time Special Tax Requirement for the Parcel, as determined by the City.

2. Annual Maintenance Special Tax

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

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

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

F. COLLECTION OF SPECIAL TAXES

The One-Time Facilities Special Tax shall be collected prior to a Building Permit being issued for any residential or non-residential structure on Taxable Property and shall be immediately delinquent if not so paid.

The Annual Maintenance 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 Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Annual Maintenance Special Tax revenues are no longer needed to pay for Authorized Services.

G. EXEMPTIONS

No Special Taxes shall be levied on Public Property or Owners Association Property, as defined herein. Notwithstanding the foregoing, if in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of Special Taxes. In such case,

the City shall determine the appropriate Maximum Special Taxes for the Parcel based on the landuses to be constructed on the Parcel.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning the 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 ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

ATTACHMENT 1

CITY OF MODESTO

**COMMUNITY FACILITIES DISTRICT
NO. 2024-2(FAIRVIEW VILLAGE #2)**

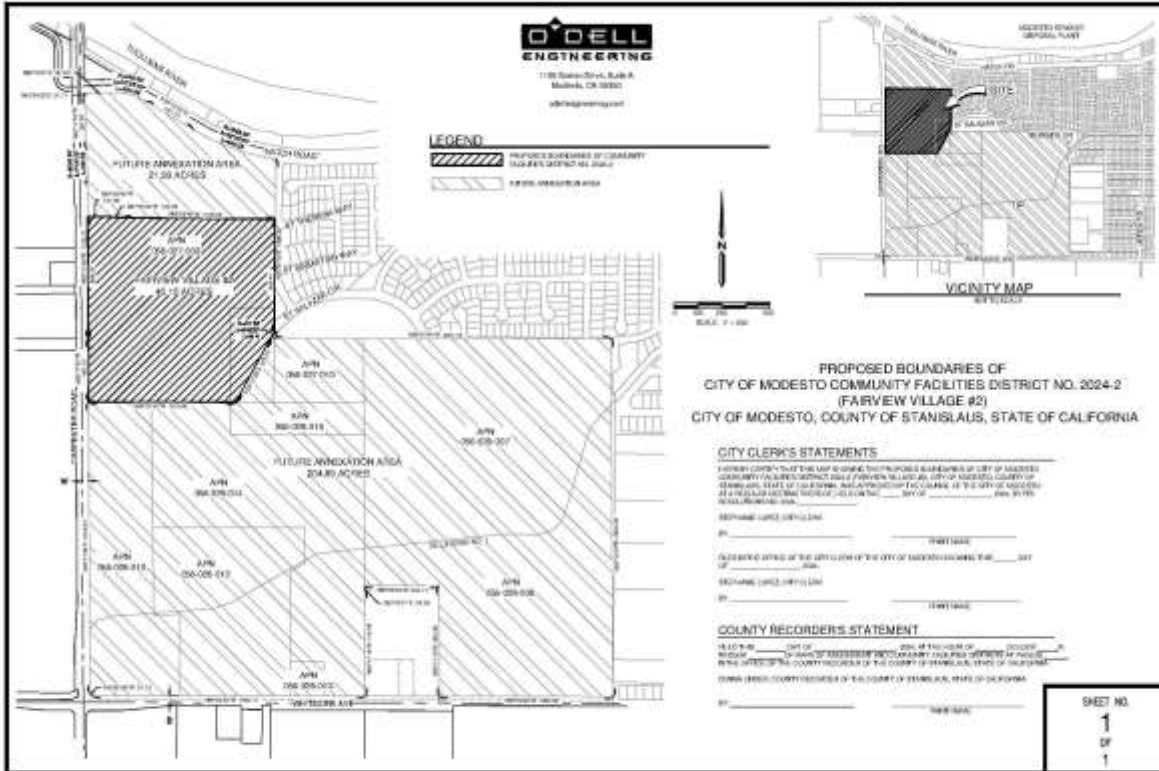
**Maximum Special Taxes Assigned to Each Original
Parcel**

Assessor's Parcel Number	Fiscal Year 2024-25 Maximum One-Time Facilities Special Tax [1]	Fiscal Year 2024-25 Maximum Annual Maintenance Special Tax [2]
056-027-009	\$1,834,935	\$191,716

1. Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.
2. Beginning January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

APPENDIX C

PROPOSED BOUNDARY MAP OF
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-2
(FAIRVIEW #2)



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-319**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT WITH STUMP FAMILY LAND COMPANY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 1108 RENO AVENUE (APN: 029-011-027) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Stump Family Land Company, LLC, a California Limited Liability Company, own property located at 1108 Reno Avenue; and

WHEREAS the owners are proposing to connect a Light Industrial Building to City water main; and

WHEREAS, a representative of the property owners has requested a water service connection to the property; and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001; and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas; and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001; and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval; and

WHEREAS the property located at 1108 Reno Avenue is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection; and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development; and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction; and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement with Stump Family Land Company, LLC a California Limited Liability Company to connect to the City of Modesto's existing water system for the property located at 1108 Reno Avenue (APN:029-011-027).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve Letter and execute the Outside Service Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-320**

RESOLUTION APPROVING THE PURCHASING AGREEMENTS FOR THE PURCHASE OF EMERGENCY VEHICLE UPFITTING PARTS AND SERVICES WITH LEHR AUTO ELECTRIC, SACRAMENTO, CA, NEXTGEN ALPHA UPFITTING, SACRAMENTO, CA, AND JAY TIRES, TURLOCK, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF \$1,200,000 AND A TOTAL AMOUNT NOT TO EXCEED \$6,000,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, City Fleet Services Division services and maintains 1,583 vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the CITY; and

WHEREAS, for the City's Public Safety vehicles, once the vehicle is purchased through a dealer or manufacturer, the City must have certain types of the parts and services needed to ensure these types of vehicles have certain upfitting before the vehicle can be utilized by the Public Safety departments; and

WHEREAS, the Fleet Division utilizes third-party vendors to augment in-house personnel due to the amount of time required to properly install and configure the specialty equipment required for Public Safety vehicles; and

WHEREAS, on July 29, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for Emergency Vehicle Upfitting Services and the Finance Purchasing Division was able to identify two Request for Proposals completed by Stanislaus County General Services Agency for these types of services; and

WHEREAS, on June 9, 2022, Stanislaus County General Services Agency issued Request for Proposals (RFP) 22-16-AS for Vehicle Upfitting Services on their public bidding website portal, PlanetBids; and

WHEREAS, on June 23, 2022, proposals were due to Stanislaus County and three (3) proposals were received and based on the defined criteria which included proposal response, qualifications, understanding of services and pricing and criteria outlined in the RFP, all three proposals which included Lehr Auto Electric, NextGen Alpha Upfitting and Derotic Emergency Equipment were awarded this RFP based on meeting the evaluation criteria requirements; and

WHEREAS, City staff is recommending entering into an agreement with Lehr Auto Electric and Next Gen Alpha Upfitting based on the desired cost and quality of services needed for the City's Fleet Inventory; and

WHEREAS, on June 1, 2023, Stanislaus County General Services Agency issued Request for Proposals (RFP) 23-36-AS for Law Enforcement and Specialty Vehicle Upfitting Services on their public bidding website portal, PlanetBids; and

WHEREAS, on June 27, 2023, proposals were due to Stanislaus County and nine (9) prospective vendors downloaded the bid documents through PlanetBids; and

WHEREAS, one (1) proposal was received and based on the defined criteria outlined in the RFP which included proposal response, qualifications, understanding prospective vendors downloaded the bid documents through PlanetBids of services and pricing , the one proposal which was Jay Tire's was awarded this RFP; and

WHEREAS, by utilizing another government agencies bidding process, this allows the City to streamline the procurement process and provide a quicker turnaround for these services needed to service the community; and

WHEREAS, based on the responsive and responsible proposers offering the Emergency Vehicle Upfitting Services, City staff recommends awarding to Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for Emergency Vehicle Upfitting Services for a (2) two–year agreement with (3) three one-year extension options for an estimated combined annual amount of \$1,200,000 and a combined total amount not to exceed \$6,000,000 over five years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.”; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served and utilizing the Stanislaus County RFP, the City is complying with the requirements defined under this code since the City is utilizing a competitive bidding process from another public agency which aligns with the City’s bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreements for the purchase of Emergency Vehicle Upfitting Parts and Services with Lehr Auto Electric, Sacramento, CA, NextGen Alpha Upfitting, Sacramento, CA, and Jay Tires, Turlock, CA for a two-year Agreement with three (3) one-year extension options, for an annual combined estimated amount of \$1,200,000 and a total amount not to exceed \$6,000,000 over five years.

BE IT FURTHER RESOLVED, the Director of Finance, or her designee is authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED, that the City Manager or his designee, is hereby authorized to execute the Agreements, 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 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-321**

RESOLUTION APPROVING THE PURCHASING AGREEMENTS FOR THE PURCHASE OF FLEET MOTOR PARTS AND SERVICES WITH FLEETPRIDE INC., MODESTO, CA, INTERSTATE TRUCK CENTER, LLC, MODESTO, CA, AND MOTOR PARTS DISTRIBUTORS INC., MODESTO, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF \$700,000 AND A TOTAL AMOUNT NOT TO EXCEED \$3,500,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, City Fleet Services Division services and maintains 1,583 vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the CITY; and

WHEREAS, each vehicle or piece of equipment has countless parts to make the unit function safely and efficiently; and

WHEREAS, the recommended purchasing agreements will allow the Fleet Services Division to obtain the parts required to maintain and repair vehicles and equipment timely, based on local manufacturer for these parts and at competitive pricing. Fleet Services performs their own price checks constantly on items that are purchased and will strictly abide by all City purchasing policies; and

WHEREAS, the Finance Department Purchasing Division evaluated competitive bidding pricing through several cooperative agreements which includes the State of California, OMNIA Partners and Sourcewell to evaluate other awarding competitive vendors; and

WHEREAS, the City Fleet Services Division has determined this is a critical need to have agreements with these local vendors based on the discount pricing and quick delivery and availability of these parts; and

WHEREAS, the Fleet parts these vendors provide include the following miscellaneous heavy-duty truck and fire apparatus repairs and replacement parts; including brakes, filters, emission controls, and specialty parts necessary to maintain City owned and operated heavy-duty vehicles; and

WHEREAS, these vendors are located in Modesto and provide quick turnaround in delivery to the Jefferson Corporation Yard for the parts needed for the City's Fleet inventory; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, based on the competitive discount pricing provided by these vendors, these agreements would comply with this exception based on FleetPride Interstate Truck Center, and Motor Parts Distributor providing the lowest cost compared to competitive vendors identified outside of Modesto; and

WHEREAS, using vendors outside of Modesto will cause delays in getting necessary parts, which could cause operational disruptions in vehicles returning to service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreements for the purchase of Fleet Motor Parts and Services with FleetPride Inc., Modesto, CA, Interstate Truck Center, LLC, Modesto, CA, and Motor Parts Distributors Inc., Modesto, CA for a two-year Agreement with three (3) one-year extension options, for an annual combined estimated amount of \$700,000 and a total amount not to exceed \$3,500,000 over five years.

BE IT FURTHER RESOLVED, the Director of Finance, or her designee is authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute the Agreements, 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 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-322**

RESOLUTION APPROVING THE PURCHASING AGREEMENTS FOR THE PURCHASE OF ELECTRICAL PARTS AND SUPPLIES TO VANTAGE ELECTRICAL GROUP, CRYSTAL LAKE, IL UNDER THE AUTHORIZED DISTRIBUTOR PLATT ELECTRIC, MODESTO, CA, BY UTILIZING THE COMPETITIVE BIDDING PROCSS FROM E&I COOPERATIVE SERVICES, WILLE ELECTRIC, MODESTO, CA, AND CONSOLIDATED ELECTRIC DISTRIBUTORS, MODESTO, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED ESTIMATED AMOUNT OF \$325,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,625,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABLITY AND DEPARTMENT NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, City staff make purchases for various electrical parts and supplies which include numerous types of fuses, wiring, conduit, connectors, fittings, photo controls, wiring devices, tools, circuits, drill sets, bulbs, blades, bushings etc.; and

WHEREAS, the Finance Department Purchasing Division evaluated competitive bidding pricing through several cooperative agreements which include the State of California, OMNIA Partners and Sourcewell to evaluate other awarding competitive vendors; and

WHEREAS, there was a cooperative agreement identified for Platt Electric but there was no cooperative agreement identified for Wille Electric or Consolidated Electric Distributors for the Electrical Parts and Supplies; and

WHEREAS, City staff met with the three local vendors with whom City has business relationships: Wille Electric, Consolidated Electric Distributors and Platt Electric; and

WHEREAS, Staff followed-up with these vendors to understand the business in greater depth to determine availability of parts, range of manufacturers and whether the City could obtain a higher discount with each vendor; and

WHEREAS, Platt Electric has a cooperative agreement the City can utilize to meet the City's bidding requirements and on February 27, 2023, Educational and Institutional (E&I) Cooperative Services issued Request for Proposal EI00209-2023RFP under Master Agreement Number EI100339~2023MA for Electrical Supplies, Equipment, and Other Related Products & Services which was advertised through USA Today and the E&I Procurement Portal; and

WHEREAS, on March 8, 2023, proposals were opened at E&I main office location; and

WHEREAS, two (2) proposals were received and based on the evaluation criteria outlined in the RFP, one (1) contract was awarded for this commodity for Electrical Parts and Supplies which was Vantage Group Distributors with Platt Electric being included as part of this distributor; and

WHEREAS, the Vantage Electrical Group Cooperative Agreement establishes set pricing for all servicing distributors, including Platt Electric; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will results in

procurement for the City at the lowest possible cost commensurate with the desired quality.”; and

WHEREAS, City Staff requested a price list detailing the discounts each vendor can provide for each item. Following this, City Staff conducted a price analysis to determine the average discount offered by each vendor and the analysis revealed that Consolidated Electric Distributor offers an average discount of 51%, while Wille Electric provides an average discount of 47%; and

WHEREAS, City staff conducted a price comparison with other local vendors for frequently purchased items and found that the prices at Wille Electric and Platt Electric were comparable to or lower than those of other vendors; and

WHEREAS, the proximity of Wille Electric and Platt Electric to our location results in significant time savings for our staff; and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served. Both requirements were met based on the Competitive Bidding Process selected by E&I Cooperative Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreements for the purchase of Electrical Parts and Supplies to Vantage Electrical Group, Crystal Lake, IL under the authorized distributor Platt Electric, Modesto, CA, by utilizing the Competitive Bidding Process from E&I Cooperative Services, Wille Electric, Modesto CA and Consolidated Electric Distributors, Modesto CA for a two-year Agreement with three (3) one-year extension

options, for an annual combined estimated amount of \$325,000 and a total amount not to exceed \$1,625,000 over five years.

BE IT FURTHER RESOLVED, the Director of Finance, or her designee is authorized to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute the Agreements, 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 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

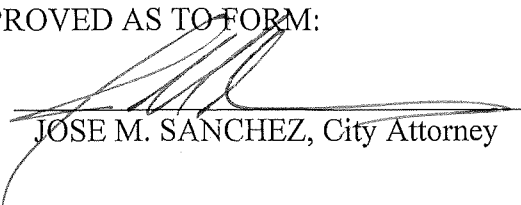
ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-323**

RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES TO TEMPORARILY HOUSE AND MAINTAIN A TYPE 1 FIRE ENGINE AND ITS ASSOCIATED EQUIPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department currently partners with The California Governor's Office of Emergency Services (CalOES) in temporarily housing and maintaining an existing Type 1 fire engine (OES321); and

WHEREAS, CalOES has designated OES321 for replacement. CalOES has selected the Modesto Fire Department (MFD) to enter into an updated agreement to continue to house and maintain a new Type 1 fire engine, complete with its associated equipment; and

WHEREAS, the use of the vehicle is intended to provide aid for the following all-hazard events: emergency incidents, civil defense, and disaster purposes, mutual aid; multiple alarm events and emergency incidents; emergency incidents threatening properties vital to national defense or important military installations; parades and displays; training of regular, volunteer and auxiliary firefighters; temporary standby for MFD's regular fire engine and the regular fire engines of other fire departments while out of service for repairs; and

WHEREAS, the term of the agreement is for ten years, from July 12, 2024, through July 12, 2034. Upon acceptance of the agreement with CalOES, MFD agrees to house, maintain, and respond with the apparatus when requested.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement with the State of California Office of

Emergency Services to temporarily house and maintain a Type 1 Fire Engine and its associated equipment.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documents and agreements, 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 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

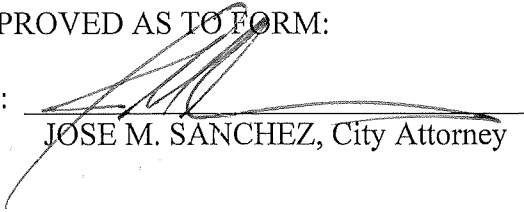
ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-324**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CELL TOWER SITE LEASE AGREEMENT AT THE SUTTER AVENUE WASTEWATER TREATMENT FACILITY WITH NEW CINGULAR WIRELESS, PCS, LLC, TO INCREASE THE LEASE AREA BY AN ADDITIONAL 150 SQUARE FEET AND TO EXTEND THE MAXIMUM TERM OF THE AGREEMENT THROUGH JUNE 24, 2043, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers; and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services; and

WHEREAS, on June 25, 2013, by Resolution No. 2013-235, Council approved a 5-year lease agreement with New Cingular Wireless, PCS, LLC, for approximately 844 square feet of ground space at the Sutter Avenue Wastewater Treatment Facility for the construction of the communication facilities that included three (3) extensions of five (5) years each, expiring June 24, 2033; and

WHEREAS, in late 2023, New Cingular Wireless, PCS, LLC, notified the City of their interest in amending the existing lease agreement to provide long-term site security; and

WHEREAS, the two parties have reach an agreement on terms for an amendment, extending the lease agreement; and

WHEREAS, the amendment includes the following terms:

- 1) Additional land: An additional one hundred fifty (150) square feet of leased ground space for additional telecommunication equipment.

- 2) Term extension: Two (2) additional, five (5) year renewal terms which would extend the final contract expiration term to June 24, 2043, with an escalation rate of 3% annually.
- 3) Compensation: Additional rent in the amount of \$250 per month, which will begin 60 days after the execution of the First Amendment, with an escalation rate of 3% annually.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the cell tower site lease agreement at the Sutter Avenue Wastewater Treatment Facility with New Cingular Wireless, PCS, LLC, to increase the lease area by an additional 150 square feet and to extend the maximum term of the agreement through June 24, 2043.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-325**

**RESOLUTION APPROVING THE CITY'S SPONSORSHIP OF THE 2024
INTERNATIONAL HERITAGE FESTIVAL FOR \$5,080 IN IN-KIND SUPPORT
AND A DIRECT MONETARY CONTRIBUTION OF \$2,650**

WHEREAS, community and special events provide community and economic benefits to Modesto; and

WHEREAS, each year the City receives more requests for in-kind and direct contribution sponsorships; and

WHEREAS, the City implemented Administrative Directive Policy Number 3.6 (AD 3.6) for Community and Special Event Sponsorships for the application of new and one-time City sponsorships; and

WHEREAS, sponsorship criteria requires events to have a social, educational, economic, or recreational benefit to the community; cannot be religious or political in nature or seek to support or oppose any religious or political viewpoints; are held at a City-owned building, property or street(s); are not less than 120 days from the date of event and does not conflict with other sponsored events on or around that date, and the applicant or organization is in good standing and has not received a sponsorship from the City within the last twelve months; and

WHEREAS, sponsorships are awarded based on the availability of City funding, staffing, and resources; and

WHEREAS, sponsorships may be awarded or denied in whole or in part; and

WHEREAS, AD 3.6 requires all requests for in-kind support valued at \$5,000 or more be approved by Council; and

WHEREAS, AD 3.6 requires all requests for direct monetary contributions over \$500 be approved by Council; and

WHEREAS, the International Festival Committee (Committee), a California non-profit organization holds the International Heritage Festival each year, and

WHEREAS, the International Heritage Festival teaches children and families about geography, history, patriotism, music, dance, and arts and crafts from around the world as well as focuses on linking hands-on activities to current California social studies curriculum and child development; and

WHEREAS, in 2023, the Committee submitted a sponsorship application for in-kind sponsorship support; and

WHEREAS, the City sponsored the 2023 event by providing \$1,855 in in-kind support; and

WHEREAS, the Committee has submitted an application for the 2024 International Heritage Festival with in-kind support valued at \$5,080 and a request for a \$2,650 monetary contribution; and

WHEREAS, a preliminary review of the in-kind support for fee waivers and City services has been approved by applicable Department Heads; and


WHEREAS, General Fund funding for the in-kind support and monetary contribution is budgeted for the Fiscal Year 2024-2025 Operating Budget; and

WHEREAS, per AD 3.6, Council approval of the in-kind and monetary support is required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City's sponsorship of the 2024 International Heritage Festival for \$5,080 in in-kind support and \$2,650 in direct monetary contributions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-326**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE AUTOMATED TRAFFIC SIGNAL PERFORMANCE MEASURES WITH SWARCO MCCAIN INC. OF VISTA, CA, FOR A TWO-YEAR AGREEMENT, WITH FIVE ONE YEAR EXTENSION OPTIONS, IN THE AMOUNT OF \$119,700 PLUS \$11,970 IN ADDITIONAL SERVICES, FOR A TOTAL AMOUNT NOT TO EXCEED \$131,670, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Traffic Engineering and Operations Division applied for Congestion Mitigation and Air Quality (CMAQ) funds to install Automated Traffic Signal Performance Measures (ATSPM) at 100 traffic signal locations; and

WHEREAS, on January 28, 2020, by Resolution No. 2020-056, Council accepted the Traffic Signal Master Plan identifying ATSPM as a Local Street Management Strategy to proactively manage the traffic on local streets; and

WHEREAS, on September 20, 2022, the City Manager authorized the Purchasing Manager to solicit the procurement to configure and integrate in the existing Advanced Traffic Management System. On March 8, 2024, the Purchasing Division issued Request for Proposals #2223-15 for bidding and 73 prospective bidders were notified online and via email of the bid opportunity. Thirty companies downloaded the RFP from PlanetBids; and

WHEREAS, on April 9, 2024, proposals were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream. Five proposals were received, there were no local proposals received. These proposals were later evaluated by the Director of Public Works for the consideration of Council; and

WHEREAS, the Director of Public Works has recommended that the proposal of \$119,700 received from Swarco McCain, Inc be accepted as the highest rated proposal received and that the contract be awarded to Swarco McCain, Inc; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services, to follow the formal bid procedures. An award of agreement for Swarco McCain Inc. conforms to the MMC because the City complied with the formal bid procedures and Swarco McCain Inc. was the highest ranked proposal based on the evaluation criteria; and

WHEREAS, the City was granted \$500,000 from the CMAQ grant program through Stanislaus Council of Governments (StanCOG) and utilized toll credits in place of the local match requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Proposal and Agreement for the Automated Traffic Signal Performance Measures with Swarco McCain Inc. of Vista, CA for a two-year Agreement, with five one-year extension options, in the amount of \$119,700 plus \$11,970 in additional services, for a total amount not to exceed \$131,670.

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 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-327**

RESOLUTION APPROVING AN AGREEMENT WITH STREETLIGHT DATA INC. OF SAN FRANCISCO, CA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA), SCAG, FOR THE TRAVEL TIME BLUETOOTH DATA, FOR A FOUR-YEAR AGREEMENT NOT TO EXCEED \$140,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Traffic Engineering and Operations Division applied for Congestion Mitigation and Air Quality (CMAQ) funds to purchase Bluetooth Travel Time Data services. Information collected using Bluetooth Travel Time Data software will align with the Traffic Signal Masterplan to proactively evaluate and update corridor timing plans, evaluate overall performance of arterial roadway corridors for all modes of transportation including passenger cars, trucks, pedestrians, and bicyclists; and

WHEREAS, on January 28, 2020, by Resolution No. 2020-056, Council accepted the Traffic Signal Master Plan identifying “Traveler Information” as an Intelligent Transportation System Program Objective in conjunction with the Local Street Management objective to maximize green phasing; and

WHEREAS, on April 05, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Bluetooth Data and Software for Traffic Flow. As part of a cooperative purchasing plan, the Purchasing Manager identified the Southern California Association of Governments (SCAG) Request for Proposals (RFP) #23-018 for Analytic Platform. On September 22, 2022, proposals were opened at Southern California Association of Governments (SCAG), 900 Wilshire Blvd., Ste 1700, Los Angeles, CA. Three proposals were received and ranked in accordance with the criteria outlined in RFP 23-018 resulting in the award of two proposals. Among the two awarded

contracts was Streetlight Data, Inc. City staff recommends to award to Streetlight Data, Inc., San Francisco, CA to purchase Bluetooth Data & Software for Traffic Flow; and

WHEREAS, the Director of Public Works has recommended that the agreement for services not to exceed \$140,000 received from Streetlight Data, Inc be accepted as competitive from a Cooperative Agreement agency and that the contract be awarded to Streetlight Data, Inc; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services, to follow the formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedures set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served. An award of agreement for Streetlight Data Inc. conforms to the MMC because the City utilized the Competitive Bid Process with National Intergovernmental Purchasing Alliance (National IPA) procedures and the Southern California Association of Governments (SCAG) Request for Proposals #23-018 for Analytic Platform meets our cooperative purchasing plan policy, Streetlight Data Inc. was awarded one of the contracts and the scope of services align with the City of Modesto needs; and

WHEREAS, the City was granted \$150,000 from the CMAQ grant program through Stanislaus Council of Governments (StanCOG) and utilized toll credits in place of the local match requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Streetlight Data Inc. of San Francisco, CA, by utilizing the Competitive Bid Process with National Intergovernmental Purchasing Alliance (National IPA), SCAG, for the Travel Time Bluetooth Data, for a four-year agreement not to exceed \$140,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-328**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CÉSAR E. CHÁVEZ PARK RENOVATION PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO HARRIS BUILDERS, INC., OF HILMAR, CA, IN THE AMOUNT OF \$14,130,993.37, AUTHORIZING \$847,860, IN CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$14,978,853.37 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Proposition 68 authorized \$4 billion in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects, and

WHEREAS, the California State Department of Parks and Recreation received approximately \$650 million in funding from Proposition 68 and awarded grants totaling \$250 Million in round three of funding, and

WHEREAS, on July 9, 2019, by Resolution No. 2019-333, Council authorized staff to move forward with the submission of a grant application for the renovation of César E. Chavez Park and authorized the City Manager to accept the grant award on behalf of the City, and

WHEREAS, on February 20, 2020, staff received notification from the California State Department of Parks and Recreation that the César E. Chavez Park Renovation Project was selected for funding and on March 26, 2020, the City Manager signed the grant agreement on behalf of the City awarding the City of Modesto \$8.5 Million Dollars for the renovation of César E. Chavez Park, and

WHEREAS, the project will provide a complete renovation of César E. Chavez Park, including the construction of an aquatics facility, skate plaza, building expansion, basketball court, soccer field, restroom, picnic area, landscaping, lighting, security

cameras, walking paths and other general park amenities, and

WHEREAS, the project was advertised for bids on April 30, 2024, and

WHEREAS, bids were publicly opened on June 11, 2024, pursuant to City Charter Section 1307, and five bids were received, and

WHEREAS, Harris Builders, Inc., of Hilmar, CA, was determined to be the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, the award of contract for the construction of the César E. Chávez Park Renovation Project, to Harris Builders, Inc., of Hilmar, CA, conforms to Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract to Harris Builders, Inc., of Hilmar, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the César E. Chávez Park Renovation Project, accepts the Bid and awards a construction contract to Harris Builders, Inc., of Hilmar, CA, in the amount of \$14,130,993.37 plus \$847,860 in contingency (if needed), for a total amount not to exceed \$14,978,853.37.

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 10th day of September, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-329**

RESOLUTION APPROVING AN AGREEMENT WITH TRC ENGINEERING, INC, OF LATHROP, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CÉSAR E. CHÁVEZ PARK RENOVATION IN THE AMOUNT OF \$837,014, PLUS \$80,097 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$917,111 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to the size and complexity of the César E. Chávez Park Renovation Project, staff recommends utilizing a consultant to provide Construction Management and Inspection Services, and

WHEREAS, on August 22, 2023, by Resolution No. 2023-379, Council approved a pre-qualified consultant list for Construction Management and Inspection Services for various Capital Improvement Program projects, and

WHEREAS, on November 3, 2023, a Request for Proposals (RFP) was issued for the Cesar E. Chavez Park Renovation Project, to the City’s four pre-qualified consultants who provide Construction Management and Inspection Services, and

WHEREAS, staff received proposals from one firm, and

WHEREAS, in accordance with City’s Administrative Directive 3.1 “Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects”, TRC Engineers, Inc. was selected as the most qualified firm for the Cesar E. Chavez Park Renovation Projects.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with TRC Engineers, Inc., in the amount of \$837,014, plus \$80,097 in additional services (if needed), for a total amount not to exceed

\$917,111 for Construction Management and Inspection Services for the Cesar E. Chavez Park Renovation Project.

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 10th day of September, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-330**

RESOLUTION APPROVING THE CITY'S PANDEMIC RECOVERY STRATEGY, MODESTO FORWARD, FOR THE REALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS FOR THE CÉSAR E. CHÁVEZ PARK RENOVATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE PROGRAMS AND FUNDING ALLOCATION

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act a \$1.9 trillion emergency relief measure intended to provide relief to address the impact of COVID-19, and

WHEREAS, the American Rescue Plan Act is making available \$45,897,056 to the City of Modesto to help address the local impact of COVID-19, and

WHEREAS, the Treasury Department has released interim guidance to-date and considers the following 6 categories as allowable uses: Public Health Response, Address Negative Economic Impact, Supporting Hardest-Hit Communities and Families, Replacing Lost Public Sector Revenue, Investments in Water and Sewer Infrastructure, and Investments in Broadband, and

WHEREAS, on August 10, 2023, the Treasury Department released on its website the 2023 Interim Final Rule which implemented three new eligible uses authorized in the Consolidated Appropriations Act (CAA), 2023 which included Emergency Relief from Natural Disasters, Surface Transportation Projects and Title I projects, and

WHEREAS, on May 25, 2021, by Resolution 2021-194, the City Council approved the original spending plan for the allocation made available in May 2021, and

WHEREAS, under Resolution 2022-237 on July 12, 2022, Year 2 expenditure plan was approved based on soliciting priorities from the public and the Council at the

three standing City Council Committees: Economic Development, Safety and Communities, and Finance, and

WHEREAS, Council approved under Resolution 2023-251, several ARPA programs to be reallocated to new or existing ARPA programs based on these new funding sources available for these programs such as Measure H and other grant funding sources, and

WHEREAS, Council approved under Resolution 2024-194, additional ARPA programs to be reallocated to new or existing ARPA programs based upon City staff determination that the programs would be unable to meet the obligation deadline or new funding sources were identified to fund these programs, and

WHEREAS, as the Treasury obligation deadline of December 31, 2024, is closely approaching, City staff have determined the below ARPA programs will be unable to meet the obligation deadline or new funding sources have been identified to fund these programs; and below is summary of the Council approved ARPA program funds being proposed to be reallocated to the César E. Chávez Park Renovation Project, and

ARPA Project	Reason for Reallocation	Amount
Dr. Martin Luther King Jr. Park Renovation	Timeline Constraints	\$ 1,400,000
Mary Grogan Turf Replacement	Timeline Constraints	\$ 919,652
Completed Deferred Maintenance Projects	Remaining Funds	\$ 61,690
Total Funding		\$ 2,381,342

WHEREAS, staff evaluated that the César E. Chávez Park Renovation Project will comply with the eligible expenses based on the guidance that had been made available by the Treasury Department, and

WHEREAS, with the addition of \$2,381,342, the total amount of ARPA funds allocated to the César E. Chávez Park Renovation project will total \$5,448,883.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act funds to the César E. Chávez Park Renovation Project and authorizing the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-331**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL
IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101276
(CHAVEZ PARK RENOVATION) IN AN AMOUNT NOT TO EXCEED
\$2,100,000 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES
TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the City plans to renovate César E. Chavez Park, including the construction of an aquatics facility, skate plaza, building expansion, basketball court, soccer field, restroom, picnic area, landscaping, lighting, security cameras, walking paths and other general park amenities, and

WHEREAS, Measure H funding of \$1,500,000 must be allocated to fund a portion of the project, and

WHEREAS, Parks & Air Quality Capital Facility Fund (CFF) funding of \$600,000 must be allocated to fund a portion of the project, and

WHEREAS, the Fiscal Year 2024-2025 Capital Improvement Budget must be amended to fund Project 101276 – Chavez Park Renovation in a total amount of \$2,100,000 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2024-2025 Capital Improvement Program Budget to fund project 101276 (Chavez Park Renovation) in an amount not to exceed \$2,100,000 in transfers, revenue and to budget expenditures to fund the project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Vice-Mayor Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-332**

**RESOLUTION APPROVING THE APPLICATION AND ISSUANCE OF A
PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT
COMPANY TO TRAUMA LIFE CARE MEDICAL TRANSPORT IN THE CITY
OF MODESTO**

WHEREAS Trauma Life Care Medical Transport has submitted an application to provide non-emergency medical transport services within the City of Modesto; and

WHEREAS the City allows non-emergency medical transport companies to apply for a non-emergency transport permit. In addition to the application, the transport company is required to pay a filing fee of \$1,000 and provide all the necessary documents and information as outlined in Modesto Municipal Code 3-9.01 to 3-9.20. Once the application, documentation, and necessary fees have been received by the Modesto Police Department (MPD), a background investigation must be completed by the department. Upon successful completion of the background investigation, the application proceeds to a hearing before the City Council to determine whether the public convenience and necessity require the proposed services; and

WHEREAS, the Modesto Police Department has completed background investigations regarding Trauma Life Care Medical Transport, per Modesto Municipal Code Section 3-9.05; and

WHEREAS Council approval is required for Trauma Life Care Medical Transport to function as a non-emergency medical transport service provider within the City of Modesto; and

WHEREAS a duly noticed public hearing was held by the City Council of the City of Modesto on September 10, 2024, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Trauma Life Care Medical Transport for a non-emergency medical transport service within the City of Modesto; and

WHEREAS Modesto City Council finds that Trauma Life Care Medical Transport will serve the public convenience and necessity requirements.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Trauma Life Care Medical Transport and issues Trauma Life Care Medical Transport a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-333**

RESOLUTION APPROVING A LETTER OF INTENT BETWEEN THE UNITED SOCCER LEAGUES, LLC AND THE CITY OF MODESTO, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LETTER

WHEREAS, the City of Modesto has worked diligently alongside public and private partners to create the Downtown Master Plan, Stanislaus 2030 Blueprint, and the Modesto Renewal & Diversification Project (“River District Study”); and

WHEREAS, through the preparation of these studies and planning documents, staff and consultants have engaged with hundreds of residents, business owners, faith-based organizations, and nonprofits; and

WHEREAS, this engagement has yielded a broad consensus across stakeholder groups regarding community challenges, strengths, and high-leverage opportunities to achieve a more vibrant community and regional economy; and

WHEREAS, the City intends to leverage the results from these prior studies to help inform the implementation of these plans; and

WHEREAS, the City has continued to make a concentrated effort to bring diverse entertainment options to the community in an effort to provide entertainment for residents as well as attract additional visitors to the community for economic development; and

WHEREAS, the City has received initial interest from the United Soccer Leagues, LLC (“USL”) for a potential league expansion into the City of Modesto, establishing a men’s and a woman’s soccer team; and

WHEREAS, the first step in the league expansion process is to formalize an exclusive negotiating period through a letter of intent (“LOI”) with the results of these negotiations being documented in a future Memorandum of Understanding (“MOU”); and

WHEREAS, the LOI describes the process the City and USL agree to undertake to explore and analyze, in good faith, the possible establishment of professional soccer to be played in a multi-purpose stadium to be constructed and operated in the City of Modesto; and

WHEREAS, the exclusive negotiating period will commence on the execution of the LOI and last for one (1) year, with an automatic six (6) month extension if the Parties have executed a nonbinding MOU regarding the establishment of professional soccer in the City; and

WHEREAS, approval of the LOI does not approve or authorize any stadium or other development, and is not a project subject to the requirements of the California Environmental Quality Act (“CEQA”). Before any potential proposed stadium is approved, further environmental review will occur.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Letter of Intent between the United Soccer Leagues, LLC and the City of Modesto and authorizes the City Manager, or his designee, to execute the Letter of Intent, 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 10th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-334**

RESOLUTION ACCEPTING A CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD SETTLEMENT OFFER IN THE AMOUNT OF \$325,000 TO RESOLVE VIOLATIONS OF WATER QUALITY LAWS BY FUNDING A SUPPLEMENTAL ENVIRONMENTAL PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF STANISLAUS TO CARRY OUT THE SCOPE OF WORK OUTLINED WITHIN THE SUPPLEMENTAL ENVIRONMENTAL PROJECT

WHEREAS, the City is subject to the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-0003-DWQ, and the federal and state water quality laws, which prohibit sanitary sewer overflows (SSOs); and

WHEREAS, SSO events occurred from the City's system on June 21, 2020, August 2, 2020, October 24, 2021, and October 30, 2021, and discharged 440,697 gallons of raw untreated sewage and municipal wastewater into Dry Creek and the Tuolumne River; and

WHEREAS, Water Code Section 13385(a) imposes liability of up to \$10,000 per day and \$10 per gallon of waste discharged (Water Code § 13385(c); and

WHEREAS, based on Water Code section 13385, the Central Valley Regional Water Quality Control Board ("Regional Board") provided an April 24, 2023, Draft Penalty Methodology that calculated the combined maximum liability for all violations as \$4,406,970; and

WHEREAS; City staff negotiated with the Regional Board a proposed payment of a cash penalty of \$466,250; and

WHEREAS, in early 2024, the State Board agreed, and the City was able to reach settlement terms that allow the City not to pay any cash settlement but instead fund a Supplemental Environmental Project (“SEP”) in the amount of \$325,000; and

WHEREAS, this settlement requires the City to purchase and build bathrooms and laundry facilities (i.e. “SEP units”) for the Dignity Village bridge housing project located at 402 9th Street, which must be constructed with temporary bridge housing that requires full occupancy and operations by December 31, 2024; and

WHEREAS, there is an immediate need for approval of the settlement terms in order that the City avoid payment of a \$325,000 cash penalty and instead use those funds toward the SEP Units for the Dignity Village project; and

WHEREAS, City Council action is required for the stipulated order so that (a) the Regional Board can start a 30-day public comment period on or about September 12, 2024 and authorize the City to negotiate and execute a Memorandum of Understanding with the County of Stanislaus for the delivery of the SEP project scope; (b) the City can authorize Stanislaus County to carry out the scope of work on September 30, 2024, but not before; and (c) the City can ensure that Stanislaus County completes construction by January 31, 2025.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Central Valley Regional Water Quality Control Board settlement offer in the amount of \$325,000 to resolve violations of water quality laws by funding a Supplemental Environmental Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute a Memorandum of Understanding, in a form

approved by the City Attorney, with the County of Stanislaus to carry out the scope of work outlined within the Supplemental Environmental Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

Attachment 3

Attachment C: Supplemental Environmental Project (SEP)

- 1. Project Title:** Bridge Housing for Modesto's Unsheltered Population - Water Use Facilities.
- 2. Geographical Area of Interest:** 402 9th Street, Modesto, California 95351, as depicted in Figure 1 below.
- 3. Name of Responsible Entity:** City of Modesto (City)

4. Contact Information:

William Wong
City of Modesto, Director of Utilities
1010 10th Street
Modesto, CA 95354
Ph: (209) 577-5395
wwong@modestogov.com

- 5. Project Goals and Description:** The project will provide sanitary and shelter-related units for the unhoused population in Modesto. The City's unsheltered community tends to reside in City parks, trails, public spaces (adjacent to public roads), rivers (Tuolumne River and Dry Creek), and structurally unsafe hand-dug caves. While there are restrooms in some park locations, many of these areas have no access to appropriate sanitary facilities. The bridge housing project underway at 402 9th Street will create a living environment with up to 42 cabins that will provide temperature-controlled shelter space and will provide meals and sanitary facilities such as restrooms, showers, and laundry facilities. This SEP will focus on installing restrooms, showers, laundry units, and associated water and sewer infrastructure for this bridge housing project (SEP Units).

The City has partnered with the County of Stanislaus (County), who will oversee the maintenance and upkeep of the SEP Units located at 402 9th Street, Modesto, California.

- 6. Estimated Cost of Project Completion:** The entire settlement amount of \$325,000 will be allocated towards installation of the SEP Units. The SEP Units are funded entirely by the City and not funded by any other source. The total cost of construction for the entire bridge housing project is approximately \$3.1 million, which includes the SEP Units. Of the \$3.1 million, approximately \$2.7 million is funded by a grant from the Department of Health Care Services (DHCS). The SEP Units are not funded by the DHCS grant.

- 7. Environmentally Beneficial:** The bridge housing project will provide support to the unsheltered community to relocate from public spaces such as areas around the Tuolumne River and Dry Creek, which may be negatively impacted by trash, human waste, drug paraphernalia, and other pollution. Installation of sanitary facilities will help eliminate surface water pollution in these water bodies and protect water quality. Additionally, the City has experienced sanitary sewer overflows discharging into Dry Creek, so encouraging the unsheltered community away from public spaces like Dry Creek will reduce unsheltered communities' potential exposure to raw sewage from spills.

Overall, the installation and availability of sanitary facilities will help reduce contamination of the City's rivers, prevent further pollution, and improve the public health of individuals experiencing homelessness as demonstrated by multiple agencies across the state, including the local Central Valley Regional Water Board 2020 Homelessness Project⁶ and as demonstrated by the Water Education Foundation's study on the connection between sanitary facilities and California water quality.⁷ Thus, the project will improve, protect, and reduce risks to public health and the environment. The project will benefit disadvantaged communities as it will directly benefit the unhoused community in Modesto.

Compliance with SEP Criteria

- a. Above and Beyond Discharger's Obligations:** The City of Modesto has no obligation to provide emergency shelter for the unsheltered community on City-owned property. The City voluntarily agrees to undertake the SEP in settlement of an enforcement action to offset civil penalties. The SEP is not commenced until after the stipulated order is in effect (SEP Policy, section III.3.)
- b. No Benefit to the Water Board Functions, Members, or Staff:** This project would not benefit any Water Board functions, members, or staff.
- c. Nexus to the Violation:** The SEP Policy requires that a SEP have a nexus to the alleged violation. (SEP Policy, section VIII.F.) This SEP has a nexus to the location of the alleged violation because the water quality benefits of this SEP are designed to improve the water quality of the receiving waters at issue in the alleged violations (Tuolumne River and Dry Creek).

⁶ Central Valley Regional Water Board 2020 Homelessness Project, available at https://www.waterboards.ca.gov/centralvalley/water_issues/homeless/.

⁷ Water Institute Foundation, "Can Providing Bathrooms to Homeless Protect California's Water Quality" (June 27, 2019), available at <https://www.watereducation.org/western-water/can-providing-bathrooms-homeless-protect-californias-water-quality>.

- d. SEP Category:** The SEP Policy provides for seven categories of SEPs. (SEP Policy, section V.) This SEP falls under the “Public Health” and “Pollution Prevention” categories.
- e. Project Maintenance:** The City has partnered with the County, who will oversee the maintenance and upkeep of the project, via an executed operating agreement with Modesto BHBH LP, a qualified site operator. Through this operating agreement, the site operator will maintain the SEP Units to ensure they are kept in adequate condition throughout the duration of this project. The City, County, and site operator will continue to hold regular meetings throughout the duration of the project to ensure agreement responsibilities are being met.
- f. Documented Support:** Ongoing collaboration between the City and County in support of this project.
- g. Project Milestones, Schedule, and Budget:** The City expects the SEP Units to be completed by January 31, 2025, which is within thirty-six (36) months, as recommended by the State Water Board’s SEP Policy.

Bridge housing project milestones schedule:

- April 30, 2024: County received Board of Supervisor approval for an Agreement with a Construction and Project Management firm to oversee the construction of the project.
- July 26, 2024: Conclude pre-design week.
- July 30, 2024: County to take Operating Agreement to Board of Supervisors.
- August 26, 2024: Submit construction plan to City for planning and permit review.
- September 15, 2024: Final permits issued by City.

SEP milestones schedule:

- September 10, 2024: Stipulated Order presented to City Council.
- October 14, 2024: Begin construction of SEP units after Stipulated Order is entered by Central Valley Water Board or its delegee.
- By October 30, 2024: Preliminary site preparation estimated to be complete, including rough-in of site sewer and rough-in of domestic water.
- By November 11, 2024: City sewer tie-in estimated to be complete.

- By November 30, 2024: Initial underground work estimated to be complete.
 - December 18, 2024: Tie in SEP Unit utilities.
 - December 31, 2024: SEP Units estimated to be complete.
 - January 13, 2025: Final City inspections.
 - January 17, 2025: Certificate of Occupancy issued by City.
 - January 31, 2025: Occupancy.
- h. Final Post-Project Accounting of Expenditures:** The City will submit a final, post-project accounting of expenditures to the Central Valley Water Board.

Reports to the Water Board

- i. **Monthly Report:** The City will submit monthly progress reports documenting progress made on the SEP. The monthly reports will be due on the last day of the month following the end of each month, beginning with October 2024. Monthly progress reports shall summarize project expenditures and describe the work completed during the preceding quarter.
- ii. **Final Report:** Following SEP completion, the City will submit a Final Report documenting distribution of funds. The Final Report shall be submitted to the Central Valley Water Board no later than January 31, 2025.

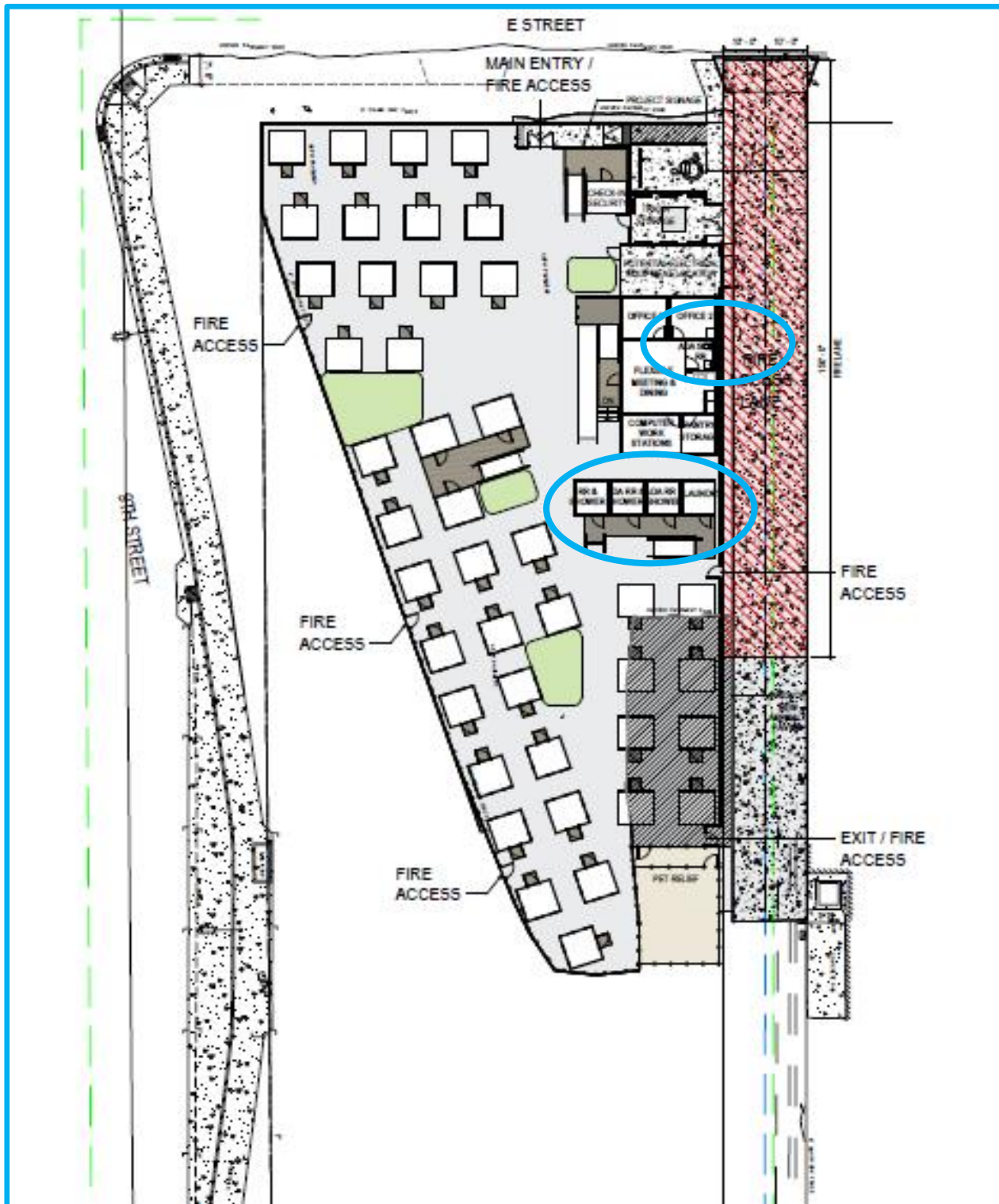
Table C-1 Project Proposal Budget

402 9th Street Project Budget	SEP Grant Budget
SITE IMPROVEMENTS	
Water Tie-In Location On-Site (Labor)	\$ 30,000
Sewer Tie-In Location On-Site (Labor)	\$ 30,000
SUBTOTAL SITE IMPROVEMENTS:	\$ 60,000
UNDERGROUND WORK*	
Potable Water Backflow (Material)	\$ 30,000
Underground Water Distribution (Labor)	\$ 40,000
Underground Sewer Distribution (Labor)	\$ 30,000
SUBTOTAL UNDERGROUND:	\$ 100,000
MODULAR WET UNIT WITH INSTALLATION	
Placement and Assembly of Wet Units on Site** (Labor)	\$ 19,000
Connection of the units to the sewer and water pipe locations (Labor)	\$ 15,000
Restroom/Laundry Units** (Material)	\$ 131,000
SUBTOTAL MODULAR UNIT PLACEMENT:	\$ 165,000
TOTAL SEP PROJECT BUDGET:	\$ 325,000

*Underground work consists of underground potable water and sewer line piping installed from the wet units to the public connections of the site. This includes underground distribution of water and sewer from the point of underground piping to the units containing the restrooms, shower, laundry, and the Will Scott trailer that will contain a staff-only restroom.

**There will be a total of five wet units that will require this underground work. One wet unit is a staff only restroom located in a Will Scott trailer, three self-contained units that include a restroom and shower, and one laundry unit.

Figure C-1: Supplemental Environmental – SEP Units (Circled)



**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-335**

**RESOLUTION APPROVING THE AMENDED CONFLICT OF INTEREST
CODE FOR THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO.
2022-411**

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a Conflict of Interest Code; and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted a Conflict of Interest Code; and

WHEREAS, the Political Reform act requires every local government agency to review its Conflict of Interest Code on a biennial basis to determine if it is accurate or, alternatively, the need for amendment; and

WHEREAS, pursuant to Government Code Section 82011, the City Council (“Council”) is charged with reviewing the Conflict-of-Interest Code for agencies, boards, and commissions of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended 2024 Conflict of Interest Code for the City of Modesto, **attached** hereto.

BE IT FURTHER RESOLVED that Resolution No. 2022-411, adopted by the City Council is hereby rescinded.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

OFFICE OF THE CITY ATTORNEY
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
City Attorney	Statutory Filer
Assistant City Attorney	1
Deputy City Attorney I, II, III	1
Paralegal	1
Senior Deputy City Attorney	1

OFFICE OF THE CITY AUDITOR
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
City Auditor	1
Auditor II	1
Senior Auditor	1
Consultant	1

OFFICE OF THE CITY CLERK
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
City Clerk	1
Assistant City Clerk	1
Consultant	1

OFFICE OF THE CITY MANAGER

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
City Manager	Statutory Filer
Communication and Media Relations Officer	1
Deputy City Manager	1
Management Analyst	1
Public Relations and Legislative Affairs Manager	1
Consultant	1

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Director of Community & Economic Development	1
Administrative Analyst I/II	4
Administrative Services Technician I/II	4
Assistant Planner	4
Associate Planner	4
Building Inspection Supervisor	4
Building Inspector I/II	4
Building Safety Program Coordinator	4
Business Analyst	4
Business Development Representative	4
Chief Building Official	4
Community Development Manager	4
Community Development Program Specialist I/II	4
Development Services Technician I/II	4
Economic Development Manager	4
Economic Development Marketing Specialist	4
Engineering Assistant I/II	4
Environmental Compliance Inspector I/II	4
Housing and Urban Development Supervisor	4
Housing Financial Specialist	4
Housing Rehabilitation Specialist I/II	4
Housing Rehabilitation Supervisor	4
Infrastructure Financing Program Supervisor	4

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Planning Manager	4
Plans Examiner	4
Principal Planner	4
Senior Building Inspector	4
Senior Business Analyst	4
Senior Community Development Program Specialist	4
Senior Planner	4
Consultant	4

ENGINEERING SERVICES DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Director of Engineering Services	1
Administrative Analyst I/II	4
Assistant City Engineer	4
Assistant Engineer	4
Associate Engineer	4
Associate Land Surveyor	8
Associate Traffic Engineer	4
City Engineer	4
Construction Inspector	8
Construction Inspector Supervisor	8
Development Services Technician I/II	4
Engineering Assistant I/II	4
Senior Civil/Traffic Engineer	4
Senior Construction Inspector	8
Senior Land Surveyor	8
Traffic Engineer	4
Consultant	4

FINANCE DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Employee Positions</u>	<u>Disclosure Category</u>
Finance Director	Statutory Filer
Accounting Manager	1
Assistant Buyer (Purchasing Division)	1
Buyer	1
Financial Analyst I, II, III	1
Parking Adjudication Program Coordinator	1
Purchasing Manager	1
Revenue Collections and Compliance Manager	1
Revenue Collections and Compliance Supervisor	1
Senior Buyer	1
Senior Financial Analyst	1
Senior Storeskeeper	1
Storekeeper	1
Stores Supervisor	1
Consultant	1

FIRE DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Fire Chief	1
Administrative Analyst	6
Apparatus Committee Members	6
Assistant Fire Chief	6
Deputy Fire Marshal	6
Fire Battalion Chief	6
Fire Deputy Chief	6
Public Safety Business Services Analyst	6
Consultant	6

HUMAN RESOURCES DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Director of Human Resources	1
Employee Relations Officer	9
Human Resources Manager	9
Organizational Development Coordinator	9
Risk Analyst I/II	9
Risk Manager	9
Safety Officer	9

INFORMATION TECHNOLOGY DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chief Information Officer	1
Information Technology Manager	7
Informational Technology Security Officer	7
Principal Systems Engineer	7
Senior Software Analyst	7
Senior Systems Engineer	7

PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Director of Parks, Recreation and Neighborhoods	1
Administrative Analyst II	8
Assistant Landscape Designer	8
Associate Landscape Architect	8
Cultural Services Manager	8
Events Coordinator	8
Events Supervisor	8
Operations Manager	8
Operations Supervisor	8
Parks Planning & Development Manager	8
Recreation & Neighborhoods Services Manager	8
Recreation Supervisor	8
Senior Landscape Architect	8
Consultant	1

OFFICE OF PERFORMANCE MANAGEMENT & BUDGET DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Director of Office Performance Management & Budget	1
Budget Manager	1
Financial Analyst I, II, III	1
Management Analyst	1
Senior Financial Analyst	1
Consultant	1

POLICE DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chief of Police	1
Assistant Police Chief	10
Code Enforcement Officer I/II	4
Neighborhood Preservation Unit Supervisor	4
Police Administrator	10
Police Captain	10
Police Civilian Manager	10
Police Lieutenant	10
Public Safety Business Services Analyst	10

PUBLIC WORKS DEPARTMENT
CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Director of Public Works	1
Administrative Analyst II	8
Airport Manager	1
Associate Engineer	8
Code Enforcement Officer I/II	8
Code Enforcement Supervisor	8
Compost Facility Supervisor	8
Electrical Supervisor	8
Facilities Manager	1
Fleet Manager	1
Forestry Manager	1
Integrated Waste Program Manager	1
Operations Supervisor	8
Parking Enforcement Officer	8
Parking Supervisor	8
Senior Civil/Traffic Engineer	1
Senior Public Works Manager	1
Solid Waste Enforcement Officer	8
Solid Waste Enforcement Supervisor	8
Solid Waste Supervisor	8
Streets Manager	8
Consultant	1

UTILITIES DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Director of Utilities	1
Administrative Analyst I/II	8
Administrative Services Officer	8
Associate Civil Engineer	8
Associate Engineer	8
Electrical Supervisor	8
Engineering Division Manager	1
Environmental & Regulatory Compliance Superintendent	1
Environmental Compliance Inspector I/II	8
Environmental Services Supervisor	8
Laboratory Supervisor	8
Plant Maintenance Superintendent	1
Plant Maintenance Supervisor	8
Senior Civil Engineer	1
Utilities Plant Operations Supervisor	8
Utilities Services Supervisor	8
Wastewater Collection System Superintendent	1
Wastewater Division Manager	1
Water Division Manager	1
Water Quality Control Plant Superintendent/Chief Plant Operator	1
Water Superintendent	1
Consultant	1

**CONFLICT OF INTEREST CODE
OF THE
AUDIT COMMITTEE
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Audit Committee.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

AUDIT COMMITTEE
CONFLICT OF INTEREST CODE
APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
All Committee Members & Public Member	1
Consultant	1

AUDIT COMMITTEE
CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
BOARD OF BUILDING APPEALS
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Board of Building Appeals.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

BOARD OF BUILDING APPEALS

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	1

BOARD OF BUILDING APPEALS

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
BOARD OF ZONING ADJUSTMENTS**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Board of Zoning Adjustments.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

BOARD OF ZONING ADJUSTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	1

BOARD OF ZONING ADJUSTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
CHARTER REVIEW COMMITTEE
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Audit Committee.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

CHARTER REVIEW COMMITTEE

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
All Committee Members	1
Consultant	1

CHARTER REVIEW COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

CONFLICT OF INTEREST CODE
OF THE
CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Citizens Housing and Community Development Committee.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	1

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
CITIZENS' SALARY SETTING COMMISSION
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Citizens' Salary Setting Commission.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

CITIZENS' SALARY SETTING COMMISSION

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Commission Members	1
Consultant	1

CITIZENS' SALARY SETTING COMMISSION

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

CONFLICT OF INTEREST CODE
OF THE
CITIZENS' TRANSPORTATION SALES TAX COMMISSION
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Citizens' Transportation Sales Tax Commission.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

CITIZENS' TRANSPORTATION SALES TAX COMMISSION

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Commission Members	1
Consultant	1

CITIZENS' TRANSPORTATION SALES TAX COMMISSION

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
COMMUNITY POLICE REVIEW BOARD
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Community Police Review Board.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

COMMUNITY POLICE REVIEW BOARD

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	1

COMMUNITY POLICE REVIEW BOARD

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
CULTURE COMMISSION
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Community Police Review Board.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

CULTURE COMMISSION
CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Commissioners	1
Consultant	1

CULTURE COMMISSION
CONFLICT OF INTEREST CODE
EXHIBIT “B”

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
DISABLED ACCESS APPEALS BOARD**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Disabled Access Appeals Board.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

DISABLED ACCESS APPEALS BOARD

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	1

DISABLED ACCESS APPEALS BOARD

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
DISTRICTING COMMISSION
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Districting Commission.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

**DISTRICTING COMMISSION
CONFLICT OF INTEREST CODE**

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Commission Members	1
Consultant	1

DISTRICTING COMMISSION
CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
ENTERTAINMENT COMMISSION
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Entertainment Commission.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

ENTERTAINMENT COMMISSION

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Commission Members	1
Consultant	1

ENTERTAINMENT COMMISSION

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
EQUITY COMMISSION
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Equity Commission.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

**EQUITY COMMISSION
CONFLICT OF INTEREST CODE**

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Commission Members	1
Consultant	1

EQUITY COMMISSION
CONFLICT OF INTEREST CODE
EXHIBIT “B”

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
GOLF COURSE ADVISORY COMMITTEE
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Audit Committee.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

GOLF COURSE ADVISORY COMMITTEE

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
All Committee Members	1
Consultant	1

GOLF COURSE ADVISORY COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
HOUSING REHABILITATION LOAN COMMITTEE
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Housing Rehabilitation Loan Committee.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

HOUSING REHABILITATION LOAN COMMITTEE

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	1

HOUSING REHABILITATION LOAN COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
LANDMARK PRESERVATION COMMISSION
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Landmark Preservation Commission.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

LANDMARK PRESERVATION COMMISSION

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Commission Members	1
Consultant	1

LANDMARK PRESERVATION COMMISSION

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**CONFLICT OF INTEREST CODE
OF THE
MEASURE H OVERSIGHT BOARD
OF THE CITY OF MODESTO**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Measure H Oversight Board.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

MEASURE H OVERSIGHT BOARD

CONFLICT OF INTEREST CODE

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Board Members	1
Consultant	1

MEASURE H OVERSIGHT BOARD

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

City of Modesto
Disclosure Categories
Appendix "B"

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) **FULL DISCLOSURE***

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses from business entities located in or doing business within the jurisdiction. **FULL DISCLOSURE W/OUT PROPERTY**

Group 3: Designated employees in this group shall report interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency. **PROPERTY ONLY**

Group 4: Designated employees in this group shall report interest in real property, investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which engage in land development, construction, or the acquisition or sale of real property. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) **COMMUNITY & ECONOMIC DEVELOPMENT, ENGINEERING SERVICES, POLICE**

Group 5: Designated employees in this group shall report investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which manufacture, sell or design data processing equipment or related services of the type used by the designated employee's department or division. **FINANCE**

Group 6: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which manufacture or sell fire-related equipment, or parts of the type used by the designated employee's department or division. **FIRE**

Group 7: Designated employees in this group shall report investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which manufacture, sell or design data processing equipment or related services of the type used by the designated employee's department or division. **INFORMATION TECHNOLOGY**

Group 8: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources within the jurisdiction which manufacture, sell, or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment of the type used by the designated employee's department or division. **ENGINEERING SERVICES, PARKS RECREATION & NEIGHBORHOODS / PUBLIC WORKS / UTILITIES DEPARTMENTS**

Group 9: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which are involved in healthcare or vocational rehabilitation of the type used by the designated employee's department or division. **HUMAN RESOURCES**

Group 10: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which sell, manufacture, or distribute equipment and supplies for office, personnel or vehicles of the type used by the designated employee's department or division. **POLICE**

***Consultants** shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code (**Group 1**) subject to the following limitation:

*The City Manager, or his or her designee, may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon the description, a statement of the extent of disclosure requirements. The City Manager's, or his or her designee, determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code.

Statutory Required Filers:

The following positions are not covered by this conflict-of-interest code because those individuals holding these positions must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

- Mayor
- Council Members
- City Manager
- City Attorney
- Planning Commissioners
- Treasurer/Finance Director

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-336**

**RESOLUTION ACCEPTING THE LANDMARK PRESERVATION
COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2022-2023 & 2023-2024**

WHEREAS, Section 1104 of the City Charter specifies that appointed commissions shall report on their fiscal year activities to City Council on or before September 1 of each year, and Section 9-10.03(d) of the Modesto Municipal Code specifies that the Landmark Preservation Commission shall report its activities to City Council each year, and

WHEREAS, at its regular meeting of February 26, 2024, at 1010 10th Street, Modesto, California, the Landmark Preservation Commission accepted the Annual Report for Fiscal Year 2022-2023, and

WHEREAS, at its regular meeting of August 19, 2024, at 1010 10th Street, Modesto, California, the Landmark Preservation Commission accepted the Annual Report for Fiscal Year 2023-2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Landmark Preservation Commission Annual Report for Fiscal Year 2023-2024, as described in **Exhibit “A”**, **attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Landmark Preservation Commission Annual Report for Fiscal Year 2023-2024, as described in **Exhibit “B”**, **attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT “A”

Landmark Preservation Commission Annual Report for FY 2022-2023

EXHIBIT “B”

Landmark Preservation Commission Annual Report for FY 2023-2024

LANDMARK PRESERVATION COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2022-2023

The City of Modesto Landmark Preservation Commission was formed by the City Council to promote public recognition and appreciation for Landmark Preservation Sites and the City's history. Its duties include conducting ongoing surveys and research to identify and classify as to their relative importance, properties with historic, architectural, archaeological, engineering, or cultural significance to the community. Additionally, the commission recommends properties which meet the criteria of significance for designation as Landmark Preservation Sites. It also safeguards these sites through public review of proposed alterations, relocations, demolitions, or new construction affecting those properties. Furthermore, the Commission advises property owners and educates the public in appropriate maintenance, rehabilitation, or restoration methods, encouraging the continued use of such properties. The Commission is also responsible for requesting from the Board of Zoning Adjustment, the Planning Commission, various City departments, or the City Council adoption of measures required or appropriate for the preservation, protection, or maintenance of Landmark Preservation Sites. The Commission promotes public recognition and appreciation for Landmark Preservation Sites and solicits gifts and contributions to support the activities and purposes of the Commission.

The Commission meets on the third Monday of the month at 1:00 p.m. The 2022-2023 Annual Report highlights several projects the Commission has undertaken during this period.

I. MEMBERSHIP

The Landmark Preservation Commission is currently comprised of a total of six (6) registered voters residing in Modesto, and one (1) representative from the Culture Commission.

II. BYLAWS

No bylaws amendments were proposed or adopted during the fiscal year.

III. PROJECTS

Web Pages Update

None

Mills Act Contract Monitoring

None

Update Ordinance

None

Applications and Permits Reviewed

None

Future Projects

In addition to evaluating resources nominated for landmark status, The Commission is responsible for reviewing proposed alterations to historic resources and proposed demolitions. Applications are processed on a case-by-case basis.

In accordance with the existing Mills Act contracts on 12 landmark properties, staff will request details from property owners to update the list of improvements that is attached to each contract. Mills Act contracts require the list be updated to ensure the properties are being maintained as required by the contract.

Other projects that may be undertaken by the Commission include:

Update the status of buildings in the historic resources survey More than 20 years have passed since Modesto hired Carey & Co. to prepare a survey of some of Modesto's historic resources that were 50 years old or older at the time of the survey. During that time, many buildings have been altered or demolished and the city's records should be updated. This is a multi-year project.

Develop historic brochures. Cities often highlight their historic resources by preparing walking tours or brochures, often themed. Brochures promote the city's unique history, civic involvement, and pride, and offer added appeal for visitors. Three brochures have been produced to date highlighting Modesto's landmarks, those brochures included the Establishment Period, and Mid-Century Modern buildings. Additional brochures will feature other periods of Modesto's development. This is a multi-year project.

Reevaluate the current Fees associated with designation. This current Commission has asked to have the fees associated with the designation of a property to landmark status be reviewed. In hopes that adjustments to the fees associated with designation will encourage and inspire more property owners to apply.

IV. PURPOSE OF THE ANNUAL REPORT

This annual report is prepared in compliance with Article XI, Section 1104, of the City Charter, and with Modesto Municipal Code Section 9-10-03(d) which requires a report of the Commission's activities be prepared and submitted to the City Council annually.

LANDMARK PRESERVATION COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2023-2024

The City of Modesto Landmark Preservation Commission was formed by the City Council to promote public recognition and appreciation for Landmark Preservation Sites and the City's history. Its duties include conducting ongoing surveys and research to identify and classify as to their relative importance, properties with historic, architectural, archaeological, engineering, or cultural significance to the community. Additionally, the commission recommends properties which meet the criteria of significance for designation as Landmark Preservation Sites. It also safeguards these sites through public review of proposed alterations, relocations, demolitions, or new construction affecting those properties. Furthermore, the Commission advises property owners and educates the public in appropriate maintenance, rehabilitation, or restoration methods, encouraging the continued use of such properties. The Commission is also responsible for requesting from the Board of Zoning Adjustment, the Planning Commission, various City departments, or the City Council adoption of measures required or appropriate for the preservation, protection, or maintenance of Landmark Preservation Sites. The Commission promotes public recognition and appreciation for Landmark Preservation Sites and solicits gifts and contributions to support the activities and purposes of the Commission.

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I. MEMBERSHIP

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No bylaws amendments were proposed or adopted during the fiscal year.

III. PROJECTS

Web Pages Update

None

Mills Act Contract Monitoring

None

Update Ordinance

None

Applications and Permits Reviewed

None

Future Projects

In addition to evaluating resources nominated for landmark status, The Commission is responsible for reviewing proposed alterations to historic resources and proposed demolitions. Applications are processed on a case-by-case basis.

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IV. PURPOSE OF THE ANNUAL REPORT

This annual report is prepared in compliance with Article XI, Section 1104, of the City Charter, and with Modesto Municipal Code Section 9-10-03(d) which requires a report of the Commission's activities be prepared and submitted to the City Council annually.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-337**

RESOLUTION APPROVING THE SOUTHWEST MODESTO PLAN

WHEREAS, in the 2020 State Budget, Governor Gavin Newsom allocated \$250 million for cities, and counties to do their part by prioritizing planning activities that accelerate housing production to meet identified needs of every community; and

WHEREAS, with this allocation, the California Department of Housing and Community Development (HCD) established the Local Early Action Planning (LEAP) Grant with \$119 million for cities and counties; and

WHEREAS, LEAP provides one-time grant funding to cities and counties to update their planning documents and implement process improvements that will facilitate the acceleration of housing production; and

WHEREAS, on January 27, 2020, HCD issued a Notice of Funding Availability (NOFA), as part of the Local Government Planning Support Grants Program for the LEAP Grant; and

WHEREAS, on March 3, 2021, the City of Modesto was awarded \$500,000 as part of the financial assistance for LEAP; and

WHEREAS, in aligning with LEAP program criteria, the City utilized a portion of these funds for the development of the Southwest Modesto Plan (Plan); and

WHEREAS, the focused implementation plan for Southwest Modesto addresses all components requested in the Request for Proposals (RFP), including: a comprehensive public outreach and visioning process; recommendations for development of opportunity sites, evaluation of economic development issues in the Southwest area, an integration of

City-planned physical street improvements, and the integration of County-jurisdictional “islands” into the city; and

WHEREAS, on January 10, 2023, by Resolution 2023-07 the City approved an Agreement with PlaceWorks for the Development of the Southwest Modesto Plan in an amount not to exceed \$216,000; and

WHEREAS, the purpose of the Plan is to establish a vision for the future of Southwest Modesto with a focus on enhancing redevelopment conditions and opportunities, and to identify ways to realize that vision; and

WHEREAS, the Southwest Modesto Plan serves as a blueprint for future development in Southwest Modesto; and

WHEREAS, the primary purpose of the Plan establishes a community-supported vision for the future of this area, which is focused on enhancing existing conditions, economic development, and providing affordable housing for existing and new households; and

WHEREAS, the Plan provides an overview of public outreach process that created the plan, an economic opportunities assessment, a discussion of barriers to affordable housing, and recommendations for policies and actions for improvement of the Southwest Modesto Plan Area; and

WHEREAS, the Plan is also expected to inform the City of Modesto’s General Plan 2050 Comprehensive Update, which is currently underway; and

WHEREAS, initial outreach was conducted in March 2023 with the city holding stakeholder meetings; and

WHEREAS, City Staff and Placeworks conducted three (3) community workshops. The first was to introduce the plan, the second to discuss economic opportunities, and the third to present the draft plan; and

WHEREAS, City Staff and Placeworks also participated in three additional community meetings to present the draft plan and incorporate additional questions and concerns from the community; and

WHEREAS, PlaceWorks has finalized the Southwest Modesto Plan, the plan includes the following themes: Community Identity, Economic Vitality, Community Services, Housing and Transportation; and

WHEREAS, upon approval of the plan, the Planning Division of the Community and Economic Development Department will be responsible for providing periodic updates to the Southwest Modesto community on the progress the City is making in realizing many of the outcomes identified in the Plan; and

WHEREAS, adopted of the plan is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3). The plan does not change any development standards or allowed uses, and does approved or authorize any project or development. Accordingly, it can be seen with certainty that adoption of the plan does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves the Southwest Modesto Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-338**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR MASTER DEVELOPMENT SERVICES FOR BRIDGE HOUSING PROJECTS INCREASING THE AGREEMENT AMOUNT BY \$394,640 TO A NEW TOTAL AMOUNT OF \$469,640 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE REQUIRED AGREEMENTS

WHEREAS, on November 7, 2023, by Resolution No. 2023-495, Council approved City staff to solicit proposals for Bridge Housing sites and allocating \$3,000,000 sleeping cabin acquisition, site infrastructure and improvements; and

WHEREAS, on November 7, 2023, the City Council adopted Resolution No. 2023-496, Council approved amending the fiscal year 2023-2024 Multi-Year Non-Capital Multi-Year budget to create a new project and establish revenue, expense, and transfer budgets for the Bridge Housing projects to be funded with Measure H funds in the amount of \$3,000,000; and

WHEREAS, on May 3, 2024, the City finalized an agreement Stanislaus County Affordable Housing Corporation to assist with the project management of bridge housing projects, develop project designs, and provide construction oversight for an amount not to exceed \$75,000 for a period of 2 years, with 1 year extension option; and

WHEREAS, City staff has developed a project construction budget at an estimated amount of \$394,640, to allow StanCo to enter into the Agreement with the general contractor and oversee the construction and installation of sleeping cabins on behalf of the City of Modesto; and

WHEREAS, the total construction and unit acquisition cost is \$635,647 which is approximately \$52,971 per unit; and

WHEREAS, City staff is recommending an additional allocation of Measure H funding in the amount of \$394,640 for an amount not to exceed \$469,640 to allow Stanislaus County Affordable Housing Corporation to manage and oversee all general contractor costs associated to the bridge housing site located at 1530 Owens Drive, Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Stanislaus County Affordable Housing Corporation for master development services for bridge housing projects increasing the Agreement amount by \$394,640 to a new total amount of \$469,640.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute any required agreements for the operations of the program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-339**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MODESTO GOSPEL MISSION TO PROVIDE PROPERTY MANAGEMENT SERVICES AND PROVIDE CLIENT SERVICES FOR A THREE (3) YEAR TERM FOR A BRIDGE HOUSING SITE LOCATED AT 1530 OWENS DRIVE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE REQUIRED AGREEMENTS

WHEREAS, on November 7, 2023, by Resolution No. 2023-495, Council approved City staff to solicit proposals for Bridge Housing sites and allocating \$3,000,000 sleeping cabin acquisition, site infrastructure and improvements; and

WHEREAS, on November 7, 2023, the City Council adopted Resolution No. 2023-496, Council approved amending the fiscal year 2023-2024 Multi-Year Non-Capital Multi-Year budget to create a new project and establish revenue, expense, and transfer budgets for the Bridge Housing projects to be funded with Measure H funds in the amount of \$3,000,000; and

WHEREAS, the Modesto Gospel Mission proposed a project site at 1530 Owens Drive, Modesto as a potential project site for bridge housing; and

WHEREAS, the Modesto Gospel Mission has proposed to serve as the host site, site operator, and services provider, utilizing private and state healthcare revenue to operate the project for a three (3) year term; and

WHEREAS, City staff is recommending a Memorandum of Understanding with Modesto Gospel Mission to outline the responsibilities for site operations and service delivery to clients participating in the bridge housing site located at 1530 Owens Drive, Modesto; and

WHEREAS, Modesto Gospel Mission will serve as the Site Operator and Service Provider, and property manager for this project and will serve primarily women at this location. MGM will be responsible for maintenance and security of the location and will be responsible for supporting clients in their transition to permanent housing; and

WHEREAS, Modesto Gospel Mission has committed to fund the operations and service provision for clients for this project with private donations and through Cal-AIM financial support in the amount of approximately \$82,000 annually and \$246,000 for the 3 year term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with the Modesto Gospel Mission to provide property management services and provide client services for a three (3) year term for a bridge housing site located at 1530 Owens Drive.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute any required agreements for the operations of the program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-340**

RESOLUTION APPROVING THE SUMMARY VACATION OF A 40-FOOT STRIP OF FORMER LITT ROAD ALIGNMENT (14,579 SQUARE FOOT) ROAD RIGHT-OF-WAY

WHEREAS, California Streets and Highways Code - Division 9, Part 3, Chapter 4 Article 1, Section 8331, states “The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist: (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel. (b) No public money was expended for maintenance on the street or highway during such period.”; and

WHEREAS, the City of Modesto has requested the summary vacation of a 40-foot-wide Strip of Litt Road located on their property on Litt Road; and

WHEREAS, the new alignment of Litt Road has been constructed and former Litt Road north of Sylvan Avenue was not utilized to construct the road; and

WHEREAS, this area of existing Litt Road was quitclaimed to the City of Modesto per Document Number 2023-0059278 recorded on December 20, 2023; and

WHEREAS, the Tentative Parcel Map 21-004 and Resolution 2021-19 was approved by the Planning Commission on October 18, 2021; and

WHEREAS, there are no city utilities or other easements in this area.

WHEREAS, the completion of the summary vacation is required to record the Parcel Map. As s City owned property, the Parcel Map will be signed by the City Manager to complete the land division in the area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the summary vacation of a 40-feet wide strip of the former Litt

Road Alignment (14,579 square feet) road right-of-way located in the City of Modesto, which is more particularly described in **Exhibit "A" attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder's Office. From and after the date this resolution is recorded, said easements shall no longer constitute public easements.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Parcel Map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION – LITT ROAD Abandonment

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

A portion of the 40.00 foot strip of land described in the Road Deed recorded in volume 504 of deeds, page 326, Official Records of said County, situate in the North half of Section 12, Township 3 South, Range 9 East, Mount Diablo Meridian more particularly described as follows:

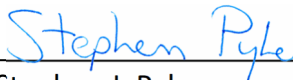
COMMENCING from the intersection of the centerline of Sylvan Avenue with the centerline of Litt Road as shown on that Record of Survey recorded in Book 33 of Surveys at Page 24, Official Records of said County; thence North 44°45'36" East, 28.26 feet to a line lying 20.00 feet east of and parallel with centerline of said Litt Road; thence along said parallel line, North 0°17'33" West, 44.83 feet to the **POINT OF BEGINNING**; thence leaving said parallel line westerly along a non-tangent curve, concave northeasterly having a radius of 3547.75 feet, a radial line to the center of said curve bears, North 04°41'13" East, through a central angle of 0°38'56", an arc length of 40.17 feet, to a line lying 20.00 feet west of and parallel with the centerline of said Litt Road; thence along said parallel line North 0°17'33" West, 329.79 feet, to the beginning of a non-tangent curve concave northwesterly having a radius of 286.98 feet, a radial line to the center of said curve bears, North 53°33'22" West; thence northeasterly along said curve through a central angle of 16°55'09", an arc length of 84.74 feet, to a line lying 20.00 feet east of and parallel with the centerline of said Litt Road; thence along said parallel line South 0°17'33" East, 407.86 feet to the **POINT OF BEGINNING**.

Containing an area of 14,579 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



12 July 2024

Date

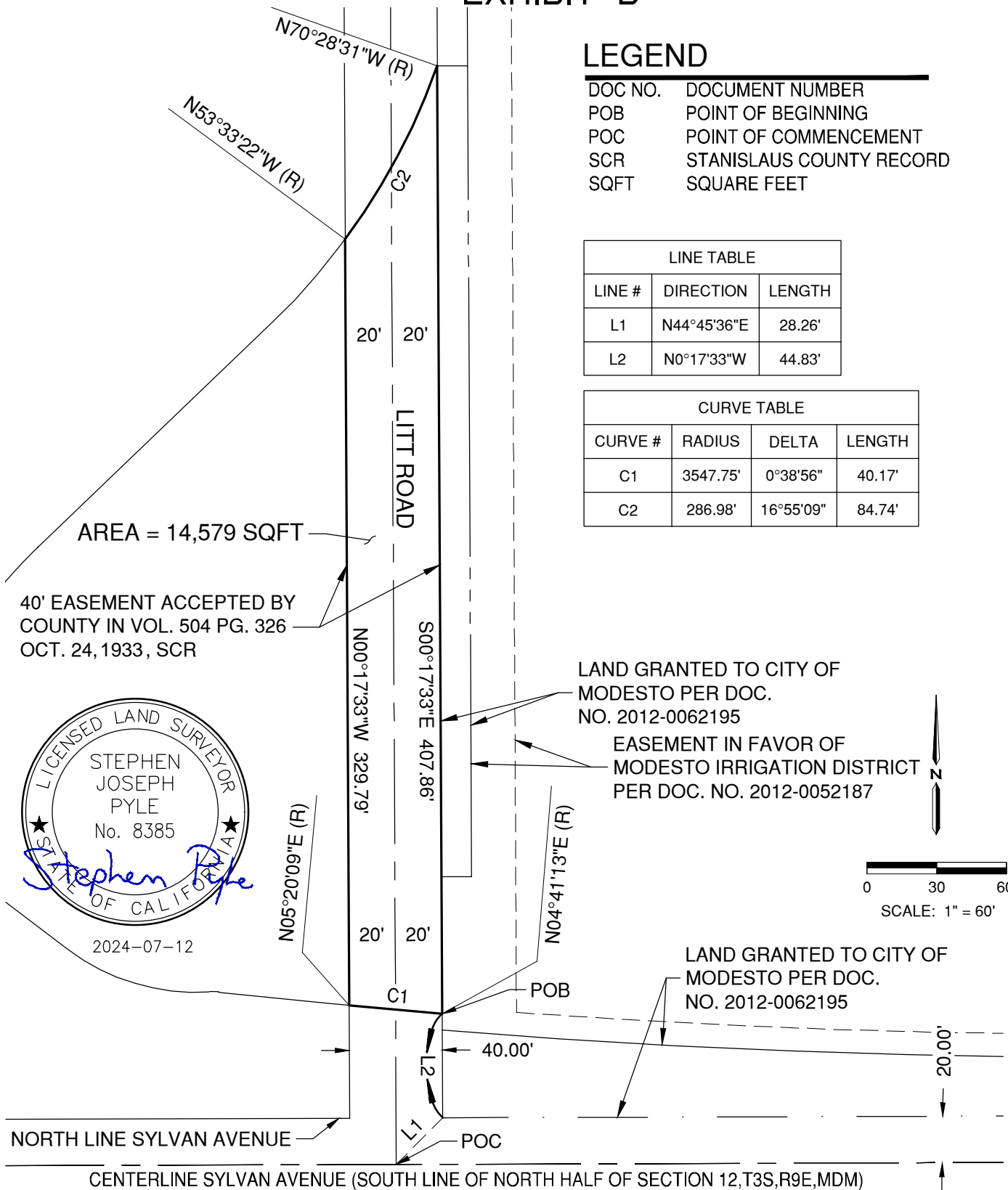
EXHIBIT "B"

LEGEND

DOC NO.	DOCUMENT NUMBER
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
SCR	STANISLAUS COUNTY RECORD
SQFT	SQUARE FEET

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N44°45'36"E	28.26'
L2	N0°17'33"W	44.83'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	3547.75'	0°38'56"	40.17'
C2	286.98'	16°55'09"	84.74'



AREA = 14,579 SQFT

40' EASEMENT ACCEPTED BY COUNTY IN VOL. 504 PG. 326 OCT. 24, 1933, SCR



2024-07-12

LAND GRANTED TO CITY OF MODESTO PER DOC. NO. 2012-0062195

EASEMENT IN FAVOR OF MODESTO IRRIGATION DISTRICT PER DOC. NO. 2012-0052187

LAND GRANTED TO CITY OF MODESTO PER DOC. NO. 2012-0062195



1165 Scenic Drive, Suite A
Modesto, CA 95350
odellengineering.com

DESCRIPTION: LITT ROAD ABANDONMENT			
SCALE:	1" = 60'	DATE:	2024-07-12
JOB NO.:	35170		
FILE:	35170-PLAT-LITT RD ABANDONMENT.DWG		

Y:\Jobs\35170 Modesto Litt Rd PM\Survey\MapDwg\35170-PLAT-LITT RD ABANDONMENT.dwg SuPyle 07:30:12 07/12/2024

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-341**

**RESOLUTION APPROVING THE FINAL MAP OF PPA-17 EAST UNIT,
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OWNER,
MODESTO 92 LP, AND AUTHORIZING THE CITY CLERK TO CERTIFY THE
FINAL MAP AND RECORD WITH THE STANISLAUS COUNTY RECORDER'S
OFFICE**

WHEREAS, Modesto 92 LP, a California Limited Partnership Company (“SUBDIVIDER”), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 14.959 acres, known as the PPA-17 EAST UNIT (“SUBDIVISION”), in the Village One Specific Plan Area; and

WHEREAS, a tentative subdivision map of PPA No. 17 was approved by the City of Modesto Planning Commission on January 8, 2024, with conditions of approval as noted in Planning Commission Resolution No. 2024-03; and

WHEREAS, the public improvements required by the Planning Commission conditions of approval have not been completed; and

WHEREAS, following a public hearing and special election on June 11, 2024, by Resolution No. 2024-224, Council approved the annexation of SUBDIVISION into the City of Modesto Community Facilities District No. 2004-1 (Village One No. 2); and

WHEREAS, as required by Section 66462 of the California Subdivision Map Act and Section 4-4.605 of the Modesto Municipal Code by previous action, a subdivision improvement agreement is required between the City and SUBDIVIDER; and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative subdivision map; and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct; and

WHEREAS, the SUBDIVIDER has furnished securities as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Map of PPA-17 East Unit, authorizes the City Manager, or his designee, to execute the Subdivision Improvement Agreement with the owner, Modesto 92 LP, and authorizes the City Clerk to certify the final map record with the Stanislaus County Recorder's office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-342**

**RESOLUTION DELEGATING THE RESPONSIBILITY FOR INVESTMENT
TRANSACTIONS TO THE DIRECTOR OF FINANCE AND ACCEPTING THE
ANNUAL INVESTMENT REPORT FOR FISCAL YEAR 2023-2024**

WHEREAS, the City's Finance Department submits a monthly investment report to Council and the City Manager, the final of these reports each fiscal year is an annual report; and

WHEREAS, pursuant to the California Government Code, the authority of the City Council to invest or to reinvest funds of the City, or to sell or exchange securities, may be delegated for a one-year period to the Treasurer, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires; and

WHEREAS, the Director of Finance fulfills the Treasurer responsibilities for the City of Modesto, and so the authority is provided to this position; and

WHEREAS, it is the function of the Finance Department to deposit and invest funds in accordance with the Government Code and as defined in Modesto Municipal Code 2-3.404, and to safeguard the principal and maintain the liquidity needs of the City; and

WHEREAS, the Treasurer must be authorized on an annual basis to carry out these functions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby delegates the responsibility for investment transactions to the Director of Finance and accepts the Annual Investment Report for Fiscal Year 2023-2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-343**

RESOLUTION APPROVING THE FISCAL YEAR 2023-2024 UNCLAIMED FUNDS OF \$56,975 HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed by the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City's General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of \$15 or more, held in the City's Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves \$56,975 in Fiscal Year 2023-2024 unclaimed funds to be transferred to the General Fund.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

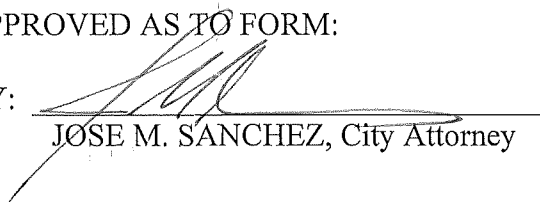


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-344**

**RESOLUTION APPROVING THE 2023-2024 WRITE-OFF AND
ADJUSTMENTS REPORTS THROUGH FISCAL YEAR END JUNE 30, 2024 IN
THE TOTAL AMOUNT OF \$415,908 AND DIRECTING A REPORT OF
DISPOSITION TO BE FILED WITH THE CITY CLERK**

WHEREAS, the Finance Department maintains a billing system to track monies owed to the City, and

WHEREAS, occasionally the responsible party does not pay the City as required, and

WHEREAS, it is the City's policy to actively pursue collection of past-due accounts and write off amounts deemed to be uncollectible, and

WHEREAS, the City employs various different means of trying to collect past-due accounts, and

WHEREAS, collection efforts continue until the legal statute restricts the City's collections actions, and

WHEREAS, the City's Write-off of Uncollectible Accounts Receivable policy, as allowed under by Section 2-3.406 of Article 4 of Title 2 of the Municipal Code, requires the following approval authority: the Director of Finance is authorized to approve the write-off of accounts with an outstanding balance due of up to \$5,000, and the City Manager is authorized to approve the write-off of accounts with an outstanding balance due in excess of \$5,000 and up to \$25,000; and

WHEREAS, in Fiscal Year 2018-2019, the Finance Department established Administrative Directive 7.20, Accounts Receivable Adjustment Policy, and determined

the Accounts Receivable, Utility Billing, Parking Citations and Business License adjustments should be incorporated into the annual report, and

WHEREAS, the following amounts with an outstanding balance less than \$5,000 have been approved for write-off by the Director of Finance for the Fiscal Year 2023-2024 and as such all available collection remedies have been exhausted: (1) Miscellaneous Receivables- \$321,275, (2) Utilities Receivables - \$5,621, (3) Parking Citations - \$33,847, (4) Business License - \$48,739 and

WHEREAS, for the write off and adjustment amounts in excess of \$5,000 and up to \$25,000 the City Manager is authorized to approve, for Miscellaneous Receivables was ; \$6,426; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2023-2024 Write-Off and Adjustments reports through Fiscal Year end June 30, 2024 in the total amount of \$415,908, and approve a report of disposition be filled with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-345**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CANNABIS CONSULTING SERVICES TO AVENU INSIGHTS AND ANALYTICS, LLC, CENTREVILLE, VA FOR ONE (1) YEAR AGREEMENT WITH A ONE-YEAR EXTENSION OPTION, FOR AN ANNUAL ESTIMATED AMOUNT OF \$38,650 AND A TOTAL AMOUNT NOT TO EXCEED \$77,300 OVER TWO YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN BOTH VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT OF \$861,350 DOES NOT CHANGE

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses; and

WHEREAS, Proposition 64 gave local governments control of taxes and fees associated with cannabis businesses operating within their jurisdictions; and

WHEREAS, in November 2017, the City Council placed before the voters a ballot measure, "Measure T," allowing the City Council to implement an excise tax on cannabis businesses within the City. Modesto voters approved Measure T, with 82.5% voting in favor of it; and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria; and

WHEREAS, on June 13, 2023, under Resolution 2023-274, Council approved the Agreement with HdL, Brea, CA by utilizing the City of Hesperia Agreement for Cannabis Consulting Services for a two (2) year Agreement with one (1) one-year

extension option, for an annual estimated amount of \$261,350 and a total amount not to exceed \$784,050 over three years; and

WHEREAS, over the last couple of years, City staff has seen an increase in non-retail cannabis businesses and anticipates up to four (4) additional non-retail cannabis businesses being added based on the efforts with the Cannabis Equity program; and

WHEREAS, we have eight (8) retail and six (6) non-retail cannabis permitted businesses and with the volume of inspections and audits required, City staff recommend adding a secondary cannabis consulting firm to ensure we are completing these audits and inspections on a timely basis; and

WHEREAS, on July 17, 2024, the Purchasing Division issued Informal Request for Proposals (INF RFP) 25-02 for Cannabis Consulting and reached out to five cannabis consulting firms utilized by public agencies and prospective bidders were notified via email of the bid opportunity; and

WHEREAS, three (3) companies chose to respond, there was no local proposals received; and

WHEREAS, an evaluation committee comprised of four (4) City staff members which included Deputy City Manager, Business Analyst, Financial Analyst and Police Lieutenant who evaluated the proposals and the evaluation was based on experience, qualifications and understanding of the services; and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for the Cannabis Consulting Services to Avenu Insights and Analytics, LLC; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, although the proposed contract is for less than \$100,000, because staff proposes to allow the Finance Director to adjust agreement totals between both consultants the ultimate amount received by Avenu Insights and Analytics, LLC may exceed \$100,000; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), “Exceptions to Formal Bidding Requirements,” Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities; and

WHEREAS, the approval for the Cannabis Consulting Services to Avenu Insights and Analytics, LLC conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services and three informal proposals were obtained based on the informal RFP performed by City staff.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposal and Agreement for Cannabis Consulting Services to Avenu Insights and Analytics, LLC, Centreville, VA for a one (1) year Agreement with a one-year extension option, for an annual estimated amount of \$38,650 and a total amount not to exceed \$77,300 over two years.

BE IT FURTHER RESOLVED, the Director of Finance, or her designee is authorized to adjust agreement totals between vendors based on contractor’s availability

and department's needs, ensuring the combined total amount of \$861,350 does not change.

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 24th day of September, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSED: Councilmembers: Alvarez

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-346**

RESOLUTION APPROVING THE FIRST AMENDMENTS WITH RALPH ANDERSEN & ASSOCIATES, ROCKLIN, CA; CPS HR CONSULTING, INC., SACRAMENTO, CA; GVP VENTURES, INC. DBA BOB MURRAY AND ASSOCIATES, ROSEVILLE, CA; KOFF AND ASSOCIATES, A GALLAGHER COMPANY, BERKELEY, CA; AND NEHER AND ASSOCIATES, SACRAMENTO, CA FOR EXECUTIVE LEVEL RECRUITMENT SERVICES TO INCREASE THE AMOUNT BY \$207,000 FOR ALL FIVE AGREEMENTS AND THE NEW TOTAL AMOUNT NOT TO EXCEED \$550,000 AND AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO EXECUTE THE AMENDMENTS

WHEREAS, on August 12, 2023 by Resolution 2023-407, the Council approved Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA in the amount of \$150,000; CPS HR Consulting, Inc., Sacramento, CA in the amount of \$54,000; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA in the amount of \$53,000; Koff and Associates, a Gallagher Company, Berkeley, CA in the amount of \$50,000; and Neher and Associates, Sacramento, CA in the amount of \$36,000, unless additional remuneration is otherwise approved by the City Manager or his designee based on City recruitment needs so long as the total executive recruitment needs citywide does not exceed \$343,000 over five years for Executive Level Recruitment Services; and

WHEREAS, the City experienced multiple Executive Level vacancies in various City Departments in 2023-2024 and the City has spent over the not-to-exceed amount of \$350,000 in just one year. There are currently two invoices totaling \$19,802.48 that are still outstanding; and

WHEREAS, the City has determined that the existing agreements for Executive Level Recruitment Services should be amended to increase the amounts for all five agreements in order to allow flexibility in choice of firm, should services be needed prior to the next full RFP. However, it is not anticipated that the full amendment will be utilized; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, the new not-to-exceed amount for these agreements is \$550,000 for all Executive Level Recruitment Services for the full term of the agreements by increasing all five agreements by \$207,000; and

WHEREAS, the City has drafted First Amendments Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA in the amount of \$114,000; CPS HR Consulting, Inc., Sacramento, CA in the amount of \$27,000; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA in the amount of \$26,000; Koff and Associates, a Gallagher Company, Berkeley, CA in the amount of \$25,000; and Neher and Associates, Sacramento, CA in the amount of \$15,000 with a new not-to-exceed

amount for these agreements is \$550,000 for all services for the full term of the agreements; and

WHEREAS, the City does not anticipate it will use the total increased amount of \$207,000. However, the increase will allow the City to select a recruiter at will when an Executive Level Recruitment occurs while also giving the City time to complete a new Request for Qualifications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendments with Ralph Andersen & Associates, Rocklin, CA; CPS HR Consulting, Inc. Sacramento, CA; GVP Ventures, Inc. dba Bob Murray and Associates, Roseville, CA; Koff and Associates, a Gallagher Company, Berkeley, CA; and Neher and Associates, Sacramento, CA for Executive Level Recruitment Services to increase the amount by \$207,000 for all five Agreements and the new total amount not to exceed \$550,000.


BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to execute the Amendments, 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 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-347**

RESOLUTION APPROVING THE CITY OF MODESTO PANDEMIC RECOVERY STRATEGY – MODESTO FORWARD GRANT AGREEMENT WITH THE STANISLAUS COUNTY LIBRARY FOR \$500,000 IN AMERICAN RESCUE PLAN ACT FUNDING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion emergency relief measure intended to provide relieve from the impact of COVID-19; and

WHEREAS, the legislation made a historic investment into local governments, include \$45,894,056 to the City of Modesto to address the local impact of COVID-19; and

WHEREAS, by Resolution No. 2021-194, Council approved the Pandemic Recovery Strategy – Modesto Forward (Modesto Forward), a comprehensive spending plan designed to support the local recovery from the pandemic; and

WHEREAS, by Resolution No. 2024-294, Council approved the reallocation of APRA funding to new or existing ARPA programs, including \$500,000 in funding to the Stanislaus County Library (“Recipient”); and

WHEREAS, the Recipient is engaged in an \$18M refurbishment project for the Modesto Library located at 1500 I Street; and

WHEREAS, the Recipient will utilize the ARPA funding to upgrade furnishings, fixtures, and equipment to create an exceptional city library that will draw users from Modesto and the surrounding County; and

WHEREAS, all funds must be obligated by December 31, 2024 and expended by December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Pandemic Recovery Strategy – Modesto Forward – Grant Agreement with the Stanislaus County Library, in an amount not to exceed \$500,000 in ARPA funds.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-348**

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH AXON ENTERPRISE, INC. SCOTTSDALE, AZ, FOR FUSUS REAL-TIME PUBLIC SAFETY OPERATIONS SOLUTION FOR A THREE-YEAR AGREEMENT, FOR A TOTAL AMOUNT NOT TO EXCEED \$410,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department (MPD) implemented a Real Time Crime Center (RTCC) in 2016 to enhance the real-time support and delivery of police and public safety services for the community; and

WHEREAS, the RTCC processes and analyzes calls for service, intelligence, and data from multiple sources in real-time, utilizing a video wall with live feeds from the City's camera networks; and

WHEREAS, centralizing all data sources into a single interface is crucial for improving the operational efficiency of RTCC staff and the response capabilities and situational awareness of field officers; and

WHEREAS, the MPD RTCC utilized the Fusus RTCC Dashboard to enhance its operational capabilities during an evaluation period of approximately 17 months; and

WHEREAS, in addition to Fusus, department staff also evaluated other available RTCC dashboards, including Genetec-Citigraf, and Spatialitics-Geoshield; and

WHEREAS, the assessment revealed both Citigraf and Geoshield lacked a seamless integration of MPD's current bodyworn camera system, did not have a robust single-pane view compared to Fusus, and did not possess the exclusive patented SMS-based FususTIPS, FususALERT and Dispatch-Directed Payload technologies that MPD deems critical to a fully mature and effective RTCC; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(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. Axon Enterprise, Inc. is the sole source for purchasing Fusus products and services. Fusus provides a robust and open ecosystem that can integrate with most data sources, including public and community video feeds via Fusus cores, automated license plate reader cameras, altering (patented), tip line (patented), live video feeds, drones, and aircraft feeds. This ensures a consistent flow of real-time data and intelligence into one platform for improved efficiency and collaboration with public safety personnel as well as community engagement features that will provide alternative quick reporting directly to our real time crime center. Therefore, staff recommends the Fusus Real-Time Public Safety Operations Solution Agreement with Axon Enterprise, Inc. should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code Section 8-3.204(b) since Axon Enterprise, Inc. is the Sole Provider of the Fusus Real-Time Public Safety Operations Solution products and services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the Sole Source Agreement with Axon Enterprise, Inc., Scottsdale, AZ, for Fusus Real-Time Public Safety Operations Solution for a three-year Agreement, for a total amount not to exceed \$410,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-349**

RESOLUTION APPROVING THE AWARD OF BID FOR PURCHASE OF ASPHALT AND EMULSIFIED ASPHALT MATERIALS ON AN AS NEEDED BASIS TO GEORGE REED, INC., ESCALON, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF \$597,466, AND A TOTAL AMOUNT NOT TO EXCEED \$2,987,330 OVER FIVE YEARS, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT

WHEREAS, the Streets Division is tasked with maintaining residential streets, major arterial, collector streets and alleys within the City of Modesto. This division plays a vital role in ensuring that the city's transportation infrastructure remains functional and accessible for residents, businesses, and visitors; and

WHEREAS, the Streets Division relies heavily on asphalt and emulsified asphalt materials, (tack oil that allows the asphalt to adhere to the existing surface), as crucial elements to perform its essential maintenance functions, including pothole patching, patching offsets on sidewalks and repaving. The timely furnishing and availability of these materials allow Streets to fulfill their role efficiently and effectively in asphalt preservation; and

WHEREAS, on July 9, 2019, by Resolution No. 2019-348, Council approved the Award of Bid for the Furnishing of Asphalt and Emulsified Asphalt Materials to George Reed, Inc., Escalon, CA; and

WHEREAS, on March 13, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for Asphalt and Emulsified Asphalt Materials; and

WHEREAS, on May 9, 2024, the Purchasing Division issued IFB 2324-86 for purchase of asphalt and emulsified asphalt materials and posted on PlanetBids via the City's Website; and

WHEREAS, on June 11, 2024, bids were formally opened in the City Clerk's Office and broadcast via Microsoft Teams Livestream, and one sole local bidder chose to respond. This company provided a responsive and responsible proposal; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for materials, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase, as needed, of asphalt and emulsified asphalt materials, George Reed, Inc., Escalon, CA, conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorized the award of Bid for Purchase and Agreement for Asphalt and Emulsified Asphalt Materials to George Reed, Inc., Escalon, CA on an, as needed basis, for a one-year agreement with four one-year extension options for an annual cost of \$597,466 and a total amount not to exceed \$2,987,330 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is authorized to issue the Purchase Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-350**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WOODLAND LIFT STATION REHABILITATION PROJECT; ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO TNT INDUSTRIAL CONTRACTORS INC., OF SACRAMENTO, CA, IN THE AMOUNT OF \$3,792,937, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$568,941, 15% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$4,361,878 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the Woodland Lift Station is located near the intersection of Woodland Avenue and Poust Road and conveys wastewater flows into the West Trunk and on to the Regional Water Recycling Facility – Sutter Campus, and

WHEREAS, the Woodland Lift Station was recognized in the Wastewater Collection System Master Plan as being in need of rehabilitation to accommodate current and future peak wet weather flows, and

WHEREAS, the project was advertised for bids on May 30, 2024, and

WHEREAS, on July 16, 2024, bids were publicly opened, pursuant to City Charter Section 1307, and one bid was received, and

WHEREAS, TNT Industrial Contractors Inc., of Sacramento, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, the award of a Contract for the construction of the Woodland Lift Station Rehabilitation Project to TNT Industrial Contractors Inc., of Sacramento, CA,

conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and TNT Industrial Contractors Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Woodland Lift Station Rehabilitation Project, accepts the bid of \$3,792,937, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of \$568,941, 15% of the original Contract price, for a total payment amount not to exceed \$4,361,878, and awards the Construction Contract to TNT Industrial Contractors Inc., of Sacramento, CA.

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 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-351**

**RESOLUTION APPROVING AN AGREEMENT WITH PEZZONI
ENGINEERING INC, OF MODESTO, CA, FOR ENGINEERING SUPPORT
DURING CONSTRUCTION SERVICES FOR THE WOODLAND LIFT
STATION REHABILITATION PROJECT, IN THE AMOUNT OF \$30,000, PLUS
\$3,000 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT
TOTAL AMOUNT NOT TO EXCEED \$33,000 AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, Pezzoni Engineering Inc (Pezzoni Engineering) is the Engineer-of-Record for the Woodland Lift Station Rehabilitation Project, and

WHEREAS, Engineering Support During Construction will be needed from Pezzoni Engineering to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Pezzoni Engineering's scope of work will include reviewing submittals, responding to requests for information and providing field engineering support, and

WHEREAS, hiring a different engineering firm would require that firm to become familiar with the project, and interpret engineering plans prepared by Pezzoni Engineering, which would create inefficiencies and is not a best practice for engineering work, and

WHEREAS, staff, recommends entering into an Agreement with Pezzoni Engineering for Engineering Support During Construction Services in the amount of \$30,000, plus \$3,000 in additional services, if needed, for a total amount not to exceed \$33,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Support During Construction Services Agreement with Pezzoni Engineering for the Woodland Lift Station Rehabilitation Project in the amount of \$30,000, plus \$3,000 for additional services, if needed, for a total amount not to exceed \$33,000.

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 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-352**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$3,505,000 TO
FUND THE CONSTRUCTION PHASE OF THE WOODLAND LIFT STATION
REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER,
OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE
RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$3,505,000, in order to fund the Woodland Lift Station Rehabilitation Project, and

WHEREAS, the Fiscal Year 2024-25 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of \$3,505,000.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-353**

**RESOLUTION APPROVING A GRANT OF PERMANENT EASEMENT AND
RIGHT-OF-WAY TO MODESTO IRRIGATION DISTRICT TO COVER
EXISTING IRRIGATION FACILITIES WITHIN A PORTION OF APN 004-102-
003, CONSENTING TO THE RECORDATION THEREOF AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT OF
PERMANENT EASEMENT AND ALL RELATED DOCUMENTS**

WHEREAS, on April 3, 2018, by Resolution No. 2018-144, Council awarded a Construction Contract to Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA for the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project, and

WHEREAS, during construction of the Project, staff became aware that the Modesto Irrigation District (MID) facilities located on the property did not have an easement to permit the placement of the facilities, nor access to upgrade, maintain, repair, replace or modify those facilities, and

WHEREAS, the existing MID infrastructure on the property in question includes an irrigation line & control box structure which are utilized primarily to convey irrigation water to their agricultural customers, and

WHEREAS, staff is recommending the approval of a Grant of Permanent Easement and Right-of-Way to allow MID the ability to continue to operate and maintain the facilities located at 7111 McHenry Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Permanent Easement and Right-of-Way to MID to cover existing irrigation facilities within a portion of APN 004-102-003 and consent to the recordation thereof.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Grant Permanent Easement and all related documents 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 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024- 354**

**RESOLUTION DECLARING THE FORMATION OF CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI),
CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES
THEREIN, AND CONDITIONALLY ESTABLISHING AN ANNUAL
APPROPRIATIONS LIMIT**

WHEREAS, on August 13, 2024, pursuant to a petition filed by Dasco Development Company, LLC, a California Limited Partnership, (the “Petitioner”) this City Council adopted Resolution No. 2024-279 (the “Resolution of Intention”), stating its intention to form City of Modesto Community Facilities District No. 2024-1 (Tivoli) (the “Community Facilities District”), with the initial parcels to be designated as Improvement Area No. 1 (the “Improvement Area No. 1”) within the Community Facilities District, and designate certain property within the Tivoli Specific Plan, as amended, as future annexation to the Community Facilities District (the “Future Annexation Area”), all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, a copy of the Resolution of Intention, setting forth (a) the description of the proposed boundaries of the Community Facilities District, Improvement Area No. 1 within the Community Facilities District and the Future Annexation Area for the Community Facilities District, (b) the description of the proposed facilities and services to be financed by the Community Facilities District, (c) the rate and method of apportionment of the annual facilities and maintenance special taxes and one-time facilities special tax proposed to be levied within the Community Facilities District, and (d) setting a public hearing to consider this matter, is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, on August 13, 2024, this City Council adopted Resolution No. 2024-280 (the “Resolution of Intention to Incur Debt”), stating its intention to authorize the Community Facilities District to incur bonded indebtedness in an amount not to exceed \$120,000,000, pursuant to the Act, and setting a public hearing to consider this matter, a copy of which is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District and the incurrence of debt by the Community Facilities District at a public hearing to be held on September 24, 2024 (the petitioner having waived the 30-day waiting period of holding the public hearing in the petition); and

WHEREAS, on September 24, 2024, at the time and place specified in the required noticed, the City Council received public comment and continued the public hearing to September 24, 2024; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the “Report”); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District, the designation of Improvement Area No. 1 and the Future Annexation Area, the authorization of the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in

the aforesaid resolutions and the incurrence of bonded indebtedness for the Community Facilities District in an amount not to exceed \$120,000,000; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the Community Facilities District were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and there was not precluded by a majority protest of the type described in Government Code Sections 53324 and 53339.6, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District, the designation of Improvement Area No. 1 and the Future Annexation Area, the levy of special taxes and the incurrence of bonded indebtedness for the Community Facilities District ; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of Improvement Area No. 1 of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within Improvement Area No. 1, being the initial boundaries of the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in the Rate and Method of Apportionment of Special Tax (the “Rate and Method”) **attached** hereto as **Attachment**

A, and (ii) the establishment of an appropriations limit for the Community Facilities District; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Shortfall Agreement, by and between the City, acting on behalf of the District, and developers (the “Acquisition and Shortfall Agreement”), relating to the construction, acquisition, payment and reimbursement of the Facilities (as defined herein), and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Credit Agreement, by and between the City, acting on behalf of the District, and developers (the “Acquisition and Credit Agreement”), relating to the construction, acquisition, payment and credit for the Facilities (as defined herein), and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated “City of Modesto Community Facilities District No. 2024-1 (Tivoli)” is hereby established pursuant to the Act, with the initial parcels to be further designated as “Improvement Area No. 1.” The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with

the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District, including Improvement Area No. 1, and the Future Annexation Area to the Community Facilities District are established as shown on the map designated “Map of Proposed Boundaries and Future Annexation Area of the City of Modesto Community Facilities District No. 2024-1 (Tivoli),” which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 7, at Page 29 as Instrument No. 2024-0038785.

SECTION 4. The facilities and services authorized to be paid for by each improvement area within the Community Facilities District, including Improvement Area No. 1, are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide, as set forth in Appendix A to the Resolution of Intention (the “Facilities and Services”), including all costs associated with the creation of the Community Facilities District and administering the Community Facilities District and any debt obligations of the Community Facilities District (collectively, the “Incidental Expenses”). The City Council hereby finds that the Facilities and Services are necessary to meet increased demands put upon the City as a result of the new development within the Community Facilities District, including Improvement Area No. 1, and when annexed, the Future Annexation Area.

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors within Improvement Area No. 1 of the Community Facilities District, to levy the proposed special taxes at the rates set forth in the Rate and Method on all non-exempt property within Improvement Area No. 1 of the Community Facilities District sufficient to pay for all or a portion of (i) the Facilities, (ii) the Services, and (iii) the Incidental Expenses.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas. Additional improvement areas may be designated when property is annexed into the Community Facilities District.

The City expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the creation of the Community Facilities District, the levying and collecting of the facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The Rate and Method is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that the Rate and Method contains sufficient detail to allow each landowner within the Community Facilities District, including Improvement Area No. 1, to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District, including Improvement Area No. 1, (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is

hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property.

Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or default by the owner of any other parcel or parcels within Improvement Area No. 1 of the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in the Rate and Method, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within Improvement Area No. 1 of the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed, if applicable, which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the Rate and Method.

Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the special taxes.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in Improvement Area No. 1 of the Community Facilities District, and when annexed, the Future Annexation Area, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District.

The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

The form of both the Acquisition and Shortfall Agreement and Acquisition and Credit Agreement presented at this meeting and on file with the City Clerk be and is hereby approved, with such changes as may be approved by the Mayor, City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The Mayor, City Manager or Finance Director is hereby authorized and directed to

execute either the Acquisition and Shortfall Agreement or Acquisition and Credit Agreement, as appropriate, on behalf of the Community Facilities District with such execution to be attested to by the City Clerk.

SECTION 9. Written protests against the establishment of the Community Facilities District or the designation of the Future Annexation Area have not been filed by one-half or more registered voters within the boundaries of Improvement Area No. 1 of the Community Facilities District, or the Future Annexation Area, as applicable, or by the property owners of one-half (1/2) or more of the area of land within Improvement Area No. 1 of the Community Facilities District or the Future Annexation Area, as applicable. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. Subject to voter approval required by the Act, the annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established through the Rate and Method of Apportionment, as adjusted for changes in the cost of living and changes in population.

SECTION 11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

SECTION 12. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, and the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the City

Council hereby establishes the following accountability measures pertaining to the levy by the Community Facilities District of the special taxes:

- a. Such special taxes shall be levied for the specific purposes set forth in Section 4 hereof.
- b. The proceeds of the levy of such special taxes shall be applied only to the specific purposes set forth in Sections 4 and 5 hereof.
- c. The District shall establish accounts into which the proceeds of such special taxes shall be deposited.
- d. The City Manager or Finance Director will provide for such accounting and reporting for the special taxes as required by law.
- e. The City Manager, or his or her designee, acting for and on behalf of the Community Facilities District, shall annually file a report with the City Council as required pursuant to Government Code Sections 50075.3 and 53411.

SECTION 13. Pursuant to Section 53339.7(a) of the Act, the City Council provides for the annexation of all or a portion of the Future Annexation Area to the Community Facilities District without additional hearings or further action from the City Council. The Future Annexation Area will be annexed into the Community Facilities District only at such time as the Community Facilities District receives unanimous written approval to be annexed from the owner or owners of each parcel or parcels of the portion of the Future Annexation Area proposed to be annexed at that time. Annexations to the Community Facilities District may include separate and distinct improvement

areas, modified descriptions of facilities and services and/or modified special tax rates as set forth in a modified or separate Rate and Method at the time of annexation.

SECTION 14. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

APPENDIX A

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor’s Parcel in Improvement Area No. 1 of the City of Modesto Community Facilities District No. 2024-1 (Tivoli) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in Improvement Area No. 1, unless exempted by law or by the provisions of Section H below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into Improvement Area No. 1 unless a separate Rate and Method of Apportionment 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 Development Plan.

“**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 California Government Code.

“**Administrative Expenses**” means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City in carrying out its duties with respect to Improvement Area No. 1, the CFD and the Bonds, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the

Special Taxes and this RMA, amounts needed to pay rebate to the federal government with respect to Bonds, costs associated with complying with continuing disclosure requirements for the City and any major property owners or other obligated parties, costs associated with foreclosure and collection of delinquent Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of Improvement Area No. 1 and the CFD.

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

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

“Annual Facilities Special Tax Requirement” means the amount necessary in any Fiscal Year to:
(i) pay principal and interest on Bonds that are due in the calendar year that begins in such

Fiscal Year; (ii) pay periodic costs on the Bonds, including but not limited to, credit enhancement, liquidity support, and rebate payments on the Bonds; (iii) replenish reserve funds created for the Bonds under the Indenture to the extent such replenishment has not been included in the computation of the Special Tax Requirement in a previous Fiscal Year; (iv) cure any delinquencies in the payment of principal or interest on Bonds which have occurred in the prior Fiscal Year; (v) pay Administrative Expenses; and (vi) pay directly for Authorized Facilities and Authorized Services, so long as such levy under this clause (vi) does not increase the Special Tax levied on Undeveloped Property. The amounts referred to in clauses (i) and (ii) of the definition of Special Tax Requirement may be reduced in any Fiscal Year by: (a) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against such costs pursuant to the Indenture; (b) in the sole and absolute discretion of the City, proceeds received from the collection of penalties associated with delinquent Special Taxes; and (c) any other revenues available to pay such costs, each as determined in the sole discretion of the City.

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

“Annual Maintenance 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 Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

“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” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Facilities” means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“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.

“Bonds” means bonds or other debt (as defined in the Act), whether in one or more series, secured by the Annual Facilities Special Tax and issued or assumed by the CFD to fund Authorized Facilities.

“Building Permit” means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

“Capitalized Interest” means funds in any capitalized interest account available to pay debt service on Bonds.

“Certificate of Occupancy” means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential and/or non-residential use.

“CFD” means the City of Modesto Community Facilities District No. 2024-1 (Tivoli).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“County” means the County of Stanislaus.

“Density Category” means, individually, Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, or Medium High Density Residential Property.

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

For purposes of levying the Annual Maintenance Special Tax and Annual Facilities Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;
- for Multi-Family Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023; and
- for Non-Residential Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

For purposes of levying the One-Time Facilities Special Tax, all Parcels for which a Certificate of Occupancy was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

“Development Class” means, individually, Developed Property, Taxable Owners Association Property, Taxable Welfare Exemption Property, and Taxable Public Property.

“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 NewsRecord is discontinued or otherwise not available, or (ii) four percent (4.0%).

“Expected Land Uses” means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel based on reference to the Land Use Diagram and Attachment 2 hereto, the latter of which will be updated with each annexation of property into Improvement Area No. 1.

“Final Map” means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates SFD Lots. The term “Final Map” shall not include any large-lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create SFD Lots, including Assessor’s Parcels that are designated as remainder parcels.

“First Bond Sale” means issuance of the first series of Bonds secured, in whole or in part, by Annual Facilities Special Taxes levied and collected from Parcels of Taxable Property in Improvement Area No. 1.

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

“Future Annexation Area” means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as “future annexation area” on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

“Improvement Area No. 1” means Improvement Area No. 1 of the CFD.

“Indenture” means an indenture, fiscal agent agreement, or other agreement authorizing issuance of the Bonds.

“Land Use Class” means one of the five mutually-exclusive land use classes identified in Table 1 and Table 2 in Section C below. The City shall, in its sole discretion, determine the appropriate Land Use Class for a Parcel of Taxable Property.

“Land Use Diagram” means the exhibit in the Tivoli Specific Plan entitled “Tivoli Specific Plan Land Use Diagram”, as may be amended from time to time. The Land Use Diagram at CFD Formation is included as **Attachment 1** hereto.

“Low Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 4 to 6 dwelling units per gross acre. Such Parcels are identified by an LDR designation in the Land Use Diagram.

“Maximum Annual Facilities Special Tax” means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Annual Facilities Special Tax Revenues” means the aggregate amount that could be generated at any point in time if the Maximum Annual Facilities Special Tax was levied and collected on all Parcels of Taxable Property in Improvement Area No. 1.

“Maximum Annual Maintenance Special Tax” means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum One-Time Facilities Special Tax” means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Special Taxes” means, collectively for any Parcel, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

“Medium Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 7 to 17 dwelling units per gross acre. Such Parcels are identified by an MDR designation in the Land Use Diagram.

“Medium High Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed at an average density range of 18 to 24 dwelling units per gross acre. Such Parcels are identified by an MDHR designation in the Land Use Diagram. For purposes of this RMA, Medium High Density Residential Property shall also include any property that is zoned at an average density range higher than 18 to 24 dwelling units per acre, regardless of the designation that is assigned to such Parcel(s).

“Multi-Family Property” means all Parcels of Developed Property for which Building Permits have been 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. If a Building Permit has not yet been issued on the Parcel, the Administrator shall reference the Tivoli Specific Plan and/or the Parcel’s zoning designation to determine whether the Parcel is Multi-Family Property.

“Net Taxable Acreage” or **“Net Taxable Acre”** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

“Non-Residential Property” means any Parcel of Taxable Property in the CFD that does not fit within the definition of Residential Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property, as determined by the Administrator.

“One-Time Facilities Special Tax” means a Special Tax levied and collected in full by the City prior to issuance of a Certificate of Occupancy for a Parcel of Taxable Property.

“Original Parcel” means an Assessor’s Parcel in Improvement Area No. 1 at the time of CFD Formation, or added to Improvement Area No. 1 upon annexation, as identified in **Attachment 3** (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within Improvement Area No. 1.

“Owners Association Property” means any property within the boundaries of Improvement Area No. 1 that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

“Per-Acre Special Taxes” means the per-acre Special Taxes identified in Table 1 and Table 2 in Section C below.

“Proportionately” means, for each Development Class, 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 parcels assigned to the Development Class.

“Public Property” means any property within the boundaries of Improvement Area No. 1 that is owned by the federal government, State of California, County, City, or other public agency.

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

“Required Coverage” means the amount by which the Maximum Annual Facilities Special Tax Revenues must exceed the Bond debt service and priority Administrative Expenses (if any), as set forth in the Indenture, Certificate of Special Tax Consultant, or other formation or bond document that sets forth the minimum required debt service coverage.

“Residential Property” in any Fiscal Year means, collectively, all Very Low Density Residential Property, Low Density Residential Property, Medium Density Residential Property, and Medium High Density Residential Property.

“SFD Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

“SFD Unit” means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

“Special Taxes” means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

“Special Tax Category” means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

“Subdivision Map” means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

“Successor Parcel” means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

“Taxable Owners Association Property” means, in any Fiscal Year after the First Bond Sale, any Parcel of Owners Association Property that satisfies all three of the following conditions: (i) the Parcel had not been Owners Association Property on the date of the First Bond Sale; (ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Owners Association Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Owners Association Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of Improvement Area No. 1 that are not exempt from the Special Taxes pursuant to law or Section H below.

“Taxable Public Property” means in any Fiscal Year after the First Bond Sale, any Parcel of Public Property that satisfies all three of the following conditions: (i) the Parcel had not been Public Property on the date of the First Bond Sale; (ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Public Property as determined by the Administrator; and (iii) if the Parcel were to be exempt from the Special Tax because it is Public Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Taxable Welfare Exemption Property” means in any Fiscal Year after the First Bond Sale, any Parcel of Welfare Exemption Property that satisfies all three of the following conditions: (i) the Parcel had not been Welfare Exemption Property on the date of issuance of the First Bond Sale;

(ii) based on reference to **Attachments 1 and 2**, the Parcel was not anticipated to be Welfare Exemption Property based on the Expected Land Uses, as determined by the Administrator; and

(iii) if the Parcel were to be exempt from the Special Tax because it has become Welfare Exemption Property, the Maximum Annual Facilities Special Tax Revenues would be reduced to a point at which Required Coverage could not be maintained.

“Tentative Map” means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

“Tivoli Specific Plan” means the specific plan for development within the Tivoli project that was originally adopted by the City Council on February 26, 2008, further updated on September 27, 2016, and as may be amended from time to time.

“Transition Event” shall be deemed to have occurred when the Administrator determines that the following events have occurred: (i) all Bonds secured by the levy and collection of Facilities Special Taxes in the CFD have been fully repaid; (ii) all Administrative Expenses from prior Fiscal Years have been paid or reimbursed to the City; and (iii) there are no other Authorized Facilities that the City intends to fund with Bonds or Facilities Special Taxes.

“Transition Year” means the first Fiscal Year in which the Administrator determines that the Transition Event occurred in the prior Fiscal Year.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property that are not Developed Property, Taxable Owners Association Property, Taxable Public Property, or Taxable Welfare Exemption Property as defined herein.

“Very Low Density Residential Property” means all Parcels of Taxable Property that are developed or expected to be developed as large lot, rural-oriented estate homes with an average density range of 1 to 3 dwelling units per acre. Such Parcels are identified by a VLDR designation in the Land Use Diagram.

“Welfare Exemption Property” means, in any Fiscal Year, any Parcels in Improvement Area No. 1 that have received a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property in Improvement Area No. 1. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) categorize each Parcel of Residential Property into the appropriate Density Category; (iii) determine the Net Taxable Acreage of each Parcel; (iv) determine the Annual Facilities Special Tax Requirement and Annual Maintenance Special Tax Requirement, and (v) determine whether the Transition Event has occurred in a prior Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a Subdivision Map for property in Improvement Area No. 1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcels created by the Subdivision Map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Special Taxes for the property affected by recordation of the Subdivision Map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Subdivision Map.

C. MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in Improvement Area No. 1 in each Fiscal Year. The Per-Acre Special Taxes set forth in Table 1 and Table 2 below shall be used for purposes of Sections C.1 and C.2 below:

Table 1
Per-Acre Special Taxes Prior to the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	\$100,000 per Net Taxable Acre	\$5,724 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Low Density Residential Property	\$100,000 per Net Taxable Acre	\$10,260 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Medium Density Residential Property	\$100,000 per Net Taxable Acre	\$13,725 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Medium High Density Residential Property	\$100,000 per Net Taxable Acre	\$13,087 per Net Taxable Acre	\$5,166 per Net Taxable Acre
Non-Residential Property	\$100,000 per Net Taxable Acre	\$7,375 per Net Taxable Acre	\$5,166 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

Table 2
Per-Acre Special Taxes In and After the Transition Year
Fiscal Year 2024-25 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Very Low Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$6,597 per Net Taxable Acre
Low Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$7,731 per Net Taxable Acre
Medium Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$8,597 per Net Taxable Acre
Medium High Density Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$8,438 per Net Taxable Acre
Non-Residential Property	\$100,000 per Net Taxable Acre	\$0 per Net Taxable Acre	\$7,010 per Net Taxable Acre

* All Per-Acre Special Taxes shown in Table 2 are subject to the annual adjustments described in Section D below.

1. Original Parcels

The Maximum Special Taxes prior to the Transition Year for each Land Use Class expected on the Original Parcels as of CFD Formation are identified in **Attachment 2**, which will be updated by the Administrator as needed to reflect Original Parcels added to Improvement Area No. 1 due to annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in **Attachment 2** (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to

a Land Use Class that has higher Per-Acre Special Taxes based on reference to Table 1 and Table 2 above. Upon approval of such a change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable

Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update **Attachment 2** to reflect the higher Maximum Special Taxes for the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezone would cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remain the same as originally assigned to the Original Parcel.

2. *Successor Parcels*

a. All Successor Parcels are SFD Lots

If all Parcels created by a recorded Subdivision Map are SFD Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1. Determine the greater of: (i) the sum of the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the sum of the Net Taxable Acreage of each Density Category within the Subdivision Map multiplied by the Per-Acre Special Taxes for each Density Category.

Step 2. Separately for each Density Category created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of Successor Parcels to determine the Maximum Special Taxes for each SFD Lot.

b. No Successor Parcels are SFD Lots

If none of the Successor Parcels created by recordation of a Subdivision Map are SFD Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1. Identify the Expected Land Uses for the Original Parcel.

Step 2. Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.

Step 3. If the Net Taxable Acreage of each Land Use Class from Step 2 is the same as the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.

Step 4. If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps **separately for each Special Tax Category**:

Step 4a. Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

Step 4b. If the amount calculated in Step 4a is *greater than* the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 (pre-Transition Year) and Table 2 (in and after Transition Year) above to determine the Maximum Special Tax for each Successor Parcel.

Step 4c. If the amount calculated in Step 4a is *less than* the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the Successor Parcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per-acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 and Table 2 above.

c. Some, But Not All, Successor Parcels are SFD Lots

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are SFD Lots and some are not, the Administrator shall (i) break out the aggregate Net Taxable Acreage of all SFD Lots separately from the Net Taxable Acreage of other Land

Use Classes, (ii) for the aggregate Net Taxable Acreage of the SFD Lots, apply the steps in Section C.2a to determine the Maximum Special Taxes for each SFD Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for the other Land Use Classes on the Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate. After each reallocation of the Maximum

Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Escalation of Special Taxes

1a. One-Time Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor.

1b. Annual Facilities Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

1c. Annual Maintenance Special Tax

On July 1, 2025 and on each July 1 thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 and Table 2 above shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

2. Partial Prepayment of Maximum Annual Facilities Special Tax

If a Parcel makes a partial prepayment of the Annual Facilities Special Tax pursuant to Section I below, the Administrator shall recalculate the Maximum Annual Facilities Special Tax for the Parcel pursuant to Section I. In addition, the Administrator shall update **Attachment 2** to reflect the prepayment and the revised Maximum Annual Facilities Special Tax Revenues for Improvement Area No. 1. Such updates shall be maintained internally by the Administrator and shall not require recordation of an amended RMA. After the prepayment has been received, the application of Sections F and I of this RMA shall be based on the adjusted Expected Maximum Annual Facilities Special Tax Revenues after the prepayment.

3. *Conversion of a Parcel of Public Property to Private Use*

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of the Special Taxes, and the Administrator shall determine the appropriate Maximum Special Taxes for the Parcel based on the Net Taxable Acreage of the Parcel.

E. ANNEXATIONS

If, in any Fiscal Year, a property owner within the Future Annexation Area wants to annex property into Improvement Area No. 1, the Administrator shall apply the following steps as part of the annexation proceedings:

Step 1. Working with City staff and the landowner, the Administrator shall determine the Land Use Classes that are expected within the area to be annexed.

Step 2. The Administrator shall prepare and keep on file an updated **Attachment 2** that identifies the Assessor’s Parcel Number(s), Expected Land Use, Expected Net Taxable Acreage, One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax for the annexed property.

Step 3. The Administrator shall prepare and keep on file an updated **Attachment 3** that adds the Assessor’s Parcel(s) in the annexed area to the Original Parcels in Improvement Area No. 1.

Step 4. The Administrator shall ensure that a Notice of Special Tax Lien is recorded against all Parcels that are annexed to Improvement Area No. 1.

Step 5. The Administrator shall recalculate the Public Facilities Requirement used in the prepayment calculation in Section I below to include the estimated net proceeds that can be generated to fund Authorized Facilities based on the Maximum Annual Facilities Special Tax capacity from the annexed area. The adjusted Public Facilities Requirement shall be calculated by (i) dividing the increased Maximum Annual Facilities Special Tax Revenues that can be collected after the annexation by the Maximum Annual Facilities Special Tax Revenues that were in place prior to the annexation, and (ii) multiplying the quotient by the Public Facilities Requirement that was in place prior to the annexation.

F. METHOD OF LEVY OF THE SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in Improvement Area No. 1 and shall be collected as set forth in Section G below.

2. *Annual Facilities Special Tax*

Each Fiscal Year until the Transition Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year and levy the Annual Facilities Special Tax on all Parcels of Taxable Property as follows:

Step 1: The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of

the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Facilities Special Tax Requirement prior to applying any Capitalized Interest that is available in the CFD accounts.

Step 2: If additional revenue is needed after Step 1, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Facilities Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Facilities Special Tax Requirement.

No Annual Facilities Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

3. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for the Fiscal Year and levy the Annual Maintenance Special Tax on Parcelsof Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within Improvement Area No. 1 up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Annual Maintenance Special Tax Requirement.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Welfare Exemption Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Welfare Exemption Property for such Fiscal Year until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2 the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property up to 100% of the Maximum Annual Maintenance

Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 4: If additional revenue is needed after Step 3, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

No Annual Maintenance Special Tax shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

G. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a Certificate of Occupancy being issued for any residential or non-residential structure on Taxable Property within Improvement Area No. 1 and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section I below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall Annual Facilities Special Taxes be levied after Fiscal Year 2074-75. The Annual Maintenance Special Tax shall be levied in perpetuity unless and until the City determines that the Annual Maintenance Special Tax is no longer needed to pay for Authorized Services. Under no circumstances may the Annual Facilities Special Tax on a Parcel of Developed Property in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

H. EXEMPTIONS

Notwithstanding any other provision of this RMA, no One-Facilities Special Tax or Annual Facilities Special Tax shall be levied in any Fiscal Year on the following: (i) Public Property, except Taxable Public Property, (ii) Owners Association Property, except Taxable Owners Association Property, (iii) Welfare Exemption Property, except Taxable Welfare Exemption Property, and (iv) Parcels of Undeveloped Property. In addition, no Annual Facilities Special Tax shall be levied on (i) Parcels that are owned by a public utility for an unmanned facility, and (ii) Parcels that are subject to an easement that precludes any other use on the Parcel.

No Annual Maintenance Special Tax shall be levied on the following: (i) Public Property, including Taxable Public Property, (ii) Owners Association Property, including Taxable Owners Association Property, and (iii) Welfare Exemption Property, including Taxable Welfare Exemption Property.

I. PARTIAL PREPAYMENT OF THE ANNUAL FACILITIES SPECIAL TAX

The following definitions apply to this Section I:

“Outstanding Bonds” means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

“Previously Issued Bonds” means all Bonds that have been issued prior to the date of prepayment.

“Public Facilities Requirement” means either \$7.3 million in 2024 dollars, which shall increase on January 1, 2025, and on each January 1 thereafter by two percent (2%) of the amount in effect in the prior year, or such other number as shall be determined by the City as sufficient to fund improvements that are authorized to be funded by the CFD. The Public Facilities Requirements shown above will be adjusted each time there is an annexation of property into Improvement Area No. 1.

“Remaining Facilities Costs” means the Public Facilities Requirement minus public facility costs funded by Previously Issued Bonds, developer equity, and any other source of funding.

A property owner may prepay up to 75% of the Annual Facilities Special Tax obligation applicable to a Parcel, thereby reducing the Maximum Annual Facilities Special Tax applicable to the Parcel, provided that a prepayment may be made only if (i) there are no delinquent Special Taxes with respect to such Parcel at the time of prepayment, and (ii) there has not in any prior Fiscal Year been a partial prepayment of the Annual Facilities Special Tax assigned to the Parcel. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor’s Parcel intending to prepay a portion of the Annual Facilities Special Tax obligation shall provide the City

with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor's Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

Bond Redemption Amount
 plus Remaining Facilities
 Amount plus Redemption Premium
 plus Defeasance Requirement
 plus Administrative Fees and
 Expenses less Reserve Fund Credit
 equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

Step 1. Compute the amount that could be collected from the Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.

Step 2. Divide the Maximum Annual Facilities Special Tax from Step 1 by the current Maximum Annual Facilities Special Tax Revenues.

Step 3. Multiply the quotient computed in Step 2 by the percentage of the Maximum Annual Facilities Special Tax that the property owner wants to prepay, which percentage shall not exceed 75%.

Step 4. Multiply the quotient computed pursuant to Step 3 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the “Bond Redemption Amount”*).

Step 5. Compute the current Remaining Facilities Costs (if any).

Step 6. Multiply the quotient computed pursuant to Step 3 by the amount determined pursuant to Step 5 to compute the amount of Remaining Facilities Costs to be prepaid (*the “Remaining Facilities Amount”*).

- Step 7.** Multiply the Bond Redemption Amount computed pursuant to Step 4 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the “Redemption Premium”*).
- Step 8.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment will be received until the earliest redemption date for the Outstanding Bonds. However, if Bonds are callable at the first interest payment date after the prepayment has been received, Steps 8, 9, and 10 of this prepayment formula will not apply.
- Step 9:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.

Step 10: Subtract the amount computed pursuant to Step 9 from the amount computed pursuant to Step 8 (the “*Defeasance Requirement*”).

Step 11. The administrative fees and expenses associated with the prepayment will be determined by the Administrator and include the costs of computing the prepayment, redeeming Bonds, and recording any notices to evidence the prepayment and the redemption (the “*Administrative Fees and Expenses*”).

Step 12. If and to the extent so provided in the Bond Indenture, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “*Reserve Fund Credit*”).

Step 13. The Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 4, 6, 7, 10, and 11, less the amount computed pursuant to Step 12 (the “*Prepayment Amount*”).

Step 14. From the Prepayment Amount, the amounts computed pursuant to Steps 4, 7, and 10 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Step 6 shall be deposited into the Improvement Fund. The amount computed pursuant to Step 11 shall be retained in the account or fund that is established to pay Administrative Expenses.

Once a partial prepayment has been received, an Amendment to Notice of Facilities Special Tax Lien shall be recorded against the Parcel to reflect the reduced Facilities Special Tax lien for the Parcel, which shall be equal to the portion of the Maximum Annual Facilities Special Tax that was not prepaid, and the Administrator shall update **Attachment 2** to show the revised Expected Maximum Annual Facilities Special Tax Revenues. However, an Amendment to Notice of Facilities Special Tax Lien shall not be recorded until all Special Taxes levied on the Parcel in the current or prior Fiscal Years have been collected.

If an owner that has partially prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may, in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original partial prepayment for the Parcel.

Notwithstanding the foregoing, if at any point in time the Administrator determines that the Maximum Annual Facilities Special Tax Revenue that can be collected from Taxable Property that remains subject to the Annual Facilities Special Tax after the proposed prepayment is less than the Required Coverage on Bonds that will remain outstanding after defeasance or redemption of Bonds from proceeds of the estimated prepayment, the amount of the prepayment shall be increased until the amount of Bonds defeased or redeemed is sufficient to reduce remaining annual debt service to a point at which Required Coverage is maintained.

J. INTERPRETATION OF SPECIAL TAX FORMULA

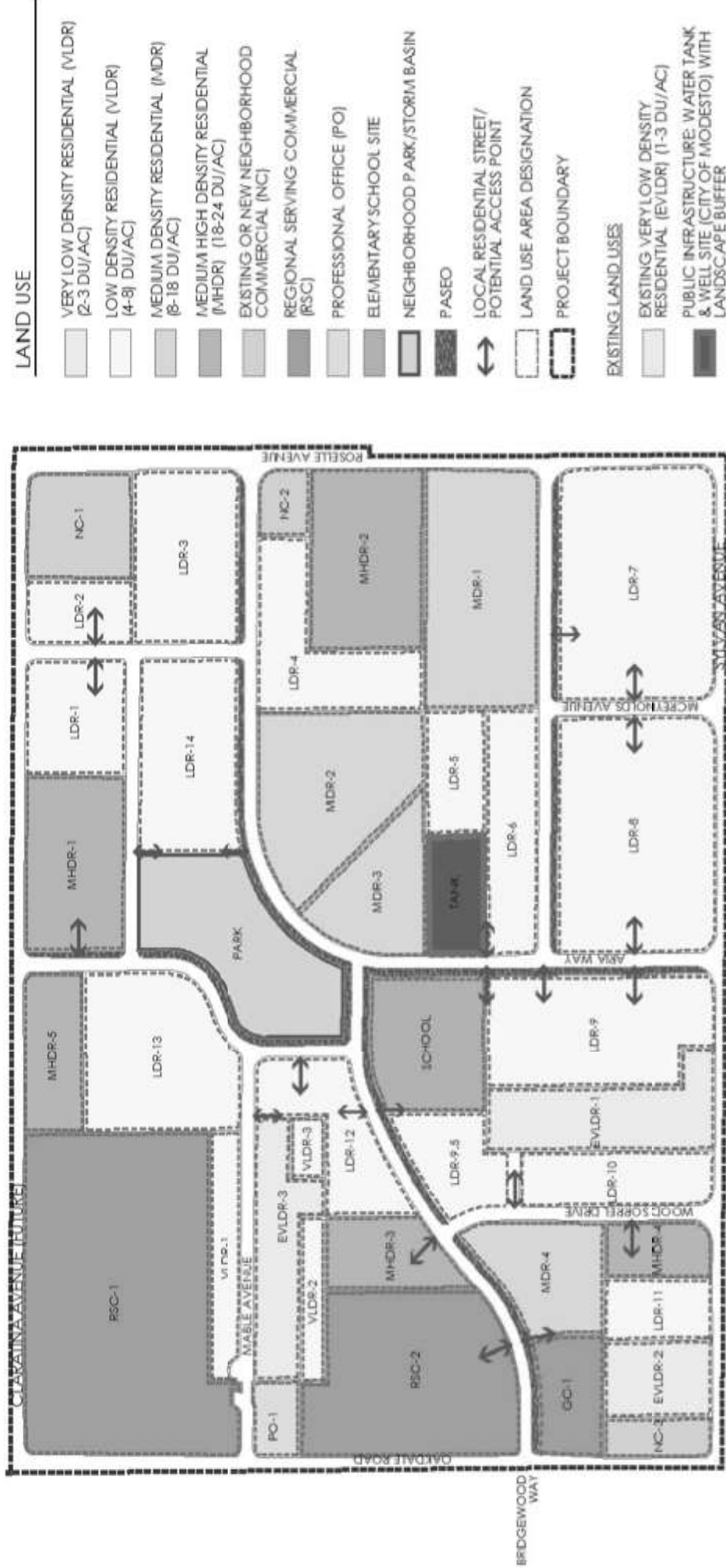
The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rates or method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations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

ATTACHMENT 1

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)**

**Tivoli Specific Plan
Land Use Diagram**

EXHIBIT 3.1 - LAND USE DIAGRAM (LUD)



LAND USE DIAGRAM

TIVOLI SPECIFIC PLAN

AMENDED 2016
JULY 8, 2016

MODESTO, CALIFORNIA

CREDIT: O'DELL ENGINEERING, DAHLIN GROUP



ATTACHMENT 2 IMPROVEMENT AREA

**NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)**

**Maximum Special Taxes Assigned to Expected Land Uses
Within Each Original Parcel
Prior to the Transition Year**

Event Adding Parcel to CFD	Assessor's Parcel Number	Expected Land Use /1	Expected Net Taxable Acreage	Maximum One-Time Facilities Special Tax (FY 2024-25) /2	Maximum Annual Facilities Special Tax (FY 2024-25) /2	Maximum Annual Maintenance Special Tax (FY 2024-25) /2
CFD Formation	083-004-059-000	MDR	4.50	\$450,000	\$61,761	\$23,247
CFD Formation	083-004-060-000	MDR	4.78	\$478,000	\$65,604	\$24,693
CFD Formation	083-004-068-000	LDR	35.89	\$3,589,000	\$368,244	\$185,408

1. VLDR = Very Low Density Residential, LDR = Low Density Residential, MDR = Medium Density Residential, MHDR = Medium High Density Residential, and NR = Non-Residential

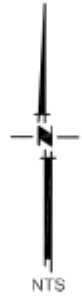
2. The Maximum Special Taxes set forth above shall be adjusted pursuant to Section D of the RMA.

ATTACHMENT 3

**IMPROVEMENT AREA NO. 1 OF THE
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1(TIVOLI)**

Original Parcels in Improvement Area No. 1

ATTACHMENT 3
ORIGINAL PARCELS IN CFD
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(TIVOLI)



LEGEND

- ASSESSOR'S PARCEL LOT LINE
- 083-003-017-000 ASSESSORS PARCEL NUMBER
- COMMUNITY FACILITIES DISTRICT NO. 2024-1 AND IMPROVEMENT AREA NO. 1

GCG
GOODWIN CONSULTING GROUP

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-355**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO,
CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF
MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI),
DECLARING THE NECESSITY TO INCUR BONDED INDEBTEDNESS IN THE
AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$120,000,000 AND
CALLING A SPECIAL ELECTION**

WHEREAS, the City Council (the “City Council”) of the City of Modesto (the “City”), has heretofore adopted Resolution No. 2024-279 (the “Resolution of Intention”), stating the City Council’s intention to establish City of Modesto Community Facilities District No. 2024-1 (Tivoli) (the “Community Facilities District”), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and

WHEREAS, pursuant to Resolution No. 2024-280, the City Council declared its intention to finance certain facilities and incidental expenses through the incurrence of bonded indebtedness in an amount not to exceed \$120,000,000 for the Community Facilities District; and

WHEREAS, on September 24, 2024, the City Council held a public hearing as required by law and the Act on all matters pertaining to the formation of the Community Facilities District, including the boundaries of Improvement Area No. 1, being the initial boundaries of the Community Facilities District, the special taxes relating to the Community Facilities District (the “Special Taxes”), including the special tax for certain facilities (the “Annual Facilities Special Tax” and the “One-Time Facilities Special Tax”) and the special tax for certain services (the “Services Special Tax”) within the Community Facilities District, the description of the authorized facilities (the

“Facilities”) and the authorized services (the “Services”) and the incurrence of bonded indebtedness; and

WHEREAS, the Public Hearing was noticed as required by law for September 10, 2024, and at the time and place specified in such noticed, the City Council received public comment and continued the public hearing to September 24, 2024; and

WHEREAS, at said hearing all persons not exempt from the special taxes of the Community Facilities District desiring to be heard on all matters pertaining to the Community Facilities District were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

WHEREAS, following said public hearing, the City Council adopted its resolution determining the validity of prior proceedings, establishing the Community Facilities District, authorizing the levy of the Special Taxes within Improvement Area No. 1 of the Community Facilities District to fund the Facilities and Services and establishing an appropriations limit (the “Resolution of Formation”); and

WHEREAS, in order to finance the Facilities it is necessary to incur bonded indebtedness in the aggregate amount of not to exceed \$120,000,000, the repayment of which is to be secured by the Annual Facilities Special Tax to be levied on non-exempt properties within the Community Facilities District, including Improvement Area No. 1, and for additional improvement areas from within the designated Future Annexation Area, when annexed, in accordance with Section 53340 et seq. of the Act and the rate and method of apportionment of special taxes approved by the Resolution of Formation (the “Rate and Method”) for Improvement Area No. 1, or as modified or separate rates and

methods of apportionment for additional improvement areas from within Future Annexation Area, when annexed; and

WHEREAS, the map of the boundaries of the Community Facilities District, including Improvement Area No. 1 and the Future Annexation Area (the “Map”) has been recorded in the Office of the County Recorder of Stanislaus County, California in Book 7, Page 29 of the Book of Maps of Assessment and Community Facilities Districts, as Document Number 2024-0038785; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and this Resolution, the City Council wishes to present to the qualified electors of the Community Facilities District propositions for the levy of the Special Taxes on property within Improvement Area No. 1 of the Community Facilities District and the authorization of bonded indebtedness secured by the Annual Facilities Special Tax pursuant to the Act and the establishment of an annual appropriations limit for the Community Facilities District as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-1 (Tivoli), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. It is necessary for the Community Facilities District to incur bonded indebtedness in the aggregate principal amount of not to exceed \$120,000,000 to finance the costs of a portion of the Facilities.

SECTION 3. The bonded indebtedness will be incurred for the purpose of financing the costs of purchasing, constructing, expanding, modifying, rehabilitating or improving a portion of the Facilities, the acquisition of necessary equipment and property therefor and fulfilling contractual commitments and carrying out the powers and purposes of the Community Facilities District, including, but not limited to, the financing of the costs associated with the issuance of the bonds and all other costs necessary to finance the Facilities which are permitted to be financed pursuant to the Act.

SECTION 4. The bonds shall be issued in one or more series bearing interest payable semi-annually or in such other manner as the City Council shall determine at a maximum interest rate of 12 percent per annum or such rate not in excess of the maximum rate permitted by law at the time the bonds are issued. The term of the bonds shall be determined pursuant to a resolution of the City Council authorizing the issuance of the bonds, but such term shall in no event exceed 40 years or such longer term as is then permitted by law. The bonds shall be secured as to Improvement Area No. 1 by all or a portion of the Annual Facilities Special Tax, and secured as to each additional improvement area within the Community Facilities District by all or a portion of its applicable annual facilities special tax.

SECTION 5. Pursuant to and in compliance with the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the City Council hereby establishes the following accountability measures pertaining to any bonded indebtedness incurred by or on behalf of the Community Facilities District:

(a) Such bonded indebtedness shall be incurred for the specific purposes set forth in Section 3 above.

(b) The proceeds of any such bonded indebtedness shall be applied only to the specific purposes identified in Section 3 above.

(c) The document or documents establishing the terms and conditions for the issuance of any such bonded indebtedness shall provide for the creation of an account or accounts into which the proceeds of such bonded indebtedness shall be deposited.

(d) The Finance Director, or his or her designee, acting for and on behalf of the City, shall annually file a report with the City Council as required by Government Code Section 53411.

SECTION 6. Pursuant to the Act the propositions to authorize the levy of special taxes within Improvement Area No. 1 of the Community Facilities District, authorize the incurrence of bonded indebtedness for the Community Facilities District in an amount not to exceed \$120,000,000, and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and submitted to the qualified electors of the Community Facilities District as provided herein.

SECTION 7. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of Improvement Area No. 1 of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of Improvement Area No. 1 of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or

portion of an acre that he or she owns within Improvement Area No. 1 of the Community Facilities District.

SECTION 8. The date of the election shall be September 24, 2024, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on September 24, 2024; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 9. The form of the ballot for the election is **attached** hereto as **Attachment A** and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of Improvement Area No. 1 of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall be closed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record, or the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 10. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on September 24, 2024, whether said ballots shall be personally delivered or received by mail.

SECTION 11. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

FORM OF OFFICIAL BALLOT

**CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1 (TIVOLI)
IMPROVEMENT AREA NO. 1**

SPECIAL ELECTION

SPECIAL TAX, BOND AND APPROPRIATIONS LIMIT

September 24, 2024

NUMBER OF VOTES ENTITLED TO BE CAST: ____
(VOTER MAY REMOVE AND RETAIN THIS STUB)



This ballot is for a special, landowner election. You must return this ballot in the enclosed envelop to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on September 24, 2024, either by mail or in person. The City Clerk’s offices are located at 1010 Tenth Street, Modesto, California 95353.

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word “YES” or “NO.” All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon.

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS:

Shall the City of Modesto Community Facilities Disttict No. 2024-1 (Tivoli) (the "CFD") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$120,000,000 and levy special taxes in order to finance certain facilities and services and shall the annual appropriations limit of the CFD be established in the amount of \$120,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Modesto, California, of Formation of the City of Modesto Community Facilities District No. 2024□1 (Tivoli) Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities Disttict" and the Resolution entitled "Resolution of the City Council of the City of Modesto, California, acting as the Legislative Body of the City of Modesto Community Facilities District No. 2024-1 (Tivoli), Declaring the Necessity to

YES
NO

Incur Bonded Indebtedness in the Aggregate Principal Amount of Not to Exceed \$120,000,000 and Calling a Special Election," each adopted by the City Council of the City of Modesto on September 24, 2024?

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-356**

**RESOLUTION DECLARING THE RESULTS OF SEPTEMBER 24, 2024,
SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS
PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT
NO. 2024-1 (TIVOLI)**

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-1(Tivoli) (the “Community Facilities District”), called and duly held an election within Improvement Area No. 1 of the Community Facilities District pursuant to resolutions adopted by the City Council on September 24, 2024, for the purpose of presenting to the qualified electors within Improvement Area No. 1 of the Community Facilities District a proposition (the “Proposition”) for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District, (b) the authorization of bonded indebtedness of the Community Facilities District in an amount not to exceed \$120,000,000, and (c) the establishment of an appropriations limit for the Community Facilities District; and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is **attached** hereto as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-1 (Tivoli), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Two-thirds or more of the votes of the qualified electors of Improvement Area No. 1 of the Community Facilities District at the special election held on September 24, 2024 were cast in favor of the Proposition, and the Proposition carried. The City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County a notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2024-1 (Tivoli) (the "Community Facilities District"). With my concurrence, the election was conducted on September 24, 2024. On or prior to said date I had mailed or personally delivered, or caused to be mailed or personally delivered, a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to September 10, 2024 or otherwise known by me to own the property within the boundaries of Improvement Area No. 1 of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within Improvement Area No. 1 of the Community Facilities District.


I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: 48

NO: 0

TOTAL NUMBER OF VOTES CAST: 48

Dated this 24th day of September, 2024.



Diane Nayares-Perez,
City Clerk of the City of Modesto

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-357**

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2023-2024 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN THE REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, each year, the City receives Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, as an Entitlement Community, the City of Modesto is awarded HUD funds every year for CDBG, ESG and HOME programs. For the program year 2023-2024, the City of Modesto was awarded \$1,784,411 in CDBG funds, \$161,451 in ESG funds and \$929,656 in HOME funds; and

WHEREAS, the City was also awarded one-time grants to prepare, prevent, and respond to COVID-19 through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The City received \$2,385,772 in Community Development Block Grant - Coronavirus (CDBG-CV) and \$3,928,372 in ESG-CV; and

WHEREAS, the objective of the CDBG Program is to develop viable urban through decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons by supporting activities such as public facilities improvements, social services, affordable housing, fair housing, economic development and addressing homelessness; and

WHEREAS, the HOME program supports a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people; and

WHEREAS, the ESG program provides funding for a variety of services including but not limited to engaging homeless individuals and families, emergency shelters, homeless prevention, and rapid rehousing activities; and

WHEREAS, to be eligible for funding awards, HUD requires the City to develop and adopt a Consolidated Plan every five years that analyzes the City's housing and community development needs, with priority on serving low- and moderate-income individuals, households, and neighborhoods (as defined by HUD), and establishes a 5-year strategy outlining how the City will utilize CDBG, HOME and ESG funding for meeting the needs identified; and

WHEREAS, as a component of the five-year Consolidated Plan, the City must annually prepare and adopt an Annual Action Plan outlining the projects to be carried out for each particular Program Year within the five-year period; and

WHEREAS, at the conclusion of each program year, the City is required to prepare a Consolidated Annual Performance Evaluation Report (CAPER) detailing how the City spent its CDBG, HOME, and ESG funds during a particular program year, the progress of each project identified in the Annual Action Plan, and how the projects aligned with both the Annual Action Plan and Consolidated Plan; and

WHEREAS, the 2023-2024 CAPER will report both entitlement and CARES Act funding accomplishments that have been carried out through the 2023-2024 program year; and

WHEREAS, the CAPER must be submitted to HUD no later than 90 days after the completion of the Program Year, therefore the CAPER is due to HUD no later than September 28, 2023; and

WHEREAS, a notice informing the public of the availability of the Program Year 2023-2024 CAPER, and the start of the public comment period, was published in the Modesto Bee September 8, 2024; and

WHEREAS, the public review comment period will close on September 24, 2024; and

WHEREAS, a duly noticed public hearing was held by the City Council on September 24, 2024 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street; and

WHEREAS, any comments received during the public review period or during the City Council meeting will be incorporated into the final CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2023-2024 Consolidated Annual Performance Evaluation Report for submittal to HUD.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-358**

RESOLUTION APPROVING THE APPOINTMENT OF LYNN DICKERSON TO THE VACANT DISTRICT 1 SEAT OF THE CITY OF MODESTO MEASURE H OVERSIGHT BOARD BEGINNING OCTOBER 8, 2024, TO SERVE THEIR RESPECTIVE TERM

WHEREAS, on November 8, 2022, the Modesto voters approved Measure H, a one-cent sales tax for general City services, and on November 29, 2022, by Resolution No. 2022-453 the Modesto City Council certified the election results, and

WHEREAS, Measure H is estimated to provide the City with approximately \$43 million annually in additional sales tax revenue into its General Fund, and

WHEREAS, a critical component of Measure H, which is codified in Modesto Municipal Code section 8-2.1215, is the requirement that Council appoint a nine-member Oversight Board by June 30, 2023, and

WHEREAS, the Measure H Oversight Board has the following responsibilities:

1. Meet at least semi-annually to review all revenues and expenditures of funds from the authorized Measure H sales tax.
2. Review annual audit reports related to the Measure H Sales Tax.
3. Provided at least one written annual report to the City Council at a public meeting summarizing the Measure H Oversight Board findings.

WHEREAS, the Measure H ordinance defines that the makeup of the Measure H Oversight Board shall consist of one representative from each of the six councilmember districts as well as three “at-large” Modesto resident representatives, with a strong preference given to members that represent a cross-section of the community as representatives, including, but not limited to the following types of organizations,

schools, local trade associations, chambers of commerce, nonprofit organizations, senior citizen groups, non-partisan political organizations, tax-payer associations, and neighborhood organizations, and

WHEREAS, to be considered as a potential member of the Measure H Oversight Board applicants must be a registered voter and resident of the City of Modesto and must complete an online application for Boards, Commissions & Committees for the Measure H Oversight Board, and

WHEREAS, on September 11, 2024, the Appointments Committee to City Council reviewed the applications for the vacancy and recommended Lynn Dickerson be considered for the vacant District 1 seat of the City of Modesto Measure H Oversight Board, and forwarded their recommendation to the City Council for final approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby appoints Lynn Dickerson to the vacant District 1 seat of the City of Modesto Measure H Oversight Board beginning October 8, 2024, to serve their respective term.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-359**

**RESOLUTION ACCEPTING THE RESIGNATION OF JOSE VAZQUEZ
FROM THE CITY OF MODESTO PLANNING COMMISSION**

WHEREAS, the Planning Commission is responsible for making decisions and recommendations regarding the development of the community; and

WHEREAS, on December 14, 2021, by Resolution No. 2021-481, Jose Vazquez was appointed to serve as a member of the Planning Commission, and

WHEREAS, Jose Vazquez has tendered his resignation from the Planning Commission effective September 11, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Jose Vazquez from the City of Modesto Planning Commission with regret.

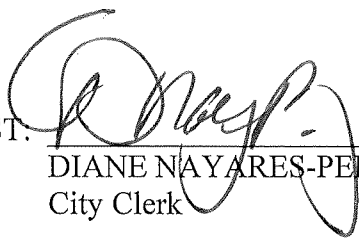
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST.

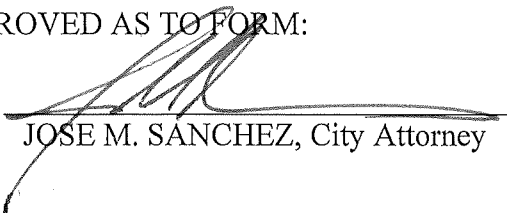


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-360**

**RESOLUTION APPROVING THE APPOINTMENT OF BONNIE ACREE TO
THE LANDMARK PRESERVATION COMMISSION WITH A TERM
EXPIRING DECEMBER 31, 2024**

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

WHEREAS, Landmark Preservation Commissioner Lisa Lomas resigned from the Commission with an effective date of August 6, 2024; and

WHEREAS, pursuant to Modesto Municipal Code section 9-10.03, preference shall be given to appointing a member who has expertise or a demonstrated interest in historic preservation and

WHEREAS, the City advertised the vacancy on the Commission and received several applications; and

WHEREAS, the Appointments Committee met on September 11, 2024, and after reviewing the applications, recommended the appointment of Bonnie Acree to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Bonnie Acree, who has interest and/or expertise in historic preservation, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2024.

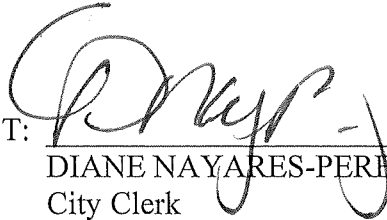
BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-361**

**RESOLUTION APPROVING THE APPOINTMENT OF MARK FARRISH TO
THE LANDMARK PRESERVATION COMMISSION WITH A TERM
EXPIRING DECEMBER 31, 2025**

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

WHEREAS, Landmark Preservation Commissioner Michelle Buer resigned from the Commission with an effective date of July 15, 2024 leaving a vacancy on the Commission; and

WHEREAS, Modesto Municipal Code Section 9-10.03 provides that preference should be given to appointing members who demonstrate an interest or have expertise in historic preservation; and

WHEREAS, the City advertised the vacancy and received several applications; and

WHEREAS, the Appointments Committee met on September 11, 2024, and after a review of the applications, recommended the appointment of Mark Farrish to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Mark Farrish, who has interest and/or expertise in historic preservation, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2025.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-362**

**RESOLUTION APPROVING THE APPOINTMENT OF NARAMSEN GORIEL
TO THE LANDMARK PRESERVATION COMMISSION WITH A TERM
EXPIRING DECEMBER 31, 2027**

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

WHEREAS, Landmark Preservation Commissioner David Seymour resigned from the Commission with an effective date of June 03, 2024, leaving a vacancy on the Commission; and

WHEREAS, Modesto Municipal Code Section 9-10.03 provides that preference should be given to appointing members who demonstrate an interest or have expertise in historic preservation; and

WHEREAS, the City advertised the vacancy and received several applications; and

WHEREAS, the Appointments Committee met on September 11, 2024, and after a review of the applications, recommended the appointment of Naramsen Gorie to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Naramsen Goriel, who has interest and/or expertise in historic preservation, to the City of Modesto Landmark Preservation Commission with a term expiring December 31, 2027.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-363**

**RESOLUTION APPROVING THE APPOINTMENTS OF DIANE KROEZE AND
MATTHEW HOLBROOK TO THE MEASURE L CITIZEN'S
TRANSPORTATION SALES TAX COMMISSION FOR A FOUR-YEAR TERM
FROM OCTOBER 8, 2024 TO JUNE 30, 2028**

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

WHEREAS, by Resolution No. 2023-169 adopted the Bylaws for the Measure L Citizen's Transportation Sales Tax Commission; and

WHEREAS, the adopted Bylaws provide the terms of office and allow for the reappointment for up to two terms; and

WHEREAS, Citizen's Transportation Sales Tax Commission has two seats open for new appointments; and

WHEREAS, in June and July, a targeted and boosted social media campaign was launched to recruit additional members resulting in two new applications; and

WHEREAS, on September 11, 2024, the Appointments Committee recommended appointing the vacant seats to the Measure L Citizen's Transportation Sales Tax Commission for a 4-year term from October 8, 2024 to June 30, 2028.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Diane Kroeze and Matthew Holbrook to the Measure L Citizen's Transportation Sales Tax Commission for a four-year term from October 8, 2024 to June 30, 2028.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizen's Transportation Sales Tax Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-364**

RESOLUTION APPROVING THE APPOINTMENTS OF IZZY ALTADONNA, MYRA BELKAHLA, JULIANNA GARCIA, GULSAYN GREWAL, IBRAHIM KHAN, HENRY KINZIE, HASAN MODAN, BENJAMIN PARKE, RUDRA PATEL, NEHA PRABHAKAR, AND VALENTINA ZEFF TO THE MODESTO YOUTH COMMISSION FOR A TWO-YEAR TERM FROM OCTOBER 9, 2024, TO AUGUST 31, 2026

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards, Commissions, and Committees with the recommendation of the City’s Appointments Committee; and

WHEREAS, the Modesto Youth Commission shall be comprised of seventeen (17) members who attend high school within the boundaries of the City of Modesto and are enrolled full-time in high school; and

WHEREAS, the Modesto Youth Commission shall serve in an advisory capacity to the City Council and the City Manager in matters pertaining to youth, and to initiatives, policies, and programs impact youth; and

WHEREAS, Youth Commissioners shall be appointed for a two-year term, September through August; and

WHEREAS, the Appointments Committee met on September 11, 2024, and recommended the appointments of Izzy Altadonna, Myra Belkahla, Julianna Garcia, Gulsan Grewal, Ibrahim Khan, Henry Kinzie, Hasan Modan, Benjamin Parke, Rudra Patel, Neha Prabhakar, and Valentina Zeff to the Modesto Youth Commission October 9, 2024, to August 31, 2026, or until graduation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Izzy Altadonna, Myra Belkahla, Julianna

Garcia, Gulsan Grewal, Ibrahim Khan, Henry Kinzie, Hasan Modan, Benjamin Parke, Rudra Patel, Neha Prabhakar, and Valentina Zeff to the Modesto Youth Commission for a two-year term from October 9, 2024, to August 31, 2026.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Youth Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-365**

**RESOLUTION APPROVING THE APPOINTMENT OF JEREMIAH SASSER
TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE
FOR THE POSITION OF SMALL AIRCRAFT OWNER/GENERAL AVIATION
FOR A FOUR-YEAR TERM WITH AN EXPIRATION DATE OF JUNE 30, 2028**

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County, and surrounding areas; and

WHEREAS, to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, the Airport Advisory Committee (AAC) was formed; and

WHEREAS, interested citizens are appointed as members to the AAC by both the Modesto City Council and the Stanislaus County Board of Supervisors to advise on numerous matters including policy and planning pertaining to the operation and management of the Airport; and

WHEREAS, the AAC currently has a vacancy for the position of Small Aircraft Owner/General Aviation that was previously held by Allan Ramsay whose term expired on June 30, 2024; and

WHEREAS, Jeremiah Sasser, a current aircraft owner and tenant of the general aviation side of the airport, as well as a frequent user of the services and business at the Airport has shown interest in the position and has applied to fill the vacancy. He has been a pilot and user of Modesto Airport for the last ten years; and

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

WHEREAS, the appointment of this vacancy was presented to the Appointments Committee on September 11, 2024, and was recommended to forward to Council for Approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Jeremiah Sasser to fill the vacant position representing Small Aircraft Owner/General Aviation to the Modesto City-County Airport Advisory Committee, each for a term of four years with an expiration date of June 30, 2028.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-366**

**RESOLUTION AMENDING FISCAL YEAR 2023-24 AND 2024-25 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND
AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2023-24 and Fiscal Year 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2023-24 and Fiscal Year 2024-25 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2023-24

FINANCE DEPARTMENT-AMERICAN RESCUE PLAN ACT

- A budget adjustment in the amount of \$2,694,652 is necessary to establish a transfer out from Fund 1390 (American Rescue Grants Fund (ARPA)) to Fund 0100 (General Fund) to account for the cumulative interest earnings in Fund 1390. The ARPA guidelines state that the interest earned on funds does not need to be kept within the fund or solely spent on ARPA eligible projects. Therefore, the interest earned will be transferred to the General Fund for use there on an annual basis.
- A budget adjustment is necessary in the amount of \$395,304 to establish the transfer out from Project 101401 to the Information Technology Fund (5230) for the oracle implementation costs. The transfer is being completed to book the oracle cloud infrastructure asset in the Information Technology Fund and account for the implementation costs that were funded by the American Rescue Plan Act (ARPA) funds.

MEASURE H

- A budget adjustment in the amount of \$214,000 is necessary in the Fiscal Year 2023-24 Measure H spending plan to re-appropriate salary savings in the year for the additional pruning crew to the outside contractor – tree services as additional funding was needed for tree removal and stump grinding services in the year. There are sufficient funds available due to vacancies during the year to re-appropriate funds and the overall Measure H spending plan allocation is not changing.

UTILITIES

- A budget adjustment is necessary in the amount of \$340,702 to increase the transfer to the Water Grants Fund (4140) for Project 101112 – Prop 1 Nitrate/Arsenic/Uranium from the Water Fund (4100). Additionally, the grant funding for the project needs to be reduced by the same amount. The transfer will cover discretionary expenditures on the project and the project will be closed.
- A budget adjustment in the amount of \$176,414 is necessary to increase the transfer from the Water Fund (4100) to the Water 2008 Water Refunding Revenue COP (Certificate of Participation) 2008 Series Fund (4130) to fund the increase in the annual debt service. The increase in cost is due to the variable rate debt which was higher than previously expected and due to an increase in the amount held at the debt reserve account which reduced the cash on hand.

FISCAL YEAR 2024-25

ENGINEERING SERVICES DEPARTMENT-MEASURE L

- A budget adjustment is necessary to allocate higher than anticipated revenue to various Measure L projects. The total amount of the adjustment is \$5,703,747. Each project will have an increase in the transfer out from Fund 1410 – Measure L Local Road Tax (if applicable) to the project and an increase to the projects discretionary expense accounts. This was approved by the Citizen’s Transportation Sales Tax Commission on September 5, 2024. Below is the adjustment to each project.

Project Number	Project Name	Amount for Adjustment
Local Streets and Roads Category		
101169	Scenic Drive Pavement Rehab Phase 2	\$2,000,000
101392	Orangeburg Pavement Rehab Phase 2	\$1,000,000
New Project	Kansas Avenue Pavement Rehab	\$2,000,000
New Project	Urban Pavement Preservation Project	\$250,000
Traffic Management Category		
101318	Fiber Drop Downtown (G&H)	\$1,078,747
101316	Install Adaptive Traffic Control Software	(\$350,000)
101496	Upgrade Traffic Signals 2023 – 3 Locations	(\$275,000)
Total Increase to Projects		\$5,703,747
Total Transfer Out from Fund 1410		\$5,703,747

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-367**

RESOLUTION ACCEPTING ENGINEERING AND PLANNING DOCUMENT REPORTS RELATED TO BICYCLIST, PEDESTRIAN, AND SCHOOL ZONE SAFETY: SYSTEMIC SAFETY ANALYSIS REPORT (SSAR), LOCAL ROADWAY SAFETY PLAN (LRSP), NON-MOTORIZED MASTER PLAN UPDATE AND SCHOOL SAFETY PROGRAM STUDY

WHEREAS, over the past several years City staff has taken a pro-active approach in evaluating roadway networks to identify potential improvements focused on enhancing pedestrian and bicyclist safety throughout the City of Modesto and particularly in school zones; and

WHEREAS, City staff applied for grant funds for the Systemic Safety Analysis Report (SSAR) program, Local Roadway Safety Plan (LRSP), and dedicated Local Measure L funds for the Non-Motorized Master Plan Update and the School Safety Program Study; and

WHEREAS, the goal of the Systemic Safety Analysis Report (SSAR) is to utilize a defined set of criteria to proactively focus on evaluating roadway networks to identify potential improvements to increase bicycle and pedestrian safety; and

WHEREAS, by performing a collision and roadway network analysis, this project had the goal of developing recommendations and systemic countermeasures that could be applied at similar intersections and roadway corridors throughout the City of Modesto; and

WHEREAS, Federal regulations require each state to have a Strategic Highway Safety Plan (SHSP), which is a statewide traffic safety plan that coordinates the efforts of a wide range of organizations to reduce traffic accident fatalities and all injuries on public roads; and

WHEREAS, the SHSP addresses the 4E's of Traffic Safety: Engineering, Enforcement, Education and Emergency Services; and

WHEREAS, the SHSP is a statewide approach to improving traffic safety, the Local Roadway Safety Plan (LRSP) provides local road owners, like the City of Modesto, the opportunity to address unique roadway safety needs while contributing to the success of the SHSP; and

WHEREAS, preparation of an LRSP report provides a framework to systematically identify and analyze safety problems and recommend safety improvements within local jurisdictions; and

WHEREAS, Caltrans advised agencies that having an LRSP in place prior to submittal of an application for Highway Safety Improvement Program Cycle 10 grant funds in 2020 was recommended and would be a requirement for applications in all future HSIP grant cycles; and

WHEREAS, the goal of the Non-Motorized Plan Update and Bicycle and Pedestrian Design Guide is to act as a guide for active mobility within and around the City of Modesto by identifying an integrated network of walkways and bikeways that connect the City of Modesto neighborhoods and communities to employment, education, commercial and recreational destinations; and

WHEREAS, the goals of the Non-Motorized Plan Update were achieved by assessing the needs of bicyclists and pedestrians in the City of Modesto to identify local improvements and implementation strategies to encourage residents to use active modes of transportation for more of their daily trips and to identify methods for financing and implementation of the identified active transportation projects; and

WHEREAS, the City first created a task force to establish school safety needs using Measure L Local Funding, however it quickly became apparent that there were many more needs than immediate resources available to address them; and

WHEREAS, the School Safety Program Study was designed to inventory safety and traffic flow around schools and then evaluate and prioritize needs and create a fair and transparent system to utilize funding as it becomes available to make improvements within the public right-of-way around schools.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts Engineering and Planning Document Reports related to bicyclist, pedestrian, and school zone safety: Systemic Safety Analysis Report (SSAR), Local Roadway Safety Plan (LRSP), Non-Motorized Master Plan Update and School Safety Program Study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-368**

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS OF THE ZEFF ROAD REALIGNMENT AND APPROVING SUMMARY VACATION OF THE OLD ZEFF ROAD LOCATED ADJACENT TO CROWS LANDING ROAD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND RELEASING SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Southwest Hide Co. and Idaho General Partnership and Modesto Holding Company, a Delaware Corporation (“Developer”), has developed a tract of land consisting of 43.55 acres being subdivided into 15 commercial lots situated in the City of Modesto, known as the Crows Landing Retail; and

WHEREAS, Southwest Hide Co. and Modesto Holding Company, the owner of Crows Landing Retail, signed a land exchange agreement with the City of Modesto to transfer 65,776 square feet of property to the developer in exchange of 103,819 square feet of property to the City of Modesto which consists of 85,162 square feet of the new alignment of Zeff Road and 18,657 square feet of Pueblo Avenue; and

WHEREAS, the City Engineer has verified that all required public improvements for the new Zeff Road Alignment have been satisfactorily completed and all inspection fees have been paid; and

WHEREAS, Chapter 4, Part 3 of Division 9, Section 8330 (a), states “The legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation”; and

WHEREAS, the developer has requested the summary vacation of the part of the old Zeff Road; and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the public improvements, which includes the water main, sanitary sewer main, storm drainage facilities, sidewalk and ADA ramps, streets, curbs and gutters, and streetlights; and

WHEREAS, pursuant to the Subdivision Agreement, developer has filed a Letter of Credit in the amount of \$220,000.00 for Zeff Road Realignment Project; and

WHEREAS, the developer has requested that the public improvements be accepted, and the Payment and Performance securities be released; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepting the public improvements for Zeff Road Realignment located adjacent to Crows Landing Road, authorize the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statutory periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-369**

RESOLUTION APPROVING THE AMENDMENTS WITH BLUE TRITON BRANDS DBA READYREFRESH, LIVERMORE, CA AND DS SERVICES OF AMERICA INC. DBA PRIMO WATER NORTH AMERICA, MANTECA, CA, FOR BOTTLED WATER DELIVERY SERVICES FOR CITYWIDE LOCATIONS INCREASING THE AGREEMENT AMOUNT BY \$35,000 FOR THE FIRST YEAR ESTIMATED AMOUNT FOR A NEW REVISED FIRST YEAR ESTIMATED AMOUNT OF \$235,000; AND INCREASING THE AGREEMENT AMOUNT BY \$15,000 FOR THE ANNUAL ESTIMATED AMOUNTS FOR A REVISED ANNUAL ESTIMATED AMOUNT OF \$115,000 AND INCREASING THE AGREEMENT AMOUNT BY \$95,000 FOR THE TOTAL COMBINED REVISED TOTAL AMOUNT OF \$695,000 FOR THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENTS

WHEREAS, bottled water is utilized by all departments for City projects where clean, cool water is not readily accessible for consumption; and

WHEREAS, per the California Division of Occupational Safety and Health, better known as Cal/OSHA, Title 8, Section CCR 3395, employees shall have access to potable drinking water that is required to be fresh, pure, suitably cool, and provided free of charge; and

WHEREAS, by having the 5-gallon water bottles for the offices and 16.9 fl. oz. bottles for field staff, it allows for employees to keep clean, cool water by either utilizing the cooler or adding 16.9 oz bottles to an ice chest with minimal risk of contamination; and

WHEREAS, as part of this agreement, the first year included bottled water services for the community of Grayson; and

WHEREAS, the California State Water Resources Control Board Division of Drinking Water required the City of Modesto, as the provider of potable water to this community, to provide 60 gallons of water per household, per month and to meet the

State's requirements during the replacement process, staff estimated an additional \$100,000 in funds would be needed to support the mandate. Subsequently, bottled water was delivered for 8 weeks; and

WHEREAS, due to the significantly higher heat temperatures this summer and increased customer demand, the City expended approximately \$120,000 in bottled water services; and

WHEREAS, coupled with the bottled water needs for the field staff, there was a significant increase compared to the annual estimates due to the heat wave during the summer of 2024 and in anticipation to future heat waves for future years, City staff recommends to increasing the agreement by an additional \$15,000 per year through the term of the agreement; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, this Amendment is essential to ensure we continue to provide these services to field staff based on the increase in quantity needs from our original estimates.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendments with Blue Triton Brands DBA ReadyRefresh,

Livermore, CA and DS Services of America Inc. DBA Primo Water North America, Manteca, CA, for Bottled Water Delivery Services for Citywide locations increasing the Agreement amount by \$35,000 for the first year estimated amount for a new revised first year estimated amount of \$235,000; and increasing the Agreement amount by \$15,000 for the annual estimated amounts for a revised annual estimated amount of \$115,000 and increasing the Agreement amount by \$95,000 for the total combined revised total amount of \$695,000 for the term of the agreement.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amendments, 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 8th day of October, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-370**

RESOLUTION APPROVING AN AGREEMENT WITH TELCION, INC. FOR THE PURCHASE OF CISCO NETWORK COMMUNICATION EQUIPMENT AND SERVICES FOR AN AMOUNT NOT TO EXCEED \$178,806, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has standardized its network communication equipment on the Cisco platform for their high-quality products, reliability and efficiency of administration, and

WHEREAS, there are fifteen Cisco network communication devices at Modesto Police Department (MPD) which are end of life, no longer supported and require replacement, and

WHEREAS, the network communication devices provide critical communication for MPD staff to access public safety systems, email, Internet, voice and video, and

WHEREAS, replacement of the network devices reduces the risk of component failure, unplanned outages and improves cybersecurity defenses by keeping device updates current, and

WHEREAS, the City of Modesto has the opportunity to purchase Cisco network communication equipment and services through Telcion Inc. by way of the Merced Fast Open Contracts Utilization (FOCUS) Agreement, and

WHEREAS, the Merced FOCUS Agreement is a nationwide cooperative program that allows cities, counties, schools, special districts and other public entities to acquire technology products and services efficiently and at competitive rates, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality”, and

WHEREAS, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served, and

WHEREAS, by utilizing the Merced County bidding process, the City is complying with the requirements defined under this code for the purchase of Cisco Network Communication parts and equipment, and

WHEREAS, the purchase of this agreement conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2024-25 to cover the cost for this agreement, and

WHEREAS, the MPD Equipment Replacement Project will cost \$170,291, and

WHEREAS the project contingency of 5% will \$8,515, and

WHEREAS the total project will not exceed \$178,806.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Telcion, Inc. for the Purchase of Cisco Network Communication Equipment and Services for an amount not to exceed \$178,806.

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 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-371**

RESOLUTION APPROVING THE AMENDMENT OF A PARTNER AGENCY RELATED TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION GRANT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS INCLUDING A MEMORANDUM OF UNDERSTANDING WITH PROJECT BLUE – THE HEALTHY ROOM PROJECT AND 10K WITH A COP

WHEREAS, on July 12, 2022, by Resolution No. 2022-305, Council accepted \$2,215,217 in grant funds from the Board of State and Community Corrections (BSCC) California Violence Intervention and Prevention (CalVIP) grant program with a 100% match requirement, totaling \$4,430,434; and

WHEREAS, of this \$514,592 is from the City of Modesto and \$1,700,625 is from external subcontracts; and

WHEREAS, this grant requires a 100% match of grant funds requested and also requires at least a 50% pass through to at least one (1) non-governmental, community-based organization and/or public agency that are not law enforcement whose primary mission is violence prevention or community safety, and

WHEREAS, the Modesto Police Department partnered with the Parks, Recreation and Neighborhoods Department as well as Modesto City Schools, the Boys and Girls Club of Stanislaus County, Legacy Alliance Outreach and El Concilio California for this grant; and

WHEREAS, shortly after the grant was accepted, El Concilio experienced significant staff changes, which led to their inability to fulfill the programming they had proposed; and

WHEREAS, the Modesto Police Department engaged in conversations with the BSCC to address this issue and they recommended seeking another community based organization to replace El Concilio provided the replacement could meet the goals of the grant and focus on the same areas originally proposed by El Concilio; and

WHEREAS, a proposal was submitted by Project Blue – The Healthy Room Project and 10K With a Cop and deemed a suitable replacement by both the department and BSCC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the amendment of a partner agency related to the Board of State and Community Corrections California Violence Intervention and Prevention Grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the necessary documents including a Memorandum of Understanding with Project Blue – The Healthy Room Project and 10K With a Cop.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

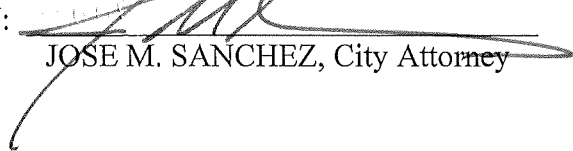
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-372**

RESOLUTION APPROVING THE AGREEMENT WITH MATHER AVIATION, LLC, MATHER, CALIFORNIA, FOR AIRCRAFT MAINTENANCE AND REPAIR SERVICES FOR A TWO-YEAR AGREEMENT, FOR AN ESTIMATED ANNUAL AMOUNT OF \$87,072, AND A TOTAL AMOUNT NOT TO EXCEED \$159,768 OVER TWO YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on February 28, 2023, by Resolution No. 2023-87, Council approved the purchase of a Gipps Aero GA8 for use by the Modesto Police Department (MPD) to establish its Air Support Unit; and

WHEREAS, the Gipps Aero GA8, now known as Sky 1, was delivered to the MPD on March 31, 2023; and

WHEREAS, aircraft maintenance is necessary to keep the aircraft in a state of airworthiness, for the safety of the crew and everyone in the service area; and

WHEREAS, aircraft maintenance is a highly regulated field requiring both scheduled and preventative servicing, inspection, testing, repair and overhaul or modification activities by certified maintenance technicians; and

WHEREAS, the Gipps Aero GA8 is a unique aircraft with only 250 units built and sold throughout the world; and

WHEREAS, this uniqueness also extends to the maintenance schedule for this aircraft which requires inspections in 50-hour increments within 200 hours of flight time; and

WHEREAS, Mather Aviation is the only service provider with trained personnel that have experience working on this aircraft in Northern California and has locations in both Modesto and Sacramento; and

WHEREAS, the California Highway Patrol (CHP) also operates with the Gipps Aero GA8 platform and has contracted with Mather Aviation, LLC for their maintenance needs for the last three years; and

WHEREAS, any maintenance option outside of Modesto is not feasible, nor financially responsible, as it would require the department to fly the aircraft for services which would incur the cost of the service plus the cost of fuel and additional maintenance on the plan for flight hours on the engine; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-203 generally requires all purchases in excess of \$100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-204(d) “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.” Therefore, staff recommends the Aircraft Maintenance Services of this agreement to Mather Aviation, LLC, should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code Section 8-204(d) since Mather Aviation, LLC is the only known provider for maintenance of the Gipps Aero GA8 since Mather Aviation, LLC is the only known provider for maintenance of the Gipps Aero GA8 aircraft and provides services on-site at the Modesto City-County Airport and is therefore the most logical and cost-effective choice for aircraft maintenance services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the Agreement with Mather Aviation, LLC, Mather, California, for Aircraft

Maintenance and Repair Services for two years, for an estimated annual amount of \$87,072, and a total amount not to exceed \$159,768 over two years.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-373**

RESOLUTION APPROVING THE PAYMENT FOR RECORDS MANAGEMENT SOFTWARE ANNUAL MAINTENANCE TO CENTRALSQUARE TECHNOLOGIES, LAKE MARY, FLORIDA, FOR A TOTAL AMOUNT NOT TO EXCEED \$100,408; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO EXECUTE THE PAYMENT

WHEREAS, in May of 2017, by Resolution No. 2017-167, Council approved an agreement with TriTech Software Solutions to upgrade the Records Management System (RMS) at the Modesto Police Department (MPD); and

WHEREAS, the MPD has continued to utilize this RMS in the subsequent years through TriTech's acquisition by Tiburon and then CentralSquare Technologies; and

WHEREAS, as invoices for the annual software maintenance and licensing were received and processed, several modules that were being utilized by MPD were not being billed by Central Square; and

WHEREAS, this error was discovered in the Spring of 2024 by CentralSquare and we came to the mutual agreement that they would not bill us retroactively for these missed items, but instead, start billing for them with this upcoming renewal; and

WHEREAS, each year, the Information Technology Department gathers information from City departments to capture all existing software maintenance support agreements and presents them to Council in a single action to authorize payment; and

WHEREAS, the Fiscal Year 2024-2025 Software Maintenance Support Agreements payment authorization item was approved by Council on June 4, 2024, by Resolution No. 2024-177; and

WHEREAS, as the MPD was not notified of CentralSquare's billing error prior to the completion of the annual software maintenance item for the 2024-2025 Fiscal Year,

the amount listed was \$35,000 which is what the MPD has traditionally budgeted and paid annual for the RMS annual software maintenance and licensing fees; and

WHEREAS, the department is requesting approval to pay CentralSquare Technologies, Lake Mary, Florida, a total of \$100,408; and

WHEREAS, per Modesto Municipal Code (MMC) Section 8-204 (c), the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in MMC Section 8-3.203 is undesirable due to exigent circumstances. Additionally, MMC 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the formal proposal procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, the purchase may be exempt from the formal bid process. Under this scenario, all purchasing processes shall be met as only CentralSquare Technologies can provide the annual maintenance for the existing RMS system and the only alternative would be to change to another RMS solution which would be costly and time intensive to implement and there would still be a need to secure the annual software maintenance for the existing RMS solution in the interim.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the payment for the Records Management Software Annual Maintenance to CentralSquare Technologies, Lake Mary, Florida, for a total amount not to exceed \$100,408.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is authorized to execute the payment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-374**

RESOLUTION APPROVING THE FIRST AMENDMENT WITH GALLO CENTER FOR THE ARTS, MODESTO, CA FOR LOT 25 EMPLOYEE DISCOUNTED PARKING, INCREASING THE AGREEMENT AMOUNT BY FIVE DOLLARS PER PARKING PERMIT PER MONTH, AND EXTENDING THE TERM OF THE AGREEMENT FROM JULY 1, 2024 TO JUNE 30, 2025, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Gallo Center for the Arts is located in the downtown core of Modesto. The Gallo Center for the Arts is operated by the non-profit organization Gallo Center. Gallo Center employs stagehands, customer service representatives, management and several others that keep the acquisition of performance shows, set-ups, and teardowns for public shows; and

WHEREAS, Gallo Center employees have previously had access to surface parking lot # 25 under a previous agreement with American Specialty Healthcare (ASH); and

WHEREAS, the Gallo Center for the Arts is in the downtown core of Modesto. The Gallo Center negotiated a sub-agreement with ASH to use 25 parking permits during day use and an additional five permits for evening use in the City Parking Lot #25 which is on the corner of 9th and I streets. On July 12, 2022, by Resolution 2022-309, Council approved the agreement with Gallo Center for the Arts for a two-year term retroactive to July 1, 2022 through June 30, 2024, for discounted employee parking in Lot 25 with annual parking permits to be paid on a quarterly basis; and

WHEREAS, the City and Gallo Center management met on July 2, 2024 to revisit discussions regarding employee parking for the non-profit organization and continue the use of the City's Lot 25 to accommodate up to 30 parking permits on a

first come first serve basis; and

WHEREAS, staff recommends an increase of five dollars per parking permit to offset the City's increasing overhead and maintenance costs associated with our surface lots. Staff also proposes to extend the term of the Agreement from July 1, 2024 to June 30, 2025; and

WHEREAS, this discount will provide parking for the non-profit employees. It will also further enhance the partnership between the City and Gallo Center for the Arts; and

WHEREAS, Parking Services staff, in partnership with the City's Finance Department will manage the monthly permits quarterly billing. Gallo Center will pay for the parking permits on a quarterly basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Gallo Center for the Arts, Modesto, CA for Lot 25 employee discounted parking increasing the Agreement amount by five dollars per parking permit per month and extending the term of the Agreement from July 1, 2024 to June 30, 2025.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the First Amendment with Gallo Center for the Arts, 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 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-375**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE WATER WELL/RIGHT OF WAY LEASE AGREEMENT WITH BEARD LAND IMPROVEMENT COMPANY FOR THE WATER WELL SITE ON SPENKER AVENUE FOR CITY WELL 225 (BEARD WELL 25 BUDGET PACK) AND WELL SITE ON FARRAR AVENUE FOR CITY WELL 279 (BEARD WELL FARRAR PUMP LOT), INCREASING THE AMOUNT BY \$1,113,533 OVER TEN YEARS, AND EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 31, 2024 TO DECEMBER 31, 2034 ; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, in 1995 the City of Modesto acquired the former Del Este Water Company, and the sale included well sites that were leased from Beard Land Improvement Company and Modesto and Empire Traction Company, and

WHEREAS, the wells at these sites are necessary for water supply and distribution within the Modesto regional water system, and

WHEREAS, on October 28, 2014, by Resolution 2014-430, Council approved a lease agreement with Beard Land Improvement Company (“Beard”) for the water well site on Spenker Avenue (Well 225) for a ten-year term at an annual cost of \$30,000, increasing annually by the Consumer Price Index (CPI) for the San Francisco Bay Area, and

WHEREAS, on October 28, 2014, by Resolution 2014-431, Council approved a lease agreement with Beard for the water well site on Farrar Avenue (Well 279) for a ten-year term at an annual cost of \$30,000, increasing annually by the Consumer Price Index (CPI) for the San Francisco Bay Area, and

WHEREAS, on October 23, 2018, by Resolution 2018-485, Council approved an annual rate increase and property tax payments for Beard Wells 225 and 279 in the amount of \$14,098 and a total not to exceed \$489,067 through December 2024, and

WHEREAS, the City of Modesto Water Division is requesting a First Amendment to the lease agreements with Beard Land Improvement Company to extend the term another ten years, and

WHEREAS, the proposed amendment to the lease agreements have a starting rate of \$4,000.00 per month per well, with an annual increase of 3% for the remainder of the lease, and not to exceed \$1,113,533.00 over ten years for both well sites, and

WHEREAS, in addition to the monthly lease payment, the City will also be responsible for paying the County property tax for Wells 225 and 279, which will be at a varying rate each year and not to exceed \$13,000.00 over ten years for both well sites, and

WHEREAS, the proposed amendment to the lease agreements will extend the term from December 31, 2024 to December 31, 2034, and

WHEREAS, funds are budgeted in the Water Fund account 4100-45050-53070, Rental of Real Property.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the First Amendment to the Water Well/Right of Way Lease Agreement with Beard Land Improvement Company for the water well site on Spenker Avenue for City Well 225 (Beard Well 25 Budget Pack) and well site on Farrar Avenue for City Well 279 (Beard Well Farrar Pump Lot), increasing the amount by \$1,113,533 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the lease agreement and any other related documents necessary to

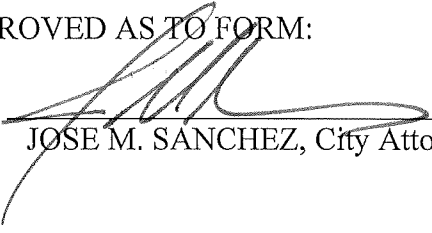
carry out the purpose and intent of this Resolution, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:
BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-376**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE WATER WELL/RIGHT OF WAY LEASE AGREEMENT WITH MODESTO AND EMPIRE TRACTION COMPANY (M&ET) FOR THE WATER WELL SITE ON YOSEMITE BOULEVARD FOR CITY WELLS 291 AND 292 (M&ET WELL 91 AND 92 – MARIPOSA E. & W. PUMP LOT) AND WATER WELL SITE ON S. MCCLURE ROAD FOR CITY WELL 308 (M&ET WELL 1 – S. MCCLURE PUMP LOT), INCREASING THE AMOUNT BY \$1,650,799 OVER TEN YEARS, AND EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 31, 2024 TO DECEMBER 31, 2034; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, in 1995 the City of Modesto acquired the former Del Este Water Company, and the sale included well sites that were leased from Modesto and Empire Traction Company and Beard Land Improvement Company, and

WHEREAS, the wells at these sites are necessary for water supply and distribution within the Modesto regional water system, and

WHEREAS, on October 28, 2014, by Resolution 2014-432, Council approved a lease agreement with Modesto and Empire Traction Company (“M&ET”) for the water well sites on Yosemite Boulevard (Wells 291 and 292) for a ten-year term at an annual cost of \$30,000 per well, increasing annually by the Consumer Price Index (CPI) for the San Francisco Bay Area, and

WHEREAS, on October 28, 2014, by Resolution 2014-433, Council approved a lease agreement with Modesto and Empire Traction Company (“M&ET”) for the water well site on South McClure Road (Well 308) for a ten-year term at an annual cost of \$30,000, increasing annually by the Consumer Price Index (CPI) for the San Francisco Bay Area, and

WHEREAS, on October 23, 2018, by Resolution 2018-482, Council approved an annual rate increase and property tax payments for M&ET Wells 291, 292, and 308 in the amount of \$10,344 and a total not to exceed \$720,145 through December 2024, and

WHEREAS, the City of Modesto Water Division is requesting a First Amendment to the lease agreements with Modesto and Empire Traction Company for another ten-year term, and

WHEREAS, the proposed amendment to the lease agreements have a starting rate of \$4,000.00 per month per well, with an annual increase of 3% for the remainder of the lease, and not to exceed \$1,650,799.00 over ten years for all three well sites, and

WHEREAS, the proposed amendment to the lease agreements will extend the term from December 31, 2024 to December 31, 2034, and

WHEREAS, funds are budgeted in the Water Fund account 4100-45050-53070, Rental of Real Property.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the First Amendment to the Water Well/Right of Way Lease Agreement with Modesto and Empire Traction Company (M&ET) for the water well site on Yosemite Boulevard for City Wells 291 and 292 (M&ET Well 91 and 92 – Mariposa E. & W. Pump Lot) and water well site on S. McClure Road for City Well 308 (M&ET Well 1 – S. McClure Pump Lot), increasing the amount by \$1,650,799 over ten years, and extending the term of the Agreement from December 31, 2024 to December 31, 2034.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the lease agreement and any other related documents necessary to


carry out the purpose and intent of this Resolution, 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 8th day of October, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

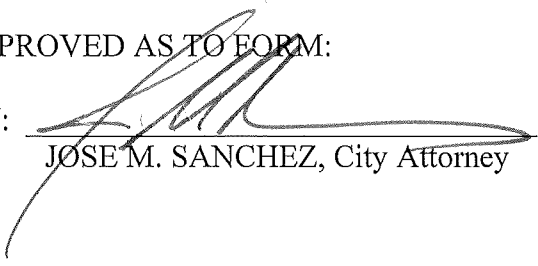
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-377**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR PAINTING OF WATER WELLS AND TANK SITES TO HB RESTORATION INC., RIO LINDA, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$126,000 AND A TOTAL AMOUNT NOT TO EXCEED \$669,076 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Water Services Division operates and maintains 102 water wells sites and 13 storage tank sites located in and around Modesto, Salida, Turlock, Grayson, Del Rio, Ceres, and Empire, and

WHEREAS, the Division's painting program identifies and prioritizes the painting of well and tank sites, estimating six (6) well sites and one (1) tank site for each contract year, and

WHEREAS, tank sites are typically painted every five (5) to ten (10) years with an estimated annual cost of \$82,000, and

WHEREAS, services could include painting tanks, control rooms, electrical cabinets, conduit, motors, water pipelines and appurtenances. All surfaces are pressure washed, paint scraped when needed, spit primed and painted, and

WHEREAS, on April 2, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the Painting of Water Wells and Tank sites, and

WHEREAS, on May 15, 2024, the Purchasing Division issued Invitation for Bids (IFB) 2324-89 for the Painting of Water Wells and Tank sites on the City's PlanetBids public bidding website under various commodity codes, and

WHEREAS, on June 18, 2024, bids were formally opened in the City Clerk's office and four (4) chose to respond, there were no local bids received, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. An Award of Bid and Agreement for Painting of Water Wells and Tank Sites for the Utilities Department to HB Restoration Inc., Rio Linda, CA conforms to Modesto Municipal Code because the City complied with the formal bid procedures and HB Restoration was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Painting of Water Wells and Tank Sites to HB Restoration Inc., Rio Linda, CA for a two (2) year agreement with three (3) one-year extension options for an annual estimated amount of \$126,000 and a total amount not to exceed \$669,076 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 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-378**

**RESOLUTION ADOPTING THE CITY OF MODESTO PYRETHROID
MANAGEMENT PLAN AND ALL ASSOCIATED APPENDICES**

WHEREAS, the City of Modesto is regulated under the Stormwater National Pollution Discharge Elimination System (NPDES) Region-wide permit and all associated amendments; and

WHEREAS, the Utilities Department, Wastewater Division, Environmental Services Section is responsible for managing and maintain compliance with the City's Stormwater NPDES permit; and

WHEREAS, on June 8, 2017, the Central Valley Regional Water Quality Control Board (Regional Water Board) adopted Resolution R5-2017-0057, the Basin Plan Amendment (BPA) for the control of Pyrethroid Pesticide Discharges; and

WHEREAS, on July 10, 2018, the BPA was approved by the State Water Resources Control Board and subsequently approved by the Office of Administrative Law on February 19, 2019; and

WHEREAS, the BPA established a Pyrethroid Control Program that requires permit holders to comply with a variety of actions; and

WHEREAS, the Wastewater Division submitted the BMP and Quality Assurance Project Plan to the Regional Water Board for review and approval and completed the first of three (3) baseline sampling events on January 22, 2024; and

WHEREAS, it was determined that the City of Modesto exceeded the concentration standard for pyrethroid pesticides, triggering the requirement for the City to develop and submit a PMP; and

WHEREAS, the Regional Water Board was notified of the exceedance and

responded to the City of Modesto, stating that the City shall develop and submit a PMP to the Regional Water Board for approval within one (1) year of the exceedance or the Regional Board may pursue enforcement, including potential monetary liability; and

WHEREAS, the City's PMP is a document outlining the management practices the City will adhere to in order to effectively reduce the pyrethroid levels in the municipal stormwater discharges. The PMP meets all management practices as described in Section 6c of the BPA; and

WHEREAS, additional components of the PMP include an implementation schedule for the above activities, **Appendix A**, the PMP public outreach website content, **Appendix B**, the City of Modesto's Integrated Pest Management Policy, **Appendix C**, the City of Modesto's Standard Operating Procedures for the administration of Pesticides and Herbicides, **Appendix D**, and a contract clause to be included in all Vendor contracts that require application of pesticides and herbicides, **Appendix E**; and

WHEREAS, the City's IPM Policy governs City of Modesto employees, contractors hired by City departments, and all persons acting under the authority of the City in the care and maintenance of City facilities, landscaped areas, and rights-of-way; and

WHEREAS, due to the City's exceedance of the conditional prohibition pyrethroid trigger during the first sampling event of the Pyrethroid Baseline Monitoring, the City is required by the State Water Board to develop and submit for approval a PMP and all associated Appendices.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the City of Modesto Pyrethroid Management Plan and all associated Appendices.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

1.0 Overview

To meet the requirements of the Pyrethroid Control Program, agencies need to implement several education and outreach activities that encourage management practices to minimize pesticide use and runoff. The requirements that will be addressed, in part, using a web-based outreach mechanism include residential outreach, outreach regarding pest control and landscape professionals, and outreach for landscape and irrigation practices (Table 1 and Table 2). The purpose of this document is to identify a framework and content for each page and sub-page of the web-based interface. Once the content is finalized, it can then be incorporated into one or more websites and shared amongst agencies, as needed.

Table 1. Recommended Activities from Scope of Work

Recommended Activity / Outreach Mechanism	Basin Plan Amendment Requirement			
	Residential	Point of Purchase	Pest Control and Landscape Professionals	Landscape and Irrigation Practices
Website	💧		💧	💧

Table 2. Pyrethroid Control Program Requirements to Be Addressed via Web-Based Outreach

Basin Plan Amendment Requirement	Pyrethroid Management Plan Component
<i>Undertake targeted outreach programs to encourage communities within a discharger’s jurisdiction to reduce their reliance on pesticides that threaten water quality, focusing efforts on those most likely to use pesticides that threaten water quality, potentially by working with DPR, County Agricultural Commissioners, and the University of California Statewide Integrated Pest Management Program, or other entities as appropriate.</i>	Residential Outreach
<i>Conduct outreach to Permittee’s residents and businesses who may hire structural pest control and landscape professionals that contains messages that (a) explain the links between pesticide usage and water quality; and (b) provides information about structural pest control IPM certification programs and IPM for landscape professionals.</i>	Outreach [Regarding] Pest Control and Landscape Professionals
<i>Encourage public and private management practices (e.g., landscape design, irrigation management, etc.) that minimize pesticide runoff.</i>	Outreach for Landscape and Irrigation Practices

2.0 Website Framework

The website organizational framework, or site map, is summarized within this section. To ensure that the applicable requirements are effectively addressed, the key target audiences (i.e., residents and businesses), topics, and activities were considered and incorporated into proposed website section titles (Table 3). This framework also provides a placeholder to link the e-newsletters and make them broadly accessible.

Table 3. Website Framework and Sections

Pyrethroid Management Plan Component	Proposed Website Sections
All Outreach	<p><u>Pesticide Landing Page</u></p> <ul style="list-style-type: none"> • General Pesticide Information • Pyrethroid Pesticides in Waterways • Point-of-Purchase <p><u>Learn More</u></p> <ul style="list-style-type: none"> • Contact Us • Subscribe to the E-Newsletter • E-Newsletter Archive
Residential Outreach	<p><u>Information for Residents</u></p> <ul style="list-style-type: none"> • Pesticides and Gardening • Disposing of Pesticides
Outreach Regarding Pest Control and Landscape Professionals	<p><u>Information for Residents</u></p> <ul style="list-style-type: none"> • Hiring Pest Control and Landscape Professionals <p><u>Information for Businesses</u></p> <ul style="list-style-type: none"> • Hiring Pest Control and Landscape Professionals
Outreach for Landscape and Irrigation Practices	<p><u>Information for Residents</u></p> <ul style="list-style-type: none"> • Landscape Design and Irrigation Management to Reduce Pesticide Runoff <p><u>Information for Businesses</u></p> <ul style="list-style-type: none"> • Landscape Design and Irrigation Management to Reduce Pesticide Runoff

The framework is structured such that website visitors will be greeted with a Pesticide Landing Page, which will provide basic pyrethroid pesticide information and link to other webpages directed to the key target audiences. This site map is presented in Figure 1. Agencies have two options for providing this outreach: (1) an agency can host all website content on its own stormwater website, or (2) an agency can provide key information on one page, with a link to a more detailed regional Pyrethroid Control Program website. Some overlap exists between the information to be provided for residents and businesses. The website content is detailed in Section 3.0.

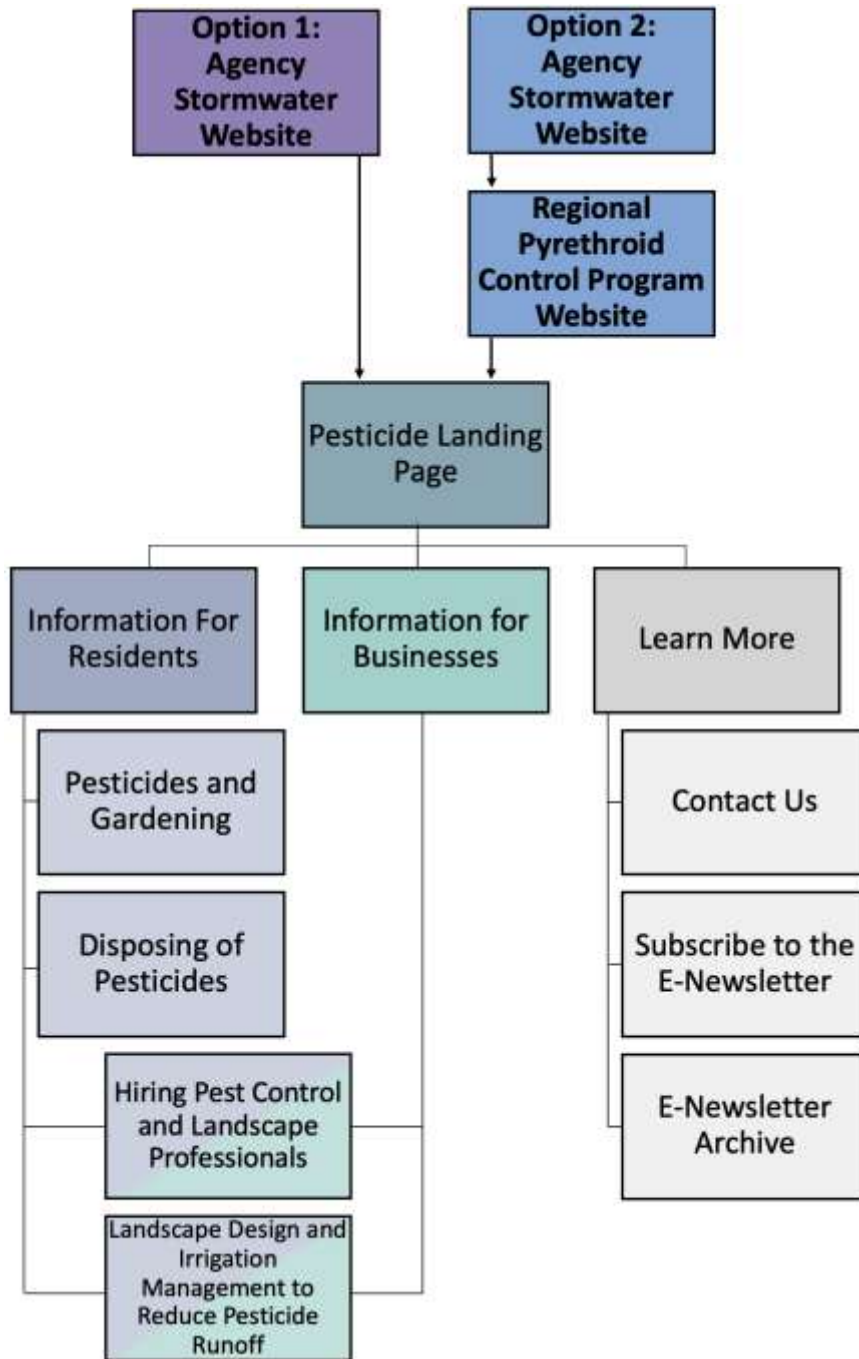


Figure 1. Website Site Map

2.1. Option 1: Website Content Hosted on Individual Agency Stormwater Page

If the website content will be hosted directly on an individual agency's stormwater page, the content and framework can be used as presented in **Section 3.0**. Look for the **blue highlighted text** throughout the content sections for areas where the content can be customized to your local agency.

2.2. Option 2: Website Content Hosted on Regional Pyrethroid Control Program Website

If agencies decide to host the bulk of the website content on a Regional Pyrethroid Control Program Website, the content and framework can be used with slight modification. A Regional Pyrethroid Control Program Website landing page should be created on each local agency's stormwater website with the following sections, customized to each agency:

- **Point-of-Purchase**
- **Disposing of Pesticides**
- **Learn More**

Point-of-Purchase

"Point-of-purchase" or "point-of-sale" campaigns are focused efforts to educate and raise awareness among both retailers and consumers so that they can make informed decisions about what types of products are available for sale (retailers) and what products are most effective, least harmful, and ultimately purchased (consumers). Point-of-purchase displays often include materials such as shelf edging or tags and display stands with fact sheets, banners, and other educational materials [Our Water – Our World \(OWOW\)](#) is an example of an established point-of-purchase program that is implemented in retail stores that sell pest control products in northern California.

TAKE ACTION! Next time you visit your local gardening and home supply retailer, look for displays and educational materials about pesticides and which controls are best for each type of pest that you may encounter. You can also click here [to find stores near you that participate in the OWOW program.](#)

[Agency-Specific Customization: Additional information can also be provided if there are specific stores that should be highlighted or other aspects of a local program that should be noted.]

Disposing of Pesticides

If you have pesticides (liquid or solid) that you no longer need, they must be disposed of properly so that they do not harm you or the environment. Any leftover pesticides must be taken to your local household hazardous waste (HHW) facility. You can find your nearest HHW location by calling the California Environmental Hotline (1-800-253-2687). Residents may only dispose of empty pesticide containers in the trash without rinsing them.

TAKE ACTION! Take your unused pesticides to [Insert information about your municipality's local hazardous waste collection facility. Include physical address, facility hours, phone number, and website, if applicable].

EXAMPLE TEXT: INDIVIDUAL AGENCY

TAKE ACTION! Any amount of unused pesticide must be disposed of at your local household hazardous waste facility or event. Regardless of what the label may say, it is illegal in California to dispose of any amount of pesticide in the trash. To properly dispose of your unused chemicals, take them to the San Joaquin County Hazardous Waste Facility (7850 R. A. Bridgeford Street, Stockton, CA 95206). This facility is open to the public, free of charge on Thursdays, Fridays, and Saturdays from 9 AM – 3 PM. For more information, call the County Solid Waste Office at (209) 468-3066 or visit their website: <https://www.sjgov.org/solidwaste/hhw>.



Learn More

Contact Us

[Insert agency contact information here]

Subscribe to the E-Newsletter

Our e-newsletters contain pesticide-related information for residents and business owners. To have the e-newsletter delivered straight to your inbox: **[Create a link to an e-newsletter sign-up form, or insert a sign-up form directly on the webpage]**

E-Newsletter Archive

View our archive of e-newsletters to learn more about integrated pest management, less-toxic alternatives, and pesticide use and disposal: **[Insert a link to the e-newsletter archive page]**

Our Water, Our World Virtual Workshops **[OPTIONAL]**

View our archive of virtual workshops provided by Our Water, Our World (OWOW) to learn more about integrated pest management, reading a pesticide label and more: **[Insert links to the virtual workshops]**

Link to the Regional Pyrethroid Control Program Website

[Insert links to the Regional Pyrethroid Control Program Website]

3.0 Website Content

The content for each page is provided within this section. The information covered is consistent with the Basin Plan Amendment requirements, as well as the individual agency Pyrethroid Management Plans that were submitted to the Central Valley Regional Water Quality Control Board. The presentation of information in this section has been streamlined from the site map in [Figure 1](#) and is organized as follows:

- **Pesticide Landing Page (Section 3.1)**
 - General Pesticide Information
 - Pyrethroid Pesticides in Waterways
 - Point-of-Purchase
- **Information for Residents (Section 3.2)**
 - Pesticides and Gardening
 - Disposing of Pesticides
- **Information for Residents and Businesses (Section 3.3)**
 - Hiring Pest Control and Landscape Professionals
 - Landscape Design and Irrigation Management to Reduce Pesticide Runoff
- **Learn More (Section 3.4)**
 - Contact Us
 - Subscribe to the E-Newsletter
 - E-Newsletter Archive

3.1. Pesticide Landing Page

The State of California has regulations in place to protect water quality in the Sacramento and San Joaquin River watersheds. The regulations focus on managing pesticide use to prevent harm to aquatic life in our streams and rivers. Such aquatic organisms include fish, reptiles, amphibians, crayfish, mussels, mollusks, and crustaceans.

Any chemicals used in our yard and gardens can be washed off directly into streams and rivers. It is best to use less toxic pesticides or other means of controlling unwanted pests, rather than harmful pesticides. [Click here for more information about how pesticides are affecting water quality and how pesticides get into our streams and rivers.](#)

As part of this effort, this website provides information about pesticides, less toxic alternatives to control pests, and integrated pest management for residents and businesses. Small changes made around your home or business—something as simple as not spraying a pesticide on a windy day or addressing a pest issue without using pesticides—can make a big difference in our local water quality.

Look for the **TAKE ACTION!** items to see how you can make a difference.



Image 1. Stream

Source: https://unsplash.com/photos/ko7Tp_LyAt4

General Pesticide Information

Pesticides and herbicides are used to control unwanted bugs and plants (“pests”) such as insects (ants, wasps), rodents (mice, rats), weeds, or other unwanted organisms. Although efficient, even when used correctly, these chemicals can cause harm to human health or have negative consequences within the environment. It is important to consider less toxic or other alternatives and always follow label instructions when pesticide applications are needed.

TAKE ACTION! Read the label of the pesticide you are thinking about purchasing and select the pesticide carefully. Ensure that it is appropriate for the pest and determine where you will use it. [Click here to learn more about how to read a pesticide label](#) **[Note – this links to a .pdf]** or [here for what to look for](#) or [here for common questions and answers about pesticide labels](#).

In California, pesticides are regulated by the Department of Pesticide Regulation (DPR) as well as by the United States Environmental Protection Agency (USEPA). To learn more about why pesticides can be harmful and how they are regulated, visit the following websites:

- [United States Environmental Protection Agency \(USEPA\)](#)
- [California Department of Pesticide Regulation \(DPR\)](#)



Pyrethroid Pesticides in Waterways

Although there are many different types of pesticides, one group of pesticides called *pyrethroids* is of particular concern because they are being found in our local waterways. Pyrethroid pesticides are primarily used for ants, cockroaches, and other insects. However, it takes them a long time to break down into less harmful components once they're in the environment, which means that they can cause unintended harm to many other types of beneficial insects (e.g., bees, ladybugs) and aquatic life.

TAKE ACTION! Products that contain pyrethroids typically have active ingredients that end with the letters “-thrin.” When reading the pesticide label, look to see if any of the active ingredients include the following:

- Permethrin
- Bifenthrin
- Cyfluthrin
- Beta-cyfluthrin
- Cypermethrin
- Deltamethrin
- Lambda-cyhalothrin
- Tralomethrin
- Esfenvalerate (an exception to the “-thrin” rule)

If a pyrethroid is an active ingredient, consider other ways that you might address the pest, such as other less toxic pesticides or controls that do not require the use of a pesticide.

To learn more, visit [Our Water – Our World: Pesticides and Water Quality](#).



Image 3. Pesticide Label

Source: Internal Origination

Point-of-Purchase

“Point-of-purchase” or “point-of-sale” campaigns are focused efforts to educate and raise awareness among both retailers and consumers so that they can make informed decisions about what types of products are available for sale (retailers) and what products are most effective, least harmful, and ultimately purchased (consumers). Point-of-purchase displays often include materials such as shelf edging or tags and display stands with fact sheets, banners, and other educational materials [Our Water – Our World \(OWOW\)](#) is an example of an established point-of-purchase program that is implemented in retail stores that sell pest control products in northern California.

TAKE ACTION! Next time you visit your local gardening and home supply retailer, look for displays and educational materials about pesticides and which controls are best for each type of pest that you may encounter. You can also click here [to find stores near you that participate in the OWOW program.](#)

[Agency-Specific Customization: Additional information can also be provided if there are specific stores that should be highlighted or other aspects of a local program that should be noted.]

3.2. Information for Residents

Pesticides and Gardening

Unwanted insects in your lawn, garden, or home can be a source of frustration and damage the plants that you are trying to grow and maintain. Some pests can also potentially transmit disease. In order to effectively prevent or remove these pests, it is important to understand what is attracting them, how they are entering the home or garden, and what control is best for that specific pest. Approaching pests in this manner will save money, have a longer-lasting effect on the pest, and protect the environment.

TAKE ACTION! The next time you need to address a pest in your home or garden, follow the steps below.

1. Identify if the Bug is Good or Bad

Check if the bug you are seeing is a beneficial insect that eats the “bad” bugs and pollinates your plants. [Click here for the 10 Most Wanted Bugs in Your Garden](#) [Note – this links to a .pdf] or [here to identify typical beneficial insects](#).

2. Identify What Controls are Best for Your Pest

The OWOW partnership and the UC Integrated Pest Management Program have detailed information that can help you determine the best method to control your pest.

- English: [Ants](#) | En Español: [Hormigas](#)
- English: [Aphids](#) | En Español: [Áfidos o pulgones](#)
- English: [Bed Bugs](#) | En Español: [Chinchas](#)
- English: [Cockroaches](#) | En Español: [Cucarachas](#)
- English: [Fleas](#) | En Español: [Pulgas](#)
- English: [Moles, Voles, Gophers](#) | En Español: [Tuzas](#)
- English: [Mosquitoes](#) | En Español: [Mosquitos](#)
- English: [Rats and Mice](#) | En Español: [Ratas y Ratones](#)
- English: [Snails and Slugs](#) | En Español: [Caracoles y babosas](#)
- English: [Spiders](#) | En Español: [Arañas](#)
- English: [Yellow Jackets](#) | En Español: [Avispas chaqueta amarilla](#)



Image 5. Gardening

Source: https://unsplash.com/photos/_Vq-x0tE38o

3. Consider No or Less Toxic Alternatives

First, try control pests with less toxic methods, such as traps, mulch, insecticidal soap, or beneficial insects like ladybugs. To learn more about less toxic pest management methods and products, visit the [OWOW partnership](#) or [University of California](#).

4. If You Must Use Pesticides – Follow These Best Practices

- Read labels and apply pesticides using recommended amounts and application methods.
- Use the least amount of chemical needed. Remember, more is not always better.
- Avoid application when it is windy or before it rains.
- Don't overwater the area immediately after pesticide application. Excess water will carry the chemicals straight to the storm drain system and then to the local streams and rivers.
- Take care not to spill the product, and don't rinse spills into the street. If a spill occurs, absorb it with sawdust or kitty litter, sweep the absorbent material into a paper bag, and take absorbent material to your local hazardous waste collection facility. You may also contact your County Agricultural Commissioner or the County Office of Environmental Health to ask how to dispose of the bagged absorbent material.

Additional best practices [can be found here](#).

Disposing of Pesticides

If you have pesticides (liquid or solid) that you no longer need, they must be disposed of properly so that they do not harm you or the environment. Any leftover pesticides must be taken to your local household hazardous waste (HHW) facility. You can find your nearest HHW location by calling the California Environmental Hotline (1-800-253-2687). Residents may only dispose of empty pesticide containers in the trash without rinsing them.

TAKE ACTION! Take your unused pesticides to [Insert information about your municipality's local hazardous waste collection facility. Include physical address, facility hours, phone number, and website, if applicable].

EXAMPLE TEXT: INDIVIDUAL AGENCY

TAKE ACTION! Any amount of unused pesticide must be disposed of at your local household hazardous waste facility or event. Regardless of what the label may say, it is illegal in California to dispose of any amount of pesticide in the trash. To properly dispose of your unused chemicals, take them to the San Joaquin County Hazardous Waste Facility (7850 R. A. Bridgeford Street, Stockton, CA 95206). This facility is open to the public, free of charge on Thursdays, Fridays, and Saturdays from 9 AM – 3 PM. For more information, call the County Solid Waste Office at (209) 468-3066 or visit their website: <https://www.sjgov.org/solidwaste/hhw>.



EXAMPLE TABLE: REGIONAL WEBSITE WITH INFORMATION FOR MULTIPLE AGENCIES	
Location	Local Household Hazardous Waste Facility
City of Ceres	Stanislaus County Household Hazardous Waste Collection Address: 1710 Morgan Road, Modesto, CA 95358 Phone: 209-525-4123
City of Lathrop	San Joaquin County Household Hazardous Waste Consolidation Facility Address: 7850 R.A. Bridgeford Street, Stockton, CA 95206 Phone: 209-468-3066
El Dorado County	El Dorado Disposal Materials Recovery Facility Address: 4100 Throwita Way, Diamond Springs, CA 95667 Phone: 530-626-4141 or 530-642-0731 El Dorado Hills Fire Station Address: 3670 Bass Lake Road, El Dorado Hills, CA 95762 Phone: (HHW Hotline) 530-295-4100 South Lake Tahoe Refuse Transfer Station Materials Recovery Facility Address: 2140 Ruth Avenue, South Lake Tahoe, CA 96150 Phone: 530-541-5105 Tahoe Truckee Sierra Disposal Address: Hwy 89 & Cabin Creek Rd, Truckee, CA 96161 Phone: 530-583-7800
Stanislaus County	Stanislaus County Household Hazardous Waste Collection Address: 1710 Morgan Road, Modesto, CA 95358 Phone: 209-525-4123
[Insert Location Name]	[Insert HHW Facility Name, Address, Phone]

3.3. Information for Residents and Information for Businesses

[Note: These two sections will be provided within both the “Information for Residents” and “Information for Businesses” pages.]

Hiring Pest Control and Landscape Professionals

When dealing with unwanted pests around your home or business, you may want to hire a pest control service to take care of the problem for you. Pest control professionals have access to different products, specialized training, and other equipment that may be needed in order to manage a serious infestation or problem.

Pest management professionals can learn more about integrated pest management approaches and available training by visiting the UC IPM Program for [structural pest management](#) or [landscape pest management](#).

TAKE ACTION! By following these steps, you can support pest control companies that understand and implement integrated pest management and less toxic approaches.

1. Do some research about the pest you have and how it can be controlled.
2. Ensure the pest control operator has a license issued by the California State Structural Pest Control Board and any other registrations, certifications, or insurance required. To verify the license for a pest control operator, visit the [Department for Consumer Affairs](#).
3. Hire a pest control operator who is certified as using integrated pest management practices, applies effective non-chemical strategies first, and knows how to effectively manage pests. Some [questions that you can ask and things to consider can be found here](#) and [here](#). Several certification groups can also be helpful in finding a pest control company:

- [Eco Wise Certified](#)
- [Green Shield Certified](#)
- [Green Pro Certified](#)



Image 7. Pest Control

Source: <https://depositphotos.com/stock-photos/garden-sprayer.html?filter=all&qview=11478179>

Landscape Design and Irrigation Management to Prevent Pesticide Runoff

Proper design and management of the landscaping around our homes and businesses can help prevent pesticide runoff from these areas into local waterbodies. Some [ways to reduce your landscaping irrigation needs and keep irrigation water onsite can be found here](#) and [here](#). Discover county-specific tips by [using the UC Seasonal Landscape IPM Checklist](#).

TAKE ACTION! Slow the flow by following the [University of California's Statewide Integrated Pest Management Program](#) recommendations for pesticide-smart landscape design:

- **Help water soak into the ground.**
 - Use stones, pavers, gravel, mulch, or other materials that allow water to soak into the ground in areas where you don't have plants.
 - Aerate your soil and use organic material, like compost, as well as perforated drainage lines, to reduce areas of water pooling in your landscaping.
- **Create landscape features to collect runoff water.**
 - Consider using trees, rain gardens, terrace walls, rain barrels, or swales (long, shallow, grassy depressions) to hold water within the landscaped area and allow it to soak into the ground rather than draining directly to our surface waterbodies.
 - Consider using river-friendly gardening approaches such as selecting appropriate plants, minimizing the use of chemical pesticides, and creating "hydrozones" by grouping plants according to water needs. Learn more about how to make your yard river-friendly on the [Lodi Watershed Friendly Landscaping website](#) or by following these [River-Friendly Landscape Guidelines](#).
- **Install and properly operate irrigation systems and equipment.**
 - Make sure your irrigation equipment is working properly by regularly inspecting it and consider installing a "smart" irrigation controller to reduce overwatering.



Image 8. Landscape Design

Source: <https://unsplash.com/photos/fv2jr89aiTE>

3.4. Learn More

Contact Us

[Insert agency contact information here]

Subscribe to the E-Newsletter

Our e-newsletters contain pesticide-related information for residents and business owners. To have the e-newsletter delivered straight to your inbox: **[Create a link to an e-newsletter sign-up form, or insert a sign-up form directly on the webpage]**

E-Newsletter Archive

View our archive of e-newsletters to learn more about integrated pest management, less-toxic alternatives, and pesticide use and disposal: **[Insert a link to the e-newsletter archive page]**

Our Water, Our World Virtual Workshops **[OPTIONAL]**

View our archive of virtual workshops provided by Our Water, Our World (OWOW) to learn more about integrated pest management, reading a pesticide label and more: **[Insert links to the virtual workshops]**

4.0 External References (Hyperlinks)

The hyperlinks embedded throughout the website content are provided below, organized by the website section within which they should be linked.

Pesticide Landing Page

- UC IPM: How Are Pesticides Affecting Water Quality: <http://ipm.ucanr.edu/WATER/U/watqual.html>
- UC IPM: How Do Pesticides Get into Our Creeks and Rivers: <http://ipm.ucanr.edu/WATER/U/stormdrain.html>

General Pesticide Information

- US EPA: Pesticides: <https://www.epa.gov/minimum-risk-pesticides/what-pesticide>
- US EPA: Pesticide Labeling Questions & Answers: <https://www.epa.gov/pesticide-labels/pesticide-labeling-questions-answers>
- CA Department of Pesticide Regulation: <https://www.cdpr.ca.gov/>
- UC IPM: Pesticides and Water Quality: <http://ipm.ucanr.edu/WATER/U/watqual.html>
- UC IPM: How Pesticides Get Into...: <http://ipm.ucanr.edu/WATER/U/stormdrain.html>
- NPIC: Label Graphic: <http://npic.orst.edu/outreach/labelinfographic.jpg>

Pyrethroid Pesticides

- Our Water Our World: <https://ourwaterourworld.org/pesticides-and-water-quality/>

Point-of-Purchase

- Our Water Our World <https://ourwaterourworld.org/our-water-our-word/>
- Our Water Our World <https://ourwaterourworld.org/find-a-store/>

Information for Residents

Pesticides and Gardening

- Our Water Our World <https://ourwaterourworld.org/healthy-garden/#>
- Our Water Our World <https://ourwaterourworld.org/pesticide-ingredients/>
- UC IPM: Less Toxic Insecticides <http://ipm.ucanr.edu/QT/lesstoxicinsecticidescard.html>
- UC IPM: How to Manage Pests <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74126.html>
- 10 Most Wanted Bugs in Your Garden pdf (upload pdf to website and link to document)

Take Action

- Ants
 - English: <https://ourwaterourworld.org/ants/>
 - En Español: <https://ourwaterourworld.org/hormigas/>
- Aphids
 - English: <https://ourwaterourworld.org/aphids/>
 - En Español: <http://ipm.ucanr.edu/QT/aphidscardsp.html>
- Bed Bugs
 - English: https://ourwaterourworld.org/bedbugs_2-14-21/
 - En Español: <https://ourwaterourworld.org/chinches/>
- Cockroaches
 - English: https://ourwaterourworld.org/cockroaches_2-14-21/
 - En Español: <http://ipm.ucanr.edu/QT/cockroachescardsp.html>
- Fleas
 - English: https://ourwaterourworld.org/fleas_2-14-21/
 - En Español: <http://ipm.ucanr.edu/QT/fleascardsp.html>
- Moles, Voles, Gophers
 - English: <https://ourwaterourworld.org/moles-voles-and-gophers/>
 - En Español: <http://ipm.ucanr.edu/QT/gopherscardsp.html>
- Mosquitoes
 - English: <https://ourwaterourworld.org/mosquitoes/>
 - En Español: <http://ipm.ucanr.edu/QT/mosquitocardsp.html>
- Rats and Mice
 - English: <https://ourwaterourworld.org/rats-and-mice/>
 - En Español: <https://ourwaterourworld.org/ratas-y-ratones/>
- Snails and Slugs
 - English: <https://ourwaterourworld.org/snails-and-slugs/>
 - En Español: <http://ipm.ucanr.edu/QT/snailslugscardsp.html>
- Spiders
 - English: <https://ourwaterourworld.org/spiders/>
 - En Español: <http://ipm.ucanr.edu/QT/spiderscardsp.html>
- Yellow Jackets
 - English: https://ourwaterourworld.org/yellowjackets_2-14-21/
 - En Español: <http://ipm.ucanr.edu/QT/yellowjacketscardsp.html>

Information for Residents and Information for Businesses

Hiring Pest Control and Landscape Professionals

- Department for Consumer Affairs: <https://search.dca.ca.gov/>
- OWOW – hiring a Pest Control Company: <https://ourwaterourworld.org/hiring-a-pest-control-company/>
- UC IPM – hiring a Pest Control Company: <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74125.html>
- UC IPM – Structural: <https://www2.ipm.ucanr.edu/resources-for-structural-pest-management-professionals/>
- UC IPM – Landscape: <https://www2.ipm.ucanr.edu/resources-for-landscape-professionals/?src=shrtn>
- Ecowise: https://www.ecowisecertified.com/ecowise_about_standards.html
- Green Shield: <https://greenshieldcertified.org/for-pest-control-companies/>
- Green Pro: <https://www.npmaqualitypro.org/available-credentials/greenpro/>

Landscape Design and Irrigation Management to Prevent Pesticide Runoff

- CDWR Water-Efficient Landscaping: <https://water.ca.gov/Water-Basics/Conservation-Tips/Plant-and-Landscape-Guide>
- Save Our Water: <https://saveourwater.com/en/>
- UC IPM: <http://ipm.ucanr.edu/>
- UC IPM: Seasonal Landscape IPM Checklist: <https://www2.ipm.ucanr.edu/landscapechecklist/>
- Lodi Watershed Friendly Landscaping: <https://www.lodi.watersavingplants.com/>
- River-Friendly Landscape Guidelines: https://www.waterboards.ca.gov/academy/courses/eco_landscape.pdf

City of Modesto Integrated Pest Management Policy

I. PREAMBLE

The City of Modesto is committed to implementing an Integrated Pest Management (IPM) approach to guide the management of its facilities, landscaped areas, and rights-of-way. The IPM approach promotes the protection of the residents and visitors, as well as the local waterways, and utilizes a pest management strategy that promotes the long-term suppression of pest problems with minimum impact on non-target organisms and the environment as well as a reduction in use of pesticides. Least toxic pesticides are used only after an assessment indicates such a need, consistent with the provisions of this IPM Policy.

The adoption of this IPM Policy facilitates compliance with the Phase II Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit and the Basin Plan Amendment (BPA) for the Control of Pyrethroid Pesticide Discharges (Resolution R5-2017-0057).

II. APPROACH

For the purposes of its IPM policy, the City of Modesto adopts the following University of California Statewide Integrated Pest Management¹ (UC-IPM) definition:

IPM is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

III. PURPOSE

It is the purpose and intent of this IPM Policy to:

- a) Reduce reliance on and minimize the use of pesticides² as a part of City operations and on City property and rights-of-way that may adversely impact water quality; and
- b) Outline how City departments are to perform pest management so that it is consistent with this IPM Policy.

IV. SCOPE

The IPM Policy governs City of Modesto employees and contractors hired by City departments and persons acting under the authority of the City in the care and maintenance of City facilities, landscaped areas, and rights-of-way.

¹ <https://www2.ipm.ucanr.edu/what-is-IPM/>

² As defined in Section 12753 of Chapter 2 of Division 7 of the California Food and Agricultural Code. See also "Definitions for Use with This Policy."

V. POLICY

It is the policy of the City of Modesto that:

1. Departments performing pest management will conform with the City of Modesto's IPM Policy.
2. The City's IPM approach will include the following:
 - a) Educate and train City of Modesto staff in the IPM program, practices, and policy.
 - b) Require City of Modesto staff and contractors, when applicable, to implement the IPM Policy on all City facilities, landscaped areas, and rights-of-way and to maintain records on and report the types and amounts of pesticides used, as well as IPM methods considered and used to prevent and control pests.
 - c) Reduce, to the maximum extent practicable, the use and application of pesticides on all City property, facilities, landscaped areas, and rights-of-way.
 - d) Review and consider a no-action approach and/or available non-chemical options before using a chemical pesticide to address pest control issues.
 - e) Review and consider available non-chemical options before using a chemical pesticide.
 - f) Identify pests and least toxic methods to control pests.
 - g) Identify, evaluate, and minimize or eliminate conditions that encourage pest problems.
 - h) Conduct careful and efficient inspection, monitoring, and assessment of pest problems by designated personnel or contractors knowledgeable in IPM methods and decision-making based on best available science and data.
 - i) Maintain records on IPM methods considered and used to prevent and control pests.
 - j) Comply with all applicable local, State of California (State), and federal regulations for pesticide use and reporting.
 - k) Refer residents and pest control operators to the City of Modesto's stormwater program and the Stanislaus Department of Agricultural Weights and Measures for information on less toxic methods of pest control.
 - l) Provide public access to the City's IPM Policy.
3. IPM Policy General Requirements
 - a) Eliminate the use of Toxicity Category I pesticides.
 - b) Minimize the use of Toxicity Category II, III, and IV pesticides.
 - c) Eliminate the use of pesticides that are classified by government agencies as known carcinogens, reproductive toxicants (teratogens, mutagens), endocrine disruptors, carbamates, organophosphates, or groundwater contaminants.
 - d) Develop pest-specific plans to prevent or reduce the incidence of pest problems.
 - e) Use pesticides only when necessary and select a pesticide that is both effective and least toxic.
 - f) Designate playgrounds on City of Modesto property as pesticide-free.
 - g) Require City of Modesto staff and contractors to reduce the amount of pesticides and herbicides used during municipal operations and activities by implementing the City's *Standard Operating Procedures for Application of Pesticides and Herbicides*.

VI. IMPLEMENTATION

This IPM Policy shall be implemented by City departments and through an IPM Coordinator. Several areas important to the implementation of the IPM Policy are outlined below, including a description of the IPM Coordinator role.

a. IPM Coordinator

The Environmental Regulatory Compliance Superintendent is designated as the City's IPM Coordinator and is responsible for coordinating with the departments involved in pest management to ensure that the IPM Policy is implemented. The IPM Coordinator is assisted by the City of Modesto's Utilities Director or designee.

The primary responsibilities include the following:

1. Education and Training:
 - a) Communicate the goals and requirements of the IPM Policy to City departments.
 - b) Request and maintain information regarding the City's IPM trainings offered or attended.
 - c) Provide information to City staff performing pest management as needed to ensure that the requisite IPM practices are implemented.
2. IPM Applications and Guidelines:
 - a) Ensure City staff and applicable contractors are authorized as Pesticide Applicators and are complying with the City's IPM Policy.
3. Product Selection and Product Use Approval:
 - a) Work with City staff performing pest management to develop a form for exemption requests.
 - b) Ensure that no products on the prohibited use product list are applied unless City of Modesto approves an exemption request.
4. Pesticide Application Contracts:
 - a) Ensure that contracted pesticide applicators or other applicable contractors are appropriately trained and certified, implement IPM, and follow the City's pesticide and herbicide standard operating procedures.
5. Record Keeping:
 - a) Work with City staff performing pest management to develop forms summarizing pesticide use.
 - b) Provide direction regarding the pesticide application recordkeeping and reporting of the methods and pesticides used/applied on the City of Modesto's facilities, landscaped areas, and rights-of-way.
 - c) Review the pesticide application records (Pesticide Use Reports (PURs)) and follow-up reports to ensure that the activities are consistent with the IPM Policy.
 - d) Provide information to the City's Utilities Director or designee for the stormwater Annual Report or other required reporting, as needed.

Education and Training

Education and training of appointed personnel is critical to the success of the IPM Program. Key staff and contractors involved in pest management or application will be educated in IPM policies and procedures. Education may include classroom training, on-site training, or informal meetings and will typically be held once a year. IPM topics discussed may include, but not be limited to, pest control action thresholds; pest management decisions; pest monitoring and identification; prevention; control; and effectiveness evaluations.

IPM Applications and Guidelines

Only persons specifically authorized by the IPM Coordinator as Pesticide Applicators will be permitted to bring or use pesticides on City property, facilities, landscaped areas, and rights-of-way. Pesticide applicators must follow all local, state, and federal regulations and label precautions. Pesticide applicators will have training in IPM and must comply with the City's IPM Policy.

Product Selection and Product Use Approval

Except for pesticides granted an emergency exemption, the City of Modesto will not use any products on the prohibited use product list below. If it is determined that an EPA registered pesticide must be used, then the least-toxic material will be chosen.

1. Prohibited Use Products: Pesticides used by the City shall not contain the following ingredients:
 - a) Organophosphates, or organochlorines, or carbamates listed by the United States Environmental Protection Agency (Office of Pesticides Programs, Document 735-F-99-14, May 1999), or California Department of Pesticide Regulation Chemical Inquiries Database.
2. Banned Use Areas: Except in the case of an emergency, no pesticides will be applied on City of Modesto playground properties.

Pesticide Application Contracts

Where pesticide management and/or applications are provided by contractors, the City will contract with IPM-trained and/or IPM-certified pest control applicators. A clause will be included within the contract to ensure that pesticide applicators implement IPM and follow the City's pesticide and herbicide standard operating procedures.

As detailed in the City's pesticide and herbicide standard operating procedures, contractors are responsible for the filing of all required records and reports, including, but not limited to, Notice of Intent to Apply and PURs, as specified by all county, State, and federal agencies.

Record Keeping

The City shall maintain records of the IPM methods used and pesticide applications for a period consistent with the City's record retention policy. This information may also be reported within City stormwater Annual Reports or other required reporting. The information reported shall include the following:

1. All the information listed below will be documented on an official Pest Control recommendation form to be supplied by a Pest Control Adviser (PCA) annually prior to any pest control operation. The form will include:
 - a) Name of the entity responsible.
 - b) Specific site of the application.
 - c) The target pest.
 - d) The date the pesticide was used and re-entry period if applicable.
 - e) Date of expiration of the PCA recommendation.
 - f) Schedule, timing, and conditions.
 - g) The name and active ingredient of the pesticide to be applied and EPA registration number.
 - h) The pesticide signal word.
2. The IPM Coordinator or PCA will prepare a follow-up record to include:
 - a) Prevention and other non-chemical methods of control used.
 - b) Chemical methods used.
 - c) The effectiveness of the pesticide or management action.

- d) If application was undertaken in a pest control emergency, provide explanation of circumstances of the emergency.

VII. RECOMMENDED PEST CONTROL PRODUCTS

The City recommends that the pesticides purchased for use on City facilities, landscaping, or rights-of-way follow the guidelines of the IPM Policy such that they are the most effective and present the lowest risk to the environment. Pesticide application should only be used when needed and in combination with other IPM approaches to ensure effective, long-term control.

Our Water, Our World (OWOW), a program that partners with cities and counties to promote less-toxic, eco-friendly pest solutions and products, has developed lists of less-toxic pesticides that are organized by:

- Brand,
- Pest, and
- Active ingredients.

The products lists are intended to capture less-toxic products that are compatible with IPM policies and can be found on the “Active Ingredients” page of the OWOW website:

<https://ourwaterourworld.org/pesticide-ingredients/>.

Those purchasing pesticides on behalf of the City should consult these lists prior to selecting a pesticide for purchase. Contracted pesticide applicators should also be encouraged to utilize the lists when purchasing materials for application on City property.

VIII. DEFINITIONS FOR USE WITH THIS POLICY

1. “Basin Plan Amendment” or “BPA” means the regulatory requirements for the Control of Pyrethroid Pesticide Discharges that was adopted by the Central Valley Water Board on June 8, 2017, with the adoption of Resolution R5-2017-0057. The BPA established measurable pyrethroid concentration goals and an implementation program for the control of pyrethroid pesticides that are or could potentially impact aquatic life in the Sacramento and San Joaquin River watersheds.
2. “Contractor” means a person, firm, or corporation or other entity, including a governmental entity that enters into a contract with the City of Modesto.
3. “Integrated Pest Management” or “IPM” means an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.³
4. “IPM Coordinator” means the designated agent or employee experienced in IPM field and office work and is responsible for IPM program coordination for the City of Modesto.
5. “IPM Policy” means this Integrated Pest Management Policy.
6. “Pest” means any pest as defined in Section 12754.5 of Chapter 2 of Division 7 of the California Food and Agricultural Code. Pest includes any of the following that is or is liable to become,

³ <https://www2.ipm.ucanr.edu/what-is-IPM/>

dangerous or detrimental to the public health or the agricultural or nonagricultural environment of the State:

- a) Any insect, predatory animal, rodent, nematode or weed;
 - b) Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria or other microorganism (except viruses, fungi, bacteria or other microorganisms on or in living man or other living animals);
 - c) Anything that the Secretary of the California Department of Food and Agriculture or the Director of Pesticide Regulation for the California Department of Food and Agriculture by regulation declares to be a pest.
7. "Pest Control Adviser" or "PCA" means any person possessing a current pest control adviser license issued by the California Department of Pesticide Regulation. The PCA license is required for making pest control recommendations in the landscape setting.
 8. "Pest Control Operator" or "PCO" means any person possessing a current pest control operator license issued by the California Department of Pesticide Regulation. The PCO license is required when performing structural pest control.
 9. "Pest-Specific Plan" means a written plan addressing the management and control of a particular pest. Components of Pest-Specific Plans should include pest biology, impacts, pest thresholds, recommended treatments, monitoring frequency, cultural practices, and site modifications to prevent or reduce the incidence of pest problems.
 10. "Pesticide" means pesticide as defined in Section 12753 of Chapter 2 of Division 7 of the California Food and Agricultural Code.⁴ Pesticide includes any of the following:
 - a) Any spray adjuvant.
 - b) Any substance or combination of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling or mitigating any pest which may infest or be detrimental to vegetation, man, animals or households or be present in any agricultural or nonagricultural environment whatsoever.
 11. "Pesticide Applicator" means any person or company hired by a City Department who applies pesticides, as defined in this section, to property owned, leased or managed by the City of Modesto.
 12. "Phase II Permit" means the State Water Resources Control Board's Phase II Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, Order No. 2013-0001, adopted February 5, 2013, and subsequent reissuances of this Order.
 13. "Signal Word" means the toxicity category word on the pesticide label: Danger, Warning, Caution or None Required. See Toxicity Category I; II, III, IV product.
 14. "Pesticide Use Report Form" or "PUR" means a document that records pesticide use or other treatment practices within and associated with City owned, managed, or leased structures.
 15. "Toxicity Category I; II, III, IV product" means any pesticide, as defined in 40 Code of Federal Regulations Section 156.10, meeting the appropriate toxicity categories and bearing on the front label panel the signal word Danger, Warning, Caution or None Required.

⁴ <https://law.justia.com/codes/california/2020/code-fac/division-7/chapter-2/article-1/section-12753/>

City of Modesto Standard Operating Procedures for Application of Pesticides and Herbicides

1.0 INTRODUCTION

The purpose of these Standard Operating Procedures (SOPs) is to define protocols for the City of Modesto for the safe routine and non-routine storage, application, and disposal of pesticides to reduce runoff of these chemicals to the storm drain system. In this document, the term “pesticide” includes products used as herbicides. These SOPs are organized as follows:

- 1.0 Introduction
- 2.0 Scope
- 3.0 Procedures
 - 3.1. Storage
 - 3.2. Pesticide Use and Application
 - 3.2.1. Integrated Pest Management (IPM)
 - 3.2.2. Use and Application of Pesticides
 - 3.3. Disposal
 - 3.4. Employee Training
 - 3.5. Effectiveness Evaluation Prior to Re-application
 - 3.6. Record Keeping and Reporting
- 4.0 References

2.0 SCOPE

The improper storage, use, and disposal of pesticides can contribute to the discharge of these chemicals to the storm drainage system and surface waters. The intent of these SOPs is to provide guidance to City of Modesto staff and contractors to prevent the discharge of pollutants.

These procedures are applicable to any City staff, commonly parks, public works, purchasing, building/grounds maintenance, hazardous materials, and pesticide application staff, and contracted services that apply pesticides.

These procedures are not intended to replace federal or State of California (State) requirements or provide complete directions for storing, applying, or disposing of pesticides. Refer to federal and State requirements for additional information. Consult the manufacturer’s label on each pesticide for use information and chemical-specific safety data sheets (SDSs) for additional safety information.

3.0 PROCEDURES

Procedures for the storage, use, and disposal of pesticides by City staff and contracted services are outlined below.

3.1 Storage

Pesticides shall be stored in such a way as to prevent releases into the surrounding environment and waterbodies and protect the safety of personnel working within the storage area or facility.

- Pesticide containers and application equipment shall be stored in a locked enclosure, or a designated person must maintain control over the pesticide containers and application equipment.

- All doors/entrances to the facility shall be posted with appropriate warning signs, as specified by the California Department of Pesticide Regulation (DPR). All signs shall be legible at a minimum distance of 25 feet from any direction and posted in English and any appropriate additional languages(s).
- Pesticides shall be stored in dry locations in accordance with the manufacturer’s specifications.
- No floor drains that are connected to the storm drain system are permitted within storage facilities.
- All pesticides in a storage facility shall either be in the original container or the service container. All containers must have a copy of the product label attached or be labeled with the name and address of the person or firm responsible for the container, the identity of the pesticide in the container, and the signal word “DANGER,” “WARNING,” OR “CAUTION” from the label of the original container.
- Maintain a current written inventory of all pesticides at the storage site.
- It is illegal to place or store pesticides in any type of container that is commonly used for food, drink, or any household products.¹

3.2 Pesticide Use and Application

3.2.1 Integrated Pest Management (IPM)

Staff and contracted pesticide applicators shall adhere to the City of Modesto’s IPM Policy, including the following:

- a) Require City staff and pesticide application contractors to implement the IPM Policy on all City facilities, landscaped areas, and rights-of-way and to maintain records on and report the types and amounts of pesticides used, as well as IPM methods considered and used to prevent and control pests.
- b) Reduce to the maximum extent practicable the use of pesticides.
- c) Consider taking a “no-action” approach in addressing certain pest control issues.
- d) Review and consider available non-chemical options before using a chemical pesticide.
- e) Identify pests and least toxic methods to control pests.
- f) Identify, evaluate, and minimize or eliminate conditions that encourage pest problems.
- g) Conduct careful and efficient inspection, monitoring, and assessment of pest problems by designated personnel or contractor knowledgeable of IPM methods.
- h) Maintain records on IPM methods considered and used to prevent and control pests.
- i) Comply with all applicable local, State of California (State), and federal regulations, including pesticide use and reporting.
- j) Conduct decision-making based on the best available science and data.

3.2.2 Use and Application of Pesticides

The following procedures must be used when applying pesticides.

- All pesticide applications are to be made under the supervision of a licensed pesticide applicator holding a Qualified Applicator Licenses (QAL) with the appropriate category for public and municipal landscape. Said person or company is to be currently registered to conduct a pest control business in the State and the City of Modesto’s domain.

¹ California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations, *Chapter 3. Pest Control Operations, Subchapter 2. Work Requirements, Article 4. Storage, Transportation and Disposal*, available at <https://www.cdpr.ca.gov/docs/legbills/calcode/030204.htm>.

- Applicators must follow all DPR requirements for posting notifications, personal protective equipment, label information, service container marking, required on-site information, etc., when transporting, mixing/loading, applying, or cleaning equipment.
- Applicators must maintain a copy of the SDS for each product, as required by Labor Code Sections 6832 and 6390, General Industrial Safety Order Section 5194, and Title 8, California Administrative Code on-site during any pesticide application.
- Pesticide applications are to be made in strict compliance with the product label directions, restrictions, and precautions, as well as with any other requirements deemed necessary by any county, State, or federal regulatory agency, or the City's Utilities Director.
- Purchase only the amount of pesticide that you can reasonably use in a given time period (month or year, depending on the product).
- Use pesticides only if pest threshold levels are exceeded, not on a regular preventative schedule.
- Do not use pesticides if rain is forecasted. Apply pesticides, especially sprays, only when wind speeds are low.
- Do not mix or prepare pesticides for application near storm drains.
- Prepare the minimum amount of pesticide needed for the job and use the lowest application rate that will effectively control the pest.
- Calibrate pesticide application equipment to avoid excessive application.
- Employ techniques to minimize off-target application (e.g., spray drift) of pesticides, including consideration of alternative application techniques.
- After applying a pesticide, store it or dispose of any unused chemical properly. See sections **3.1 Storage** and **3.3 Disposal**.
- Record and report pesticide(s) within 24 hours of application. See section **3.6 Record Keeping and Reporting**.

3.3 Disposal

Adhere to the following guidelines and ensure proper disposal of all pesticides and pesticide containers:

- Dispose of unused or obsolete pesticides according to label directions or contact the county agricultural commissioner or county's waste disposal agency for more information about proper disposal.²
- When containers are not returned to the registrant, those that contained less than 28 gallons of a liquid pesticide that is diluted for use shall be rinsed and drained by the user following DPR regulations.³

3.4 Employee Training

Federal regulations require states to certify those who apply or supervise the use of Restricted Use Pesticides and ensure that these individuals are educated on the safe use of pesticides. To meet these federal requirements, DPR approves continuing education hours in pest management or pesticide-related topics to ensure continued competency.

Each person who applies pesticides should be trained for the following:

² California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations, *Chapter 3. Pest Control Operations, Subchapter 2. Work Requirements, Article 4. Storage, Transportation and Disposal*, available at <https://www.cdpr.ca.gov/docs/legbills/calcode/030204.htm>.

³ Ibid.

- Use of Integrated Pest Management methodologies
- Application of pesticides
- Applicable laws and regulations
- Potential impacts on water quality
- The types of chemicals and the immediate and long-term hazards resulting from exposure
- The Safety Data Sheet information
- Safety procedures
- Emergency spill information
- Use of protective equipment
- Cleanup procedures
- Disposal procedures

3.5 Effectiveness Evaluation Prior to Re-application

Following pesticide application or the use of other corrective action, pest levels should be monitored to evaluate the effectiveness of the pest control action. Additional applications of pesticide should occur only if monitoring indicates that pests have exceeded threshold levels. Threshold levels are the number of pests or level of pest damage that triggers a control action.

3.6 Record Keeping and Reporting

To comply with federal and State regulations, pesticide applicators should comply with the following record keeping and reporting guidelines:

- City staff and contracted pesticide applicators shall be responsible for the filing of all required records and reports, including, but not limited to, Notice of Intent to Apply and Pesticide Use Reports (PUR), as specified by all county, State, and federal agencies.
- City staff and contracted pesticide applicators shall record, maintain, and file accurate records of all pesticide applications, as specified by all county, State, and federal agencies.
 - Records must be retained for two years and shall include date of application; name of the operator of the property treated; location of the property treated; crop, commodity, or site treated; total acreage or units treated at the site; and name of the pesticides, including EPA or State registration number on the pesticide label, and the amount used.⁴
- City staff and contracted pesticide applicators are required to log chemical applications monthly by completing a PUR. Staff submittals are due on the first (1st) business day of each month. Contractors' submittals are due on the tenth (10th) of each month.
- Monthly PURs should be kept in a logbook in the office of the IPM Coordinator or Contract Manager.
 - Keep hard copies of current pesticide labels, consumer information sheets, SDSs, and pesticide use records in a binder.

⁴ California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations, *Chapter 3. Pest Control Operations, Subchapter 2. Work Requirements, Article 1. Pest Control Operations Generally*, available at <https://www.cdpr.ca.gov/docs/legbills/calcode/030201.htm>.

4.0 REFERENCES

Brightview Landscape Agreement, *Section 3- Landscape and Turf Maintenance Scope of Work, Agreement A-1920-1, Exhibit B*

California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations. *Chapter 3. Pest Control Operations, Subchapter 2. Work Requirements, Article 1. Pest Control Operations Generally* <https://www.cdpr.ca.gov/docs/legbills/calcode/030201.htm>.

California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations. *Chapter 3. Pest Control Operations, Subchapter 2. Work Requirements, Article 4. Storage, Transportation and Disposal* <https://www.cdpr.ca.gov/docs/legbills/calcode/030204.htm>.

City of San José, 2017. *Best Management Practices and Standard Operating Procedures, City of San José Integrated Pest Management* <https://www.sanjoseca.gov/home/showpublisheddocument/37853/636822160397700000>

City of Turlock, 2021. *City of Turlock Right-of-Way Maintenance BMPs, B. Herbicide & Pesticide Application (CASQA Fact Sheet SC-73)*

Fuss and O'Neill, 2019. *SOP 12: Storage and Use of Pesticides and Fertilizer, Central Massachusetts Regional Stormwater Coalition* <https://www.centralmastormwater.org/sites/g/files/vyhlf386/f/uploads/sop12pesticidesfertilizer.pdf>

Ventura County Stormwater Quality Management Program, 2014. *Application Protocol – Pesticides, Fertilizers, and Herbicides, Ventura County Application Protocol* https://www.vcstormwater.org/images/Documents/VC_PesticideProtocol_02-27-14.pdf

City of Modesto Contract Clause for Applicators of Pesticides and Herbicides – Implementation of Integrated Pest Management Methodologies and Standard Operating Procedures

IMPLEMENTATION OF INTEGRATED PEST MANAGEMENT AND STANDARD OPERATING PROCEDURES

The Contractor shall strictly adhere to the guidelines established in the City of Modesto’s *Integrated Pest Management Policy (IPM Policy)* and *Standard Operating Procedures for Application of Pesticides and Herbicides (Pesticide and Herbicide SOP)* [cite attachments], which specify an approach that utilizes integrated pest management (IPM) methodologies prior to the use and application of pesticides. When pesticides must be used, the Contractor shall follow the procedures described within the *Pesticide and Herbicide SOP*. Deviation from the *Pesticide and Herbicide SOP* will only be permitted through prior written consent from the City of Modesto’s Utilities Director or designee. Failure to comply with the City of Modesto’s *IPM Policy* and *Pesticide and Herbicide SOP* is a material breach of this Agreement and may result in termination of this Agreement pursuant to Section [specify section of Agreement].

REFERENCES

City of Saratoga. *Public Works Department Standard Independent Contractor Agreement*.

https://saratoga.granicus.com/MetaViewer.php?view_id=9&clip_id=748&meta_id=33182

County of Marin. *Ordinance No. 3598—Ordinance of the Marin County Board of Supervisors Amending Chapter 23.19 of the Marin County Code in its Entirety Pertaining to the Marin County Integrated Pest Management Program*.

https://marin.granicus.com/MetaViewer.php?view_id=36&clip_id=7776&meta_id=812948

Brightview Landscape Agreement, *Section 3- Landscape and Turf Maintenance Scope of Work, Agreement A-1920-1, Exhibit B*.

County of Marin, 2022. *Requirements for Contractors*.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-379**

RESOLUTION APPROVING THE FIRST AMENDMENT WITH LABWORKS, LLC, FOR THE ANNUAL MAINTENANCE AND SUPPORT OF LABWORKS LIMS SOFTWARE INCREASING THE AGREEMENT AMOUNT BY \$10,504 TO A NEW TOTAL AMOUNT OF \$107,368; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Wastewater Division is responsible for maintaining compliance with various State and Federal regulations as directed in the City's National Pollutant Discharge Elimination System (NPDES) permits, Waste Discharge Requirements (WDR), and 40 CFR (Code of Federal regulations); and

WHEREAS, to maintain compliance, all regulatory required samples must be analyzed by a State certified laboratory. Environmental Laboratory Accreditation Program (ELAP) is the California accrediting body; and

WHEREAS, the City's Water Quality Control (WQC) Laboratory is ELAP certified; and

WHEREAS, ELAP standards require certified laboratories to maintain a data management system. The WQC laboratory utilizes Labworks Laboratory Information System (LIMS) software to meet ELAP's data management system requirement; and

WHEREAS, Labworks, LLC is the developer and sole distributor of Labworks LIMS software as well as the sole source for maintenance and support services; and

WHEREAS, on May 2, 2023, by Resolution 2023-208, Council approved the award of proposal and contract for LIMS Software for the Wastewater and Water Division to Labworks, LLC for an estimated annual amount of \$18,048 and a total amount not to exceed \$96,864 over five (5) years; and

WHEREAS, Labworks recently underwent a compliance-based upgrades to

incorporate the new ELAP and the NELAC Institute (TNI) regulatory requirements in the software for tracking and reporting purposes and a cloud-based, eLIMS component to the software; and

WHEREAS, these upgrades contribute to slight increases to the annual maintenance cost for years three (3), four (4), and five (5) of the current agreement; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”; and

WHEREAS, it was determined that the upgrade to the Labworks LIMS software is necessary to allow for continued compatibility and software functionality as the City moves to OneDrive, requiring cloud-based software applications. The upgrade resulted in a corresponding increase in cost to the annual license and maintenance of the software.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Labworks, LLC, for the Annual Maintenance and Support of Labworks LIMS Software increasing the Agreement amount by \$10,504 to a new total amount of \$107,368.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-380**

RESOLUTION APPROVING THE REMOVAL OF KATHLEEN MUNOZ AND MIKE KELLEY FROM THE CITY OF MODESTO BLIGHT ABATEMENT ADVISORY COMMITTEE PURSUANT TO SECTION 4.08(a) OF THE COMMITTEE'S BYLAWS DUE TO UNEXCUSED ABSENCES, AND THE APPOINTMENTS OF TIM RAGSDALE AND KRISTINA TELO TO THE COMMITTEE FOR A FOUR-YEAR TERM EXPIRING DECEMBER 31, 2028

WHEREAS, in 2001, the City of Modesto embarked on a campaign to reduce litter and improve the image of our community; and

WHEREAS, in 2019, during the Strategic Planning sessions with community members, a major theme was dissatisfaction regarding blight throughout the City; and

WHEREAS, on December 2019, by Resolution 2019-555, City Council approved the Blight Abatement Strategy, which included the creation of a blight abatement taskforce comprised of public and private stakeholders that will make recommendations to the City regarding program improvements, potential funding opportunities, and support increasing volunteerism; and

WHEREAS, on October 13, 2020, by Resolution 2020-428, City Council approved the formation of the Blight Abatement Advisory Committee (BAAC) and solicited membership of the committee's nine members; and

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

WHEREAS, Blight Abatement Advisory Committee bylaws section 5.03 states that "three or more unexcused absences are grounds for removal from the Committee"; and

WHEREAS, BAAC member Kathleen Munoz incurred seven consecutive

unexcused absences and Committee member Mike Kelley incurred seven consecutive unexcused absences; and

WHEREAS, four vacancies currently exist on the BAAC, two of which are seats designated for Modesto residents and two of which seats are designated for Stanislaus County residents; and

WHEREAS, a total of twelve applications were received, eleven of which were eligible for vacant positions; and

WHEREAS, on September 11, 2024, the Appointments Committee recommended the removal of Kathleen Munoz and Mike Kelley from the Blight Abatement Advisory Committee; and

WHEREAS, on September 11, 2024, the Appointments Committee reviewed the applications, and recommended the appointments of Tim Ragsdale and Kristina Telo to the BAAC; and

WHEREAS, the terms will be for four years for each of the appointments extending through December 31, 2028.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the removal of members Kathleen Munoz and Mike Kelley from the Blight Abatement Advisory Committee.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby appoints Tim Ragsdale and Kristina Telo to the Blight Abatement Advisory Committee with a term expiring December 31, 2028.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this resolution to the appointed members of the Blight Abatement Advisory Committee,

and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-381**

RESOLUTION APPROVING THE 2025 CITY CALENDARS OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITTEE MEETINGS

WHEREAS, the Modesto City Charter, Section 707¹, requires that the City provide for the time, place, and manner of holding meetings by ordinance and requires that the Council hold at least one regular meeting each month; and

WHEREAS, Section 2-1.01², of the Modesto Municipal, specifies regular meetings of the City Council be held on the first, second and fourth Tuesday of each month, except for the month of December; and

WHEREAS, in line with established procedures, the City Clerk and City Manager have prepared a meeting calendar for the City Council and Council Standing Committees for the upcoming year.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2025 City Council Meeting Calendar, **attached** hereto as **Exhibit “A,”** and the 2025 Council Standing Committee Meeting Calendar **Exhibit “B,”** are hereby approved.

1

https://library.municode.com/ca/modesto/codes/code_of_ordinances?nodeId=CHTR_ARTVIITHCO_S707MECO

2

https://library.municode.com/ca/modesto/codes/code_of_ordinances?nodeId=TIT2AD_CH1CICOOORPR_2-1.01REME

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SÁNCHEZ, City Attorney

City Council Calendar 2025

January 2025

7th NO MEETING
14th Council Meeting (regular)
21st NO MEETING
28th Council Meeting (regular)

February 2025

4th Council Meeting (regular)
11th NO MEETING
18th NO MEETING
25th Council Meeting (regular)

March 2025

4th Council Meeting (regular)
11th Council Meeting (regular)
18th NO MEETING
25th NO MEETING

April 2025

1st NO MEETING
8th Council Meeting (regular)
15th NO MEETING
22nd Council Meeting (regular)
29th NO MEETING – 5th Tuesday

May 2025

6th Council Meeting (regular)
13th Council Meeting (regular)
20th NO MEETING
27th NO MEETING

June 2025

3rd Council Meeting (regular)
10th Council Meeting (regular)
17th NO MEETING
24th Council Meeting (regular)

July 2025

1st NO MEETING
8th NO MEETING
15th NO MEETING
22nd Council Meeting (regular)
29th NO MEETING – 5th Tuesday

August 2025

5th NO MEETING
12th Council Meeting (regular)
19th NO MEETING
26th Council Meeting (regular)

September 2025

2nd NO MEETING
9th Council Meeting (regular)
16th NO MEETING
23rd Council Meeting (regular)

October 2025

7th NO MEETING
14th Council Meeting (regular)
21st NO MEETING
28th Council Meeting (regular)

November 2025

4th Council Meeting (regular)
11th NO MEETING
18th Council Meeting (special)
25th NO MEETING

December 2025

2nd NO MEETING
9th Council Meeting (regular)
16th Council Meeting (special)
23rd CANCELLED per MMC 2-1.01
30th CANCELLED per MMC 2-1.01

City of Modesto Council and Standing Committees Calendar

2025

JANUARY						
S	M	T	W	T	F	S
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FEBRUARY						
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MARCH						
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APRIL						
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27	28	29	30			

MAY						
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JUNE						
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29	30					

JULY						
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AUGUST						
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31						

SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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30						

DECEMBER						
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28	29	30	31			

- Council 5:30 PM
- Economic Development Committee 4:00 PM
- Appointments Committee 4:00 PM
- Safety & Communities Committee 4:00 PM
- Finance Committee 4:00 PM
- Cannabis Permit Review & Audit Committee - As needed

*Meeting dates and times are subject to change at the request of Council

Calendar by the City Clerk's Office rev 10/8/2024

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-382**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SWINGLE, VAN EGMOND & HEITLINGER INCREASING THE AGREEMENT AMOUNT BY \$300,000, FOR A NEW TOTAL NOT TO EXCEED \$850,000 FOR CONTINUED REPRESENTATION IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on May 23, 2023, by Resolution No. 2023-231, Council approved a Legal Services Agreement with Swingle, Van Egmond & Heitlinger in an amount not to exceed \$250,000 to continue representing the City in tort cases; and

WHEREAS, on January 23, 2024, by Resolution No. 2024-008, Council approved a First Amendment to the Legal Services Agreement with Swingle increasing the agreement amount by \$300,000 from \$250,000 for a revised total amount not to exceed \$550,000 to continued representation in tort cases; and

WHEREAS, Swingle continues to prepare multiple cases for trial simultaneously, as well as handling a number of additional smaller cases; and

WHEREAS, this agreement will provide a budget for continued representation for those cases and future assigned cases; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or

scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with Swingle, Van Egmond and Heitlinger for continued representation.

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 Swingle, Van Egmond & Heitlinger increasing the agreement amount by \$300,000 for a new total not to exceed \$850,000 for continued representation in tort cases, 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 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment to the Legal Services (this “**Second Amendment**”), is made and entered into on 22nd day of October 2024 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **SWINGLE, VAN EGMOND & HEITLINGER**, 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 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 Agreement for further service by increasing the previously approved amount of fees from \$550,000 to \$850,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and **SWINGLE, VAN EGMOND & HEITLINGER** dated May 23, 2023 and amended by Resolution No. 2024-008 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” 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 eight hundred fifty thousand dollars (\$850,000).”

2. **Entire Agreement.** The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated May 23, 2023, 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:

Jose M. Sanchez, City Attorney

ATTEST:

Diane Nayares-Perez, City Clerk

Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
SWINGLE, VAN EGMOND & HEITLINGER
a Professional Corporation

Federal I.D. No.

State I.D. No.

City of Modesto Business Op. Tax Cert. 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

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-383**

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH CASTILLO, MORIARTY, TRAN & ROBINSON INCREASING THE AGREEMENT AMOUNT BY \$175,000, FOR A NEW TOTAL NOT TO EXCEED \$670,000 FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on September 22, 2022, the City entered into a Legal Services Agreement with Castillo, Moriarty, Tran & Robinson (CMTR) to represent the City in police litigation matters for an amount not the exceed \$45,000; and

WHEREAS, on February 14, 2023, by Resolution No. 2023-45, Council approved a First Amendment to the Legal Services Agreement with CMTR in the amount of \$200,000 for a total Agreement amount of \$245,000 for continued representation in police litigation matters; and

WHEREAS, on April 9, 2024, by Resolution No. 2024-109, Council approved a Second Amendment to the Legal Services Agreement with CMTR in the amount of \$250,000 for a total Agreement amount of \$495,000 for continued representation in police litigation matters; and

WHEREAS, on May 14, 2024, by Resolution No. 2024-159, Council approved a Third Amendment to the Legal Services Agreement with CMTR to adjust hourly rates; and

WHEREAS, an increase to the agreement is needed to support continued services for CMTR's assigned cases; and

WHEREAS, Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid.

However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in her discretion, determines that it is appropriate to amend the services or goods provided under the existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services”; and

WHEREAS, this amendment conform to MMC 8-3.204 as we are amending the agreement for continued representation in the same or similar matters; and

WHEREAS, the City Attorney’s office has drafted a Fourth Amendment to the Legal Services agreement with Castillo, Moriarty, Tran & Robinson for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Legal Services Agreement with Castillo, Moriarty, Tran & Robinson increasing the agreement amount by \$175,000 for a new total not to exceed \$670,000 to continue representation in police litigation matters and further authorizes the City Attorney to execute such Fourth Amendment 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 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment to the Legal Services (this “**Fourth Amendment**”), is made and entered into on 22nd day of October 2024 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **CASTILLO, MORIARTY, TRAN & ROBINSON** (“**Attorney**”), located at 75 Southgate Ave., Daly City, California 94015. 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 police matters including use of force and the discharge of a weapon; 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 services by increasing the previously approved amount of fees from \$495,000 to \$670,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Castillo, Moriarty, Tran & Robinson dated September 22, 2022 and amended by Resolution Nos. 2023-45, 2024-109 and 2024-159 is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” 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 six hundred, seventy thousand dollars (\$670,000).”

2. **Entire Agreement.** The parties to this Fourth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated September 22, 2022, remain in full force and effect to the extent they are not in conflict with this Fourth 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 Fourth Amendment. No alteration to the terms of this Fourth 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 Fourth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fourth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fourth 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:

Jose M. Sanchez, City Attorney

ATTEST:

Diane Nayaes-Perez, City Clerk

Matthew Braley, Risk Manager

[Signatures Continued on Next Page.]

**ATTORNEY:
CASTILLO, MORIARTY, TRAN & ROBINSON**

88-3503648
Federal I.D. No.

202022214002
State I.D. No.

____ N/A _____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY (*check one*):

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

Signature of Authorized Person

____ Partner _____
Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-384**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH DOWNTOWN STREETS TEAM TO CONTINUE TO ADMINISTER A LITTER ABATEMENT PROGRAM FOR PARKS THAT INCLUDES OUTREACH AND ENGAGEMENT FOR INDIVIDUALS EXPERIENCING HOMELESSNESS, INCREASING THE AGREEMENT AMOUNT BY \$350,000 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$700,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on June 6, 2023, City Council approved by Resolution 2023-266, an allocation of Measure H funding to Downtown Streets Team to manage and operate a litter abatement, outreach and engagement program to assist with the beautification of parks in Modesto for fiscal year 2023-24, in the amount of \$350,000; and

WHEREAS, on June 4, 2024, by Resolution 2024-190, the City Council approved the fiscal year 2024-25 budget that included a Measure H Spending Plan which included an additional allocation of Measure H funding for the Downtown Streets Team Park Agreement in the amount of \$350,000; and

WHEREAS, on July 9, 2024, a First Amendment to the Agreement was executed to amend the Agreement termination date from one (1) year from commencement date to upon full expenditure of funds; and

WHEREAS, as part of the Agreement, Downtown Streets Team shall serve and maintain a minimum of 18 team members experiencing homelessness per month and work with each client to obtain employment and housing; and

WHEREAS, in coordination with the City, the Downtown Streets Team will assist in park improvements and beautification; and

WHEREAS, since the launch of this program in the parks, Downtown Streets Team has averaged twenty-one (21) monthly team members and has helped eleven (11) team members obtain permanent housing, four (4) team members obtain part-time employment, and have removed approximately 98,085 lbs. of litter and debris from local parks; and

WHEREAS, the Downtown Streets Team will continue to collaborate with the City on park initiatives as well as continue to provide supportive services, such as housing search and placement, community partnership collaboration, employment development, and connection to mainstream resources; and

WHEREAS, in alignment with the approved FY 2024-2025 budget, the City is recommending a Second Amendment to the Agreement with Downtown Streets Team to add \$350,000 for a revised not to exceed grant award amount of \$700,000 in Measure H funds on a cost reimbursement basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Agreement with Downtown Streets Team to continue to administer a litter abatement program for Parks that includes outreach and engagement for individuals experiencing homelessness increasing the Agreement amount by \$350,000 to a new total amount not to exceed \$700,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 22nd day of October, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Williams

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAVARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-385**

RESOLUTION APPROVING FOUR (4) GRANT AGREEMENTS TO PROVIDE FUNDING TO VERIFIED CITY OF MODESTO CANNABIS PROGRAM PROVIDING LOCAL EQUITY DEVELOPMENT GRANTS AND EDUCATION (PLEDGE) PARTICIPANT OWNED BUSINESSES IN AN AMOUNT OF \$70,000 EACH, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, on November 8, 2016, California voters approved Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA); and

WHEREAS, funding has been allocated to the Governor’s Office of Business and Economic Development (GO-Biz) to provide grant funds to local governments pursuant to AB 97 (Stats. 2019, Ch. 40), for Cannabis Equity program purposes; and

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

WHEREAS, on December 13, 2022, by Resolution No. 2022-478, the City Council accepted the City of Modesto Cannabis Equity Assessment Report, and by Resolution No. 2022-479, adopted a City of Modesto Cannabis Equity Program and authorized the City Manager, or designee, to take all actions as may be required to implement the resolution and program, including but not limited to the establishment of internal controls, administrative functions, and application submittal processes as necessary; and

WHEREAS, on December 13, 2022, by Resolution No. 2022-480, Council authorized the application for a Type 2 grant to fund the newly adopted City of Modesto Cannabis Program Providing Local Equity Development Grants and Education

(PLEDGE). On January 31, 2023, GO-Biz informed the City that it was deemed eligible to receive a grant award in the amount of three hundred and fifty thousand dollars (\$350,000); and

WHEREAS, on March 14, 2023, by Resolution No. 2023-110, Council formally authorized a grant agreement with GO-Biz to secure this funding. The award is required to be spent towards providing grants or loans to equity applicants, direct technical assistance, as well as internal administrative costs; and

WHEREAS, the PLEDGE program received applications for participation in April of 2024 with a total of five (5) individuals qualifying for assistance in the form of a six (6) week direct technical assistance course as well as grants for startup and ongoing business expenses; and

WHEREAS, following the conclusion of the workshops, the City received four (4) grant applications from verified PLEDGE participant owned businesses; and

WHEREAS, applications were processed through a pass or fail methodology based on:

- Whether the new business would be in a properly zoned location based on the type of cannabis business activity proposed, and
- If they met the minimum application requirements pursuant to section 10-3.704 (g)(4) of the Modesto Municipal Code which requires the submission of necessary information related to the business, written and notarized permission from the property owner to operate a cannabis business at the site, an operating plan, a security plan, a site plan, and environmental plans as needed; and

WHEREAS, staff, joined by representatives of Stanislaus County, and the current cannabis consultant, HdL, reviewed each application and found them to be complete and eligible to receive funding through the program; and

WHEREAS, each applicant will be required to enter into Grant Agreement with the City of Modesto. The Agreement requires that grant program funds may only be used for reasonable expenses incurred to launch and operate a licensed commercial cannabis business; and

WHEREAS, the PLEDGE grant applications and Agreements were presented to the Cannabis Program and Permit Review Committee on September 30, 2024 with a motion passed recommending forwarding the Agreements to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves four (4) Grant Agreements to provide funding to verified City of Modesto Cannabis Program Providing Local Equity Development Grants and Education (PLEDGE) participant owned businesses in an amount of \$70,000 each.

BE IT FURTHER RESOLVED that the City Manager, or his Designee, is authorized to execute the Agreements in a form approved by the City Attorney's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSE: Councilmembers: Alvarez

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-386**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT WITH JULIAN THI HUYNH TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 528 ROSELAWN AVENUE (APN: 037-040-012), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Julian Thi Huynh owns residential property located at 528 Roselawn Avenue which is located outside Modesto City Limits, but inside the City's Sphere of Influence; and

WHEREAS, the property located at 528 Roselawn Avenue, is not connected to City's sewer system and is requesting a sewer connection due to a failing septic system; and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002; and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05; and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval; and

WHEREAS, the property located at 528 Roselawn Avenue is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection; and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property; and

WHEREAS, pursuant to Government Code Section 56133, a city may provide extended services outside its jurisdictional boundaries only if it first requests and receives written approval from the Stanislaus Local Agency Formation Commission (LAFCO); and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system; and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Will Serve Letter and Outside Service Agreement with Julian Thi Huynh to connect to the City of Modesto's existing sewer system for the property located at 528 Roselawn Avenue (APN: 037-040-012).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve letter and execute the Outside Service Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-387**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR TAX AUDITS, ANALYSIS AND REPORTING SERVICES TO HDL COMPANIES, BREA, CA FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$240,000 AND A TOTAL AMOUNT NOT TO EXCEED \$1,200,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, tax audits, analysis and reporting services have been critical in providing the City with vital information related to sales and use tax, Measure H tax, utility users tax (UUT), business license tax, franchise fees and transient occupancy tax (TOT); and

WHEREAS, information received from these services has provided audit reports and tax analysis which have assisted in revenue recovery as well as revenue projections for five of the City's major General Fund revenue sources and part of these services ensure businesses are in compliance with the rules and regulations defined on how these taxes should be calculated for accuracy; and

WHEREAS, on October 27, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for Tax Audits, Analysis and Reporting Services; and

WHEREAS, on March 19, 2024, the Purchasing Division issued Request for Proposals (RFP) #2324-46 for the Tax Audits, Analysis and Reporting Services on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, prospective bidders were notified online and via email of the bid opportunity and thirteen (13) companies downloaded the RFP document from PlanetBids; and

WHEREAS, on April 16, 2024, proposals were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) chose to respond and there were no local proposals received and an evaluation committee comprised of six (6) City staff members which included the Director of Finance, Revenue Collection and Compliance Manager, Accounting Manager, Budget Manger, Economic Development Manager and Financial Analyst evaluated the proposals and Councilmember Wright was chosen to observe the RFP process; and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for the Tax Audits, Analysis and Reporting Services to HDL Companies; and

WHEREAS, HDL Companies received excellent references on services and outlined the best methodology for their analytics and audit review for this service and they demonstrated strong best practices for managing legislative updates specifically related to taxes; and

Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid and based on the highest score proposer offering the Tax Audits, Analysis and Reporting Services conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of proposal to HDL Companies, Brea, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Proposal and Agreement for Tax Audits, Analysis and Reporting Services to HDL Companies, Brea, CA for a two-year Agreement with three (3) one-year extension options, for an annual estimated amount of \$240,000 and a total amount not to exceed \$1,200,000 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 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams,
Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-388**

**RESOLUTION AUTHORIZING EXAMINATION OF SALES OR
TRANSACTIONS AND USE TAX RECORDS**

WHEREAS, pursuant to Ordinance Number 73-47, the City of Modesto, California entered into a contract with the California Department of Tax and Fee Administration (Department) to perform all functions incident to the administration and collection of sales and use taxes; and

WHEREAS, pursuant to Ordinance Number 3746-C.S., Revenue and Taxation Code section 7270, the City entered into a contract with the California Department of Tax and Fee Administration (Department) to perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the City Council of the City of Modesto deems it desirable and necessary for authorized officers, employees and representatives of the City to examine confidential sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected by the Department for the City pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Department records, and Section 7056.5 of the California Revenue and Taxation Code establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales or transactions and use tax records of the Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO
HEREBY RESOLVES AS FOLLOWS:

Section 1. That the Director of Finance, Accounting Manager, and Senior Financial Analyst, or any other officer or employee of the City designated in writing by the City Manager to the California Department of Tax and Fee Administration is hereby appointed to represent the City with authority to examine sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the City by the Department pursuant to the contract between the City and the Department.

Section 2. The information obtained by examination of Department records shall be used only for purposes related to the collection of City sales or transactions and use taxes by the Department pursuant to that contract.

Section 3. That Hinderliter, De Llamas and Associates is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to sales or transactions and use taxes collected for the City by the Department. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the City and the Hinderliter, De Llamas and Associates .

- a) has an existing contract with the City to examine those sales or transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information.
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;

- d) is prohibited by that contract from retaining the information contained in, or derived from those sales or transactions and use tax records, after that contract has expired.

Section 4. That Hinderliter, De Llamas and Associates is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to any petition or appeal for the reallocation/redistribution of sales or transactions and use taxes that was filed by MuniServices on behalf of the City pursuant to the contract between the MuniServices and City. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the City and the Hinderliter, De Llamas and Associates:

- a) has an existing contract with the City to examine those sales or transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information.
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in, or derived from those sales or transactions and use tax records, after that contract has expired.

Section 5. That this resolution supercedes all prior resolutions of the City Council of the City of Modesto adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-389**

**RESOLUTION APPROVING THE FIFTH AMENDMENT WITH
MUNISERVICES, LLC, FRESNO, CA FOR THE TAX AUDITS, ANALYSIS AND
REPORTING SERVICES INCREASING THE AGREEMENT AMOUNT BY
\$250,000 TO A NEW TOTAL AMOUNT OF \$850,000; AND AUTHORIZING THE
CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT**

WHEREAS, tax audits, analysis and reporting services have been critical in providing the City with vital information related to sales and use tax, Measure H tax, utility users tax (UUT), business license tax, franchise fees and transient occupancy tax (TOT); and

WHEREAS, on January 14, 2020, under Resolution 2020-008, Council approved an Agreement with Avenu Insights and Analytics, LLC/MuniServices for tax audits, analysis and reporting services for a two-year agreement with three one-year extension options, for an annual estimated cost not to exceed \$120,000, and a total amount not to exceed \$600,000 over five years; and

WHEREAS, on November 15, 2021, the City Manager approved Amendment 1 to authorize MuniServices access to confidential sales and use tax records for Modesto businesses to facilitate the audits and ensure these records remain confidential; and

WHEREAS, on January 5, 2022, the City Manager approved Amendment 2 to add Utility User Tax and Franchise Fee Compliance Audits and would be compensated 30% of the taxes recovered by these audits; and

WHEREAS, on January 27, 2023, the City Manager approved Amendment 3 to extend the one-year extension and add Measure H as part of their sales tax audit and reporting services at no additional cost and included authorizing MuniServices access to

the sales tax records to perform the Measure H sales tax audits and price increases for Business License services; and

WHEREAS, on December 22, 2024, the City Manager approved Amendment 4 to extend the final one-year extension with a term expiration date of January 13, 2025.

There are no fiscal impacts with this Amendment; and

WHEREAS, the fee services for this type of agreement are primarily based on a percentage of the cost recovery services of the various audits performed during the term of this agreement and with the added services with the Utility User Tax and Franchise Fee compliance audit, there was no way to determine the cost of these services until the audit was completed; and

WHEREAS, these audits concluded in 2024 and \$167,123 was recovered from the Utility User Tax audit and \$42,409 was received from the Franchise Fee audit; and

WHEREAS, as part of the Sales Tax audits, over the last year we have seen an increase in cost recovery primarily due to the compliance review from Measure H tax reporting requirements; and

WHEREAS, the cost recovery is triggered from misreporting by Modesto businesses or incorrect sales tax rates remitted especially with the increase the Modesto tax rate due to Measure H and the fee for this service is based on a percentage of cost recovery services of 13.5%; and

WHEREAS, this agreement is scheduled to expire on January 13, 2025, and City staff is currently working on finalizing the new agreement based on the award results of the formal bidding process; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services and this Amendment is essential to continue these services until the City finalizes the award for the new agreement based on the results of the pending Request for Proposal currently in process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fifth Amendment with MuniServices, LLC, Fresno, CA, for the Tax Audits, Analysis and Reporting Services increasing the Agreement amount by \$250,000 to a new total amount of \$850,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-390**

RESOLUTION ACCEPTING THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TECHNOLOGY AND EQUIPMENT PROGRAM GRANT IN AN AMOUNT OF \$3,530,000 IN GRANT FUNDS WITH NO MATCH REQUIREMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY DOCUMENTS FOR THE COMPLETION OF THE GRANT ACCEPTANCE

WHEREAS, the Office of Community Oriented Policing Services (COPS) is the component of the U.S. Department of Justice (DOJ) responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources, and

WHEREAS, the Fiscal Year 2024 COPS Technology and Equipment Program Grant provides funding to state, territorial, local, Tribal and other entities designated under the heading "Community Oriented Policing Services, Technology and Equipment Community Projects/COPS Law Enforcement Technology and Equipment" in Joint Explanatory Statement (JS) – Division C, which is incorporated by reference to Public Law 118-42, to develop and acquire effective law enforcement equipment, technologies, and interoperable communications that assist in responding to and preventing crime; and

WHEREAS, this grant made \$247,347,161 available to eligible applicants which were limited to those identified in the Consolidated Appropriations Act, 2024 (Public Law 118-42) JES for the projects designed for funding, and

WHEREAS, the MPD has been notified that is being awarded \$3,530,000 in grant funds from the DOJ COPS Technology and Equipment Program Grant, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the DOJ COPS Technology and Equipment Program Grant in the amount of \$3,530,000 in grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute and submit all documents which may be necessary hereby for the completion of the grant acceptance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-391**

RESOLUTION AMENDING THE FISCAL YEAR 2024-2025 MULTI-YEAR NON-CAPITAL PROJECT BUDGET TO APPROPRIATE ANY NECESSARY TRANSFERS, REVENUE AND EXPENSES IN THE TOTAL AMOUNT OF \$3,530,000 RELATED TO THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TECHNOLOGY AND EQUIPMENT PROGRAM GRANT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS

WHEREAS, the Modesto Police Department has been awarded a grant in the amount of \$3,530,000 from the Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) Technology and Equipment Program Grant; and

WHEREAS, certain budgetary adjustments are necessary to account for the programming of revenues and expenses related to the DOJ COPS Technology and Equipment Program Grant to establish transfers, recognize grant revenue and appropriation of expenditure budgets in the multi-year non-capital project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2024-2025 Multi-Year Non-Capital Budget by a total of \$3,530,000 in transfers, revenues and expenses in grant funds for the DOJ COPS Technology and Equipment Program Grant.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to take the necessary steps to implement the required budget adjustments necessary for this action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-392**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH WEST YOST ASSOCIATES, OF SACRAMENTO, CA FOR THE 2025 WATER SYSTEM RISK AND RESILIENCY ASSESSMENT AND EMERGENCY RESPONSE PLAN UPDATES, IN THE AMOUNT OF \$132,932, PLUS \$13,293 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$146,225 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in October of 2018, the America's Water Infrastructure Act was signed into law which requires utilities to conduct Risk and Resilience Assessments (RRAs) to assess the risks to, and resilience of, their water systems and to prepare or revise an Emergency Response Plan (ERP) every five years, and

WHEREAS, in March of 2020 and April of 2021, the City's Water System RRA and ERP were completed, respectively, and certified as compliant with the United States Environmental Protection Agency (EPA) requirements, and

WHEREAS, the 2021 ERP updated the City's 2009 document, and

WHEREAS, the due date for the upcoming 2025 Water System RRA and ERP updates are March 31, 2025, and September 30, 2025, respectively, and

WHEREAS, an RRA that is up to date keeps key City staff informed of the risks to its water system and assesses the level of resiliency in its ability to provide safe and reliable potable water to its customers, and

WHEREAS, an updated ERP provides a framework and process for the City's management and system operators to respond to emergencies (natural disasters and human-made threats) of varying degrees with the core goals of protecting the water system and maintaining it's essential operations to deliver potable water under various circumstances, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, a request for Qualifications and Proposals (RFQ/P) was formally advertised through Planet Bids on May 22, 2024, and

WHEREAS, staff received and distributed three (3) proposals to a selection committee comprised of City staff, and

WHEREAS, after careful review of the Statements of Qualifications/Proposals, West Yost Associates of Sacramento, CA was selected as the most qualified to provide consulting services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities, and

WHEREAS, staff proceeded with the RFQ/P process pursuant to Administrative Directive 3.1 and three (3) proposals were received as part of this solicitation, and

WHEREAS, staff recommends approval of an Engineering Services Agreement with West Yost Associates, of Sacramento, CA for the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan Updates.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with West Yost Associates for the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan Updates in the amount of \$132,932, plus \$13,293 in additional services, if needed, for a total amount not to exceed \$146,225.

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 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-393**

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2024-25 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF \$162,000 FROM WATER FUND RESERVES TO FUND THE 2025 WATER SYSTEM RISK AND RESILIENCY ASSESSMENT AND EMERGENCY RESPONSE PLAN UPDATES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$162,000, in order to fund the 2025 Water System Risk and Resiliency Assessment and Emergency Response Plan Updates, and

WHEREAS, the Fiscal Year 2024-25 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of \$162,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-394**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH WOODARD AND CURRAN, OF SACRAMENTO, CA, FOR THE RIVER TRUNK, SOUTH TRUNK, AND SANTA ROSA PHASE II SEWER TRUNK REHABILITATION PROJECT IN THE AMOUNT OF \$737,860, PLUS \$73,786 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$811,646 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2016 Wastewater Collection System Condition Assessment Report was prepared by Brown and Caldwell, and

WHEREAS, the report documented the procedures and findings of the investigation and provided recommendations for the repair and rehabilitation of identified pipeline and manhole assets, and

WHEREAS, the River Trunk, South Trunk and Santa Rosa Phase II Trunk were found to be moderately to severely deteriorated, and

WHEREAS, due to the complexity of this project, and to increase efficiencies, staff has requested the use of a consultant to provide engineering services for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project, and

WHEREAS, on June 13, 2023, by Resolution No. 2023-278, Council approved a Prequalified List of Consultants to Provide Water, Wastewater and Storm Drain Engineering Services for Various Capital Projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to the four (4) prequalified consultants, and

WHEREAS, staff received and distributed two (2) proposals to a selection committee consisting of Utilities Engineering and Operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined Woodard and Curran, of Sacramento, CA to be the most qualified and responsive, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, Agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities, and

WHEREAS, staff proceeded with the RFP process pursuant to Administrative Directive 3.1 and two (2) proposals were received as part of this solicitation, and

WHEREAS, staff recommends approval of an Engineering Services Agreement with Woodard and Curran for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with Woodward and Curran for the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project in the amount of \$737,860, plus \$73,786 in additional services, if needed, for a total amount not to exceed \$811,646.

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 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-395**

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2024-25 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF \$9,090,315 FROM WASTEWATER RESERVES TO FUND THE RIVER TRUNK, SOUTH TRUNK, AND SANTA ROSA PHASE II SEWER TRUNK REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$9,090,315, in order to fund the River Trunk, South Trunk, and Santa Rosa Phase II Sewer Trunk Rehabilitation Project, and

WHEREAS, the Fiscal Year 2024-25 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2024-25 Multi-Year Program Budget in the amount of \$9,090,315.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-396**

**RESOLUTION DECLARING THE FORMATION OF CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-2 (FAIRVIEW VILLAGE #2),
CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES
THEREIN, AND CONDITIONALLY ESTABLISHING AN ANNUAL
APPROPRIATIONS LIMIT OF \$12,100,000**

WHEREAS, on September 10, 2024, pursuant to a petition filed by STL Company LLC (the “Petitioner”) this City Council adopted Resolution No. 2024-318 (the “Resolution of Intention”), stating its intention to form City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2) (the “Community Facilities District”), and designate certain property within the Fairview Specific Plan as future annexation to the Community Facilities District (the “Future Annexation Area”), all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, a copy of the Resolution of Intention, setting forth (a) the description of the proposed boundaries of the Community Facilities District and the Future Annexation Area for the Community Facilities District, (b) the description of the proposed facilities and services to be financed by the Community Facilities District, (c) the rate and method of apportionment of the annual maintenance special taxes and one-time facilities special tax proposed to be levied within the Community Facilities District, and (d) setting a public hearing to consider this matter, is on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing to be held on October 22, 2024; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the “Report”); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District, the designation of the Future Annexation Area, and the authorization of the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolution; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the Community Facilities District were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and there was not precluded by a majority protest of the type described in Government Code Sections 53324 and 53339.6, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District, the designation of the Future Annexation Area, and the levy of special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in the Rate and Method of Apportionment of Special Tax (the “Rate and Method”) **attached** hereto as **Attachment A**, and (ii) the establishment of an appropriations limit of \$12,100,000 for the Community Facilities District; and

WHEREAS, by Resolution No. 2020-223, the City Council previously approved participation in the BOLD Program, for the formation of a second community facilities district over the property by California Municipal Finance Authority to finance fees and additional facilities with the levy of an annual facilities special tax which will secure bonded indebtedness; and

WHEREAS, pursuant to Sections 53313.5 and 53314.9 of the Act, there has been submitted to this City Council an Acquisition and Shortfall Agreement, by and between the City, acting on behalf of the District, and developers (the “Acquisition and Shortfall Agreement”), relating to the construction, acquisition, payment and reimbursement of the Facilities (as defined herein) and facilities under the BOLD Program, and this City Council, with the aid of its staff, has reviewed said document and found it to be in proper order.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated “City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2)” is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District, including the Future Annexation Area to the Community Facilities District, are established as shown on the map designated “Map of Proposed Boundaries and Future Annexation Area of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2),” which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 7, at Page 31 as Instrument No. DOC-2024-0045353.

SECTION 4. The facilities and services authorized to be paid for within the Community Facilities District are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide, as set forth in Appendix A to the Resolution of Intention (the “Facilities and Services”), including all costs associated with the creation of the Community Facilities District and administering the Community Facilities District and any debt obligations of the Community Facilities District (collectively, the “Incidental Expenses”). The City Council hereby finds that the Facilities and Services are necessary to meet increased demands put upon the City as a

result of the new development within the Community Facilities District, and when annexed, the Future Annexation Area.

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors within the Community Facilities District, to levy the proposed special taxes at the rates set forth in the Rate and Method on all non-exempt property within Improvement Area No. 1 of the Community Facilities District sufficient to pay for all or a portion of (i) the Facilities, (ii) the Services, and (iii) the Incidental Expenses.

The description of the Facilities and Services may be modified upon the annexation of property into the Community Facilities District, provided such modified description shall only apply to such annexed areas. Additional improvement areas may be designated when property is annexed into the Community Facilities District.

The City expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the creation of the Community Facilities District, the levying and collecting of the facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The Rate and Method is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that the Rate and Method contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area)

and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property.

Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in the Rate and Method, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District, or within each additional improvement area from the Future Annexation Area, when annexed, if applicable, which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the Rate and Method.

Pursuant to Section 53340 of the Act, and except as provided in Section 53317.3 of the Act or in the Rate and Method, properties of entities of the state, federal, and local governments shall be exempt from the levy of the special taxes.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and when annexed, the Future Annexation Area, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District.

The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

The form of the Acquisition and Shortfall Agreement presented at this meeting and on file with the City Clerk be and is hereby approved, with such changes as may be approved by the Mayor, City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The Mayor, City Manager or Finance Director is hereby authorized and directed to execute the Acquisition and Shortfall

Agreement on behalf of the Community Facilities District with such execution to be attested to by the City Clerk.

SECTION 9. Written protests against the establishment of the Community Facilities District or the designation of the Future Annexation Area have not been filed by one-half or more registered voters within the boundaries of the Community Facilities District, or the Future Annexation Area, as applicable, or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District or the Future Annexation Area, as applicable. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. Subject to voter approval required by the Act, the annual appropriations limit of \$12,100,000 (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established through the Rate and Method of Apportionment, as adjusted for changes in the cost of living and changes in population.

SECTION 11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit of \$12,100,000 for the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

SECTION 12. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, and the provisions of Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, the City

Council hereby establishes the following accountability measures pertaining to the levy by the Community Facilities District of the special taxes:

- a. Such special taxes shall be levied for the specific purposes set forth in Section 4 hereof.
- b. The proceeds of the levy of such special taxes shall be applied only to the specific purposes set forth in Sections 4 and 5 hereof.
- c. The District shall establish accounts into which the proceeds of such special taxes shall be deposited.
- d. The City Manager or Finance Director will provide for such accounting and reporting for the special taxes as required by law.
- e. The City Manager, or his or her designee, acting for and on behalf of the Community Facilities District, shall annually file a report with the City Council as required pursuant to Government Code Sections 50075.3 and 53411.

SECTION 13. Pursuant to Section 53339.7(a) of the Act, the City Council provides for the annexation of all or a portion of the Future Annexation Area to the Community Facilities District without additional hearings or further action from the City Council. The Future Annexation Area will be annexed into the Community Facilities District only at such time as the Community Facilities District receives unanimous written approval to be annexed from the owner or owners of each parcel or parcels of the portion of the Future Annexation Area proposed to be annexed at that time. Annexations to the Community Facilities District may include separate and distinct improvement

areas, modified descriptions of facilities and services and/or modified special tax rates as set forth in a modified or separate Rate and Method at the time of annexation.


SECTION 14. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

APPENDIX A

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO

COMMUNITY FACILITIES DISTRICT NO.
2024-2(FAIRVIEW VILLAGE #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2) shall be levied and collected according to the tax liability determined by the City Council through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed into the CFD unless a separate Rate and Method of Apportionment 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 Development Plan.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Part 1, Division 2 of Title 5 of the California Government Code.

“Administrative Expenses” means any or all of the following: the expenses of the City in carrying out its duties with respect to the CFD, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its counsel, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, costs associated with foreclosure and collection of delinquent Special Taxes, 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 Taxes according to this RMA.

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

“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” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Facilities” means the public facilities authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“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.

“Building Permit” means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

“CFD” means the City of Modesto Community Facilities District No. 2024-2 (Fairview Village#2).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“County” means the County of Stanislaus.

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

For purposes of levying the Annual Maintenance Special Tax:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;
- for Single Family Attached Property, all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023;
- for Other Property, all parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

For purposes of levying the One-Time Facilities Special Tax: all Parcels for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2023.

“Development Class” means, individually, Developed Property and Undeveloped Property.

“Development Plan” means a condominium plan, apartment plan, site plan or other development plan that identifies such information as the type of structure, the acreage, the square footage, and/or the number of Units that will be developed on Single Family Attached Property or Other Property.

“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 periods 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, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq*) that creates Single Family Detached Lots. The term “Final Map” shall not include any large-lot subdivision map, Assessor’s Parcel Map, or subdivision map or portion thereof, that does not create Single Family Detached Lots, including Assessor’s Parcels that are designated as remainder parcels.

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

“Future Annexation Area” means that geographic area that, at the time of CFD Formation, was considered potential annexation area for the CFD and which was, therefore, identified as “future annexation area” on the recorded CFD boundary map. Such designation does not mean that any or all of the Future Annexation Area will annex into the CFD, but should property designated as Future Annexation Area choose to annex, the annexation may be processed pursuant to the streamlined annexation procedures provided in the Act.

“Maintenance 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 Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

“Maximum Annual Maintenance Special Tax” means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum One-Time Facilities Special Tax” means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Sections C and D below.

“Maximum Special Taxes” means, collectively, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax.

“One-Time Facilities Special Tax” means a special tax, levied on Taxable Property to pay the One-Time Facilities Special Tax Requirement and collected by the City prior to a Building Permit being issued on a Parcel of Taxable Property.

“One-Time Facilities Special Tax Requirement” means, for a Parcel of Taxable Property in the CFD, the amount needed to pay the Parcel’s share of the cost of Authorized Facilities as

determined by the City, which amount shall not exceed the Maximum One-Time Facilities Special Tax assigned to the Parcel pursuant to this RMA.

“Original Parcel” means an Assessor’s Parcel in the CFD at the time of CFD Formation, or added to the CFD upon annexation, as identified in Attachment 1 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

“Owners Association Property” means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

“Other Property” means any Parcel of Developed Property in the CFD that is not Single Family Attached Property or Single Family Detached Property.

“Proportionately” means, for each Development Class, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

“Public Property” means any property within the boundaries of the CFD that is owned by the federal government, State of California, County, City, or other public agency.

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

“SFD Unit” means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of a residential structure consisting of two or more Units that share common walls and are offered as for-sale Units, including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

“Single Family Detached Lot” means an individual residential lot, identified and numbered on a recorded Final Map, on which a Building Permit has been or is permitted to be issued for construction of an SFD Unit without further subdivision of the lot and for which no further subdivision of the lot is anticipated pursuant to an approved Tentative Map.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property for which a Building Permit was issued or will be issued for construction of a SFD Unit.

“Special Taxes” means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

“Subdivision Map” means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

“Successor Parcel” means an Assessor’s Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

“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 G below.

“Tentative Map” means a tentative map or substantial conformance exhibit for property in the CFD, including any adjustments or amendments thereto.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within the CFD that are not Developed Property.

“Unit” means (i) for Single Family Detached Property, an SFD Unit and (ii) for Single Family Attached Property, an individual residential unit within a duplex, triplex, fourplex, townhome, or condominium structure.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel numbers for all Parcels of Taxable Property. The Administrator shall also: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) determine whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) for Developed Property, categorize each Parcel as Single Family Detached Property, Single Family Attached Property, or Other Property, (iv) for Parcels of Single Family Attached Property, determine the number of Units on each Parcel, (v) for Other Property, determine the Acreage of each Parcel, and (vi) determine the Maintenance Special Tax Requirement.

For Single Family Attached Property, the number of Units shall be determined by referencing the relevant Development Plan. If, in any Fiscal Year, an Assessor's Parcel includes both Developed Property and Undeveloped Property, the Administrator shall determine the acreage associated with the Developed Property, subtract this acreage from the total Acreage of the Assessor's Parcel, and use the remaining acreage to calculate the Special Tax that will apply to Undeveloped Property within the Assessor's Parcel. The Special Tax shall then be calculated for Developed Property on the Parcel, and the total Special Tax levied on the Assessor's Parcel shall be the sum of the Special Taxes determined separately for the Undeveloped Property and Developed Property on the Parcel.

C. CALCULATING THE MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in the CFD in each Fiscal Year.

1. Original Parcels

The Maximum Special Taxes for each Original Parcel in the CFD as of CFD Formation are identified in Attachment 1. Attachment 1 will be updated by the Administrator as needed to reflect Original Parcels added to the CFD due to annexations.

2. Successor Parcels

a. All Successor Parcels are Single Family Detached Lots

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Divide the Maximum Special Taxes from Step 1 by the number of Single Family Detached Lots created by the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. No Successor Parcels are Single Family Detached Lots

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Divide the Maximum Special Taxes from Step 1 by the Acreage from Step 2 to calculate Maximum Special Taxes per acre;

Step 4: Multiply the per-acre Maximum Special Taxes from Step 3 by the Acreage in each Successor Parcel to calculate the Maximum Special Taxes for each Successor Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

c. Some, But Not All, Successor Parcels are Single Family Detached Lots

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following

steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Maximum Special Taxes assigned to the Original Parcel;

Step 2: Determine the total Acreage of Taxable Property created by subdivision of the Original Parcel;

Step 3: Determine the total Acreage of Single Family Detached Property created by the subdivision by taking the sum of the Acreage in the individual Single Family Detached Lots;

Step 4: Divide the Maximum Special Taxes from Step 1 by the Acreage calculated in Step 2 to calculate Maximum Special Taxes per acre;

Step 5: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of Single Family Detached Property calculated in Step 3 to determine the total Maximum Special Taxes to be assigned to the Single Family Detached Property created by the subdivision;

Step 6: Divide the amount calculated in Step 5 by the number of Single Family Detached Lots created by the subdivision to determine the Maximum Special Taxes for each Single Family Detached Lot;

Step 7: Multiply the per-acre Maximum Special Taxes calculated in Step 4 by the Acreage of each Successor Parcel that is not Single Family Detached Property to calculate the Maximum Special Taxes for such Parcels.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. ESCALATION OF MAXIMUM SPECIAL TAXES

1. One-Time Facilities Special Tax

Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Annual Maintenance Special Tax

Beginning in January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

E. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

Prior to issuance of a Building Permit for a Parcel of Taxable Property, the One-Time Facilities Special Tax shall be levied on the Parcel in the amount of the One-Time Special Tax Requirement for the Parcel, as determined by the City.

2. Annual Maintenance Special Tax

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

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

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

F. COLLECTION OF SPECIAL TAXES

The One-Time Facilities Special Tax shall be collected prior to a Building Permit being issued for any residential or non-residential structure on Taxable Property and shall be immediately delinquent if not so paid.

The Annual Maintenance 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 Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Annual Maintenance Special Tax revenues are no longer needed to pay for Authorized Services.

G. EXEMPTIONS

No Special Taxes shall be levied on Public Property or Owners Association Property, as defined herein. Notwithstanding the foregoing, if in any Fiscal Year, a Parcel of Public Property is converted to private use, such Parcel shall be subject to the levy of Special Taxes. In such case the City shall determine the appropriate Maximum Special Taxes for the Parcel based on the land uses to be constructed on the Parcel.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning the 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 ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this RMA.

ATTACHMENT 1

CITY OF MODESTO

**COMMUNITY FACILITIES DISTRICT NO.
2024-2 (FAIRVIEW VILLAGE #2)**

Maximum Special Taxes Assigned to Each Original Parcel

Assessor's Parcel Number	Fiscal Year 2024-25 Maximum One-Time Facilities Special Tax [1]	Fiscal Year 2024-25 Maximum Annual Maintenance Special Tax [2]
056-027-009	\$1,834,935	\$191,716

1. Beginning in January 2025 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.
2. Beginning January 2025 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted annually by the Escalation Factor. Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-397**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO,
CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF
MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-2 (FAIRVIEW
VILLAGE #2), CALLING FOR A SPECIAL ELECTION**

WHEREAS, the City Council (the “City Council”) of the City of Modesto (the “City”), has heretofore adopted Resolution No. 2024-318 (the “Resolution of Intention”), stating the City Council’s intention to establish City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2) (the “Community Facilities District”), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the “Act”); and

WHEREAS, on October 22, 2024, the City Council held a public hearing as required by law and the Act on all matters pertaining to the formation of the Community Facilities District, the special taxes relating to the Community Facilities District (the “Special Taxes”), including the special tax for certain facilities (the “One-Time Facilities Special Tax”) and the special tax for certain services (the “Annual Maintenance Special Tax”) within the Community Facilities District, the description of the authorized facilities (the “Facilities”) and the authorized services (the “Services”); and

WHEREAS, at said hearing all persons not exempt from the special taxes of the Community Facilities District desiring to be heard on all matters pertaining to the Community Facilities District were heard and a full and fair hearing was held, and such matters were not precluded by a majority protest; and

WHEREAS, following said public hearing, the City Council adopted its resolution establishing the Community Facilities District, authorizing the levy of the

Special Taxes within the Community Facilities District to fund the Facilities and Services and establishing an appropriations limit (the “Resolution of Formation”); and

WHEREAS, the map of the boundaries of the Community Facilities District, including Improvement Area No. 1 and the Future Annexation Area (the “Map”) has been recorded in the Office of the County Recorder of Stanislaus County, California in Book 7, Page 31 of the Book of Maps of Assessment and Community Facilities Districts, as Document Number DOC-2024-0045353; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and this Resolution, the City Council wishes to present to the qualified electors of the Community Facilities District propositions for the levy of the Special Taxes on property within the Community Facilities District and the establishment of an annual appropriations limit for the Community Facilities District as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and submitted to the qualified electors of the Community Facilities District as provided herein.

SECTION 3. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

SECTION 4. The date of the election shall be October 22, 2024, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on October 22, 2024; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 5. The form of the ballot for the election is **attached** hereto as **Attachment A** and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall be closed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record, or

the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 6. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on October 22, 2024, whether said ballots shall be personally delivered or received by mail.

SECTION 7. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

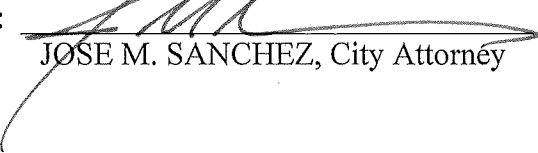
NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**ATTACHMENT A
FORM OF OFFICIAL BALLOT**

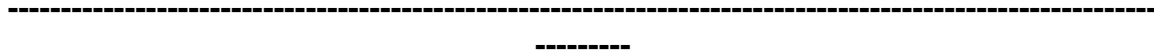
**CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2024-2 (FAIRVIEW VILLAGE #2)**

SPECIAL ELECTION

SPECIAL TAX AND APPROPRIATIONS LIMIT

October 22, 2024

NUMBER OF VOTES ENTITLED TO BE CAST: _____
(VOTER MAY REMOVE AND RETAIN THIS STUB)



This ballot is for a special, landowner election. You must return this ballot in the enclosed envelop to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on October 22, 2024, either by mail or in person. The City Clerk’s offices are located at 1010 Tenth Street, Modesto, California 95353.

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word “YES” or “NO.” All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon.

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS:

Shall the City of Modesto Community Facilities Disttict No. 2024-2 (Fairview Village #2) (the “CFD”) be authorized to levy special taxes in order to finance certain facilities and services and shall the annual appropriations limit of the CFD be established in the amount of \$12,100,000 all as specified in the Resolution entitled “A Resolution Declaring the Formation of City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2), Conditionally Authorizing the Levy of Special Taxes Therein, and Conditionally Establishing an Annual Appropriations Limit of \$12,100,000” adopted by the City Council of the City of Modesto on October 22, 2024?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-398**

RESOLUTION DECLARING THE RESULTS OF OCTOBER 22, 2024, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2024-2 (FAIRVIEW VILLAGE #2)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2) (the “Community Facilities District”), called and duly held an election within the Community Facilities District pursuant to resolutions adopted by the City Council on October 22, 2024, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the “Proposition”) for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District, and (b) the establishment of an appropriations limit for the Community Facilities District; and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is **attached** hereto as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Two-thirds or more of the votes of the qualified electors of the Community Facilities District at the special election held on October 22, 2024 were cast

in favor of the Proposition, and the Proposition carried. The City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County a notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)
) ss.
COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2024-2 (Fairview Village #2) (the "Community Facilities District"). With my concurrence, the election was conducted on October 22, 2024. On or prior to said date I had mailed or personally delivered, or caused to be mailed or personally delivered, a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to October 22, 2024 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

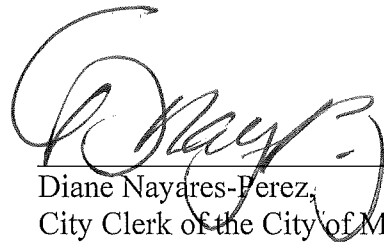
I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: 41

NO: 0

TOTAL NUMBER OF VOTES CAST: 41

Dated this 22nd day of October, 2024.



Diane Nayares-Perez
City Clerk of the City of Modesto

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-399**

RESOLUTION APPROVING THE PURCHASE OF FIVE (5) PIERCE VELOCITY 1500 GPM TYPE 1 FIRE ENGINES AND TWO (2) PIERCE 107' VELOCITY TRACTOR DRAWN AERIAL FIRE TRUCKS FOR A TOTAL AMOUNT NOT TO EXCEED \$9,246,959 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, for fire engines (pumpers) and fire trucks (tillers), the current industry standard timelines from the point of order to delivery is 48 months and 51 months, respectively; and

WHEREAS, Modesto Fire Department's standard lifespan for frontline fleet is ten years for engines (five years reserve) and fifteen years for trucks (five years reserve); and

WHEREAS, because of the extensive lead time on production, the department's 2016 model engines will exceed the frontline standard, while the trucks will be nearing the standard. Any additional delay in ordering the trucks could also result in exceeding the truck's frontline standard; and

WHEREAS, in 2023, the Modesto Fire Department responded to 33,149 calls for service within its area of jurisdiction. Modesto Fire was the first responding unit to arrive to all emergencies within 5 minutes of dispatch 74% of the time. Our community relies heavily on these fire apparatuses to deliver critical service responses; and

WHEREAS; evaluations are continuously conducted to determine the condition of the fleet based on mileage and need. These evaluations will help determine which stations will receive the newest apparatuses as they become available from Golden State Fire Apparatus; and

WHEREAS; fire department staff recommends adding five pumpers and two tillers to the fleet in order to address a critical need for the City, Stanislaus County, and the State of California as a whole; and

WHEREAS; the apparatuses would be purchased from Pierce Manufacturing through Golden State Fire Apparatus (GSFA), who is a leading provider of such vehicles. At this time, there are no dealers of this type located within the City of Modesto. The apparatuses specified in the proposal from GSFA shall be ready for final delivery within an approximate time frame of four years. Terms of Payment dictate that the total amount shall be due at the time of order.; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, an exception to the rule set forth in MMC Section 8-3.202(h) states that with the approval of Council, the City of Modesto can join with other units of government in cooperative purchasing plans when the best interest of the City would be served thereby and MMC Section 8-3.204(d) is available where the Purchasing Manager, in his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, the purchase of five (5) pumpers and two (2) tillers for use by the Modesto Fire Department by “piggybacking” on the competitive bid process completed by the H-GAC contract with Golden State Fire Apparatus, will conform to MMC Section 8-3.202(h).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of five (5) Pierce Velocity 1500 GPM Type 1 fire engines and two (2) Pierce 107' Velocity Tractor Drawn Aerial fire trucks for a total amount not to exceed \$9,246,959.


BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, are hereby authorized to issue the purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-400**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL
OPERATING BUDGET TO APPROPRIATE \$9,246,959 IN THE MFD –
MEASURE H – FACILITIES & FLEET COST CENTER (18611) IN GENERAL
FUND – MEASURE H FUND (0160) FOR FIVE ENGINES AND TWO TRUCKS
AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY
STEPS TO IMPLEMENT THE REQUIRED BUDGET ADJUSTMENTS**

WHEREAS, Staff recommends adding five pumpers and two tillers to the fleet in order to address a critical need for the City, Stanislaus County, and the State of California as a whole; and

WHEREAS, last year, the Modesto Fire Department responded to 33,149 calls for service within its area of jurisdiction. Modesto Fire Department’s standard lifespan for frontline fleet is ten years for engines (five years reserve) and fifteen years for trucks (five years reserve); and

WHEREAS, because of the extensive lead time on production, the department’s 2016 model engines will exceed the frontline standard, while the trucks will be nearing the standard. Any additional delay in ordering the trucks could also result the exceeding the truck’s frontline standard; and

WHEREAS, certain budgetary adjustments are needed to implement this action.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Annual Operating Budget to appropriate \$9,246,959 in the MFD – Measure H – Facilities & Fleet Cost Center (18611) in General Fund – Measure H Fund (0160) for five engines and two trucks and authorizing the City Manager to take the necessary steps to implement the required budget adjustments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

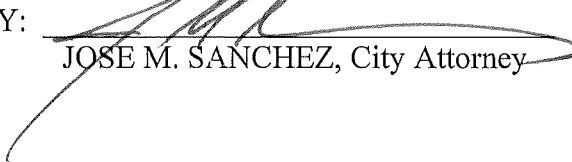
NOES: Councilmembers: None

ABSENT: Councilmembers: Bavaro

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-401**

**RESOLUTION APPROVING A SECOND AMENDMENT TO THE CELL
TOWER SITE LEASE AGREEMENT AT DOWNEY PARK WITH NCWPCS
MPL 26 - YEAR SITES TOWER HOLDINGS LLC, EXTENDING THE
MAXIMUM TERM OF THE AGREEMENT THROUGH JUNE 30, 2056, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AMENDMENT**

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers; and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services; and

WHEREAS, on April 9, 1996, by Resolution No. 96-172, approved a 5-year lease agreement with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, for approximately 700 square feet of ground space at Downey Park for the construction of the communication facilities, which included five (5) extensions of five (5) years each, expiring June 7, 2026; and

WHEREAS, the agreement was amended on January 1, 2003, to increase the annual rent and to approve improvement on the property; and

WHEREAS, in 2022, NCWPCS MPL 26 - Year Sites Tower Holdings LLC notified the City of their interest in amending the existing lease agreement to provide long-term site security; and

WHEREAS, the two parties have reach an agreement on terms for an amendment, extending the lease agreement; and

WHEREAS, the amendment includes the following terms:

- 1) Term extension: six (6) additional, five (5) year renewal terms which would extend the final contract expiration term to June 30, 2056, with an escalation rate of 3% annually.
- 2) Signing Bonus: A one-time payment of \$12,500 will be paid by NCWPCS MPL 26 - Year Sites Tower Holdings LLC to the City withing sixty (60) days of the full execution of the Second Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Cell Tower Site Lease Agreement at Downey Park with NCWPCS MPL 26 - Year Sites Tower Holdings LLC, extending the maximum term of the Agreement through June 30, 2056.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-402**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PARKING LEASE WITH TESLA INC., A TEXAS CORPORATION (FORMALLY A DELAWARE CORPORATION) AND EXTENDING THE TERM OF THE AGREEMENT FROM OCTOBER 31, 2024 TO OCTOBER 31, 2025 WITH TWO ONE-YEAR EXTENSION OPTIONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County and surrounding areas; and

WHEREAS, the Modesto City Council and the Stanislaus Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop; and

WHEREAS, on October 10, 2022, by approval of the City Manager, a parking lease was entered into between the City of Modesto, and Tesla Inc, a Texas Corporation (formerly a Delaware Corporation) with an expiration date of October 31, 2024; and

WHEREAS, Tesla agreed to lease 500 parking spaces located at the Modesto Airport in the amount of \$80 per space per month; and

WHEREAS, the First Amendment would extend the term of the agreement for one-year and provide an option for two one-year extensions; and

WHEREAS, the First Amendment would reduce the used premises by 150 parking spaces; and

WHEREAS, Tesla agrees to lease 350 parking spaces located at the Modesto Airport in the amount of \$80 per space per month; and

WHEREAS, the proposed First Amendment is exempt from the Surplus Land Act pursuant to Government Code section 54221(d)(2).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Tesla parking Lease and extending the term of the Lease from October 31, 2024 to October 31, 2025 with two one-year extension options.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the lease 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 5th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-403**

RESOLUTION APPROVING THE AGREEMENT WITH EAGLE AERIAL SOLUTIONS, OF IRVINE, CA FOR THE WATERVIEW SAAS FOR A FIVE-YEAR AGREEMENT, FOR AN INITIAL COST OF \$134,600 AND AN ESTIMATED ANNUAL AMOUNT OF \$90,100, FOR A TOTAL AMOUNT NOT TO EXCEED \$495,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2009, California adopted the Water Conservation Act, which mandated the State achieve a 20 percent reduction in urban per capita water use by 2020; and

WHEREAS, in 2018, new landmark water conservation legislation was signed into law: Assembly Bill (AB) 1668 (Friedman) and Senate Bill (SB) 606 (Hertzberg). Together, AB 1668 and SB 606 lay out a new long-term water conservation framework for California; and

WHEREAS, to assist water professionals with meeting the efficiency and allocation requirements established under AB 1668 and SB 606, a water conservation and data management portal was developed by Eagle Aerial Solutions with input from California Water Efficiency Partnership (CalWEP); and

WHEREAS, in 2023, the Water Services Division implemented a pilot program to collect data for 25% of residential service connections in order to evaluate WaterView and determine whether or not it could be a useful tool for assisting with regulatory compliance; and

WHEREAS, based on the results of the pilot, 1 out of 3 customers within the Modesto Contiguous system is above their allocation of water; and

WHEREAS, WaterView can identify water use trends and over allocation users by continually calculating water use efficiency (per state standards) across the residential service area and supplies the agency with detailed data and water use analytics; and

WHEREAS, the WaterView SaaS technology and service has been demonstrated to provide significant data that will assist the Water Division in maintaining regulatory compliance with State requirements, meet the efficiency and allocation requirements established by AB 1668 and SB 606, avoid significant fines and penalties, and will allow the City's Conservation program to focus its efforts on outreach in areas that consistently exceeded the State's mandated allocation requirements; and

WHEREAS, starting in 2027, Water districts, agencies and providers will be fined \$1,000 per day during non-drought years and \$10,000 per day during declared drought emergencies for not remaining in compliance with allocation requirements; and

WHEREAS, this was presented to the Technology Steering and Alignment Committee (TSAC) on April 25, 2024, and a motion was made to submit this item to Council for approval; 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, MMC Section 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; and

WHEREAS, Eagle Aerial Solutions is the sole provider of the WaterView SaaS, all related components, software, and processes. Therefore, this purchase qualifies for exemption from the formal bidding procedure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Eagle Aerial Solutions, of Irvine, CA for the WaterView SaaS for a five-year Agreement, for an initial cost of \$134,600 and an estimated annual amount of \$90,100, for a total amount not to exceed \$495,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, **attached** hereto as **Exhibit** 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 5th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney



**ANNUAL AGREEMENT NO 279638
FOR WATERVIEW SOFTWARE AND MAPPING SERVICES
EAGLE AERIAL SOLUTIONS**

This agreement, hereinafter called AGREEMENT, made and entered into in the City of Modesto, State of California, this _____ day of _____, 2024, by and between the City of Modesto, a municipal corporation of the State of California, hereinafter called CITY, and Eagle Aerial Solutions, hereinafter called CONTRACTOR.

W I T N E S E T H:

WHEREAS, the Modesto City Council adopted Resolution No. 2024 - _____ authorizing an agreement for WaterView Software and Mapping Services to CONTRACTOR, *attached hereto as Exhibit "A" and made a part hereof*, and

WHEREAS, the CONTRACTOR is the sole manufacturer and service provider for Waterview Software and Mapping Services, and

WHEREAS, the CONTRACTOR shall provide services to the CITY as defined in the "Waterview and CII Road Map for the City of Modesto Water Division" proposal that best meets the CITY needs, *attached hereto as Exhibit "B" and made a part hereof*, and

WHEREAS, the CITY and CONTRACTOR shall enter into an agreement for the furnishing of Waterview Software and Mapping Services as described in the “Waterview and CII Road Map for the City of Modesto Water Division” proposal *attached herto as Exhibit “B” made a part hereof, and*

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. THE WORK:

a) CONTRACTOR shall furnish all labor, materials, equipment, fuel, tools, licenses, bonds and insurance necessary to perform and complete the required work as specified in Exhibit “B”, and in strict accordance with the conditions of the complete AGREEMENT.

b) CONTRACTOR shall do and perform the work contemplated hereby in a good workmanlike manner under the direction of and to the satisfaction of the CITY Representative.

c) CONTRACTOR shall maintain proper insurance with the CITY for the duration of the AGREEMENT.

d) CONTRACTOR shall maintain a CITY business license for the duration of the AGREEMENT.

e) CONTRACTOR shall furnish said services at the following AGREEMENT rates for an estimated annual amount \$90,100. The total amount paid by CITY to CONTRACTOR over the full term of the AGREEMENT shall not exceed \$495,000. Unless the services provided are for a lump sum or flat fee, fees for work performed by CONTRACTOR on an hourly basis shall not exceed the amounts shown on the “*Waterview and CII Road Map for the City of Modesto Water Division*” proposal attached hereto as Exhibit B.

AGREEMENT PRICING

	Year 1	Year 2	Year 3	Year 4	Year 5	Contract Total
Discounted Subscription fee:	\$ 90,100	\$ 90,100	\$ 90,100	\$ 90,100	\$ 90,100	\$ 450,500
One time fee: WaterView set up, to be finalized after consultation with IT (Pricing after \$4,500 discount from pilot program)	\$ 19,500					\$ 19,500
One time fee: CII Roadmap Meter Analysis	\$ 10,000					\$ 10,000
Contract Year Totals:	\$ 119,600	\$ 90,100	\$ 90,100	\$ 90,100	\$ 90,100	\$ 480,000
Additional Parts and Services as needed:						\$ 15,000
Grand Total with Contingency:						\$ 495,000

2. CITY REPRESENTATIVE:

CITY Representative is: Manuel Martinez, Acting Water Division Manager, 209-342-4592, mmartinez@modestogov.com

Purchasing Representative: Melvin Rosal, Buyer, 209-577-5420, mrosal@modestogov.com

The CITY Representative is not authorized to commit the CITY to changes in specifications, requirements, or scope of work, changes in price(s), period of performance or delivery date(s) or method of shipment. Changes of a contractual or business nature shall be effective only by written change to the AGREEMENT, issued by the City of Modesto, Purchasing Division.

3. CONTRACTOR CONTACT:

Wayne Tate, 714-343-2737, wtate@eagleairial.com

4. TERM OF AGREEMENT:

The term of the AGREEMENT shall be for a period of five (5) years.

Year 1: November, 5, 2024 through November, 4 2025

Year 2: November, 5, 2025 through November, 4 2026

Year 3: November, 5, 2026 through November, 4 2027

Year 4: November, 5, 2027 through November, 4 2028

Year 5: November, 5, 2028 through November, 4 2029

Pricing as set forth in Section 1.e. above shall remain firm for the five (5) years of the AGREEMENT.

5. LIABILITY INSURANCE:

The CONTRACTOR shall provide, at its own expense, and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the CITY as may be required by the City Clerk of the CITY. The policies or certificates thereof shall provide that, at least 30 days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the CITY via PINS Advantage Insurance Program, for all of the following stated insurance policies.

a. General Liability - insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. The insurance shall indicate on the certificate of insurance the following coverage and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations; and/or professional liability.

b. Automobile Liability – insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and property damage and transportation related pollution liability. This insurance shall cover any automobile for bodily injury and property damage.

c. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$1,000,000 per accident for bodily injury or disease.

d. Technology Professional Liability or Errors and Omission or Cyber Liability: Insurance with a minimum limit of \$2,000,000 per claim and a \$2,000,000 policy aggregate. If coverage is on a claims-made basis, it shall be maintenance for at least three (3) years following completion of work.

If at any time any of said policies shall be unsatisfactory to the CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to the CITY, the CONTRACTOR shall promptly obtain a

new policy, submit the same to the CITY's Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the CONTRACTOR to furnish, deliver or maintain such insurance and certificates as above provided, this AGREEMENT, at the election of the CITY, may be forthwith declared suspended, or terminated. Failure of the CONTRACTOR to obtain and/or maintain any required insurance shall not relieve the CONTRACTOR from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the CONTRACTOR concerning indemnification. The CITY, its agents, officers, officials, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation.

The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, officials, employees, and volunteers for losses arising from work performed by CONTRACTOR for the CITY.

The CONTRACTOR's insurance policy(ices) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the CITY's Risk Manager.

For any claims related to this AGREEMENT, the CONTRACTOR's insurance coverage shall be primary insurance as respects CITY, its agents, officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by CITY, its agents, officers, officials, employees, or volunteers shall be excess of the CONTRACTOR's insurance and shall not contribute with it.

6. PAYMENT:

CONTRACTOR shall invoice CITY annually at the beginning of each agreement term (Year 1 through Year 5), as described in Section 4, above in exchange for services provided by CONTRACTOR hereunder. All invoices shall be paid in full the following payment terms within 45 days after completion and acceptance of the Services by the CITY, and receipt of a properly prepared invoice, CITY will pay

CONTRACTOR via Net 45 Days via manual check. The CITY is exempt from payment of Federal Excise Tax, and all invoices shall be exclusive of such excise tax.

Invoice to: City of Modesto
Attn: Accounts Payable
P.O. Box 642
Modesto, CA 95353
Email to: APvendors@modestogov.com

At a minimum, invoices shall state the following:

- This AGREEMENT number 279638
- CITY department/division name and address: Water Division, 4240 Litt Rd., Modesto, CA 95357
- Billing period: Agreement Term
- Service hours worked day and week
- Unit price, extended price, sales tax and total

7. DELIVERY OF WATER USAGE AND RELATED DATA: COMMENCEMENT OF CONTRACT:

As soon as reasonably possible, CITY shall deliver to CONTRACTOR current residential customer water use data for all water customers within the CITY. This delivery of data shall be made no later than twenty-one (21) days after execution of this Agreement (the "Required Delivery Date"). CONTRACTOR will then seek to load such data into the WaterView application as soon as reasonably possible. This process might require corrections, standardizations and re-arrangement of the data by CONTRACTOR in order for it to be in the form required by the WaterView application. CITY understands that some data may be in a form or condition that cannot be adequately corrected, standardized or re-arranged in order to use in the WaterView Application. The commencement date of the subscription term of this Agreement shall be on the date that CONTRACTOR has loaded all of the water use data that can be adequately corrected, standardized or re-arranged into the WaterView Application to allow CITY to begin making use of it (the "Operational Date"), provided, however, that if CITY has delivered the initial set of water use data to CONTRACTOR later than the Required Delivery Date, the start date of this subscription term shall be the date that is the number of days prior

to the Operational Date that is equal to the number of days that such data delivery was delayed beyond the Required Delivery Date.

8. USAGE RESTRICTIONS:

CITY will not (a) make the WaterView application available to, or use the WaterView application for the benefit of, anyone other than CITY or its employees, (b) sell, resell, license, sublicense, distribute, rent, or lease any portion of the WaterView application, (c) use the WaterView application to store or transmit infringing, libelous, or otherwise unlawful or tortious material, or to store or transmit material in violation of third-party privacy rights, (d) interfere or disrupt the integrity or performance of the WaterView application or third-party data, (e) copy the WaterView application or any part, feature, function, or user interface thereof, (f) frame or mirror any part of the WaterView application, other than framing on CITY's own intranets or otherwise for CITY's own internal business purposes, or (g) access the WaterView application in order to build or enhance a competitive product or service.

9. FUTURE FUNCTIONALITY, UPDATES, AND BETA SERVICES:

CITY agrees that CONTRACTOR may make changes to the WaterView application over time for any reason, without limitation, and that CONTRACTOR may not continue to provide or support older versions of the WaterView application. We may invite CITY to try other WaterView applications and options to WaterView applications. Any such additional WaterView applications and options may be subject to additional or separate terms and fees.

10. INDEMNITY:

The CONTRACTOR shall hold the CITY, its agents, officials, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities, judgments or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of any negligent or intentional act or omission of CONTRACTOR, or its agents,

officials, officers, employees, or volunteers relating to or during the performance of its obligations under this AGREEMENT. CONTRACTOR's obligation to defend, indemnify, and hold the CITY, its agents, officials, officers, employees, and volunteers harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this AGREEMENT for CONTRACTOR to procure and maintain a policy of insurance.

11. VENUE & GOVERNING LAW:

Venue for any dispute or claim arising or related to this AGREEMENT its performance, breach, or interpretation (including issues about its validity or enforceability), shall be exclusively in the Superior Court of Stanislaus County or the United States District Court for the Eastern District of California.

This AGREEMENT shall be deemed made in, governed by, performed in, and construed and enforced in accordance with the laws of the State of California, without giving effect to its conflicts of laws provisions or principles.

12. ATTORNEYS' FEES:

If a party to this AGREEMENT brings any action, including an action for declaratory relief, to enforce or interpret the provision of this AGREEMENT, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

13. COMMENCEMENT AND COMPLETION OF THE WORK:

The work contemplated herein shall be commenced as immediately after the agreement administrator receives and has on file:

Proofs of insurance (approved by CITY Risk Manager); and

Executed Agreement;

- a. Resolution No.2024-_____;
- b. Waterview and CII Road Map for the City of Modesto Water Division proposal;
- c. Insurance Certificates;

d. Contractor's City of Modesto business license

14. TERMINATION OF SERVICES:

Termination for Default: In the event either party fails to perform under this AGREEMENT or breaches any condition contained herein, the other party shall notify in writing the breaching party of the non-performance. Within 10 days after receipt of notification, the breaching party shall correct any non-performance to the reasonable satisfaction of the non-breaching party, or such other time as may be identified in the notice. Failure to correct any non-performance shall allow the non-breaching party to terminate this AGREEMENT for cause.

Post-Termination Procedure: Upon receipt of a written notice of termination pursuant to either of the foregoing paragraphs, the CONTRACTOR shall:

- a. Cease its work as directed in the notice of termination as of the termination date and see to it that its employees, subcontractors and agents are notified of such termination and act as specified in the notice of termination;
- b. Terminate all orders and subcontracts except as necessary to complete any portion of the SERVICES that are not terminated;
- c. If directed in writing by the CITY to do so, assign all right, title and interest in subcontracts and materials in progress to CITY, in which case the CITY will have the right at its discretion to settle, or pay any or all claims arising out of the termination of such, but in no event shall recovery by any CONTRACTOR or subcontractor include lost profits for portions of the SERVICES not completed or undertaken, including materials not delivered;
- d. Deliver or otherwise make available to the CITY all data, drawings, specifications, reports, estimates, summaries and such other information and material as may have been accumulated by the CONTRACTOR in performing the SERVICES whether completed or in process;

- e. Settle outstanding liabilities and claims, subject to the approval of CITY;
- f. Complete performance of such part of the SERVICES as has not been terminated;
- g. Take such other actions as may be necessary, or as may be directed by the CITY for the protection and preservation of the SERVICES and/or property related to the SERVICES;
- h. If CITY so requests, and at CITY's cost, CONTRACTOR shall provide sufficient oral or written status reports to make CITY reasonably aware of the status of CONTRACTOR's work on the SERVICES.
- i. CONTRACTOR understands and agrees that CITY may, in CITY's sole discretion, refuse to pay CONTRACTOR for that portion of CONTRACTOR's SERVICES which were performed by CONTRACTOR on the project prior to the termination date and which remain unacceptable and/or not useful to CONTRACTOR as of the termination date.

CITY will pay CONTRACTOR for SERVICES actually completed prior to the receipt of the termination notice or otherwise completed in accordance with the notice of termination. The final payment to the CONTRACTOR after termination shall be limited to amounts due and owing under the AGREEMENT at time of termination, including the following:

- a. The cost of settling and paying valid claims arising out of the termination of the SERVICES such as subcontractor agreements or contracts for materials;
- b. The AGREEMENT price allocable to the portion of the SERVICES properly performed or goods supplied to the work site by the CONTRACTOR as of the date of termination, as determined in accordance with the notice of termination, reduced by any sums previously paid to the CONTRACTOR for such SERVICES.

15. COMPLIANCE WITH ALL LAWS:

CONTRACTOR hereby agrees that CONTRACTOR and its subcontractors, if any, in the performance of the SERVICES described herein, will comply with all federal, state, county and municipal laws, rules and regulations which may be applicable to the work herein contracted for, whether now in existence or hereafter adopted.

16. FAILURE TO PERFORM SATISFACTORY WORK:

It is agreed and understood that if the CONTRACTOR fails to perform the SERVICES as specified herein, CITY's representative may:

- a. Consent to accept such unsatisfactory service with an appropriate adjustment in contract price, based on established cost factors,
- b. Have such required work done by CITY forces or otherwise, and charge the cost thereof to the CONTRACTOR, or
- c. Recommend termination of AGREEMENT between said the CONTRACTOR and the City of Modesto.

Those discrepancies and deficiencies in the SERVICES that remains uncorrected after the date set for correction may be the necessary justification for a billing adjustment in the month following the occurrence. Unless otherwise negotiated, billing adjustments for this incomplete or uncorrected work shall be permanent retention of 100% of the estimated monthly cost for the SERVICES not corrected or completed.

17. ASSIGNMENT OF RIGHTS:

The CONTRACTOR offers and agrees, and will require all subcontractors and suppliers to agree, to assign to the CITY all rights, title, and interest in and to all causes of action it and they may have under Section 4 of the Clayton Act (15 United States code, Section 15) or under the Cartwright Act (Business and Professions Code, Section 16700 et seq.), arising from the acquisition of goods, services, or materials pursuant to this AGREEMENT or any allowed subcontract. The assignment made by CONTRACTOR and all assignments made by subcontractors and suppliers shall be made and become effective at the time the CITY

makes final payment to The CONTRACTOR, without further acknowledgment by the parties (Government Code, Sections 4550-4554).

18. CITY PROCESS/PROCEDURE APPROVALS:

CITY approval of any process or procedure shall not relieve CONTRACTOR of its responsibility to furnish the required SERVICES meeting all specifications contained herein.

19. CONTRACTOR'S RESPONSIBILITY FOR DAMAGES:

If CONTRACTOR damages any property belonging to the CITY or a third party, the CONTRACTOR will be required to make repairs immediately, at CONTRACTOR's sole cost and expense, to the satisfaction of the CITY. In the event that CONTRACTOR fails to perform the necessary repairs, the CITY may either retain from the money due to CONTRACTOR an amount sufficient to repair the damage or perform the repairs and send an invoice to the CONTRACTOR for such costs, which shall be paid within thirty (30) days.

20. NOTICES:

Any notice, payment or instrument required or permitted by this AGREEMENT to be given or delivered to either party shall be deemed to have been received when personally delivered, or one calendar week following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

CONTRACTOR: Eagle Aerial Solutions
Attn: Wayne Tate
3333 Michelson Drive, Suite 300
Irvine, CA 92612
714-754-7670

CITY: City of Modesto
Purchasing Division
P.O. Box 642
Modesto, CA 95353

Each party may change its address for delivery of notice by delivering written notice of such change of address to the other party.

21. SIGNATORY(IES) FOR CONTRACTOR:

Each signatory for CONTRACTOR below warrants and represents that it is legally competent to, and have full authority to, execute the AGREEMENT.

22. QUANTITIES:

No minimum or maximum is guaranteed or implied.

23. FUNDING:

All annual extensions are based upon continuous funding for that purpose by the City Council. Failure to fund any annual extension shall result in an immediate termination of the AGREEMENT without redress.

24. OTHER GOVERNMENT/PUBLICLY FUNDED AGENCIES:

If mutually agreeable to all parties, the issuance of any resultant contract/purchase order referencing these specifications and modified by mutual agreement between all parties may be extended to other government or publicly funded agencies. It shall be understood that all terms and conditions as specified herein shall apply.

25. NON-DISCRIMINATION:

- a. During the performance of this AGREEMENT, CONTRACTOR and any allowed subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), sexual orientation, or any other basis prohibited by Federal or California law. Equal employment opportunity extends, but is not limited to recruitment, compensation, benefits, layoff, termination, and all other conditions of employment. The CONTRACTOR and any allowed subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. The CONTRACTOR and any allowed subcontractors shall comply with the provisions of the Fair Employment and

Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, and Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12900, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this contract by reference and made a part hereof as if set forth in full.

- b. The CONTRACTOR and any allowed subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- c. The CONTRACTOR shall include the nondiscrimination and compliance provisions of this clause in any allowed subcontracts to perform SERVICES.
- d. The Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the CITY upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours notice, to such of its books, records, accounts, other sources of information and its facilities as said Department or CITY shall require to ascertain compliance with this AGREEMENT.
- e. By executing this AGREEMENT, CONTRACTOR certifies that it shall follow and be in compliance with the Americans with Disabilities Act of 1990, the applicable administrative requirements promulgated in response thereto, and any other applicable Federal laws and regulations relating to handicap discrimination and participation, and will continue to do so for at least the duration of the AGREEMENT and any extensions thereof.

26. CONTRACTOR LICENSES & PERMITS:

CONTRACTOR warrants and represents that it possesses and shall maintain all licenses, and shall secure and maintain all necessary permits, necessary to perform the SERVICES.

27. RECORDS:

All final versions of reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that CONTRACTOR prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the CITY, other than data used by CONTRACTOR under license from other vendors. CONTRACTOR hereby agrees to deliver those documents to the CITY upon termination of the AGREEMENT, and the CITY may use, reuse or otherwise dispose of the documents without CONTRACTOR's permission. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this AGREEMENT are prepared specifically for the City and are not necessarily suitable for any future or other use.

28. FACILITIES AND EQUIPMENT:

Except as set forth herein, CONTRACTOR shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this AGREEMENT. CITY shall make available to CONTRACTOR only the facilities and equipment listed in EXHIBIT "B" and "C", and only under the terms and conditions set forth herein.

29. INDEPENDENT CONTRACTOR; NOT AGENT:

At all times during the term of this AGREEMENT, CONTRACTOR shall be an independent contractor and shall not be an employee of CITY. CITY shall have the right to control CONTRACTOR only insofar as the results of CONTRACTOR's services rendered pursuant to this AGREEMENT. Except as City may specify in writing, CONTRACTOR shall have no authority, express or implied, to act on behalf of CITY in any capacity whatsoever as an agent. CONTRACTOR shall have no authority, express or implied, pursuant to this AGREEMENT to bind City to any obligation whatsoever.

30. DRUG FREE WORKPLACE:

CONTRACTOR certifies that it is following and in compliance with Sections 8350 - 8355 of Chapter 5.5 of the Government Code, Drug Free Workplace Act whereby each person or organization awarded

a contract/purchase order or grant for the procurement of any property or service from any state agency (city) shall certify to the contracting or granting agency that it will provide a drug free workplace.

31. ASSIGNMENT:

Neither this AGREEMENT nor any SERVICES hereunder shall be subcontracted or assigned by CONTRACTOR without the prior written consent of the CITY in each and every instance.

32. WAIVER:

The waiver by any party to this AGREEMENT of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

30. HEADINGS NOT CONTROLLING:

Headings used in the Agreement are for reference purposes only and shall not be considered in construing this AGREEMENT.

34. MISCELLANEOUS:

Time is of the essence in CONTRACTOR's performance under each provision of this AGREEMENT.

35. ENTIRE AGREEMENT:

This Agreement and its exhibits contain the entire understanding between CONTRACTOR and CITY. Additional or new terms contained in this AGREEMENT which vary from CONTRACTOR'S bid are controlling and are deemed accepted by CONTRACTOR by performance of any SERVICES or other commencement of performance hereunder. The terms and conditions of the quote, attached hereto as Exhibit B, are incorporated herein. In the event of a conflict between the quote and this AGREEMENT, this AGREEMENT shall control. All previous bids, offers and communications relative to this Agreement, whether oral or written, are hereby superseded except to the extent that they have been incorporated into this Agreement. No future waiver or exception to any of the terms, conditions, and provisions of this AGREEMENT shall be considered valid unless specifically agreed to in writing by the parties.

36. PARTIAL INVALIDITY:

If any provision in this AGREEMENT is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation, has authorized the execution of this Agreement by its City Manager and attested by its City Clerk under authority of Resolution No. 2024-_____, adopted by the Council of the City of Modesto on the _____ day of _____, 2024 and Eagle Aerial Solutions has caused this Agreement to be duly executed.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-404**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE PURCHASE OF VARIABLE FREQUENCY DRIVE UNITS TO WILLE ELECTRIC SUPPLY COMPANY, INC., MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$150,000 AND A TOTAL AMOUNT NOT TO EXCEED \$796,515 OVER FIVE (5) YEARS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Utilities Department, Water and Wastewater Divisions, uses variable frequency drive units (“VFDs”) to stabilize water pressure and wastewater flows in the City’s water and wastewater system, and

WHEREAS, the Water Division has approximately one hundred and twenty-five (125) VFDs throughout the City, and the Wastewater Division has approximately ninety-seven (97) VFD units in use throughout the Sutter and Jennings Treatment plants as well as sewer lift stations throughout the City, and

WHEREAS, VFDs are a crucial component of the City’s infrastructure because they are used to control pump motors for domestic drinking water well pumps and sewer lift stations, and are essential to the continual and efficient functioning of both water and wastewater systems, and

WHEREAS, on April 3, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the Purchase of VFDs, and

WHEREAS, on May 31, 2024, the Purchasing Division issued Invitation for Bids (IFB) No. 2324-85, Purchase of VFDs on the City’s PlanetBids public bidding website under various commodity codes, and

WHEREAS, on July 2, 2024, bids were formally opened in the City Clerk and broadcast via Microsoft Teams Livestream, two (2) companies chose to respond, and one local bid was received, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures. An Award of Bid and Agreement for the Purchase of VFDs for Utilities with Wille Electric Supply Company, Inc. conforms to the Modesto Municipal Code because the City complied with formal bid procedures, and Wille Electric was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreement for the Purchase of Variable Frequency Drive Units to Wille Electric Supply Company, Inc., Modesto, CA, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual amount of \$150,000 and a total amount not to exceed \$796,515 over five (5) years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to execute the Agreement.

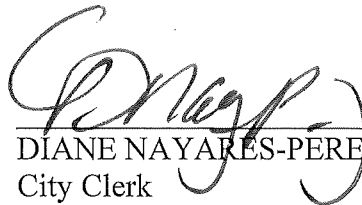
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-405**

**RESOLUTION APPROVING THE APPOINTMENT OF EDWARD
RUBALCABA TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY
BOARD FOR A FOUR-YEAR TERM ENDING DECEMBER 31, 2028**

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

WHEREAS, Modesto Downtown Improvement District promotes a positive atmosphere in the downtown by caring for physical space, with the mission to attract and retain business, employees, residents, and visitors to downtown Modesto; and

WHEREAS, pursuant to Modesto Municipal Code Section 6-3.11, the Downtown Improvement District Advisory Board consists of 9 members to be appointed by the Mayor with the concurrence of the Council; and

WHEREAS, the Board Members are required to be persons who have businesses within the business improvement area subject to an additional levy of additional mill taxes; and

WHEREAS, the Downtown Improvement District members have reviewed the application and fully recommend the appointment of Edward Rubalcaba, a business owner subject to the additional mill tax, to a term ending December 31, 2028.

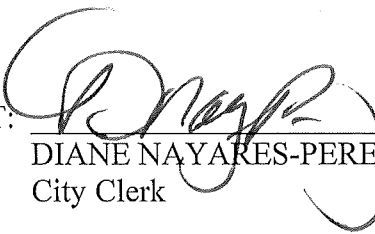
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Edward Rubalcaba to the Downtown Improvement District Advisory Board for a four-year ending December 31, 2028.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

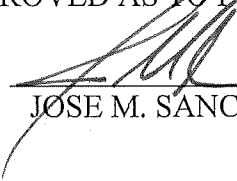
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-406**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR THE DOWNTOWN REVITALIZATION PROJECT TO WESTWOOD PROFESSIONAL SERVICES, INC., PLANO, TX, FOR A TOTAL AMOUNT NOT TO EXCEED \$194,315, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2019, the City of Modesto conducted citywide community surveys which identified blights as one of the most pressing issues for residents; and

WHEREAS, on December 10, 2019, Council approved by Resolution 2019-555 the 2020-2025 Blight Abatement Strategy, developed through collaborations with community members, local partnerships, other agencies and internal City departments. The strategy outlines initiatives for blight abatement on public and private property, encourages public and private partnerships and further action to minimize and mitigate blight; and

WHEREAS, the California Department of Transportation (CalTrans) Clean California Local Grant Program is a competitive statewide fund created to enhance communities and improve spaces for public use, including beautification and cleaning of local streets, roads, tribal lands, parks, pathways, transit centers and other public spaces; and

WHEREAS, on November 7, 2023, CalTrans notified the City of their plans to issue an award of \$3,129,000 in grant funds for this project. Following this notification, the City Council formally accepted the award on February 27, 2024, by Resolution No. 2024-078. The Program operates on a reimbursement basis and the grant project period ranges from September 15, 2023, through June 30, 2026; and

WHEREAS, the CalTrans grant will fund a Downtown Revitalization project

which will be primarily focused on the area known locally as Mural Alley located near the intersections of J street and 10th street in Downtown Modesto; and

WHEREAS, Request For Proposals (RFP) 2324-93 was issued on May 31, 2024, with proposals being due on July 29, 2024. The RFP was posted to the City's publicly available PlanetBids website on May 31, 2024. 571 vendors viewed the request for proposal, seven (7) firms downloaded the document, however no proposals were received via Planet Bids. Three (3) proposals were subsequently received via mail; and

WHEREAS, an evaluation committee determined that O'Dell Engineering, Inc. a Modesto based business located at 1165 Scenic Drive, owned by Westwood Professionals, Inc. of Plano Texas, to be the most qualified firm for the proposed project based on the evaluation criteria outlined in the RFP document; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow the formal bid procedures. An Award of Proposal and Agreement for engineering design services for the Community and Economic Development Department use to O'Dell Engineering, Inc., a subsidiary of Westwood Professional Services, Inc., Plano, TX, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and O'Dell was the highest ranked proposal based on the evaluation criteria; and

WHEREAS, the overall scope of work will include project management, topographic surveys, preliminary architectural conceptual designs, the creation of a roadway improvement plan, technical assistance, geotechnical investigations, utility coordination, the development of a mural master plan and construction administration for

an amount not to exceed \$194,315.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Award of Proposal and Agreement for Engineering Design Services for the Downtown Revitalization Project to Westwood Professional Services, Inc., Plano, TX, for a total amount not to exceed \$194,315.

BE IT FURTHER RESOLVED that the City Manager, or his Designee, is authorized to execute the Agreement in a form approved by the City Attorney's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-407**

RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS EQUITY PARTNERS FROM MODESTO, CALIFORNIA FOR AN AFFORDABLE HOUSING TRUST FUND PROGRAM THAT SUPPORTS THE PRODUCTION AND PRESERVATION OF AFFORDABLE HOUSING FOR A TOTAL AMOUNT NOT TO EXCEED \$500,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT

WHEREAS, on August 17, 2022, the Stanislaus Council of Governments (StanCOG) adopted the Cycle 6 (2023-2031) Regional Housing Needs Allocation (RHNA); and

WHEREAS, the Regional Housing Needs Allocation (RHNA) is a state-mandated process that ensures local governments have enough zoned capacity to accommodate future housing demand for households at all income levels; and

WHEREAS, in addition to demonstrating enough zoned capacity to accommodate the total number of allocated units, each jurisdiction must also demonstrate adequate capacity for a certain percentage of units affordable to households earning below 80% of AMI; and

WHEREAS, the Stanislaus Council of Governments estimates Modesto's 2023-2031 Regional Housing Needs Allocation (RHNA) at 11,248 units and requires that 4,750 are affordable units and serve households at or below the 80% area median income; and

WHEREAS, the State has also launched a Local Housing Trust Fund (LHTF) program that provides matching funds to local and regional housing trust funds dedicated to the creation, rehabilitation, or preservation of affordable housing, transitional housing, and emergency shelters; and

WHEREAS, the LHTF program offers dollar for dollar matching funds to local trust funds on an ongoing basis from both private and public contributions; and

WHEREAS, to meet the rising need for affordable housing in the community, the City intends to launch an Affordable Housing Trust Fund in partnership with Stanislaus Equity Partners (STEP) who is a Community Development Corporation (CDC), which was founded in 2021 to connect neighbors, resources, and opportunities, empowering Stanislaus County residents with access to asset-building opportunities through housing, small business services, and connecting low-to-moderate income communities with access to capital and affordable lending; and

WHEREAS, staff is recommending an agreement with Stanislaus Equity Partners to establish an affordable housing trust fund, wherein STEP will facilitate the program implementation, assist with fund management, provide operational and administration support, and program oversight; and

WHEREAS, the Affordable Housing Trust Fund is intended to assist with the financing of affordable housing development, provide resources to support housing developers, and to produce affordable housing within the City of Modesto; and

WHEREAS, the proposed Affordable Housing Trust Fund will support flexible gap financing and bridge loans to preserve and expand affordable housing in the City for low-to-moderate income residents by providing a flexible source of capital for the acquisition and construction of affordable housing; and

WHEREAS, by partnering with STEP, the City can leverage the local non-profit's unique capabilities and partner relationships to establish an efficient and streamlined

affordable housing trust fund program that supports the production and preservation of affordable housing; and

WHEREAS, staff recommends the Affordable Housing Trust Fund to produce and preserve affordable housing through an agreement with Stanislaus Equity Partners. In addition, staff recommends an exemption for STEP from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(c) supported by STEP's proven track record and specialized knowledge in housing development, land banking, and project development loans; and

WHEREAS, the Modesto Forward strategy, and the associated spending plan for the American Rescue Plan funds was approved by Resolution 2021-194 on May 25, 2021, that allocated \$500,000 in ARPA funding specifically for the establishment of a Housing Trust Fund; and

WHEREAS, this project was presented to the Citizens' Housing and Community Development Committee on October 10, 2024, and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Stanislaus Equity Partners from Modesto, California for an Affordable Housing Trust Fund program that supports the production and preservation of affordable housing for a total amount not to exceed \$500,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to negotiate and 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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-408**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE RESIDENTIAL REHABILITATION LOAN AGREEMENT WITH CHARLES MARK MATTERI FOR HEALTH AND SAFETY REPAIRS TO THE RESIDENTIAL PROPERTY LOCATED AT 1710 IDYLWOOD COURT, MODESTO, CA 95350 FOR AN ADDITIONAL \$11,564, FOR A TOTAL PROJECT COST OF \$110,068, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, the Homeowner Rehabilitation Program was created to assist with low-income homeowners in need of rehabilitation and health and safety concerns of their property; and

WHEREAS, to ensure quality work, city staff facilitates with procurement of the contractor and oversight of the project; and

WHEREAS, City staff oversees the project to verify timelines and workmanship standards are adhered to as part of this program the City is responsible for providing funding and project oversight; the homeowner enters into a direct agreement with the awarded contractor; and

WHEREAS, as part of the City's role in facilitating and project oversight, these projects are sent out to bid following the City's already established procurement practices; and

WHEREAS, the project was advertised on Planet Bids on January 22, 2024, and advertised in the Modesto Bee on January 30, 2024; and

WHEREAS, five general contractors submitted sealed bid packets to the City Clerk and on February 27, 2024, the City Clerk facilitated the bid opening, and

WHEREAS, the Intent to Award was sent to Garcia Septic & Construction Inc, as the apparent low bidder for project 1710 Idylwood Court for \$98,504 inclusive of a 12% contingency; and

WHEREAS, Section 6: Homeowner Rehabilitation Program Policy, , Resolution 2022-481 states in Section 14.0 Cost Reasonableness: “bids received must be not less than or greater than 15% of the Housing Rehabilitation Specialist’s cost estimate;” and

WHEREAS, on May 7, 2024, a Notice to Proceed was issued to Garcia Septic & Construction Inc. for the project located at 1710 Idylwood Court; and

WHEREAS, the countertops, flooring, cabinets, and sink were initially included in the scope of work; however, the homeowner chose to remove them for budget reasons; and

WHEREAS, during the project the homeowner decided he wanted to add these items back into the scope of work; and

WHEREAS, the countertops are severely damaged, there are missing cabinet doors as well as possible mold and extensive dry rot, which is a result of a previous plumbing leak, and the flooring is worn all the way down to the concrete slab; and

WHEREAS, the contractor provided a change order including costs which City staff assessed for cost reasonableness and this adjustment will increase the total cost by \$11,564 to \$110,068, which includes a 12% contingency.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Residential Rehabilitation Loan Agreement with Charles Mark Matteri for health and safety repairs to the residential

property located at 1710 Idylwood Court, Modesto, CA 95350 for an additional \$11,564, for a total project cost of \$110,068.

BE IT FURTHER RESOLVED that authorizing the City Manager or his designee to execute the agreements 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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-409**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE MODESTO FORWARD AGREEMENT FOR THE CONTINUED OPERATIONS OF A LOW-BARRIER SAFE SLEEPING PROGRAM WITH THE MODESTO GOSPEL MISSION, MODESTO, CALIFORNIA INCREASING THE AGREEMENT AMOUNT BY \$100,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$200,000 UNTIL PROGRAM FUNDS ARE FULLY EXPENDED AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on November 7, 2023, City Council approved by Resolution 2023-497, an agreement in the amount of \$100,000 with Modesto Gospel Mission (MGM) to implement a low-barrier safe sleeping program for women and their children; and

WHEREAS, since the program inception in December 2023, the MGM Safe Sleep program has provided 129 unique individuals experiencing homelessness with a safe and secure place to sleep, case management services, meals, showers, and assisted many other basic needs; and

WHEREAS, to continue to build on the success of the Safe Sleep Program, the City is recommending a First Amendment to increase the Agreement amount by \$100,000 for a revised total not to exceed \$200,000; and

WHEREAS, the increase in funding will continue to support individuals experiencing homelessness with a place to sleep that is safe from the elements, and other environmental factors 8:30 pm to 6:30 am, and drop-in and wrap around services 7 days per week; and

WHEREAS, for over six years MGM has maximized capacity utilizing the chapel and other spaces into temporary shelter space to accommodate women and children; and

WHEREAS, MGM anticipates completing construction of Hannah's House in the spring of 2025, which will provide a dedicated space dedicated to woman and children to increase the capacity of individuals served, enhance accommodations, and provide expanded services; and

WHEREAS, as women and children transition into Hannah's House the Safe Sleep Program will also transition into provide safe sleep shelter services to men experiencing homelessness in the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Modesto Forward Agreement for the continued operations of a low-barrier safe sleeping program with the Modesto Gospel Mission, Modesto, California increasing the Agreement amount by \$100,000 for a total not to exceed \$200,000 until program funds are fully expended.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

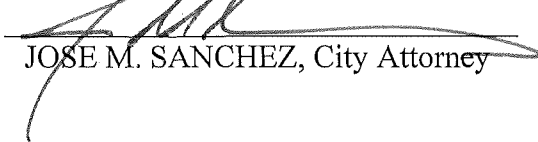
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-410**

**RESOLUTION APPROVING THE SUMMARY VACATION OF WAGNER WAY
(APPROXIMATELY 39,451 SQUARE FEET) RIGHT OF WAY, PUBLIC
UTILITY EASEMENT, AND PLANTING EASEMENT**

WHEREAS, California Streets and Highways Code - Division 9, Part 3, Chapter 4 Article 1, Section 8331, states “The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist: (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel. (b) No public money was expended for maintenance on the street or highway during such period”; and

WHEREAS, the City of Modesto has received the request from the Valley Development Partners, LLC and Wagner Family Properties, L.P. to summary vacate the approximately 39,451 square feet between of Wagner Way APN 078-018-051 and APN 078-018-052; and

WHEREAS, the Wagner Way, Public Utility Easement and Planting easement were irrevocably offered for dedication to the City of Modesto by the developer as per Document No. 2012-0113288, 2012-0113289, 2012-0113285, 2012-0113286, 2012-0113284 and 2012-0113287 recorded on December 13, 2012; and

WHEREAS, the Tentative Subdivision Map TSM-24-002 has submitted to the City for review; and

WHEREAS, City Staff has reviewed the proposed map and agree with the proposed summary vacation of the Wagner Way; and

WHEREAS, there are no city utilities or other easements in this area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing Wagner Way (approximately 39,451 square feet) located in the City of Modesto, which is more particularly described in **Exhibit “A and B” attached** hereto and incorporated herein by reference, is hereby summarily abandoned.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder’s Office. From and after the date this resolution is recorded, said right of way, public utility easements and planting easements shall no longer constitute to be public.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION WAGNER WAY RIGHT-OF-WAY ABANDONMENT

All that certain real property, being portions of right-of-way granted to the City of Modesto by those certain Irrevocable Offer of Dedication of Fee Interest filed for record December 13, 2012 as Document No.s 2012-0113288 and 2012-0113289, Stanislaus County Records, lying in a portion of the North half of the Southwest quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of Parcel "1" as shown on that certain Parcel Map filed for record September 11, 2012 in Book 56 of Parcel Maps, at Page 81, Stanislaus County Records, being the point of intersection of the West line of said Parcel "1" and the North line of said right-of-way;

thence along the South line of said Parcel "1" and said North right-of-way line the following two (2) courses:

- 1) North 89°35'04" East 641.70 feet;
- 2) North 44°35'04" East 18.38 feet to a point on the East line of said Parcel "1" and the West right-of-way line of American Avenue as shown on said map, being a point 37.00 feet distant at right angles from the centerline of said American Avenue;

thence parallel with said centerline, South 00°24'56" East 86.00 feet to North line of Parcel "2" as shown on said map and the South line of said right-of-way;

thence along said North line of Parcel "2" and said South right-of-way line the following two (2) courses:

- 1) North 45°24'56" West 18.38 feet;
- 2) South 89°35'04" West 641.71 feet to the Northwest corner of said Parcel "2", being the point of intersection of the West line of said Parcel "2" and said South right-of-way line;

thence along the West lines of said right-of-way, North 00°23'54" West 60.00 feet to the **POINT OF BEGINNING**.

Containing 39,451 square feet more or less.

RESERVING THEREFROM a public utility easement over the Easterly 10.00 feet of the above-described property.

ALSO RESERVING THEREFROM a planting easement over the Easterly 6.00 feet of the above-described property.

SUBJECT TO all easements and/or rights-of-way of record.

EXHIBIT "A"

LEGAL DESCRIPTION PUBLIC UTILITY EASEMENT QUITCLAIM - NORTH

All that certain real property, being a portion of a public utility easement granted to the City of Modesto by that certain Irrevocable Offer of Dedication of a Public Utility Easement filed for record December 13, 2012 as Document No. 2012-0113285, Stanislaus County Records, lying in a portion of the North half of the Southwest quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of Parcel "1" as shown on that certain Parcel Map filed for record September 11, 2012 in Book 56 of Parcel Maps, at Page 81, Stanislaus County Records, being the point of intersection of the West line of said Parcel "1" and the South line of said public utility easement;

thence along the South line of said Parcel "1" the following two (2) courses:

- 1) North 89°35'04" East 641.70 feet;
- 2) North 44°35'04" East 4.24 feet to a point 47.00 feet distant at right angles from the centerline of American Avenue as shown on said map;

thence parallel with said centerline, North 00°24'56" West 14.14 feet;

thence parallel with and 10.00 feet distant at right angles from said South line of "Parcel 1" the following two (2) courses:

- 1) South 44°35'04" West 10.10 feet;
- 2) South 89°35'04" West 637.55 feet to a point on said West line of "Parcel 1";

thence along said West line, South 00°23'54" East 10.00 feet to the **POINT OF BEGINNING**.

Containing 6,468 square feet more or less.

SUBJECT TO all easements and/or rights-of-way of record.

This legal description as described is delineated on the accompanying Exhibit "B" "Plat to Accompany Legal Description" and made a part hereof for reference purposes.


Tanya Cissell, P.L.S. 9857



EXHIBIT "A"

LEGAL DESCRIPTION PUBLIC UTILITY EASEMENT QUITCLAIM - SOUTH

All that certain real property, being a portion of a public utility easement granted to the City of Modesto by that certain Irrevocable Offer of Dedication of a Public Utility Easement filed for record December 13, 2012 as Document No. 2012-0113286, Stanislaus County Records, lying in a portion of the North half of the Southwest quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Northwest corner of Parcel "2" as shown on that certain Parcel Map filed for record September 11, 2012 in Book 56 of Parcel Maps, at Page 81, Stanislaus County Records, being the point of intersection of the West line of said Parcel "2" and the North line of said public utility easement;

thence along the North line of said Parcel "2" the following two (2) courses:

- 1) North 89°35'04" East 641.71 feet;
- 2) South 45°24'56" East 4.24 feet to a point 47.00 feet distant at right angles from the centerline of American Avenue as shown on said map;

thence parallel with said centerline, South 00°24'56" East 14.14 feet;

thence parallel with and 10.00 feet distant at right angles from said North line of "Parcel 2" the following two (2) courses:


- 1) North 45°24'56" West 10.10 feet;
- 2) South 89°35'04" West 637.57 feet to a point on said West line of "Parcel 2";

thence along said West line, North 00°23'54" West 10.00 feet to the **POINT OF BEGINNING**.

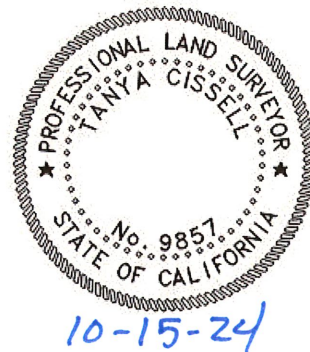
Containing 6,468 square feet more or less.

SUBJECT TO all easements and/or rights-of-way of record.

This legal description as described is delineated on the accompanying Exhibit "B" "Plat to Accompany Legal Description" and made a part hereof for reference purposes.



Tanya Cissell, P.L.S. 9857



This legal description as described is delineated on the accompanying Exhibit "B" "Plat to Accompany Legal Description" and made a part hereof for reference purposes.

Tanya Cissell
Tanya Cissell, P.L.S. 9857

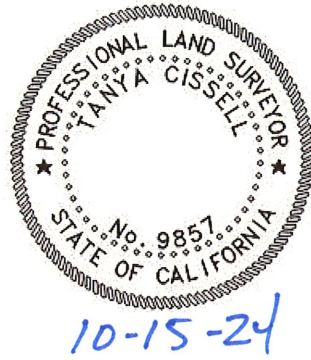


EXHIBIT "A"

LEGAL DESCRIPTION PLANTING EASEMENT QUITCLAIM - NORTH

All that certain real property, being a portion of a planting easement granted to the City of Modesto by that certain Irrevocable Offer of Dedication of a Planting Easement filed for record December 13, 2012 as Document No. 2012-0113284, Stanislaus County Records, lying in a portion of the North half of the Southwest quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of Parcel "1" as shown on that certain Parcel Map filed for record September 11, 2012 in Book 56 of Parcel Maps, at Page 81, Stanislaus County Records, being the point of intersection of the West line of said Parcel "1" and the South line of said planting easement;

thence along the South line of said Parcel "1" the following two (2) courses:

- 1) North 89°35'04" East 641.70 feet;
- 2) North 44°35'04" East 9.90 feet to a point 43.00 feet distant at right angles from the centerline of American Avenue as shown on said map;

thence parallel with said centerline, North 00°24'56" West 8.49 feet;

thence parallel with and 6.00 feet distant at right angles from said South line of "Parcel 1" the following two (2) courses:


- 1) South 44°35'04" West 13.41 feet;
- 2) South 89°35'04" West 639.21 feet to a point on said West line of "Parcel 1";

thence along said West line, South 00°23'54" East 6.00 feet to the **POINT OF BEGINNING**.

Containing 3,913 square feet more or less.

SUBJECT TO all easements and/or rights-of-way of record.

This legal description as described is delineated on the accompanying Exhibit "B" "Plat to Accompany Legal Description" and made a part hereof for reference purposes.



Tanya Cissell, P.L.S. 9857



EXHIBIT "A"

LEGAL DESCRIPTION PLANTING EASEMENT QUITCLAIM - SOUTH

All that certain real property, being a portion of a planting easement granted to the City of Modesto by that certain Irrevocable Offer of Dedication of a Planting Easement filed for record December 13, 2012 as Document No. 2012-0113287, Stanislaus County Records, lying in a portion of the North half of the Southwest quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Northwest corner of Parcel "2" as shown on that certain Parcel Map filed for record September 11, 2012 in Book 56 of Parcel Maps, at Page 81, Stanislaus County Records, being the point of intersection of the West line of said Parcel "2" and the North line of said planting easement;

thence along the North line of said Parcel "2" the following two (2) courses:

- 1) North 89°35'04" East 641.71 feet;
- 2) South 45°24'56" East 9.90 feet to a point 43.00 feet distant at right angles from the centerline of American Avenue as shown on said map;

thence parallel with said centerline, South 00°24'56" East 8.49 feet;

thence parallel with and 6.00 feet distant at right angles from said North line of "Parcel 2" the following two (2) courses:

- 1) North 45°24'56" West 13.41 feet;
- 2) South 89°35'04" West 639.23 feet to a point on said West line of "Parcel 2";

thence along said West line, North 00°23'54" West 6.00 feet to the **POINT OF BEGINNING**.

Containing 3,913 square feet more or less.

SUBJECT TO all easements and/or rights-of-way of record.

This legal description as described is delineated on the accompanying Exhibit "B" "Plat to Accompany Legal Description" and made a part hereof for reference purposes.


Tanya Cissell, P.L.S. 9857



D.N. 2024-XXXXXX, S.C.R.

56-PM-81
PARCEL 1

WEST LINE OF PARCEL 1
SHOWN ON 56-PM-81, S.C.R.

POINT OF BEGINNING

N89°35'04"E 641.70'

30'

30'

S89°35'04"W 641.71'

PORTION OF IRREVOCABLE OFFER OF DEDICATION
IN FEE PER DOC. NO. 2012-0113288, S.C.R.
AND SHOWN ON 56-PM-81, S.C.R.

D.N. 2024-XXXXXX, S.C.R.

WEST LINE OF PARCEL 2
SHOWN ON 56-PM-81, S.C.R.

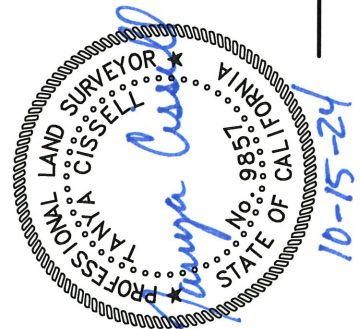
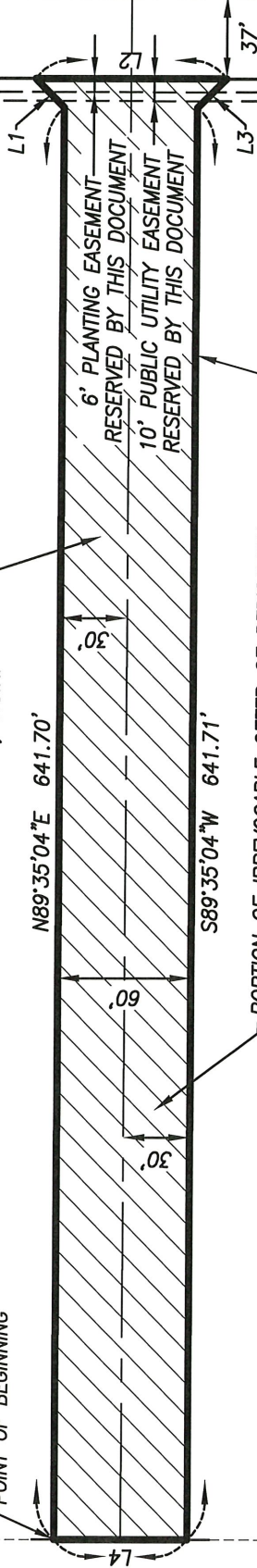
WAGNER WAY
RIGHT-OF-WAY ABANDONMENT

39,451 SQ.FT.

56-PM-81
PARCEL 2

AMERICAN AVENUE

LINE TABLE		
NO.	BEARING	LENGTH
L1	N44°35'04"E	18.38'
L2	S00°24'56"E	86.00'
L3	N45°24'56"W	18.38'
L4	N00°23'54"W	60.00'



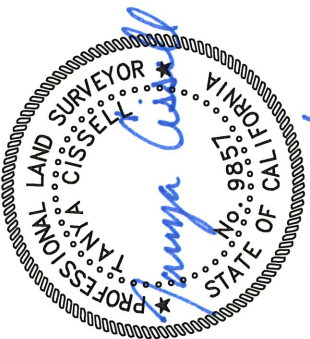
North Star
Engineering Group, Inc.
• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street
Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH,
RANGE 8 EAST, MOUNT DIABLO MERIDIAN

CITY OF MODESTO **STANISLAUS COUNTY** **CALIFORNIA**

JOB: J21-2944
DATE: 10/15/2024
SCALE: 1"=80'
DRAWING: TC
CHK'D: TC
SHEET: 1 OF 1



10-15-24

D.N. 2024-XXXXXX, S.C.R.

56-PM-81
PARCEL 1

**PUBLIC UTILITY EASEMENT
QUITCLAIM - NORTH**
6,468 SQ.FT.

PORTION OF IRREVOCABLE OFFER OF DEDICATION OF A
PUBLIC UTILITY EASEMENT PER DOC. NO. 2012-0113285,
S.C.R. AND SHOWN ON 56-PM-81, S.C.R.

**WAGNER WAY
(TO BE ABANDONED)**

PORTION OF IRREVOCABLE OFFER OF DEDICATION OF A
PUBLIC UTILITY EASEMENT PER DOC. NO. 2012-0113286,
S.C.R. AND SHOWN ON 56-PM-81, S.C.R.

**PUBLIC UTILITY EASEMENT
QUITCLAIM - SOUTH**
6,468 SQ.FT.

56-PM-81
PARCEL 2

D.N. 2024-XXXXXX, S.C.R.

WEST LINE OF PARCEL 2
SHOWN ON 56-PM-81, S.C.R.

LINE TABLE		
NO.	BEARING	LENGTH
L1	N44°35'04"E	4.24'
L2	N00°24'56"W	14.14'
L3	S44°35'04"W	10.10'
L4	S00°23'54"E	10.00'
L5	S45°24'56"E	4.24'
L6	S00°24'56"E	14.14'
L7	N45°24'56"W	10.10'
L8	N00°23'54"W	10.00'

AMERICAN AVENUE



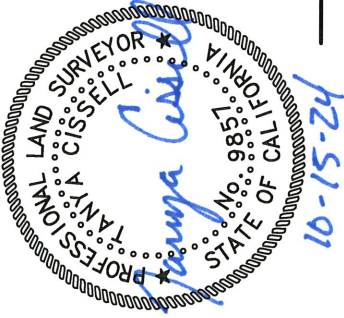
**North Star
Engineering Group, Inc.**
• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street
Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

**EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION**

LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH,
RANGE 8 EAST, MOUNT DIABLO MERIDIAN

CITY OF MODESTO STANISLAUS COUNTY CALIFORNIA

JOB: J21-2944
DATE: 10/15/2024
SCALE: 1"=80'
DRAWN: TC
CHK'D: TC
SHEET



D.N. 2024-XXXXXX, S.C.R.

56-PM-81
PARCEL 1

AMERICAN AVENUE

LINE TABLE		
NO.	BEARING	LENGTH
L1	N44°35'04"E	9.90'
L2	N00°24'56"W	8.49'
L3	S44°35'04"W	13.41'
L4	S00°23'54"E	6.00'
L5	S45°24'56"E	9.90'
L6	S00°24'56"E	8.49'
L7	N45°24'56"W	13.41'
L8	N00°23'54"W	6.00'

**PLANTING EASEMENT
QUITCLAIM - NORTH**
3,913 SQ.FT.

PORTION OF IRREVOCABLE OFFER OF DEDICATION OF A
PLANTING EASEMENT PER DOC. NO. 2012-0113284, S.C.R.
AND SHOWN ON 56-PM-81, S.C.R.

WAGNER WAY
(TO BE ABANDONED)

**PLANTING EASEMENT
QUITCLAIM - SOUTH**
3,913 SQ.FT.

PORTION OF IRREVOCABLE OFFER OF DEDICATION OF A
PLANTING EASEMENT PER DOC. NO. 2012-0113287, S.C.R.
AND SHOWN ON 56-PM-81, S.C.R.

56-PM-81
PARCEL 2

D.N. 2024-XXXXXX, S.C.R.

WEST LINE OF PARCEL 2
SHOWN ON 56-PM-81, S.C.R.

J21-2944
DATE: 10/15/2024
SCALE: 1" = 80'
DRAWN: JTC
CHK'D: JTC
SHEET 1 OF 1

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION
LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH,
RANGE 8 EAST, MOUNT DIABLO MERIDIAN
CITY OF MODESTO STANISLAUS COUNTY CALIFORNIA

North Star Engineering Group, Inc.
• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-411**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE PURCHASE OF CIRCLE CLAMPS, GASKETS, PIPE COUPLINGS AND TAPPING SLEEVES TO FERGUSON WATERWORKS, MODESTO, CA AND PACE SUPPLY COMPANY, STOCKTON, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$640,000 AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ADJUST FINANCIAL AMOUNTS BETWEEN BOTH PROVIDERS FOR A TOTAL AMOUNT NOT TO EXCEED \$3,357,737 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the Finance Department, Central Stores Division inventories circle clamps, gaskets, pipe couplings and tapping sleeves for the Water Division for use in the setup and repair of water main lines and installation of residential water services and meters; and

WHEREAS, on July 14, 2020, by Resolution 2020-306, Council approved the award of Bid and Purchasing Agreement for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials with Ferguson Waterworks, Modesto, CA, for a one-year Agreement with four (4) one-year extension options for an estimated annual cost of \$340,000 and a total amount not to exceed \$1,700,000 over five (5) years; and

WHEREAS, on June 14, 2022, by Resolution 2022-271, Council approved a First Amendment with Ferguson Waterworks for the purchase of circle clamps, gaskets, pipe couplings, tapping sleeves and sewer materials for a revised estimated annual amount from \$340,000 to \$575,000 and a total revised amount not to exceed from \$1,700,000 to \$2,405,000 over five (5) years; and

WHEREAS, on April 23, 2024, by Resolution 2024-131, Council approved a Second Amendment to the purchasing agreement with Ferguson Waterworks, Modesto,

CA for the purchase of circle clamps, gaskets and pipe couplings, by increasing the estimated annual amount by \$295,000 to \$870,000 annually to a new total amount not to exceed \$2,995,000 over five (5) years; and

WHEREAS, on April 22, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves; and

WHEREAS, on May 17, 2024, the Purchasing Division issued Invitation for Bids (IFB) 2324-90 for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves on the City's PlanetBids public bidding website under various commodity codes; and

WHEREAS, Prospective bidders were notified online and via email of the bid opportunity; and

WHEREAS, eighteen (18) companies downloaded the IFB document from PlanetBids; and

WHEREAS, on June 25, 2024, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) chose to respond. There was one (1) local bid received. Based on providing the lowest responsive and responsible bid, City staff recommended to award the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves to Ferguson Waterworks, Modesto, CA and Pace Supply Company, Stockton, CA for a (2) two-year agreement with (3) three one-year extension options, for an estimated annual amount of \$640,000 and a total amount not to exceed \$3,357,737 over five years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services

to be formally bid; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves to Ferguson Waterworks, Modesto, CA and Pace Supply Company, Stockton, CA.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the award of bid and agreement for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves to Ferguson Waterworks, Modesto, CA and Pace Supply Company, Stockton, CA for a two (2) year Agreement with three (3) one-year extension options, for an annual estimated amount of \$640,000 and authorizing the Director of Finance, or her designee, to adjust financial amounts between both providers for a total amount not to exceed \$3,357,737 over five years.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreements, 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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-412**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2024-2025 CAL FIRE
VOLUNTEER FIRE CAPACITY (VFC) PROGRAM GRANT AWARD IN THE
AMOUNT OF \$20,000, WITH A 50% LOCAL MATCH, FOR THE
PROCUREMENT OF WILDLAND PERSONAL PROTECTIVE EQUIPMENT
AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
EXECUTE THE GRANT AGREEMENT**

WHEREAS, the Volunteer Fire Capacity (VFC) Grant Program provides financial assistance directly to eligible fire departments for critical training and equipment, with the objective to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience; and

WHEREAS, the Fiscal Year 2024-2025 CalFire Volunteer Fire Capacity (VFC) Program Grant provides funding to organize, train and equip fire departments in rural areas and rural communities to prevent and suppress fires; and

WHEREAS, the Modesto Fire Department's contract with City of Oakdale and Oakdale Fire Protection District allows the department to apply for the grant; and

WHEREAS, on September 3, 2024, the Modesto Fire Department received notification that it has been awarded \$20,000, which includes a 50% local match of funds; and

WHEREAS, the department intends to apply this grant towards the purchasing of wildland personal protective equipment (PPE) in order to replace aging and outdated wildland PPE that is no longer in service or does not meet current standards; and

WHEREAS, there is a 50% required local match for the Cal Fire VFC Program Grant, with the awarded amount being \$20,000, and local match being \$20,000; and

WHEREAS, the department would fund the match within its adopted budget, and due to the critical need of replacing critical firefighting equipment, the department would prioritize funding within existing budget for the match; and

WHEREAS, the equipment identified in the grant application has been identified as needing replacement; without this grant the Fire Department will bear the cost of the full \$40,000; and

WHEREAS, the deadline to accept the grant is December 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of the Fiscal Year 2024-2025 Cal Fire Volunteer Fire Capacity (VFC) Program Grant Award in the amount of \$20,000, with a 50% Local Match, for the Procurement of Wildland Personal Protective Equipment

BE IT FURTHER RESOLVED that this City Manager, or his designee, is hereby authorized to execute the grant 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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

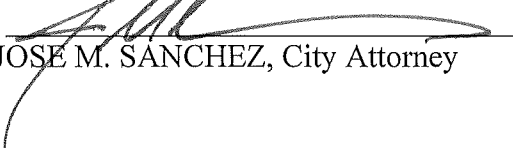
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-413**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF
MODESTO TO CREATE NEW CLASSIFICATIONS AND AMEND EXISTING
CLASSIFICATIONS**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2024- pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended as per **Exhibit A**.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which November 12, 2024 falls, (Pay Period beginning November 5, 2024).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

Classification Plan Amendments
 FY 2024/2025
 Effective November 12, 2024

QTY	Dept	OPN	Position Title	Description of Adjustment	Salary Range Assignment	Division	Cost Center
1.00	Util	New	Laboratory Quality Control Analyst	Add new class to class plan at range 436	436	UTL.Laboratory Services	44112
	Util	0048	Wastewater Division Manager	Change range from 452 to 453	453	Wastewater Services Admin	44010
	Util	0054	Water Division Manager	Change range from 452 to 453	453	Water Services Administration	45010

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-414**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2024-25 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council Resolution pursuant on June 18, 2024, as part of the Annual Budget of the City of Modesto for Fiscal Year 2024-25, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

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, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which November 12, 2024 falls, (Pay Period beginning November 5, 2024), unless otherwise noted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation for various departments as **attached in Exhibit B.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**Position Allocation Amendment
FY 2024/2025
Effective November 12, 2024**

QTY	OPN	Description of Adjustment	Position	Current Dept	Division	Current CC#	New Dept	CC# Move To	Division Moving To
1.00	New	Allocate 1	Multimedia Designer	CMO	Communications and Legislative Affairs	02015	n/a	n/a	n/a
1.00	New	Allocate 1	Operations Supervisor	PW	Community Forestry	56030	n/a	n/a	n/a
1.00	0511	Reallocate 1 Operations Crewleader	Operations Supervisor	PW	Community Forestry	56030	n/a	n/a	n/a
1.00	0677	Reallocate 1 Tree Trimmer	Senior Tree Trimmer	PW	Community Forestry	56030	n/a	n/a	n/a
1.00	0682	Reallocate 1 Tree Trimmer	Senior Tree Trimmer	PW	Community Forestry	56030	n/a	n/a	n/a
1.00	0174	Move from PRN to ENG	Parks Planning and Development Manager	PRN	PRN.Park Planning and Development	32020	ENG	13320	ENG.Park Planning and Development
1.00	0282	Move from PRN to ENG	Administrative Analyst II	PRN	PRN.Park Planning and Development	32020	ENG	13320	ENG.Park Planning and Development
1.00	1164	Move from PRN to ENG	Assistant Landscape Designer	PRN	PRN.Park Planning and Development	32020	ENG	13320	ENG.Park Planning and Development
1.00	1325	Move from PRN to ENG	Junior Landscape Designer	PRN	PRN.Park Planning and Development	32020	ENG	13320	ENG.Park Planning and Development
1.00	1402	Move from PRN to ENG	Assistant Landscape Designer	PRN	PRN.Park Planning and Development	32020	ENG	13320	ENG.Park Planning and Development
1.00	1552	Move from PRN to ENG	Junior Landscape Designer	PRN	PRN.Park Planning and Development	32020	ENG	13320	ENG.Park Planning and Development
1.00	1671	Move from PRN to ENG	Senior Landscape Architect/ Senior Architect	PRN	PRN.Measure H - Parks Planning and Development	32021	ENG	13321	ENG.Measure H - Parks Planning and Development
1.00	1672	Move from PRN to ENG	Senior Landscape Architect/ Senior Architect	PRN	PRN.Measure H - Parks Planning and Development	32021	ENG	13321	ENG.Measure H - Parks Planning and Development
1.00	New	Allocate 1	Laboratory Quality Control Analyst	UTL	Laboratory Services	44112	n/a	n/a	n/a

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-415**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL
OPERATING FUND BUDGETS IN THE AMOUNT OF \$251,544 TO
APPROPRIATE THE FUNDS FOR THE APPROVED CLASSIFICATION AND
POSITION ALLOCATION AMENDMENTS AND AUTHORIZING THE CITY
MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE
PROVISIONS OF THIS RESOLUTION**

WHEREAS, Personnel Rule 2.1 states, “The City Manager shall ascertain the duties and responsibilities of all positions in the City service, except those position which are filled by appointees of the City Council and after appropriate consultation with employees and department heads, shall prepare a classification plan for such positions”, and

WHEREAS, the City found it necessary to review several classifications to recommend adjustment to the City’s position allocation and classification plans, and

WHEREAS, the City Manager’s Office is in need of additional staffing for a 1 (FTE) Multimedia Designer due to the implementation of a digital podcast, and

WHEREAS, the Utilities Department reviewed the Water and Wastewater Division Manager job descriptions and is recommending to move the positions from range 452 to range 453, and

WHEREAS, the Public Works Department had an analysis of the current structure completed and it was recommended to add one Operations Supervisor, reclass one Operations Crewleader to one Operations Supervisor, and reclass two Tree Trimmers to two Senior Tree Trimmers, and

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Operating Fund Budgets in the General

Fund and various Non-General Funds of the City of Modesto for Fiscal Year 2024-25 in the amount of \$251,544 to appropriate funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Annual Operating budget in the amount of \$251,544 to appropriate the funds for the approved classification and position allocation amendments.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-416**

**RESOLUTION APPROVING THE FOURTH AMENDMENT TO THE
AGREEMENT WITH EMPLOYEE RELATIONS, GLENDALE, CA FOR
CONDUCTING PRE-EMPLOYMENT BACKGROUND CHECKS TO
INCREASE AMOUNT BY \$35,100 FROM \$64,900 TO A NEW TOTAL AMOUNT
NOT TO EXCEED \$100,000 AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the Human Resources Department has utilized Employee Relations, Inc., Glendale, CA to conduct pre-employment background checks since January 31, 2020; and

WHEREAS, the Human Resources Department executed the first amendment, under City Manager authority, with Employee Relations on March 4, 2022, to increase funds from \$24,000 to \$45,000; and

WHEREAS, the second amendment, under City Manager authority was executed on May 30, 2023, to increase funds from \$45,000 to \$49,900; and

WHEREAS, the third amendment, under City Council authority was executed on September 12, 2023, Resolution 2023-406, increased funds from \$49,900 to \$64,900 which was based on recent yearly averages which should have been sufficient to complete the need, however, with the recent influx of new hires, and dramatic increases in costs of some background checks conducted, it was not; and

WHEREAS, the Human Resources Department has completed the new informal bid process and expects to award a new Pre-employment Background Check Professional Services Agreement, with Council approval, prior to January 2025; and

WHEREAS, failure to increase funds will result in no new hires being processed until the new Agreement is awarded; and

WHEREAS, Staff recommends a fourth Amendment to the Professional Services Agreement with Employee Relations, Inc., Glendale, CA in the amount of \$100,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Professional Service Agreement with Employee Relations, Inc, Glendale, CA for conducting Pre-Employment Background Checks to increase the agreement not to exceed amount by \$35,100 from \$64,900 to a new total amount of \$100,000.

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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-417**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR DOWNEY SHADE STRUCTURE AND PARKING LOT REPLACEMENT PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO WESTSIDE LANDSCAPE & CONCRETE, INC. OF NEWMAN, CA., IN THE AMOUNT OF \$572,393 AUTHORIZING \$45,791 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$618,184, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Proposition 68 authorized \$4 billion in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects, with funding generated by the bonds being distributed to various state agencies to use or to administer grants to local agencies, and

WHEREAS, one such program is the Per Capita Program administered by California State Parks and on October 13, 2020, by Resolution 2020-425, Council accepted a California State Parks grant award under the Per Capita Program, in the amount of \$177,952 and allocated \$100,000 toward the replacement of the Downey Shade Structure in Capital Project #100922, and

WHEREAS, the project was advertised for bids on September 3, 2024, and

WHEREAS, bids were publicly opened on October 8, 2024, pursuant to City Charter Section 1307, and three bids were received, and

WHEREAS, Westside Landscape & Concrete, Inc. of Newman, CA, was determined to be the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual

services to be formally bid, and

WHEREAS, the award of contract for the construction of the Downey Shade Structure and Parking Lot Replacement Project, to Westside Landscape & Concrete, Inc., of Newman, CA, conforms to Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract to Westside Landscape & Concrete, Inc., of Newman, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Downey Shade Structure and Parking Lot Replacement Project, accepts the Bid and awards a construction contract to Westside Landscape & Concrete, Inc., of Newman, CA, in the amount of \$572,393 plus \$45,791 in contingency (if needed), for a total amount not to exceed \$618,184.

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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-418**

RESOLUTION APPROVING THE CITY'S PANDEMIC RECOVERY STRATEGY, MODESTO FORWARD, FOR THE REALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS FOR THE DOWNEY SHADE STRUCTURE AND PARKING LOT REPLACEMENT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE PROGRAMS AND FUNDING ALLOCATION

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act a \$1.9 trillion emergency relief measure intended to provide relief to address the impact of COVID-19, and

WHEREAS, the American Rescue Plan Act is making available \$45,897,056 to the City of Modesto to help address the local impact of COVID-19, and

WHEREAS, the Treasury Department has released interim guidance to-date and considers the following 6 categories as allowable uses: Public Health Response, Address Negative Economic Impact, Supporting Hardest-Hit Communities and Families, Replacing Lost Public Sector Revenue, Investments in Water and Sewer Infrastructure, and Investments in Broadband, and

WHEREAS, on August 10, 2023, the Treasury Department released on its website the 2023 Interim Final Rule which implemented three new eligible uses authorized in the Consolidated Appropriations Act (CAA), 2023 which included Emergency Relief from Natural Disasters, Surface Transportation Projects and Title I projects, and

WHEREAS, on May 25, 2021, by Resolution 2021-194, the City Council approved the original spending plan for the allocation made available in May 2021, and

WHEREAS, under Resolution 2022-237 on July 12, 2022, Year 2 expenditure plan was approved based on soliciting priorities from the public and the Council at the

three standing City Council Committees: Economic Development, Safety and Communities, and Finance, and

WHEREAS, Council approved under Resolution 2023-251, several ARPA programs to be reallocated to new or existing ARPA programs based on these new funding sources available for these programs such as Measure H and other grant funding sources, and

WHEREAS, Council approved under Resolution 2024-194, additional ARPA programs to be reallocated to new or existing ARPA programs based upon City staff determination that the programs would be unable to meet the obligation deadline or new funding sources were identified to fund these programs, and

WHEREAS, as the Treasury obligation deadline of December 31, 2024, is closely approaching, City staff have determined the below ARPA programs will be unable to meet the obligation deadline or new funding sources have been identified to fund these programs; and below is summary of the Council approved ARPA program funds being proposed to be reallocated to the Downey Shade Structure and Parking Lot Replacement Project, and

ARPA Project	Reason for Reallocation	Amount
Deferred Maintenance at Park & Public Facilities	Timeline Constraints	\$ 233,036
Total Funding		\$ 233,036

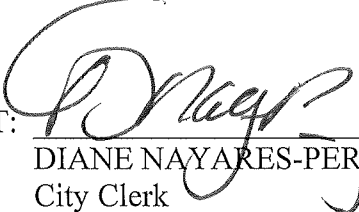
WHEREAS, staff evaluated that the Downey Shade Structure and Parking Lot Replacement Project will comply with the eligible expenses based on the guidance that had been made available by the Treasury Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City's Pandemic Recovery Strategy, Modesto Forward, for the reallocation of American Rescue Plan Act funds to the Downey Park Shade Structure and Parking Lot Replacement Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, to carry out the necessary steps to implement the programs and funding allocations.

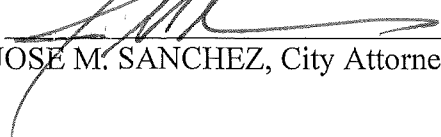
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
 DIANE NAYARES-PEREZ, CMC,
 City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
 JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-419**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL
IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #100922
(DOWNEY SHADE STRUCTURE) IN AN AMOUNT NOT TO EXCEED \$141,802
IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND
THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the City plans to renovate the Downey Park Shade Structure, and

WHEREAS, Parks & Air Quality Capital Facility Fund (CFF) funding of
\$141,802 must be allocated to fund a portion of the project, and

WHEREAS, the Fiscal Year 2024-2025 Capital Improvement Budget must be
amended to fund Project 100922 – Downey Shade Structure, in a total amount of
\$141,802 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the amendments of the Fiscal Year 2024-2025 Capital
Improvement Program Budget to fund project 100922 (Downey Shade Structure) in an
amount not to exceed \$141,802 in transfers, revenue and to budget expenditures to fund
the project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-420**

**RESOLUTION REJECTING ALL BIDS FOR THE VIRGINIA CORRIDOR
PHASE 7 PROJECT, AND AUTHORIZING STAFF TO RE-ADVERTISE THE
PROJECT FOR BIDS AT A FUTURE DATE**

WHEREAS, the project was advertised for bids on August 15, 2024, and

WHEREAS, the bids were publicly opened on September 24, 2024, pursuant to
City Charter Section 1307, and three bids were received, and

WHEREAS, all three bids received were above the engineer's estimate, and

WHEREAS, in reviewing the bids submitted for the Virginia Corridor Phase 7
project, staff identified an error in the bid documents that necessitates the rejection of all
received bids, and

WHEREAS, staff recommends the rejection of the three bids received and
recommends re-advertising the project at a later date, and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.203, Formal
Bid Procedures, the Council shall have the authority to accept or reject any or all bids and

WHEREAS, the rejection of all bids for the Virginia Corridor Phase 7 project
conforms to Modesto Municipal Code 8-3.203, subsection (e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby rejects all bids received for the Virginia Corridor Phase 7 Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the
project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-421**

RESOLUTION APPROVING THE SECOND AMENDMENT WITH WILLIAMS SCOTSMAN, INC., FRESNO, CALIFORNIA, FOR THE MODULAR BUILDING AT DRYDEN GOLF COURSE INCREASING THE AGREEMENT AMOUNT BY \$35,000 TO A NEW TOTAL AMOUNT OF \$130,000 AND EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 28, 2024 TO JUNE 14, 2026; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City owns real property located at 920 Sunset Avenue (APN 037-036-003), known as the Dryden Golf Course; and

WHEREAS, on August 4, 2020, the Dryden Golf Park Clubhouse was heavily damaged by a fire; and

WHEREAS, the City's property insurance company, Alliant, engaged Contractor to lease a modular building to serve as the Golf Course's temporary Clubhouse; and

WHEREAS, the City's property insurance company, Alliant, transferred ownership of the lease to the City because their insurance services were no longer needed but the modular building needed to remain until the Clubhouse was rebuilt; and

WHEREAS, the City assumed ownership of the lease in March 2021 to prevent an interruption in golf services and a loss in golf green fee revenue; and

WHEREAS, on December 6, 2022, the City amended the Lease Agreement to increase the total amount not to exceed \$95,000 and extend it to December 28, 2024; and

WHEREAS, the Clubhouse project remains in its design phase due to the expansion of the project from a rebuild to a complete renovation; and

WHEREAS, staff anticipates the Clubhouse renovation to start construction in late 2024 or early 2025 and expects completion within an 8–10-month period; and

WHEREAS, the current agreement must be extended for an additional eighteen (18) months to cover this period; and

WHEREAS, the monthly cost is estimated at \$1,947 per month and staff recommends the existing Lease Agreement to be increased by \$35,000 to a revised total not to exceed \$130,000; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, Contractor qualifies for exemption from the formal bidding procedure in accordance with MMC 8-3.204(f) because a change in vendor would incur removal and installation fees as well as a possible loss in green fee revenue while the building is being replaced.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment with Williams Scotsman, Inc., Fresno, California, for the Modular Building at Dryden Golf Course increasing the Agreement amount by \$35,000 to a new total amount of \$130,000 and extending the term of the Agreement from December 28, 2024 to June 14, 2026.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to Lease 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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-422**

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH WESTWOOD PROFESSIONAL SERVICES (FORMERLY O'DELL ENGINEERING), OF MODESTO, CA, FOR THE SONOMA SEWER TRUNK PHASE 4B PROJECT IN THE AMOUNT OF \$73,000, PLUS \$7,300 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED \$80,300 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Wastewater Collection System Master Plan identifies the Sonoma Trunk Extensions as a system that must be constructed to serve future development of the Roselle/Claribel Comprehensive Planning District located in the northeast area of the City, and

WHEREAS, within this area is the proposed Tivoli Development which will require the construction of the Sonoma Trunk Extensions, and

WHEREAS, Westwood Professional Services (Westwood), has been involved with preliminary engineering studies for the Tivoli Development, and

WHEREAS, Westwood is the design engineer for the first phase of the Tivoli Development, located at Sylvan Avenue and Aria Way, and for the Sonoma Sewer Trunk Phases 3 and 4a, and

WHEREAS, the Sonoma Trunk extension Phase 4b will consist of the installation of approximately 1,500 feet of 18-inch and 21-inch diameter sewer trunk beginning at the proposed alignment of Mable Avenue and continuing northerly to the proposed alignment of Claratina Ave, and

WHEREAS, here, considering that the Tivoli Development requires the sewer trunk extension to be installed prior to the development to transpire, staff coordinated

with the Tivoli Development team on the partnering opportunity to utilize Westwood to design Phase 4b of the Sonoma Trunk Extensions, and

WHEREAS, Westwood's involvement with the Tivoli Development, familiarity and knowledge of City Standards and being the engineer of record for the Sonoma Sewer Trunk Phases 3 and 4a, provides them with project understanding that will benefit the design of the proposed Sonoma Sewer Trunk Phase 4b Project, and

WHEREAS, staff recommends that an Engineering Services Agreement with Westwood Professional Services for the Sonoma Sewer Trunk Phase 4b Project should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Engineering Services Agreement with Westwood Professional Services (formerly O'Dell Engineering) of Modesto, CA, for the Sonoma Sewer Trunk Phase 4b Project in the amount of \$73,000, plus \$7,300 in additional services, if needed, for a total amount not to exceed \$80,300.

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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-423**

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$2,005,300 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FUND THE SONOMA SEWER TRUNK PHASE 4B PROJECT AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of \$2,005,300, in order to fund the Sonoma Sewer Trunk Phase 4B Project, and

WHEREAS, the Fiscal Year 2024-25 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2024-25 Capital Improvement Program Budget in the amount of \$2,005,300 to be transferred into the Project from Wastewater Reserves to fund the Sonoma Sewer Trunk Phase 4B Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-424**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
AGREEMENT WITH AERC ACQUISITION CORPORATION, HATBORO, PA,
FOR THE REMOVAL AND RECYCLING OF UNIVERSAL WASTE,
INCREASING THE AGREEMENT AMOUNT BY \$95,000 TO A NEW TOTAL
AMOUNT OF \$135,000 OVER FIVE YEARS AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT**

WHEREAS, the City’s Solid Waste Division coordinates universal waste disposal for City of Modesto departments, including items such as lightbulbs, batteries, e-waste, rechargeable equipment, items containing certain metals, and various items that cannot be disposed of through other means or that require special disposal; and

WHEREAS, on August 10, 2022, the City Manager authorized an informal agreement for the removal and recycling of universal waste with AERC Acquisition Corporation (“AERC”), for a term of two years with three one-year extension options, for an estimated annual amount of \$8,000 and \$40,000 over five years; and

WHEREAS, although the Solid Waste Division manages general disposal of universal waste Citywide, the Water Division requires additional services that are not listed in the current agreement; and

WHEREAS, the Water Division operates and maintains a water distribution system that provides water to approximately 76,000 connections and serves over 280,000 customers. Water meter registers have been installed for every customer to provide water usage readings for customer billing. These registers contain lithium-ion batteries that must be replaced at the end of their useful life, which can vary depending on exposure and usage from seven to fifteen years; and

WHEREAS, over the course of the past year and a half, city staff have had an influx of failing registers relating to the City's water meter read system, and the end of life for the registers was unknown at the time that the original informal bid was sent out to potential bidders and therefore was not included in the scope of work; and

WHEREAS, the Water Division plans to dispose of approximately 7,000 lbs. of meter register batteries annually, although the first year of the contract will need to be approximately 14,000 lbs. to account for what is currently stockpiled; and

WHEREAS, Lithium-ion meter register batteries are a type of hazardous materials that must be disposed of in a specific manner, and cannot be disposed of in the normal waste stream that is collected by the City's franchise haulers; and

WHEREAS, the current agreement with AERC will need to be modified to add pricing for lithium-ion meter register battery disposal and to increase the spending authority for Water Division disposal needs; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (f) where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional or similar good or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services. This Amendment qualifies for the exception for these reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with AERC Acquisition

Corporation, Hatboro, PA, for the Removal and Recycling of Universal Waste, increasing the Agreement amount by \$95,000 to a new total amount of \$135,000 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the first 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 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-425**

**RESOLUTION APPROVING A THIRD AMENDMENT TO THE CITY CLERK
EMPLOYMENT AGREEMENT WITH DIANE NAYARES-PEREZ ADJUSTING
TERMS OF THE CONTRACT REGARDING COMPENSATION AS A RESULT
OF THE 2023 CITY-WIDE LABOR MARKET STUDY**

WHEREAS, on April 5, 2022, by Resolution No. 2022-180, City Council appointed Nayares-Perez to the role of City Clerk and entered into an Employment Agreement; and

WHEREAS, in 2023, the City engaged in labor negotiations with all represented and unrepresented employees, except for the Modesto City Firefighters Association. Through labor negotiations, the City Council agreed to implement the results of a City-wide labor market study (“2023 Markert Study”) that analyzed all City positions, cost of living increases for the term of the successor Memorandums of Understanding, and certain benefit changes; and

WHEREAS, on June 13, 2023, the City Council adopted Resolution No. 2023-287 and Resolution No. 2023-288, extending the salary market adjustments resulting from the 2023 Market Study, cost of living increases, and benefits to the City’s unrepresented employees, including Charter Officers. These were the same benefits offered to the Modesto Confidential and Management Association. Ms. Nayares-Perez’ Employment Agreement was amended to reflect these adjustments; and

WHEREAS, after the adoption of the Resolution and approval of the First Amendment to Ms. Nayares-Perez’ Employment Agreement implementing the 2023 Market Study and the Second Amendment to her Employment Agreement implementing a merit increase after a positive evaluation, it was determined that the 2023 Market Study

did not reflect the appropriate market salary adjustment to the Ms. Nayares-Perez' position of City Clerk; and

WHEREAS, City has determined that the Market Study was missing a comparable agency which would have increased Ms. Nayares-Perez' salary by two and one-half percent (2.5%) effective July 1, 2023; and

WHEREAS, the City wishes to amend the Employment Agreement in order to adjust Ms. Nayares-Perez' compensation to reflect the adjusted 2023 Market Study and the increase to her salary considering the missing data and effective June 20, 2023, similar to all other 2023 Market Study salary adjustments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Employment Agreement with Diane Nayares-Perez adjusting terms of the contract regarding compensation as a result of the 2023 City-wide Labor Market Study 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**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

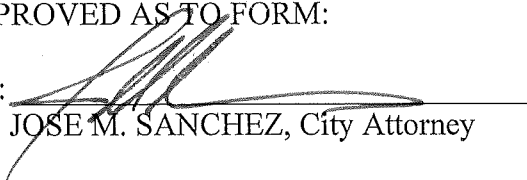


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**THIRD AMENDMENT TO EMPLOYMENT AGREEMENT
WITH DIANE NAYARES-PEREZ**

This Third Amendment to Employment Agreement (“**Third Amendment**”) is made and entered into this ___ day of _____ 2024, by and between the **CITY OF MODESTO** (“**CITY**”) and **Diane Nayares-Perez** (“**EMPLOYEE**”).

RECITALS

WHEREAS, on April 5, 2022, by Resolution No. 2022-180, City Council appointed Nayares-Perez to the role of City Clerk and entered into an Employment Agreement with **EMPLOYEE** (“**Employment Agreement**”); and

WHEREAS, in 2023, the City engaged in labor negotiations with all represented and unrepresented employees, except for the Modesto City Firefighters Association. Through labor negotiations, the City Council agreed to implement the results of a City-wide labor market study (“2023 Markert Study”) that analyzed all City positions, cost of living increases for the term of the successor Memorandums of Understanding, and certain benefit changes; and

WHEREAS, the City Council also adopted Resolution No. 2023-287 and Resolution No. 2023-288, extending the salary market adjustments resulting from the 2023 Market Study, cost of living increases, and benefits the City Council offered to the Modesto Confidential and Management Association to the City’s unrepresented employees, including Charter Officers. **EMPLOYEE** serves as City Clerk, which is a Charter Officer position; and

WHEREAS, after the adoption of the Resolution and approval of the First Amendment to **EMPLOYEE**’s Employment Agreement implementing the 2023 Market Study and the Second Amendment to **EMPLOYEE**’s Employment Agreement implement a merit increase after a positive evaluation, it was determined that the 2023 Market Study did not reflect the appropriate

market salary adjustment to the EMPLOYEE's position of City Clerk. CITY has determined that the Market Study was missing a comparable agency which would have increased EMPLOYEES's salary by two and one-half percent (2.5%) effective July 1, 2023; and

WHEREAS, the CITY wishes to amend the Employment Agreement in order to adjust EMPLOYEE's compensation to reflect the adjusted 2023 Market Study and the increase to EMPLOYEE's salary considering the missing data and effective June 20, 2023, similar to all other 2023 Market Study salary adjustments.

AGREEMENT

1. Section 4(a) of the Employment Agreement, "Salary," first paragraph, is amended to add a four and one-tenth percent (4.1%) merit increase. No changes are being made to the second and third paragraphs, which reflect previously approved salary adjustments under adopted Resolution No. 2023-287 and Resolution No. 2023-288. Section 4(a) of the Employment Agreement is amended to read as follows:

"SECTION 3: Salary

a. Effective November 19, 2024, CITY agrees to pay EMPLOYEE an annual base salary of One Hundred sixty-two thousand one hundred fifteen Dollars and twenty Cents (\$162,115.20), payable in installments at the same time that the other employees of CITY are paid.

CITY agrees to pay EMPLOYEE a lump sum payment in the amount of Five Thousand Nine Hundred Thirty Dollars and Sixty-Eight Cents (\$5,930.68), compensating EMPLOYEE for an additional two and one-half percent (2.5%) adjustment that EMPLOYEE would have received effective June 20, 2023, if the 2023 Market Study conducted by CITY would have included all applicable

comparable jurisdictions for EMPLOYEE's position as City Clerk. EMPLOYEE and CITY staff continued to work on the 2023 Market Study and desire to settle any all issues related to the 2023 Market Study with the payment under this Section. The lump sum payment will be made within thirty (30) days of this Third Amendment.

Effective July 1, 2025, CITY agrees to increase EMPLOYEE's annual base salary as follows: an additional three percent (3%) cost of living increase and a Step increase in the amount of four percent (4%) payable in installments at the same time that the other employees of CITY are paid. The Step increase is subject to EMPLOYEE being at the top Step of her position's range on June 30, 2024, and a positive evaluation by the City Council, pursuant to the Employment Agreement.

In addition, effective June 30, 2026, CITY agrees to increase EMPLOYEE's annual base salary as follows: an additional three percent (3%) cost of living increase payable in installments at the same time that the other employees of CITY are paid.”

2. Except as amended by this Third Amendment, all terms and conditions of the Employment Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Third Amendment to the Employment Agreement in duplicate by its Mayor and attestation by its Assistant City Clerk under the authority of Resolution No. 2024-____, adopted by the Council of the City of Modesto on the ____ of November 2024, and EMPLOYEE has caused this Third Amendment to the Employment Agreement to be duly executed.

CITY OF MODESTO,
a municipal corporation

EMPLOYEE

By: Sue Zwahlen, Mayor

By: Diane Nayaes-Perez

ATTEST:

By: Dana Sanchez, Assistant City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Jose M. Sanchez, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-426**

**RESOLUTION APPROVING A THIRD AMENDMENT TO THE CITY
MANAGER EMPLOYMENT AGREEMENT WITH JOSEPH P. (“JOE”) LOPEZ
ADJUSTING TERMS OF THE CONTRACT REGARDING MANAGEMENT
LEAVE AND SEVERANCE**

WHEREAS, on April 1, 2017, City Council appointed Lopez in an acting role as City Manager. On July 5, 2017, by Resolution No. 2017-265, City Council appointed Lopez as Interim City Manager following the departure of the former City Manager on March 31, 2017; and

WHEREAS, on July 10, 2018, by Resolution No. 2018-297, Council appointed Lopez to the role of City Manager and entered into an Employment Agreement with Lopez; and

WHEREAS, on March 1, 2022, by Resolution No. 2022-110, Council approved a First Amendment to the Employment Agreement with Joe Lopez, City Manager, dated July 10, 2018, to increase base salary to \$256,221, based on a positive performance evaluation; and

WHEREAS, in 2023, the City engaged in labor negotiations with all represented and unrepresented employees, except for the Modesto City Firefighters Association. Through labor negotiations, the City Council agreed to implement the results of a City-wide labor market study (“2023 Markert Study”) that analyzed all City positions, cost of living increases for the term of the successor Memorandums of Understanding, and certain benefit changes; and

WHEREAS, on June 13, 2023, the City Council adopted Resolution 2023-287 and Resolution 2023-288 extending salary market adjustments resulting from the City

staff market study, cost of living increases and benefits to the City's unrepresented employees, including Charter Officers. These were the same benefits offered to the Modesto Confidential and Management Association. Mr. Lopez serves as City Manager, which is a Charter Officer position, and his Employment Agreement was amended to reflect these adjustments; and

WHEREAS, during Mr. Lopez' tenure, he has only received positive performance evaluations; the most recent being delivered on August 13, 2024; and

WHEREAS, given the positive evaluation, Council directed MRG to gather and compare City Manager Employment Agreements from the City's nine comparable agencies. As a result, it was determined that City Manager's with similar tenures had more generous severance packages and more paid leave time; and

WHEREAS, the attached Amendment will increase the City Manager's Management Leave benefit from 10 days (80 hours) to 20 days (160 hours) per calendar year. He will be credited an additional 40 hours of Management Leave effective July 1, 2024 and commencing on January 1, 2025, and every January 1st of each calendar year thereafter, he will be credited with 160 hours. Mr. Lopez may cash out up to 160 hours of unused leave in accordance with City Policy; and

WHEREAS, the Amendment will also increase the severance benefit from 6 months to 12 months of base pay and shall include health coverage effective upon contract execution. Per the City Manager's Employment Agreement, severance benefits are only triggered if he is terminated without cause.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the City Manager Employment Agreement

with Joseph P. (Joe) Lopez, adjusting terms of the contract regarding Management Leave and Severance 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**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST.




DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**THIRD AMENDMENT TO EMPLOYMENT AGREEMENT
WITH JOSEPH P. LOPEZ**

This Third Amendment to Employment Agreement (“**Third Amendment**”) is made and entered into this ____ day of _____, 2024, by and between the **CITY OF MODESTO** (“**Employer**”) and **JOSEPH P. LOPEZ** (“**Employee**” or “**Lopez**”).

RECITALS

WHEREAS, on April 1, 2017, City Council appointed Lopez in an acting role as City Manager. On July 5, 2017, by Resolution No. 2017-265, City Council appointed Lopez as Interim City Manager following the departure of the former City Manager on March 31, 2017; and

WHEREAS, on July 10, 2018, by Resolution No. 2018-297, Council appointed Lopez to the role of City Manager and entered into an Employment Agreement with Lopez (“**Employment Agreement**”); and

WHEREAS, on June 13, 2023, the City Council adopted Resolution 2023-287 and Resolution 2023-288 extending salary market adjustments resulting from the City staff market study, cost of living increases and benefits the Council offered to the Modesto Confidential and Management Association to the City’s unrepresented employees, including Charter Officers. Employee serves as City Manager, which is a Charter Officer position. The Council provided authority to prepare and enter into the Second Amendment to Employee’s Employment Agreement; and

WHEREAS, during Mr. Lopez’ tenure, he has only received positive performance evaluations; the most recent being delivered on August 13, 2024; and

WHEREAS, as a result of the positive evaluation dated August 13, 2024, and pursuant to Section 3(B) of the Employment Agreement, the City Council wishes to amend the Employment Agreement in order to adjust Lopez’s management/executive leave from eighty (80) hours to one hundred and sixty (160) hours and his severance from six (6) months to twelve (12) months, including twelve (12) months medical coverage.

AGREEMENT

1. Section 5(E) of the Employment Agreement, “Vacation, Sick, and Management/Executive Leave,” is amended to read as follows to adjust Employee’s executive/management leave from eighty (80) hours to one hundred and sixty (160) hours:

“E. Employee was credited with eighty (80) hours of management/executive leave on January 1, 2024. Employee will be credited an additional forty (40) hours of management/executive leave effective on July 1, 2024. Commencing on January 1, 2025, and every January 1st of each calendar year thereafter, Employee shall be credited with one hundred and sixty (160) hours of management/executive leave. Employee may cash out up to one hundred and sixty (160) hours of unused leave in accordance with City Policy.”

2. Section 10(A) of the Employment Agreement, “Severance,” is amended to read as follows to adjust Employee’s severance from six (6) months to twelve (12) months including medical coverage for that time:

“A. In the event, City terminates Employee’s employment without cause, and without Notice of Termination consistent with the provisions of Section 10, Employee shall be entitled to severance pay of a lump sum payment equal to Twelve (12) months base salary during this Agreement. Severance shall also include medical coverage for Twelve (12) months at the same level of coverage and cost as Employee received as of the date of termination. The severance

under this Agreement shall be subject to the restrictions set forth in Government Code section 53260. Said payment of severance pay and medical coverage shall be conditioned upon Employee signing a waiver and release agreement forever releasing and waiving any and all claims against the City in a form acceptable to the City. Employee shall receive the severance payment in a lump sum payment minus all applicable deductions fifteen (15) business days after execution of the waiver and release agreement. Employee shall not receive any severance payments or medical coverage under this Section if he resigns, is terminated for cause, or if a waiver and release agreement is not executed by the Parties.”

3. Except as amended by this Third Amendment, all terms and conditions of the Employment Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Third Amendment to the Employment Agreement in duplicate by its Mayor and attestation by its City Clerk under authority of Resolution No. 2024-, adopted by the Council of the City of Modesto on the ___ day of _____, 2024, and Employee has caused this Third Amendment to the Employment Agreement to be duly executed.

CITY OF MODESTO,
a municipal corporation

EMPLOYEE

By: Sue Zwahlen, Mayor

By: Joseph P. Lopez

ATTEST:

By: DIANE NAYARES-PEREZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Jose M. Sanchez, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-427**

RESOLUTION APPROVING AN AGREEMENT WITH VALLEY FIRST CREDIT UNION MODESTO, CALIFORNIA FOR ACCESSORY DWELLING UNIT (ADU) REVOLVING LOAN FUND TO INCREASE THE DEVELOPMENT OF ADUS IN THE COMMUNITY FOR A TOTAL AMOUNT NOT TO EXCEED \$450,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT

WHEREAS, like many cities across the State, Modesto has a limited affordable housing inventory. In recent years, accessory dwelling units have become a critical part of the housing stock of a community; and

WHEREAS, ADUs can be detached, such as a small cottage or guest house on the same parcel as a single-family home, and they can also be attached, such as an addition on a primary structure and be created from the conversion of existing space, such as a garage; and

WHEREAS, in addition to bolstering the housing supply of a community, ADU's also have a critical role in building the financial security of a homeowner via the equity of the home due to the improvements and the potential for rental income for the homeowner; and

WHEREAS, to carry out a program that can achieve these benefits for the community, the City approved \$450,000 for an ADU Revolving Loan Fund that was approved as part of the Fiscal Year 2024-2025 Measure H Spending Plan budget; and

WHEREAS, the City approached Valley First Credit Union (VFCU) because of their extensive experience in preparing loan programs for Modesto residents to develop a program. Headquartered in Modesto, Valley First Credit Union has been serving the community since 1949; and

WHEREAS, Valley First's primary mission is to create access to financial products and services to individuals of low- and moderate-income and other disadvantaged communities; and

WHEREAS, the City, through its partnership with VFCU aims to address critical needs particularly the access to capital for homeowners who desire to build an attached or detached ADU on their property and by partnering with VFCU, the City can leverage the local unique capabilities and relationships of a local credit union to establish an efficient and streamlined loan program that supports the production of ADUs and helps build financial security for homeowners; and

WHEREAS, a partnership with VFCU serves as a critical step to help address financial barriers to individuals who traditionally would not have access to the capital required to build an ADU and City staff is proposing an ADU loan program in the amount of \$450,000; and

WHEREAS, further, by partnering with VFCU, the City can leverage the local unique capabilities and relationships of a local credit union to establish an efficient and streamlined loan program that supports the production of ADUs and helps build financial security for homeowners and help build the local housing stock in the community, and

WHEREAS, City's Fiscal Year 2024-2025 Measure H Spending Plan budget approved an allocation of \$450,000, specifically for the establishment of an ADU Revolving Loan Program and all funds dedicated to the program will be exclusively for the program; there are no additional costs associated with the establishment of the program from VFCU; and

WHEREAS, this project was presented to the Citizens' Housing and Community Development Committee on October 10, 2024, and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Valley First Credit Union Modesto, California for Accessory Dwelling Unit (ADU) Revolving Loan Fund to increase the development of ADU's in the community for a total amount not to exceed \$450,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to negotiate and 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 12th day of November, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-428**

**RESOLUTION APPROVING THE AMENDED 2025 CITY CALENDARS OF
REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING
COMMITTEE MEETINGS AND RESCINDING RESOLUTION 2024-381**

WHEREAS, in line with established procedures, the City Clerk and City Manager prepare a meeting calendar for the City Council and Council Standing Committees for the upcoming year, with the Mayor's approval. This calendar is presented each October to the City Council for consideration and approval; and

WHEREAS, on October 22, 2024, by Resolution No. 2024-381, Council approved the 2025 City Calendars of regularly scheduled City Council and Council Standing Committee meetings; and

WHEREAS, this year due to the way the holidays fell Council meetings were calendared in error on the third Tuesday which conflicts with the Stanislaus County Board of Supervisors evening meetings; and

WHEREAS, accordingly, the attached amended documents contain the meeting calendars for 2025 for the City Council and Standing Committees, labeled as Exhibit A and Exhibit B, respectively.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Amended 2025 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2025 Council Standing Committee Meeting Calendar **Exhibit "B,"** are hereby approved, and Resolution 2024-381 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

City Council Calendar 2025

January 2025

7th NO MEETING
14th Council Meeting (regular)
21st NO MEETING
28th Council Meeting (regular)

February 2025

4th Council Meeting (regular)
11th NO MEETING
18th NO MEETING
25th Council Meeting (regular)

March 2025

4th Council Meeting (regular)
11th Council Meeting (regular)
18th NO MEETING
25th NO MEETING

April 2025

1st NO MEETING
8th Council Meeting (regular)
15th NO MEETING
22nd Council Meeting (regular)
29th NO MEETING – 5th Tuesday

May 2025

6th Council Meeting (regular)
13th Council Meeting (regular)
20th NO MEETING
27th NO MEETING

June 2025

3rd Council Meeting (regular)
10th Council Meeting (regular)
17th NO MEETING
24th Council Meeting (regular)

July 2025

1st NO MEETING
8th NO MEETING
15th NO MEETING
22nd Council Meeting (regular)
29th NO MEETING – 5th Tuesday

August 2025

5th NO MEETING
12th Council Meeting (regular)
19th NO MEETING
26th Council Meeting (regular)

September 2025

2nd NO MEETING
9th Council Meeting (regular)
16th NO MEETING
23rd Council Meeting (regular)

October 2025

7th NO MEETING
14th Council Meeting (regular)
21st NO MEETING
28th Council Meeting (regular)

November 2025

4th Council Meeting (regular)
11th NO MEETING
18th NO MEETING
25th Council Meeting (regular)

December 2025

2nd Council Meeting (regular)
9th Council Meeting (regular)
16th NO MEETING
23rd CANCELLED per MMC 2-1.01
30th NO MEETING

City of Modesto Council and Standing Committees Calendar

2025

JANUARY						
S	M	T	W	T	F	S
			H	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	H	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	H	18	19	20	21	22
23	24	25	26	27	28	

MARCH						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	H					

APRIL						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	H	27	28	29	30	31

JUNE						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	H	20	21
22	23	24	25	26	27	28
29	30					

JULY						
S	M	T	W	T	F	S
		1	2	3	H	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER						
S	M	T	W	T	F	S
	H	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	H	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	H	H	29
30						

DECEMBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	H	26	27
28	29	30	31			

- Council 5:30 PM
- Economic Development Committee 4:00 PM
- Appointments Committee 4:00 PM
- Finance Committee 4:00 PM
- Cannabis Permit Review & Audit Committee - As needed

*Meeting dates and times are subject to change at the request of Council

Calendar by the City Clerk's Office rev 12/03/2024

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-429**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-25 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS
AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY
STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2024-25.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2024-25 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

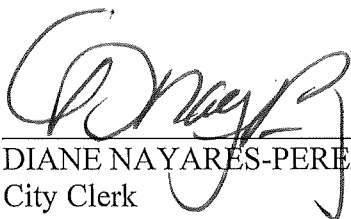
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

MODESTO POLICE DEPARTMENT

- A budget adjustment in the amount of \$134,548 is needed in the 2023-2024 Supplemental Law Enforcement Services Fund (SLESF) Project (101539) in the Police Grants Fund (1342) to increase the expense and revenue budget to account for State revenues and offsetting expenditures.
- A budget adjustment in the amount of \$560,000 is needed in the Police Grants Fund (1342) for Project 101629 – 2025 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant. The adjustment will recognize grant revenue and establish the discretionary expenditure accounts. The Modesto Police Department was awarded the grant per Grant #PT25179 and the budget appropriation is in place to expend the funds for eligible grant program categories per the grant agreement. \$50,000 has previously been budgeted on the City Manager’s signature to avoid delays in planned operations.
- A budget adjustment in the amount of \$970,370 is needed in Project 101635 - Substance Abuse and Mental Health Services Administration (SAMHSA) Grant in the Police Grants Fund (1342) to increase the expense and revenue budget to account for Federal revenues and offsetting expenditures. This grant was accepted by Council per Resolution 2023-557.

ENGINEERING SERVICES DEPARTMENT

- A budget adjustment in the amount of \$208,003 is needed in the Capital Grants – Streets CIP Projects Fund (3160) for Project 101519 – AB170 – County Islands Project. The grant revenue on this project was received upfront and quarterly interest on the unspent grant funds needs to be recognized. The adjustment will recognize the interest revenue received to date on the project and amend the project discretionary expenditure accounts.

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment is necessary in the amount of \$3,120,173 in the Tuolumne River Regional Park (TRRP) Capital Improvement Fund 6710 to increase the expenditures and revenues in various (see table) TRRP Capital Improvement projects to allocated Insurance Proceed revenue from the American Legion Hall Fire. The insurance proceeds totaled \$3,316,441. \$183,781 will need to remain in Project 101425 American Legion Hall (ALH) Fire Remediation expenditures and there will be \$12,487 left to allocate for future Capital Improvement needs.

Project	Project Name	Total
101061	Carpenter Road Area Soccer	\$500,000
101071	Neece Drive Boat	\$785,932
101109	River Overlook	\$150,000

101135	River Pavilion	\$100,000
101232	TRRP Riverwalk Trail	\$210,241
101476	Vegetation Management	\$329,000
101477	Mancini Park	\$450,000
101478	TRRP - B Picnic Area	\$375,000
101527	Gateway - Temporary Parking Improvements at Gateway	\$200,000
101528	Carpenter Road Area Fish Habitat Restoration	\$20,000
Total to Allocate		\$3,120,173

- A budget adjustment is necessary in the amount of \$350,000 in the Tuolumne River Regional Park (TRRP) Capital Improvement Fund 6710 Project 101478 TRRP – B Improvements to decrease the expenditures to clean—up the current budget. The original budget was reduced as part of the American Rescue Plan Act (ARPA) reallocation which redirected \$350,000 from this project to be covered by ARPA funding. The \$350,000 reallocation budget was established in Project 101432 – TRRP B Picnic and Restroom which reside in Fund 6720 TRRP Special Revenue Fund which houses ARPA pass through dollars.

PUBLIC WORKS

- A budget adjustment is necessary in the amount of \$123,500 to appropriate grant revenues and offsetting expenditures in the PW-The Recycling Partnership (101634) project for the Recycling Partnership grant that was awarded to the Modesto Solid Waste Division.
- A budget adjustment is necessary in the amount of \$200,000 is necessary in the Surface Transportation Fund (1700) to create and establish the budget for the FY 24-25 Senate Bill (SB1) Video Detection Non-Capital Project (101636). As part of the adjustment, a transfer will also be established from the Gas Tax Fund (1730) to the project as the project will be funded with SB1 funds for Fiscal Year 2024-2025. The SB1 project list was approved by Council on July 9, 2024, per resolution 2024-267 and this project was part of the approval.

UTILITIES

- A budget adjustment in the amount of \$66,985 is needed in the Water Fund (4100) to reduce the budget and Wastewater Fund (4210) to increase the budget for reallocation of salary and benefits costs for one Process System Control Technician position as the position is being moved from the Water Fund to the Wastewater Fund.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-430**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2024-25 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council Resolution pursuant on June 18, 2024, as part of the Annual Budget of the City of Modesto for Fiscal Year 2024-25, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

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, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which December 3, 2024 falls, (Pay Period beginning December 3, 2024), unless otherwise noted.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation for various departments as **attached in Exhibit C.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**Position Allocation Amendment
 FY 2024/2025
 Effective December 3, 2024**

QTY	OPN	Description of Adjustment	Position	Current Dept	Division	Current CC#	New Dept	CC# Move To	Division Moving To
1.00	0602	Move 1	Process Systems Control Technician	UTIL	Wells and Tanks	45050	UTIL	44313	Sutter Plant Maintenance
1.00	1732	Eliminate 1	Administrative Office Assistant III	PW	Building Administration	52110	n/a	n/a	n/a

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-431**

RESOLUTION REMOVING THE ORIGINAL HOME INVESTMENT PARTNERSHIP AWARD IN THE AMOUNT OF \$1,786,971 AND APPROVING THE FIRST AMENDMENT TO THE PERMANENT LOCAL HOUSING ALLOCATION LOAN AGREEMENT WITH STANISLAUS REGIONAL HOUSING AUTHORITY TO INCREASE THE LOAN BY \$1,786,971 FOR A NEW TOTAL AMOUNT OF \$2,745,694 FOR THE DEVELOPMENT OF THE VINE STREET AFFORDABLE HOUSING PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENT

WHEREAS, the City, Stanislaus Regional Housing Authority (Stan Regional), and Stanislaus Behavioral Health and Recovery Services (BHRS) have been collaborating on the development of two complexes of affordable housing located on Vine Street; and

WHEREAS, on November 6, 2018, by Resolution number 2018-489, the City of Modesto awarded \$280,000 in Community Development Block Grant (CDBG) to the Stanislaus Regional Housing Authority for the acquisition of property located on Vine Street (APN: 030-010-042), between the Helen White Trail to the west, and S. Martin Luther King Dr to the east, for the future development of 34 affordable housing units; and

WHEREAS, on October 25, 2022, by Resolution number 2022-435 the City awarded the Housing Authority a project award in the amount not to exceed \$3,226,604 to construct 34 units of affordable housing in two separate housing complexes as well as Vine Street infrastructure and road improvements; and

WHEREAS, in partnership with Stanislaus Behavior Health and Recovery Services (BHRS) – No Place Like Home Program funds, Mental Health Services Act (MSHA), and F&M Bank loan have determined that for this project to capitalize on the funding opportunities; and

WHEREAS, as a direct recipient of several funding sources that are dedicated to the development of affordable housing within the City of Modesto, the City originally awarded its HOME Investment Partnership (HOME), The HOME CHDO Set-Aside, Permanent Local Housing Allocation (PLHA), and the Community Development Block Grant (CDBG) funds to bring the full scope of this project into realization; and

WHEREAS, Stanislaus Regional, as property owner, with Great Valley Development Corporation, as the developer, will produce 34 units of affordable housing that will result in two separate housing complexes and incidental Vine Street related infrastructure improvements; and

WHEREAS, King Kennedy Veteran Cottages will result in gated development consisting of twenty-three (23) 580 sq. ft. one-bedroom detached units with stove, refrigerator, dishwasher, microwave, and laundry unit. The complex will include one management unit; and

WHEREAS, it will be a permanent supportive housing complex for veterans with incomes restrictions for designated units at or below 30% of the area median income (AMI) that will be in partnership with BHRS, the development will offer these veterans a permanent solution to their housing challenges and provide services as well as an on-site meeting room; and

WHEREAS, The Helen White Court will result in a gated development that consist of twelve (12) units available to low-income seniors and one (1) manager unit; and

WHEREAS, these proposed 1 bedroom and 1 bath approximately 650 to 700 sq. ft. attached units with incomes restrictions for designated units at or below 120% of the

area median income (AMI) include a courtyard with a large, naturalized garden area utilizing boulders and cobblestone to create a rustic setting with trees for shading and benches for sitting and conversation in the center of the complex; and

WHEREAS, Vine Street is currently a private road, and not owned by the City. As a condition of approval through the City's Planning approval process, the Stanislaus Regional Housing Authority will be responsible for right-of-way acquisition, curb, sidewalk, gutter, and pavement repairs from South Martin Luther King Drive to the concrete wall at the end of Vine Street that brings road up to City Standard creating a safe space that will support the increase in residential density; and

WHEREAS, the total project cost of \$10,791,648 including contingencies and the City's original commitment to this total was an amount not to exceed \$3,226,604; and

WHEREAS, this project is nearing completion and as City staff and the Stanislaus Regional Housing Authority assessed the needs of the populations being served and the City proposes to remove the original HOME Investment Partnership awards and HOME CHDO Set-Aside in the amount of \$1,786,971, and increase the PLHA Loan by the same amount, for a new PLHA loan in the amount of \$2,745,694.; and

WHEREAS, this amendment is not proposing an increase of the City's total award to this project in the amount of \$3,226,604, but instead proposes simply to change the source of funding from HOME to PLHA to offer City staff greater flexibility because PLHA has an expenditure deadline of 2026 and HOME has an expenditure deadline of 2029; and

WHEREAS, this loan amendment shall be for a term of 55 years, with 1% simple interest, deferred until the end of the loan term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves removing the original HOME Investment Partnership award in the amount of \$1,786,971 and approves the First Amendment to the Permanent Local Housing Allocation Loan Agreement with Stanislaus Regional Housing Authority to increase the loan by \$1,786,971 for a new total amount of \$2,745,694 for the development of the Vine Street Affordable Housing Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to negotiate and 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 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-432**

RESOLUTION AMENDING THE FISCAL YEAR 2024-2025 MULTI-YEAR FUND BUDGET TO INCREASE THE TRANSFER OF PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FUNDS FOR THE DEVELOPMENT OF THE AFFORDABLE HOUSING VINE STREET PROJECT (101185) IN THE AMOUNT OF \$1,786,971 AND REDUCING THE TRANSFER OF HOME INVESTMENT PARTNERSHIP (HOME) FUNDS OF \$1,786,971 FOR A TOTAL PROJECT COST NOT TO EXCEED \$3,326,604 AND BUDGETING THE NECESSARY TRANSFERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS IN THIS RESOLUTION

WHEREAS, the City of Modesto is applying to receive entitlement funding from the State of California Housing and Community Development Department (HCD) Permanent Local Housing Allocation (PLHA) program based on its entitlement status of the U.S. Department of Housing and Urban Development Community Development Block Grant Program; and

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), and HOME Investment Partnership Grant (HOME) funds from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the fiscal year 2024-2025 Multi-Year project budget must be amended to increase the transfer of Permanent Local Housing Allocation (PLHA) funds in the amount of \$1,786,971 in the Vine Street affordable housing project (101185); and

WHEREAS, the fiscal year 2024-2025 Multi-Year project budget must be amended to reduce the transfer of HOME Investment Partnerships (HOME) funds in the Vine Street affordable housing project (101185); and

WHEREAS, the overall project amount of \$3,226,604 in project expenses and \$100,000 in activity delivery costs is not changing; and

WHEREAS, it is necessary to amend the transfer and revenue budgets to reallocate within the Vine Street affordable housing project (101185).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it amends the fiscal year 2024-2025 multi-year fund budget to transfer the budgets in an amount not to exceed \$3,326,604 for the Vine Street project (101185).

BE IT FURTHER RESOLVED by that Council of the City of Modesto that it authorizes the City Manager or his designee to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-433**

RESOLUTION APPROVING AN AGREEMENT WITH GILTON SOLID WASTE MANAGEMENT, INC. AND BERTOLOTTI MODESTO DISPOSAL, INC. TO PERFORM BILLING AND COLLECTION SERVICES FOR CERTAIN SOLID WASTE REMOVAL PROVIDED TO SINGLE-FAMILY RESIDENTIAL CUSTOMERS WITHIN THE CITY LIMITS OF MODESTO FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the Modesto Municipal Code Section 5-5.135 entitled “Collection of Solid Waste Charges” allows for the City to enter into an agreement with the garbage haulers hereby the City will bill and accept payments for certain solid waste service charges on behalf of the garbage companies, and

WHEREAS, the charges are billed on the monthly City utility bill along with other applicable City utility services such as water, sewer, and storm drain, and

WHEREAS, on April 26, 2005, Council approved Resolution No. 2005-185 authorizing the execution of an agreement with Gilton Solid Waste, Inc. and Bertolotti Modesto Disposal, Inc., for the City of Modesto to provide these billing and collection services on behalf of the two garbage companies, and

WHEREAS, on May 26, 2011, a First Amendment was made to the original agreement changing the methodology of the annual cost per bill increase, utilizing the Consumer Price Index for the Bay Area rather than the Consumer Price Index for the State of California, and

WHEREAS, on February 26, 2019, Council approved Resolution 2019-78 for a Second Amendment to extend the agreement through December 31, 2019, to allow time for staff to complete a comprehensive review of the agreements and enter into new agreements

with the garbage companies addressing any deficiencies and defining a term date, and

WHEREAS, on December 10, 2019, Council approved Resolution 2019-546 for an agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform billing and collection services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for two years with three one-year extension options, and

WHEREAS, it is critical the City recover the costs of billing and collection on behalf of the garbage companies while maintaining revenues that support the General Fund, and

WHEREAS, staff routinely conduct a detailed cost analysis of the methodology utilized to determine the current cost per bill, the frequency of reconciliation of revenues, and recovering the City's costs for ownership of bad debt incurred on uncollectible balances, and

WHEREAS, the current charge per bill as of July 1, 2024, is \$2.01 and based on current cost analysis, the charge per bill will remain \$2.01 as of January 1, 2025, and

WHEREAS, City staff recommended to utilize the Consumer Price Index for the West Region which aligns with the index utilized for our vendor contractual agreements due to City of Modesto residing in this specific index region, and

WHEREAS, the charge per bill is adjusted by the City on an annual basis for inflation at no more than the annual increase listed in the Consumer Price Index (CPI) for the West Region for the period of January 1st to December 31st of the prior year, and

WHEREAS, this annual CPI increase is effective July 1st each year, and

WHEREAS, the City reserves the right to conduct an annual cost analysis at any time during the year and in the event the analysis determines the City is no longer recovering costs

to provide service as identified in the Scope of Services (**Exhibit A**), the City reserves the right to adjust the cost per bill accordingly with a 90-day notification to both garbage companies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform Billing and Collection Services for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for a two (2) year Agreement with three (3) one (1) year extension options.

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

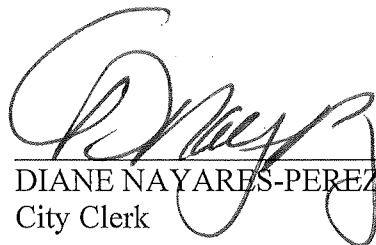
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

EXHIBIT A: SCOPE OF SERVICES

1. Charges to be Collected.

This Agreement shall apply only to the customers of Collector within the Modesto City limits who are billed at a single-family residential rate. The City will bill at Council approved rates utilizing utility billing software system at locations billed for one or more of the following services: water, sewer, or storm drain. City will not bill for garbage as a stand-alone service. Per MMC 5-5.135 City shall neither use nor imply that it will use its police power to collect bills remaining overdue or unpaid.

2. Payment to Collector.

The City agrees to make a weekly payment to Collector based on the amount billed by the City during the preceding calendar week, less the amount due the City pursuant to Section 3 of Agreement titled "Compensation". The City will reserve the option to update the payment schedule from time to time as agreed upon by both parties based on variations in billing cycles or business needs. Payment will be based on revenues billed for the prior week and extracted from the utility billing software system accompanied by a detailed reconciliation worksheet.

3. Monthly Billing of Garbage Services.

The City shall provide monthly billing of Collectors' garbage customers as defined in paragraph 1 above titled "Charges to Be Collected" acting solely in the role of a private contractor performing customer billing and payment acceptance services for the Collector.

4. Receipt of and Accounting for Payments.

The City shall accept, receipt, and account for Collectors' monthly customer payments for which it bills on behalf of Collector.

5. Assistance Programs and Discounts.

The City will apply the City's established assistance program discount to Collectors' customer bills as authorized by the Collectors' service agreement at a rate of \$5.00 per eligible customer. In the event there is any change to the assistance program, such as to the amount of the monthly discount, the City will notify the Collector in writing a minimum of 90 days in advance to advise of any increase to the Collector.

6. Billing Adjustments and Correction of Charges Billed or Due.

The City is authorized to review account charges and adjust as necessary, utilizing parameters as set forth in adjustment policy of the City's Utility Billing and Collections Division. In the event an adjustment of charges results in flat or negative revenues due the Collector for any given week, no check will be issued for that week. Upon request, the City will provide Collector a reconciliation including billing corrections or adjustments that resulted in flat or negative revenues for that billing period.

7. Deposits.

The City will not collect deposits on behalf of the Collector for garbage services billed by the City.

8. Communications.

The City and Collector will communicate as necessary regarding billing, processing customer account information, and delivery and removal of residential standard containers. All service-related issues shall be referred by the City directly to Collector to manage (please refer to sections 11 and 12 below).

9. Utility Bill Inserts.

Collector agrees to pay the City its proportional one-third share of the printing costs for public education materials inserted in the monthly utility bill based on its customer count as a percentage of total City garbage customers.

10. Requests for Extra Garbage Service.

All requests received for extra garbage service such as special pickups, extra loads, etc. shall be referred by the City to Collector and Collector shall be responsible for billing and collection of the charges for such extra garbage service.

11. Complaints Regarding Garbage Service.

All complaints made to the City by customers of Collector relating to garbage service shall be referred by the City to Collector and it shall be the responsibility of Collector to investigate such complaints.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-434**

RESOLUTION APPROVING A CHANGE ORDER TO THE AGREEMENT WITH OPENGOV INC., SAN FRANCISCO, CA FOR THE PUBLIC BIDDING SOLUTION SUBSCRIPTION INCREASING THE AMOUNT BY \$13,975 FOR A NEW TOTAL AMOUNT NOT TO EXCEED \$290,111; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CHANGE ORDER REQUEST

WHEREAS, the current public bidding posting, PlanetBids, has been in place since June 13, 2005 (about 19 years old) and is solely used to post all City formal bids and proposals; and

WHEREAS, PlanetBids is used as a platform for prospective vendors to register at no cost to be notified when bids are posted by the City and the platform tracks viewing and downloading history for each bid; and

WHEREAS, with the various software tools, the process can be cumbersome to manage document version control and the project management of each bid; and

WHEREAS, for Contract Management, the City utilizes Microsoft Office Suite to manage contract preparation and Outlook email to facilitate the informal review; and

WHEREAS, to monitor insurance requirements for the agreement, the City utilizes a third-party insurance tracking system called PINS which requires the vendor to login into the PINS system to upload all insurance documents and all insurance requirements are reviewed and approved by Risk Management before agreements are finalized for signature; and

WHEREAS, on June 11, 2024, under Resolution 2024-206, Council approved the purchase of a New Public Bidding Solution Subscription with OpenGov Inc., San Francisco, CA in the amount of \$276,136 over three years; and

WHEREAS, City staff began the implementation of OpenGov in July 2024, and as part of the discovery phase of OpenGov, City staff learned of a Contract Management module included as part of the Public Bidding module; and

WHEREAS, the Contract management module of OpenGov will greatly improve the City's existing processes, minimize risk with errors, collaborate across all City departments and vendors, and provides better system controls; and

WHEREAS, this change order will provide professional services to assist the City with establishing the contract templates, guidance on training guides and subject matter expert training for our end users and administrators; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects; and

WHEREAS, by incorporating Contract management into one centralize system there will be centralize processes to not only facilitate the bidding process but improve the overall contract management process and this will create increased efficiency from the vendor's standpoint as they will be able to monitor the bid and contract through the OpenGov portal system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Change Order to the Agreement with OpenGov Inc., San Francisco, CA for the Public Bidding Solution Subscription increasing the amount by \$13,975 for a new total amount not to exceed \$290,111.

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

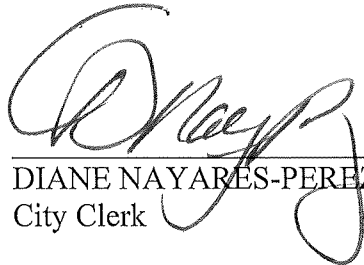
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-435**

RESOLUTION APPROVING THE FIRST AMENDMENT WITH PUBLIC GROUP, AKA PUBLIC SURPLUS, PROVO, UT FOR ONLINE AUCTION SERVICES INCREASING THE AGREEMENT ANNUAL ESTIMATED AMOUNT BY \$50,000 TO A REVISED ANNUAL ESTIAMTED AMOUNT OF \$80,000 AND INCREASING THE AGREEMENT AMOUNT BY \$250,000 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$400,000 FOR THE FIVE-YEAR TERM AGREEMENT; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the Accounting Division of the Finance Department utilizes an auctioning service to address the City’s surplus of tangible assets, which typically consist of: (1) property and scrap accumulated by the City; and (2) surplus City vehicles and equipment, which have reached their useful life; and

WHEREAS, items not sold online are discarded through an agreement with an e-waste vendor, local junk vendor or donated to a non-profit partner based on whether the surplus items can still be reused; and

WHEREAS, the City’s primary surplus auction items include the surplus of the City vehicles and equipment that have reached the end of their useful life; and

WHEREAS, the Accounting Division coordinates with the Public Works Fleet Division to evaluate surplus fleet that are posted on the public auction site and this evaluation is performed on a regular basis, especially with the incoming of new Fleet Replacement vehicles and equipment; and

WHEREAS, on March 5, 2024, under Resolution 2024-084, Council approved an Agreement for Online Public Auction Services to The Public Group doing business as (dba) Public Surplus, Provo, Utah, by utilizing the Competitive Bidding Process from Sourcewell for a two-year Agreement with three (3) one-year extension options, for an

annual estimated amount of \$30,000 and a total amount not to exceed \$150,000 over five (5) years and this new Agreement was effective May 1, 2024; and

WHEREAS, with the use of online auction services under the new Agreement, the City has posted 36 auction sales of Fleet vehicles and equipment and the winning bid amounts came in significantly higher than anticipated; and

WHEREAS, a majority of the starting bids range from \$100-\$400; however, these starting bids were not reflective of the Kelly Blue Book value of these assets, which triggered the inability to anticipate the fee cost for these auctions; and

WHEREAS, the Accounting Division is working with the Fleet Division to modify the current process to ensure staff obtains the estimated Kelly Blue Book value of the anticipated selling price for each vehicle surplus; and

WHEREAS, this change will allow the Finance Department to more accurately forecast the anticipated annual fees; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; however, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, this Amendment is essential to ensure we continue to sell the City's Fleet surplus in preparation for delivery of the replacement Fleet vehicle and equipment and take advantage of these auction sales to cover the overall cost for the replacement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with Public Group, aka Public Surplus, Provo, UT for Online Auction Services increasing the Agreement annual estimated amount by \$50,000 to a revised annual estimated amount of \$80,000 and increasing the Agreement amount by \$250,000 to a new total amount not to exceed \$400,000 for the five-year term Agreement.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-436**

RESOLUTION APPROVING AN AGREEMENT WITH FIRST ALARM WELLNESS, VISTA, CALIFORNIA FOR BEHAVIORAL HEALTH SERVICES FOR THE MODESTO FIRE DEPARTMENT FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$32,100 AND A TOTAL AMOUNT NOT TO EXCEED \$160,500 OVER 5 YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 30, 2023, the City entered into an agreement with First Alarm Wellness for Behavioral Health Services provided to the City of Modesto Fire Department to combat and mitigate the effects of first responder psychological trauma, with an annual amount not to exceed \$40,500; and

WHEREAS, this Agreement was established for a one (1) year term with the formal bidding exception under MMC 8-3.204 (c) Inflexible time constraints, expiring on December 30, 2024; and

WHEREAS, a need for these types of services continues to exist in order to manage the well-being of the City's first responders; and

WHEREAS, on August 21, 2024, the Director of Finance approved a formal bidding exception to waive the formal bidding process based on the comprehensive range of services, cost-effectiveness, seamless integration with our operations, established trusting relationship and commitment to employee well-being, First Alarm Wellness was determined to be the ideal choice for supporting the City of Modesto Fire Department with Behavioral Health Services; and

WHEREAS, the services provided include counseling and support services for our first responders impacted by work-related distress, by providing education, resources, and effective clinical services, as well as clinical oversight of all aspects of the

department's behavioral health program and assistance with the Workers Compensation process; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, based on the comprehensive range of services, cost-effectiveness, seamless integration with our operations, established trusting relationship and commitment to employee well-being, First Alarm Wellness was determined to be the ideal choice for supporting the City of Modesto Fire Department with Behavioral Health Services; and

WHEREAS, staff recommends the Behavioral Health Services of this Agreement to First Alarm Wellness should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d) since First Alarm Wellness has provided the Modesto Fire Department with Behavioral health services since 2018 and has established a trustworthy relationship with staff which is crucial in mental health services; and

WHEREAS, the term of the agreement is for five years, effective December 31, 2024, for an estimated annual amount of \$32,100 and total amount not to exceed \$160,500 over five years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with First Alarm Wellness, Vista, California for Behavioral Health Services for the Modesto Fire Department for a two-year Agreement with three one-year extension options, for an annual estimated amount of \$32,100, and a total amount not to exceed \$160,500 over five years.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documents and agreements, 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 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-437**

RESOLUTION APPROVING THE SECOND AMENDMENT WITH WEST COAST DOOR AND GATE, CERES, CA FOR THE ON-CALL COMMERCIAL ROLL-UP DOOR MAINTENANCE AND REPAIR SERVICES INCREASING THE AGREEMENT AMOUNT BY \$50,000 TO A NEW TOTAL AMOUNT OF \$286,000 AND EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 2, 2024, TO DECEMBER 2, 2025, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 3, 2019, by Resolution 2019-535, Council approved a two-year Agreement with three one-year extension options with West Coast Door and Gate, for an annual estimated cost of \$34,000 and a total amount not to exceed \$170,000 over five years; and

WHEREAS, on October 24, 2023, under Resolution 2023-467, Council approved the First Amendment to increase the agreement by \$66,000 to revise the total amount not to exceed \$236,000; and

WHEREAS, since the original contract, the City has also entered into a contract for service Agreement with the Salida Fire Protection District, which added six additional doors. In addition, due to the recent increase in call volume, there has been an increase in the wear and tear of the doors. Currently, the average age of the roll-up doors is 48 years; and

WHEREAS, the department has nearly depleted its current funds for the remainder of the current Agreement year, which expires on December 2, 2024. As a result, a 12-month extension and Amendment of \$50,000 is recommended to revise the total Agreement amount from \$236,000 to \$286,000 to allow time to complete a formal bid process; and

WHEREAS, Modesto Municipal Code Section 8-3.03 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 (e) “Where the Purchasing Manager, in his or her discretion, determines that the term of an existing agreement should be extended for a period of no greater than one (1) year to allow the City to complete a formal bidding process for a long-term agreement or to avoid disruption to City projects or services; and

WHEREAS, the required formal bid is currently in process to have a new Agreement in place by the expiration of this Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment with West Coast Door and Gate, Ceres, CA for the on-call Commercial Roll-up Door Maintenance and Repair Services increasing the Agreement amount by \$50,000 to a new total amount of \$286,000 and extending the term of the Agreement from December 2, 2024, to December 2, 2025.

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

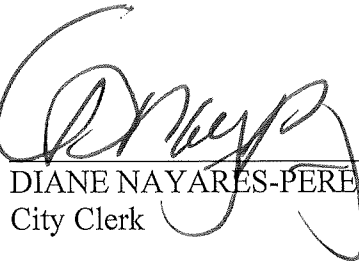
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-438**

RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES TO TEMPORARILY HOUSE AND MAINTAIN A TYPE 1 HAZMAT EMERGENCY RESPONSE VEHICLE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the California Governor’s Office of Emergency Services (Cal OES), Fire, Rescue and Hazmat program has developed a Regional Hazardous Materials Response (HazMat) program that is similar to the Cal OES Fire Engine Program that the City currently participates in; and

WHEREAS, this program includes supplying the Department with a HazMat response vehicle as well as reimbursing costs related to responses, including staff time and resources; and

WHEREAS, the Modesto Fire Department currently houses and staffs a Cal OES Hazardous Materials Response Unit (HM41) which was recently upgraded from a Type II to a Type I Hazardous Material Response Vehicle. The upgrades included additional equipment to detect biological hazards and WMD threats as well as an increased level of training provided by Cal OES to the staffing of our HazMat unit to be able to identify and mitigate threats of this nature; and

WHEREAS, as participants of the HazMat program, Cal OES provides reimbursement to the Department of the costs associated with such training of personnel to the level of HazMat Specialist, including the cost of intrastate travel to attend courses and the cost of backfilling for the personnel that attend the training; and

WHEREAS, the term of the Vehicle Transfer Agreement is for ten years, from July 12, 2024, through July 12, 2034. Upon acceptance of the agreement with CalOES, MFD agrees to house, maintain, and respond with the apparatus when requested.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement with the State of California Office of Emergency Services to temporarily house and maintain a Type 1 HazMat Emergency Response Vehicle.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documents and agreements, 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 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-439**

RESOLUTION APPROVING A PURCHASE AGREEMENT WITH TELCION COMMUNICATIONS GROUP, TURLOCK, CA, BY UTILIZING THE COMPETITIVE BID PROCESS THOROUGH MERCED COUNTY FOCUS AGREEMENT FOR A 3-YEAR AGREEMENT, AND A TOTAL NOT TO EXCEED \$240,000, OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the city's current Secure Web Gateway (SWG) and Virtual Private Network Solutions (VPN) has had challenges with both support and functionality; and

WHEREAS, a security incident in 2022 involving a breach prompted city staff to seek a more secure alternative; and

WHEREAS, staff conducted a comprehensive technology evaluation, reviewing several software; and

WHEREAS, city staff were able to secure allocation of American Rescue Plan Act (ARPA) funds for this project after successful validation; and

WHEREAS, a new agreement needs to be established before the current solution expires, and ARPA Funds encumbered before December 31, 2024; and

WHEREAS, on September 11, 2024, the City Manager authorized the Purchasing Manager to solicit the procurement for the replacement of the city's SWG; and

WHEREAS, staff identified a piggyback with the County of Merced's Fast Open Contracts Utilization Services (FOCUS) agreement; and

WHEREAS, the FOCUS agreement is a nationwide cooperative program that allows cities, counties, schools, special districts and other public entities to acquire technology products and services efficiently and at competitive rates; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost saving interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase Agreement with Telcion Communications Group, Turlock, CA, by utilizing the Competitive Bid Process through Merced County FOCUS agreement for a 3-year agreement, and a total amount not to exceed \$240,000, over three 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 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-440**

**RESOLUTION REJECTING ALL BIDS FOR THE SONOMA SEWER TRUNK
PHASES 3 AND 4A PROJECTS**

WHEREAS, the project was advertised for bids on July 26, 2024, and

WHEREAS, the bids were publicly opened on September 10, 2024, pursuant to
City Charter Section 1307, and

WHEREAS, all bids received were under the engineer's estimate, with the lowest
bid being 44.33% below and the highest bid being 11.04% below, and

WHEREAS, the City received a total of nine bids, indicating good participation
from bidders, and

WHEREAS, after the City put the project out to bid, the developer informed the
City that they would be able to construct the proposed work as part of their construction
activities, and

WHEREAS, it will enhance efficiency for the developer to construct the Sonoma
Sewer Trunk Extension Phase 3 & 4a as part of their ongoing construction activities,
rather than award the contract to a different contractor, and

WHEREAS, for this reason, staff recommends rejecting all bids, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.203, Formal Bid
Procedure, the Council shall have the authority to accept or reject any or all bids, and

WHEREAS, the rejection of all bids for the Sonoma Sewer Trunk Extension
Phase 3 & 4a conforms to Modesto Municipal Code 8-3.203, subsection (e).


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Sonoma Sewer Trunk Phases 3 and 4a Projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-441**

RESOLUTION APPROVING AN ON-CALL HYDRAULIC WASTEWATER SYSTEM MODELING SUPPORT SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC., OF SACRAMENTO, CA FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$100,000, AND A TOTAL AMOUNT NOT TO EXCEED \$300,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's Wastewater System Model is a digital replica of the City's actual wastewater system infrastructure that Utilities Engineering and Operations staff utilize through the professional services provided by Carollo, and

WHEREAS, analysis provided by Carollo aids the Utilities Engineering and Operations staff in making decisions that impact current and long-term operations, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, Modesto Municipal Code Section 8-3.204(d) provides that a purchase may be exempt from the City's formal bidding requirement where the Purchasing Manager determines that a process other than the formal bid procedure will result in a procurement at the lowest possible cost commensurate with the desired quality, and

WHEREAS, Carollo is uniquely qualified in that they own the necessary hardware, software, and host the current version of the City's Wastewater System Model, and

WHEREAS, the City has been working with Carollo in this capacity for over 15 years, and they have established a strong business relationship with both the Utilities

Engineering and Operations staff, consistently demonstrating a high-level working knowledge of the City's infrastructure, and

WHEREAS, staff recommends that an On-Call Hydraulic Wastewater System Modeling Support Services Agreement with Carollo should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d) since maintaining Carollo as the City's Hydraulic Wastewater System Modeling Support consultant would ensure the consistency of the analysis provided along with a historical understanding of past modeling scenarios/efforts and avoid the costs that would be associated with establishing the model with a new consultant.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Hydraulic Wastewater System Modeling Support Services Agreement with Carollo Engineers, Inc., of Sacramento, CA for a One-Year Agreement with Two One-Year Extension Options, for an annual estimated amount of \$100,000, and a total amount not to exceed \$300,000 over three 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 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember

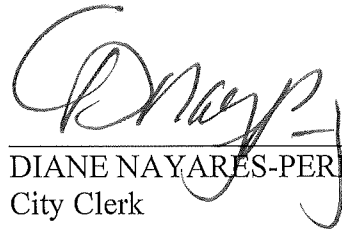
Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-442**

RESOLUTION APPROVING AN ON-CALL HYDRAULIC WATER SYSTEM MODELING SUPPORT SERVICES AGREEMENT WITH WEST YOST & ASSOCIATES, INC., OF DAVIS, CA FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED AMOUNT OF \$100,000, AND A TOTAL AMOUNT NOT TO EXCEED \$300,000 OVER THREE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's Water System Model is a digital replica of the City's actual water system infrastructure that Utilities Engineering and Operations staff utilize through the professional services provided by West Yost, and

WHEREAS, analysis provided by West Yost aids the Utilities Engineering and Operations staff in making decisions that impact current and long-term operations, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, Modesto Municipal Code Section 8-3.204(d) provides that a purchase may be exempt from the City's formal bidding requirement where the Purchasing Manager determines that a process other than the formal bid procedure will result in a procurement at the lowest possible cost commensurate with the desired quality, and

WHEREAS, West Yost is uniquely qualified in that they own the necessary hardware, software, and host the current version of the City's Water System Model, and

WHEREAS, the City has been working with West Yost in this capacity for over 15 years, and they have established a strong business relationship with both the Utilities

Engineering and Operations staff, consistently demonstrating a high-level working knowledge of the City's infrastructure, and

WHEREAS, staff recommends that an On-Call Hydraulic Water System Modeling Support Services Agreement with West Yost should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(d) since maintaining West Yost as the City's Hydraulic Water System Modeling Support consultant would ensure the consistency of the analysis provided along with a historical understanding of past modeling scenarios/efforts and avoid the costs that would be associated with establishing the model with a new consultant.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Hydraulic Water System Modeling Support Services Agreement with West Yost & Associates, Inc., of Davis, CA for a One-Year Agreement with Two One-Year Extension Options, for an annual estimated amount of \$100,000, and a total amount not to exceed \$300,000 over three 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 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-443**

**RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL
REPORT FOR FISCAL YEAR 2023-24 AND MAKING FINDINGS
RELATED TO EACH OF THE FEE CATEGORIES**

WHEREAS, the City of Modesto imposes fees to mitigate the impacts of development, pursuant to Government Code section 66000 *et seq.*; and

WHEREAS, California Government Code sections 66001 and 66006 require cities to annually make certain fee-related information available to the public and findings relating to the necessity of collecting fees for new development; and

WHEREAS, the City, in accordance with Government Code section 66006(a) and Section 8-1.904 of the Modesto Municipal Code, established Capital Facilities Fees (CFF) for the purpose of collecting fees to fund the construction of public improvements that will be needed as a result of new development; and

WHEREAS, on March 22, 2011, by Resolution No. 2011-105, Council established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2020-464 on September 22, 2020; and

WHEREAS, the following fees were established by Resolution No. 2020-407:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and
- The Public Transportation CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and

- The Parks and Air Quality CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, pedestrian accesses as well as land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings, and
- The Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and
- The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and
- The General Government CFF Fund was established to accrue funds for the debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion; and

WHEREAS, California Government Code Section 66001(d) requires the local agency make specified findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted; and

WHEREAS, the 5-year Capital Improvement Program (CIP) strives to reflect the goals and policies established by the General Plan by systematically planning, scheduling, managing, monitoring and financing capital projects to ensure cost-effectiveness and conformity with established policies and adopted Specific Plans. The CIP guides the

funding and construction of all public improvements constructed by the City, including roads, wastewater treatment facilities and lines, water lines, and parks; and

WHEREAS, the City's most recent CIP, Fiscal Year 2024-25, relates the City's annual capital expenditures to a long-range plan for public improvements. By relating the plan for public improvements to the City's capacity for funding, and scheduling expenditures over a period of years, the CIP helps maximize the funds available. This type of fiscal management is important during periods where budgetary demands exceeding financial resources; and

WHEREAS, the City's Capital Improvement Plan (CIP) projects are financed, in part, by Capital Facilities Fees outlined in the description of the Capital Facilities Fees funds. The City's CIP provide infrastructure to the residents and businesses in Modesto in order to keep pace with ongoing development in, and adjacent to, the community; and

WHEREAS, the CIP is updated annually to reflect the current infrastructure needs of the City. As a CIP project is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development. Once the determination of use is made, the percentage of use attributable to new development is then funded by the appropriate development fee, based on the type of project; and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2023-24 has been completed and is on file with the City Clerk; and

WHEREAS, a public hearing notice was posted in the Modesto Bee in accordance with applicable law; and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for

December 3, 2024, to enable the public to have the opportunity to comment on the CFF collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories in accordance with Government Code Section 66001(d) and 66006(b):

- 1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2020-407, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development. New development generates an increased demand on existing City facilities. In order to mitigate the impacts of that demand, the City improves existing facilities and/or builds new facilities from time to time. The City's impact fees are charged based on the type of usage. For residential, there is a fee for single family units, and a different fee for each multi family unit. For non-residential uses, the fee is based on the square footage of the project. Accordingly, the fee increases as the estimated demand from the proposed project increases. By Resolution No. 2011-105, Council established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2020-464 on September 22, 2020. The fees are increased by an inflationary measure annually to account for the increased construction costs.
- 2) The Capital Facilities Fee Annual Report for Fiscal Year 2023-24 reports on the below information for each of the fee categories:
 - a. The amount of the fee. (Table 1)
 - b. The beginning and ending balance of the account or fund. (Table 2)
 - c. The amount of the fees collected and the interest earned. (Table 2)

- d. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Table 10)
- 3) The CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.
- 4) The anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.
- 5) The necessary funds for constructing and/or purchasing the following have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2020-407, and therefore fees should still be collected for the following purposes:
 - Additional fire stations, fire vehicles, and a new training station, and
 - An additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer-aided dispatch system, and an expanded radio system, and
 - Development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure Country Place, and

- Debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and
- Reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails, and
- Arterial roadways, intersections, expressway, freeway interchanges and all their associated landscaping, and
- Expansion of the transit system.

6) All reportable fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the California Government Code and all other applicable laws for the Fiscal Year 2023-24.

7) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2023-24 Capital Facilities Fees Report as described in Attachment 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-444**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2023-24 ANNUAL REPORT
OF FUNDS HELD FOR FUTURE IMPROVEMENTS AND MAKING FINDINGS
RELATED TO EACH SECURITY ON FILE**

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development; and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development; and

WHEREAS, \$2,500 in impact fees were paid by Fuentes Construction on March 8, 2001, as a condition of approval for Project #100782 located at 1024 Florence Avenue, Modesto, for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements; and

WHEREAS, \$29,393.72 in impact fees were collected from American Home Builders as a condition of approval for Project #100783 located at 3055 Floyd Avenue, Modesto, on June 20, 2005, for future improvements including the expansion of Beta Street to the north of the property; and

WHEREAS, \$27,165 in impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for Project #100784 located at 3019 Floyd Avenue, Modesto, for future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway; and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received; and

WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained; and

WHEREAS, a public hearing notice was posted in the Modesto Bee in accordance with Government Code 66002 and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 3, 2024, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2023-24 Annual Report of Funds Held for Future Improvements and making findings related to each security on file. That the revenue anticipated for the full development of infrastructure improvements required for these projects have not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties.

1. That the anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City.
2. That the funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is not yet known, but there is still a need; and therefore fees should still be retained for these purposes.
3. That the timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is not

yet known, but there is still a need; and therefore fees should still be retained for these purposes.

4. That the timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need; and therefore fees should still be retained for these purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-445**

RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT #13) FOR THE STATE THEATRE AT 1307 J STREET (OWNER: STATE THEATRE OF MODESTO, INC), MODESTO LANDMARK PRESERVATION SITE #22, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, California Government Code Section 50280, et seq., permits local governments to enter into contracts with the owners of qualified historical properties for the purpose of historic preservation, more commonly known as Mills Act contracts; and

WHEREAS, Mills Act contracts require a property to first have been a Landmark Site prior to the creation of said contracts; and

WHEREAS, 1307 J Street, more commonly known as the State Theatre, was designated as a Modesto Landmark Preservation Site by Resolution 95-11; and

WHEREAS, State Theatre of Modesto, Inc., owner of the property at 1307 J Street, has applied for a Mills Act contract for this site; and

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts, such as Mills Act contracts after benefit of a public hearing; and

WHEREAS, a Mills Act contract was prepared for 1307 J Street, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion; and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on September 16, 2024, in Room 3001, City Hall, 1010 10th Street,

Modesto, at which the Commission recommended approval of Mills Act Contract #13 for State Theatre of Modesto, Inc. at 1307 J Street; and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on September 16, 2024, in Room 3001, City Hall, 1010 10th Street, Modesto, at which the Commission determined that the proposed contract was exempt under Section 15301 of the CEQA Guidelines, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and

WHEREAS, after a public hearing held on December 03, 2024, in Council Chambers, 1010 10th Street, Modesto, the City Council found and determined that the Mills Act contract for the property at 1307 J Street, meets the requirements of Government Code Section 50280, et seq., and should be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract #13) for the State Theatre at 1307 J Street, more particularly described in **Exhibit “A” attached** hereto and incorporated by reference, is hereby approved, a copy of which is presented in **Exhibit “B” attached** hereto and incorporated by reference.

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

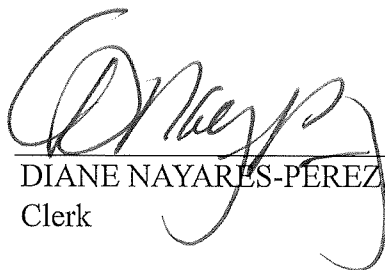
BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2024, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PÉREZ, CMC, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

“Exhibit A”

Legal description of 1307 J St.

Lots 17 thru 23 in Block 107 of the City of Modesto, according to the official map thereof, filed in the office of the recorder of Stanislaus County, California, on December 21, 1942 in Book 15 of Maps.

Exhibit “B”

Historic Property Preservation Agreement (Mills Act Contract #13) for the State Theatre
at 1307 J Street

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-446**

**RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION
WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 5, 2024,
AND DECLARING THE RESULTS OF SAID ELECTION AND SUCH OTHER
MATTERS AS PROVIDED BY LAW**

WHEREAS, on Tuesday, November 5, 2024, a Regular Municipal Election was held in the City of Modesto (herein called “City”) and in the Modesto City Schools District (herein called “District”) of Stanislaus County to elect the following:

1. One City Councilmember to District 1 for a four-year term;
2. One City Councilmember to District 3 for a four-year term;
3. One City Councilmember to District 6 for a four-year term;
4. One District Board of Education Member to Trustee Area 2 for a four-year term;
5. One District Board of Education Member to Trustee Area 4 for a four-year term,
6. One District Board of Education Member to Trustee Area 6 for a four-year term.

WHEREAS, said election was held on Tuesday, November 5, 2024, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, Elections Code Section 10263 requires a governing body to adopt a resolution reciting the fact of the election and the other matters that are enumerated in Elections Code Section 10264, in addition to declaring the persons whom the highest number of votes were cast for each office; and

WHEREAS, the Stanislaus County Registrar of Voters, at the request of the City Council, canvassed the returns of said regular municipal election in accordance with law, and reported the results of the election to the City Clerk, which the City Clerk certified to the Council by a Certificate of Canvass and Statement of Votes dated December 3, 2024, a copy of which is **attached** hereto marked **Exhibit “A”** and made a part hereof.

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

1. Said election results as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed, approved, and declared.

2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is **attached** hereto marked as **Exhibit “A”** and made a part hereof, shows a complete tabulation of the following:

- (A) The whole number of votes cast for Districts 1, 3 and 6, in the City of Modesto.
- (B) The whole number of votes cast for Trustee Areas 2, 4, and 6 in the Modesto City Schools District.
- (C) The names of the persons voted for.
- (D) For what office each person was voted for.

3. That, at said Regular Municipal Election, the following named persons having received a majority of the votes cast for the elective offices, as designated on **Exhibit “A”**, are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of

said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

- | | |
|-----------------------------|---|
| Rosa Escutia-Braaton | Councilmember for a term of four years, District 1, Modesto City Council. |
| Chris Ricci | Councilmember for a term of four years, District 3, Modesto City Council. |
| David Wright | Councilmember for a term of four years, District 6, Modesto City Council. |
| John Ervin, III | Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 2. |
| Abel Maestas | Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 4. |
| Homero Mejia | Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 6. |

5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of "votes (ballots) cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (4) The number of votes given at each precinct to each person; and (5) The total number of votes given to each person.


6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE**

CITY OF MODESTO REGULAR MUNICIPAL ELECTION

November 5, 2024

I, Diane Nayares-Perez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk-Recorder’s Office, on November 5, 20224 to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 5, 2024 in accordance with the law. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
District 1, Modesto City Council		
Rosa Escutia-Braaton	5,461	46.97%
John Lane Gunderson	1,707	14.68%
Joel Gutierrez Campos	4,458	38.35%
Non-Qualified Write-in Candidates	67	
Total Votes Cast for District 1	11,626	
District 3 Modesto City Council		
Chris Ricci	9,920	100%
Non-Qualified Write-in Candidates	430	
Total Votes Cast for District 3	9,920	
District 6, Modesto City Council		
Austin Grant	5,935	44.95%
David Wright	7,270	55.05%
Non-Qualified Write-in Candidates	56	
Total Votes Cast for District 6	13,205	

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Area 2, Modesto City Schools District		
John Ervin III	5,956	44.81%
Roman Messick	2,780	20.91%
Emma Sperling	4,557	34.28%
Non-Qualified Write-in Candidates	64	
Total Votes Cast for Area 2	13,293	
Area 4, Modesto City Schools District		
Abel Maestas	9,171	65.65%
Emma Alonzo	4,798	34.35%
Non-Qualified Write-in Candidates	77	
Total Votes Cast for Area 4	13,969	

Area 6, Modesto City Schools District

Homero Mejia	4,945	53.11%
Sebastian Jones	2,105	22.61%
Rueth Velez-Langrock	2,261	24.28%
Non-Qualified Write-in Candidates	82	
Total Votes Cast for Area 6	9,311	

	TOTAL REGISTERED VOTERS	TURNOUT TURNOUT	PERCENTAGE
City of Modesto Council District 1	20,397	13,743	67.38%
City of Modesto Council District 3	19,642	13,512	68.79%
City of Modesto Council District 6	21,642	15,522	71.72%

	TOTAL REGISTERED VOTERS	TURNOUT TURNOUT	PERCENTAGE
Modesto City Schools District, Trustee Area 2	23,466	15,888	67.71%
Modesto City Schools District, Trustee Area 4	23,413	16,375	69.94%
Modesto City Schools District, Trustee Area 6	18,520	11,458	61.87%

The number of votes given at each precinct is set forth in the attached Stanislaus County Registrar of Voters Statement of Vote for the November 5, 2024 General Election

DIANE NAYARES-PEREZ, CMC
City Clerk
City of Modesto

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-447**

RESOLUTION APPROVING A SIXTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY DISPATCH SERVICES, AMENDING SECTION 5.1 EXTENDING THE EXPIRATION TO DECEMBER 31, 2025 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on March 9, 1999, by Resolution No. 99-101, Council approved a Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, creating a joint powers agency for the purpose of providing dispatch services; and

WHEREAS, on August 9, 2016, by Resolution No. 2016-329, Council approved a First Amendment to the Agreement, amending the Term and Termination sections to make clear that the Agreement would continue until terminated by either Modesto or the County pursuant to Section 6 of the Agreement. Section 6.1 was amended to require that any Member can terminate the Agreement at any time by providing a written notice of intent to terminate at least twenty-four (24) months in advance of the desired termination date; and

WHEREAS, on October 12, 2021, by Resolution 2021-413, Council approved providing the Consolidated Emergency Dispatch Agency Commission and the County with written notice of its intent to terminate the JPA effective January 1, 2024, in accordance with Section 6.1 of the agreement; and

WHEREAS, on May 3, 2022, by Resolution 2022-203, Council approved a Second Amendment to the JPA amending sections related to the Commission Members, the Dispatch Advisory Board and the Technical Advisory Committee; and

WHEREAS, on December 6, 2022, by Resolution 2022-457, Council approved a Third Amendment to the JPA amending sections concerning membership and alternate members appointed to serve as staff member Commissioners on the Commission; and

WHEREAS, on December 5, 2023, by Resolution 2023-517, Council approved a Fourth Amendment to the JPA, extending the Agreement to June 30, 2024; and

WHEREAS, on June 4, 2024, by Resolution 2024-174, Council approved a Fifth Amendment to the JPA, extending the agreement to December 31, 2024, changing the membership of the Commission and thereby editing the quorum requirement, amending the Agency Member Liaison requirements and appointing the Consolidated Emergency Dispatch Agency Commissioners and an Alternate Member; and

WHEREAS, it is necessary to extend the Joint Exercise of Powers Agreement to provide additional time for both parties to determine the next steps in the delivery of emergency dispatch services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sixth Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services, **attached** hereto as **Exhibit A**, extending the term of the Agreement to December 31, 2025.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

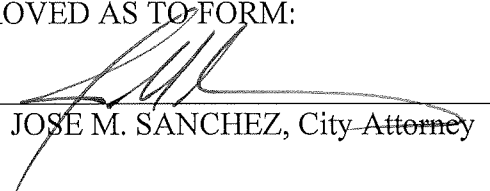


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**SIXTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT
BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS
FOR EMERGENCY DISPATCH SERVICES**

This Sixth Amendment to the Joint Exercise of Powers Agreement (“Sixth Amendment”) is made by and between the City of Modesto (“Modesto”), a charter city and municipal corporation in the State of California, and the County of Stanislaus (“County”), a political subdivision of the State of California as of _____, 2024.

RECITALS

WHEREAS, on September 1, 1999, Modesto and the County entered into the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services (“Agreement”), creating a joint powers agency for the purpose of providing dispatch services; and

WHEREAS, on August 23, 2016, Modesto and the County entered into the First Amendment to the Agreement; and

WHEREAS, in October 2021, Modesto provided written notice of its intent to terminate the Agreement, effective January 1, 2024; and

WHEREAS, on May 3, 2022, Modesto and the County entered into the Second Amendment to the Agreement; and

WHEREAS, on December 6, 2022, Modesto and the County entered into the Third Amendment to the Agreement; and

WHEREAS, on December 8, 2023, Modesto and the County entered into the Fourth Amendment to the Agreement, extending the term of the Agreement to terminate on June 30, 2024; and

WHEREAS, on June 4, 2024, Modesto and the County entered into the Fifth Amendment extending the term of the Agreement to December 31, 2024, making changes to the governing body structure of the Commission and designating Agency Member Liaisons to assist the Dispatch Director; and

WHEREAS, Modesto and the County agree to amend the Agreement for a sixth time to extend the term of the Agreement to terminate on December 31, 2025.

NOW, THEREFORE, Modesto and the County hereby agree as follows:

AGREEMENT

1. Section 5, “Term,” of the Agreement is hereby amended as follows:

“5. Term.

5.1 This Agreement shall become effective as of September 1, 1999, and shall continue in full force and effect until ~~December 31, 2024~~ **December 31, 2025** (“Termination Date”), unless Modesto and the County mutually agree to extend the Agreement.

- 5.2 Modesto and the County shall work in good faith to make appropriate arrangements to independently or jointly provide Emergency Dispatch Services on or before the Termination Date.
- 5.3 Modesto and the County shall work in good faith to ensure that all indebtedness, claims, and liabilities incurred by the Agency are fully and completely satisfied on or before the Termination Date.
- 5.4 All property owned by the Agency shall be distributed equally to Modesto and the County, unless otherwise approved by the Members on or before the Termination Date.”

2. All other terms and conditions in the Agreement shall remain in full force and effect to the extent they are not in conflict with this Sixth Amendment.

3. The signatures of Modesto and the County to this Sixth Amendment may be executed and acknowledged on separate pages or in counterparts, which, when attached to this Sixth Amendment, shall constitute one complete Sixth Amendment.

IN WITNESS WHEREOF, Modesto and the County have executed this Sixth Amendment on the day and year first above written.

CITY OF MODESTO

COUNTY OF STANISLAUS

Joseph P. Lopez, City Manager

Jody Hayes, Chief Executive Officer

Date:_____

Date:_____

Approved as to Form:

Approved as to Form:

Jose M. Sanchez, City Attorney

Thomas E. Boze, County Counsel

Date:_____

Date:_____

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-448**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SEER WORLD, INC, ROSWELL, GEORGIA FOR URBAN PLANNING AND PROJECT MANAGEMENT SUPPORT INCREASING THE AGREEMENT BY AN AMOUNT NOT TO EXCEED \$815,348 TO A NEW TOTAL AMOUNT OF \$1,465,748, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO FINALIZE AND EXECUTE THE FIRST AMENDMENT

WHEREAS, the City of Modesto has worked diligently alongside public and private partners to create the Downtown Master Plan, Stanislaus 2030 Blueprint, and the Modesto Renewal & Diversification Project (River District Study); and

WHEREAS, through the preparation of these studies and planning documents, staff and consultants have engaged hundreds of residents, business owners, faith-based organizations, and nonprofits; and

WHEREAS, this engagement has yielded a broad consensus across stakeholder groups regarding community challenges, strengths, and high-leverage opportunities to achieve a more vibrant community and regional economy; and

WHEREAS, the City intends to leverage the results from these prior studies to help inform the implementation of these plans; and

WHEREAS, on March 14, 2023, by Resolution No. 2023-100, Council approved the award of proposal and professional services agreement to Seer World, Inc for urban planning and project management support for a total amount not to exceed \$650,400; and

WHEREAS, Seer World has worked with the City on several high impact projects in the City of Modesto including lease negotiations with the Modesto Nuts, negotiations related to the CentrePlaza, as well as initiating the first steps towards bringing a United Soccer League team to the City of Modesto; and

WHEREAS, the City wishes to continue its partnership with Seer World in order to complete the high impact projects that are currently in process for the future redevelopment in the City of Modesto; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Professional Services Agreement with Seer World, Inc, Roswell, Georgia for urban planning and project management support increasing the Agreement by an amount not to exceed \$815,348 to a new total amount of \$1,465,748.

BE IT FURTHER RESOLVED that the First Amendment of the Professional Services Agreement will cover the following tasks:

- Ongoing United Soccer League Negotiations
- Commercial Air Service Analysis
- John Thurman Field Lease Negotiations
- Centre Plaza Planning
- Travel Costs
- 10% Contingency

*Consultant will only be compensated for services rendered

BE IT FURTHER RESOLVED that the City Manager, or his Designee, is authorized to finalize and execute the First 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 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-449**

**RESOLUTION AMENDING THE FISCAL YEAR 2024-2025 MULTI-YEAR
FUND BUDGET TO ESTABLISH THE TRANSFER OUT FROM UNASSIGNED
GENERAL FUND BALANCE TO THE URBAN PLANNING AND
REDEVELOPMENT PROJECT- 101638 IN THE AMOUNT OF \$815,348 AND
BUDGETING THE NECESSARY TRANSFERS AND PROJECT
DISCRETIONARY BUDGET AND AUTHORIZING THE CITY MANAGER OR
HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE
PROVISIONS IN THIS RESOLUTION**

WHEREAS, the City of Modesto has worked diligently alongside public and private partners to create the Downtown Master Plan, Stanislaus 2030 Blueprint, and the Modesto Renewal & Diversification Project (River District Study); and

WHEREAS, through the preparation of these studies and planning documents, staff and consultants have engaged hundreds of residents, business owners, faith-based organizations, and nonprofits; and

WHEREAS, this engagement has yielded a broad consensus across stakeholder groups regarding community challenges, strengths, and high-leverage opportunities to achieve a more vibrant community and regional economy; and

WHEREAS, the City intends to leverage the results from these prior studies to help inform the implementation of these plans; and

WHEREAS, a First Amendment to the Professional Services Agreement with Seer World Inc, Roswell, Georgia for urban planning and project management is being requested in the amount of \$815,348; and

WHEREAS, the Amendment will be funded in unassigned General Fund balance for the current fiscal year; and

WHEREAS, the fiscal year 2024-2025 Multi-Year project budget must be amended to establish the transfer out from General Fund in the amount of \$815,348 to the Urban Planning and Redevelopment Project–101638 and increase the project discretionary budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it amends the fiscal year 2024-2025 multi-year fund budget to establish the transfer out from unassigned General Fund balance to the Urban Planning and Redevelopment Project–101638 in the amount of \$815,348 and budgeting the necessary transfer and project discretionary budget.

BE IT FURTHER RESOLVED that the City Manager, or his Designee, is authorized to take necessary steps to implement the provisions in this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-450**

RESOLUTION APPROVING A MODESTO FORWARD GRANT AGREEMENT WITH MODESTO IMPROVEMENT PARTNERSHIP, INC., TO FUND A DOWNTOWN BEAUTIFICATION PROGRAM, FOR A TOTAL AMOUNT NOT TO EXCEED \$700,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on March 11, 2021, President Joe Biden signed the American Rescue Plan Act (ARPA) into law. The City of Modesto received approximately \$45.8 million in ARPA funds in two tranches to help address the continued impact of the COVID-19 pandemic on the economy, public health, individuals, and businesses; and

WHEREAS, the City of Modesto may use ARPA funds to address a number of areas, including:

1. Replace revenue that was lost, delayed, or decreased as determined based on the projections as of January 27, 2020 as a result of the COVID-19 emergency,
2. Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality,
3. Cost overruns incurred as a result of the COVID-19 emergency; and

WHEREAS, on May 25, 2021, the City Council approved Resolution No. 2021-194 approving the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan funds; and authorizing the City Manager to carry out the necessary steps to implement the strategy and spending plan. The Modesto Forward plan allocated \$700,000 in funding to improve downtown Beautification efforts”; and

WHEREAS, the partnership between Modesto Improvement Partnership, Inc., dba Downtown Modesto Partnership (DoMo) and Modesto, aimed to enhancing the vitality of downtown area. By addressing critical area within downtown; and

WHEREAS, aligned with our city's strategic initiatives, the Expand Beautification tranche focuses on revitalizing our community to enhance aesthetics and economic vitality; and

WHEREAS, this initiative is focused on enhancing the visual and functional aspects of downtown Modesto. The project includes various improvements such as streetscape enhancements, public art installations, and the revitalization of key areas to create a more appealing environment for both the community and visitors. The goal is to contribute to the overall improvement of the downtown area, supporting economic activity and making the space more welcoming for all; and

WHEREAS, DoMo is proposing a comprehensive beautification and improvement initiative for downtown Modesto, includes several projects aimed at enhancing the aesthetic appeal and functionality of key areas within the downtown district as specified in **Exhibit A** within City and DoMo agreement; and

WHEREAS, the City of Modesto has been actively coordinating with Downtown Modesto Partnership on a proposal to fund Downtown Beautification Initiative. Downtown Modesto Partnership has been identified as an ideal recipient. The proposed funding amount is \$700,000, which is part of the American Rescue Plan Act (ARPA) funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Modesto Forward Grant Agreement with Modesto Improvement Partnership, Inc., to support the Downtown Beautification initiative, for a total amount

not to exceed \$700,000.

BE IT FURTHER RESOLVED, that the City Manager or his designee is 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 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:



JOSE M. SANCHEZ, City Attorney

**CITY OF MODESTO PANDEMIC RECOVERY STRATEGY
MODESTO FORWARD GRANT AGREEMENT**

This **Modesto Forward Grant Agreement** (“Agreement”) is entered into in the City of Modesto, State of California, this ____ day of _____ 20__ (“Effective Date”) by and between the City of Modesto, a California municipal corporation (“City”), and the **Modesto Improvement Partnership, Inc.** (DoMo), a California non-profit 501(c)(3) community benefit corporation (“Recipient”). The City and Modesto Improvement Partnership, Inc. shall be collectively referred to hereinafter as the “Parties”.

This Agreement is made with regard to the following recitals:

WHEREAS, the City of Modesto received an allotment of funds from the United States Department of Treasury through the Coronavirus Local Fiscal Recovery Fund established by the American Rescue Plan Act (“ARPA”); and

WHEREAS, on June 22, 2021, by Resolution No. 2021-194, the Council of the City of Modesto approved the Pandemic Recovery Strategy – Modesto Forward, hereinafter referred to as “Modesto Forward”, to support local recovery from the pandemic; and

WHEREAS, in alignment with the City’s 5-Year Strategic Plan, Modesto Forward includes three post pandemic funding initiatives to help the community exit the pandemic period and focused on Economic Vitality, Governance and Service Delivery, and Quality of Life; and

WHEREAS, Economic Vitality initiatives are intended to improve the economic vitality of the community; Governance and Service Delivery initiatives are intended to improve the organization and service delivery for residents; and Quality of Life initiatives are intended to improve the quality of life for residents; and

WHEREAS, Modesto Forward includes a comprehensive spending plan, which may include ARPA funding, to programs and projects for Quality of Life that includes the Downtown Beautification initiative; and

WHEREAS, on December 10, 2024, the City Council adopted Resolution No. 2024-____, awarding a grant of Seven Hundred Thousand Dollars (\$700,000) to Recipient for the purposes set out in Exhibit A, subject to the terms and conditions set out in this agreement.

NOW THEREFORE, the City and Recipient agree as follows:

1. Term

The term of this Agreement (the “Term”) shall commence upon the effective date and shall terminate upon the Recipient’s completion of all requirements of this Agreement as identified in Exhibit A. Any funds not expended by December 31, 2026 shall be

returned to the City no later than January 10, 2027. All federal reporting must be completed by January 15, 2027.

2. Grant Award

- A.** The City shall provide Recipient with a grant of Seven Hundred Thousand Dollars (\$700,000) (the “Grant”) for the purposes and activities further specified in **Exhibit A**, attached hereto and incorporated by referenced (the “Activities”). Disbursement of the Grant is dependent upon Recipient providing all records and documentation reasonably required by the City.
- B.** Recipient shall expend the Grant solely on the Activities, as specified in **Exhibit A**, and shall be held responsible to the requirements outlined in **Exhibit A**. Recipient shall not use the Grant for any other purpose or activity without the prior written consent of the City.
- C.** The Recipient shall operate within the territorial limits of the City of Modesto and the beneficiaries, if any, of the Activities shall be the residents of the City of Modesto.
- D.** Recipient shall expend the entirety of the Grant by no later than December 31, 2026. Any portion of the Grant that has not been expended by December 31, 2026 shall be returned to the City no later than January 10, 2027.

3. Recipient’s Obligations

- A.** Throughout the term of this Agreement, the Recipient shall obtain and maintain all licenses, permits, qualifications and approvals legally required to conduct business. The Recipient warrants that it has all of the necessary professional capabilities and experience, as well as all tools, instrumentalities, facilities and other resources necessary to perform the Activities specified by this Agreement. Recipient shall perform the Activities requires pursuant to this Agreement according to the standards observed by a competent practitioner of the profession in which Recipient is engaged.
- B.** The Recipient shall provide appropriate acknowledgement of the Grant by using the City’s logo or making a written acknowledgement in its publicity, promotional materials, information materials, press materials, at public occasions relating to the Activities, and on any website maintained by the Recipient.

4. Quarterly Reporting Requirements

Recipient shall submit quarterly reports to the City on the form attached hereto as **Exhibit D**, and incorporated herein by reference, or on such other form as required by the City.

5. Annual Reporting Requirements

Recipient shall submit an annual report, in accordance with the requirements set forth in **Exhibit C**, attached hereto and incorporated herein, to the City within 180 days of the end of the Recipient's fiscal year in a form approved by the City. The annual report shall be in addition to the reporting required by Section 4, and shall include, but not limited to:

- A. Summary of activities and accomplishments, mandate and/or mission of the organization;
- B. List of Board Directors with title, contact information and mandate term of each Director;
- C. Organizational Chart;
- D. Project/Program Expenditures-to-date (including receipts);
- E. Any other information reasonably requested by the City.

6. Audit Requirements

- A. In addition to all other reports and records required by this Agreement, the Recipient shall keep and make available proper books of account and records of the financial management of the Grant provided under this agreement, in accordance with generally accepted business and accounting practices. Such records shall include, but not be limited to, records providing a full description and accounting of each activity undertaken.
- B. Recipient agrees to keep all necessary books and records required by this Agreement for five (5) years following the end of this Agreement, and shall document all transactions so that all expenditures may be properly audited.
- C. Recipient agrees that City or any authorized representative has access to and the right to examine all records, books, papers, or documents related to the project. Recipient shall allow the City or any authorized representative access to all records, books, papers, or documents related to the project within forty-eight (48) hours of a request to examine.

7. Preservation of Assets

Any assets purchased with the Grant, the cost of which exceed \$5,000, shall be preserved by the Recipient and shall not be sold, leased, given away or otherwise disposed of prior to the end of the useful life of the asset without prior written consent of the City.

8. Termination, Suspension and/or Repayment of Grant

The City may terminate, suspend and/or require repayment of the Grant in the event of any of the following circumstances, after notice from the City and a reasonable opportunity to cure:

- A. The Recipient fails to provide the Activities, or any portion of the Activities, described in **Exhibit A** of this Agreement or substandard performance of the Activities;
- B. The Recipient suspends or fails to carry on and continuously conduct its operations, or there is a disruption on the performance of the Activities;

- C. The Recipient has a partisan political affiliation and/or participates in partisan political activities.
- D. The Recipient uses the Grant for a purpose or activity other than those specified in **Exhibit A**.
- E. The Recipient becomes bankrupt or insolvent, goes into receivership or becomes subject to the provisions of any bankruptcy, insolvency, or any other Act for the benefit of creditors, or makes a general assignment for the benefit of its creditors or otherwise acknowledges its insolvency;
- F. The Recipient fails to provide to the City with any report, record, or documentation required by this Agreement, or t fails to provide any documentation requested by the City in accordance with the terms of this agreement;
- G. The Recipient has made any material misrepresentation to the City or its representatives with respect to any of the matters contained herein and/or in the Recipient’s funding submission/proposal/application for the Grant, or which have been made or may be made in the future surrounding these matters;
- H. The Recipient breaches any term of this Agreement, after notice from the City and a reasonable opportunity to cure the breach;

9. Compliance with Applicable Laws

Recipient shall carry out, and cause its contractors, consultants, employees and agents to carry out, the Activities, in compliance all applicable federal, state and local laws, rules, ordinances, orders, and regulations, including without limitation and to the extent applicable, the prevailing wage provisions of the federal Davis-Bacon Act and implementing rules and regulations and state prevailing wages pursuant to Labor Code Section 1770 et seq. Without limiting the foregoing, Recipient shall comply with ARPA, the regulations implement ARPA (31 CFR Part 35), any interpretative guidance issued by the United States Department of Treasury, and those Grant terms and conditions attached hereto as **Exhibit B**, and incorporated herein.

10. Non-Assignment

The Recipient shall not assign this Agreement, the Grant, or any part thereof, without the Prior written consent of the City. Any assignment in violation of this section shall require an immediate repayment of the Grant to City by the Recipient.

11. Indemnity and Liability

- A. The Recipient shall indemnify , defend with counsel acceptable to City, and hold harmless the City, its officials, officers, employees, and agents (“Indemnitees”) from and against all liability, loss, cost, expense (including without limitation attorneys’ fees and costs of litigation), claim, demand, action, suit, judicial or administrative proceeding, penalty, deficiency, fine, order, and damage (all of the foregoing collectively “**Claims**”) which, directly or indirectly, arises out of or relates to this Agreement or the performance of the Activities, except to the extent the Claims arise from the gross negligence or willful misconduct of City.

- B. The City shall not be liable to the Recipient or any other party in relation to the Grant and/or the services provided by the Recipient pursuant to the terms of this agreement. The Recipient shall be solely responsible for the payment of any individuals employed, engaged or retained by the Recipient for the purpose of assisting it in the fulfillment of its obligations under this agreement.

12. Insurance

The Recipient shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.

In the event the certificates of insurance required hereunder do not provide for notice of cancellation to the certificate holder and/or additional insureds, the Recipient shall provide, and shall require its subcontractors to provide, as an express condition precedent to payment hereunder, an endorsement from their insurers providing that the additional insureds identified herein shall be provided 30 days' notice of the cancellation on the policies of insurance required hereunder (10 days' notice if the policies are cancelled for non-payment of premium). In addition, the named insured on all such policies shall provide to the additional insureds identified herein any notices of cancellation of said insurance policies within 5 business days of receipt of such notice. The Recipient shall, as a further express condition precedent to payment for work performed, affirm under penalty of perjury that the required insurance on the project remains in place and said insurance has not been cancelled.

- (a) Worker's Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$1,000,000.
- (b) General Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent The Recipients and subcontractors; products and completed operations as applicable.

- (c) Automobile Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and property damage . This insurance shall cover any automobile for bodily injury and property damage.

If at any time any of said policies shall be unsatisfactory to the City, as to form or substance, or if a company issuing such policy shall be unsatisfactory to the City, the Recipient shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the Recipient to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of the City, may be forthwith declared suspended or terminated. Failure of the Recipient to obtain and/or maintain any required insurance shall not relieve the Recipient from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the Recipient concerning indemnification. The City, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation and Professional Liability. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the City, its agents, officers, employees, and volunteers for losses arising from work performed by The Recipient for the City. The Recipient's insurance policy(ies) shall include a provision that the coverage is primary as respects the City; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager. The Recipient must deliver certificates evidencing existence of the insurance listed above to the City prior to the time the contract is signed.

THE RECIPIENT shall provide CITY with separate endorsements evidencing proof of the CITY's additional insured status as to both the general liability and automobile liability insurance policies. In addition, THE RECIPIENT shall provide CITY with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

For any claims related to this project, the RECIPIENT'S insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the RECIPIENT'S insurance and shall not contribute with it.

13. Non-Discrimination

Recipient shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for

any services or programs provided by Recipient under this Agreement. Recipient shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Recipient, including but not limited to the satisfaction of any positive obligations required of Recipient thereby.

14. NOTIFICATION

Any notice, communication, amendment, addition or deletion to this Agreement, including change of address of either Party during the term of this Agreement, which Recipient or City shall be required or may desire to make shall be in writing and may be personally served or, alternately, sent by prepaid first class mail to the respective Parties as follows:

To City:

City of Modesto
Attn: Jessica Hill, Director of Community and Economic Development
1010 10th Street
Modesto, CA 95353

To Recipient:

Modesto Improvement Partnership, Inc.
Attn: Heidi Savage
1003 10th St Suite A
Modesto, CA 95354

15. SEVERABILITY

If any portion of this Agreement or application thereof to any person or circumstance shall be declared invalid by a court of competent jurisdiction or if it is found in contravention of any federal, state or City statute, ordinance or regulation; the remaining provisions of this Agreement or the application thereof shall not be invalidated thereby and shall remain in full force and effect to the extent that the provisions of this Agreement are severable.

16. DISPUTE RESOLUTION

All claims, controversies, or disputes arising out of, or relating to the formation of this Agreement, or the breach, termination execution, enforcement, interpretation, or validity of this Agreement, including the determination of the scope or applicability of this contract provision shall be determined by binding arbitration in Modesto, California by one arbitrator, except as otherwise specified in this Agreement. The American Arbitration Association shall administer the arbitration under its Arbitration Rules then in effect, subject to the modifications of those rules contained in this paragraph. This agreement to arbitrate shall be specifically enforceable under the prevailing law of any court having jurisdiction, and the award rendered by the arbitrator may be entered in

any court having jurisdiction. The appropriate venue for any arbitration or court proceeding relating to or arising out of this provision shall be in Stanislaus County, California.

This paragraph is not intended to and does not waive the claim filing requirements found in California Government Code section 900 et seq. In the event that a timely and legally sufficient, arbitrable claim is filed by the Recipient with City, and the claim is rejected in whole or in part by City, this paragraph shall result in the conclusive, final, and binding resolution of all the issues presented in the claim by The Recipient so long as any issues presented by the claim are arbitrable. Claims rejected by City or by operation of law, shall be submitted by the Recipient to arbitration pursuant to the Arbitration Rules of the American Arbitration Association within ninety (90) days after mailing of the written rejection by City to the Recipient. Otherwise, the claim or claims shall be deemed waived in their entirety.

The "fast track" rules of the American Arbitration Association shall apply to any claim or counterclaim less than ONE HUNDRED FIFTY THOUSAND AND 00/100 (\$150,000.00) DOLLARS. In arbitration not proceeding under the "fast track" rules, the arbitrator shall have the power to order that depositions be taken and other discovery be made. Both City and the Recipient shall have the right, upon written notice, to take no more than three (3) depositions of the other as a matter of right in an arbitration proceeding under the "fast track" rules.

Whether or not City and the Recipient may be engaged in interstate commerce, any controversy or dispute mentioned above shall be determined by, and the parties shall be bound by, the substantive law of the State of California, and not the Federal Arbitration Act at 9 USC Section 1 et seq.

The arbitrator may grant any remedy or relief deemed by the arbitrator just and equitable under the circumstances, whether or not such relief could be awarded in a court of law. The arbitrator shall be empowered to award monetary sanctions against a party for failure of cooperation in the arbitration. The arbitrator shall, in written award, allocate all the costs of the arbitration, including the fees of the arbitrator and the reasonable attorney fees of the prevailing party, against the party who did not prevail. The prevailing party shall be the party in whose favor the majority of the central issues in the case are resolved.

Notwithstanding anything in this provision to the contrary, the arbitrator shall have no power to award punitive damages or other damages not measured by the party's actual damages (excluding litigation costs and fees) against any party. This limitation of the arbitrator's powers under this Agreement shall not operate as an exclusion of the issue of punitive damages from this Agreement to Arbitrate sufficient to vest jurisdiction in a court with respect to that issue.

The Recipient shall include in all subcontracts a specification whereby the subcontractor consents to being joined in an arbitration between City and The Recipient involving the work of the subcontractor to be joined. The Recipient's failure to do so shall be a breach of this Agreement.

The parties hereby waive any rights provided by Title 9.2 of the California Code of Civil Procedure, Section 1296. The arbitrator's award shall be deemed final, conclusive and binding to the fullest extent allowed by California law.

17. INDEPENDENT PARTIES

Nothing in this Agreement is intended to or shall establish the Parties as partners, co-venturers, or principal and agent with one another. At all times during the term of this Agreement, Recipient and City shall be independent parties, and Recipient shall not be an employee of the City. Except as Recipient may specify in writing, Recipient shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Recipient shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever. At all times during the term of this Agreement, Recipient and

18. ENTIRE AGREEMENT

This Agreement, including the exhibits attached hereto, represents the entire and integrated agreement between City and Recipient and supersedes all prior negotiations, representations, or agreements, either written or oral. No amendment of any of the terms or provisions of the Agreement shall be deemed valid unless it is in writing and signed by both Parties.

19. GENERAL PROVISIONS

- A. **Binding Agreement.** This agreement shall be binding on and inure to the benefit of the City, the Recipient and their respective successors and assigns. Nothing contained in this Agreement is intended to or shall be deemed to confer upon any person, other than the Parties and their respective successors and assigns, any rights or remedies hereunder.
- B. **Severability.** Any provision of this agreement, which is or becomes prohibited or unenforceable in any jurisdiction, shall not invalidate or impair the remaining provisions of this agreement which shall be deemed severable from the prohibited or unenforceable provision and any prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable that provision in any other jurisdiction.
- C. **Waiver.** The fact that the City refrains from exercising a remedy it is entitled to exercise under this agreement shall not be considered to be a waiver of such right and, furthermore, partial or limited exercise of a right conferred upon the City shall not prevent the City in any way from later exercising any other right or remedy under this agreement or other applicable law. No waiver of any breach of any covenant or provision of this Agreement shall be deemed a waiver of any

other covenant or provision hereof, and no waiver shall be valid unless in writing and executed by the waiving Party

- D. Business License. Recipient will have a valid City of Modesto Business License.
- E. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, excluding chose of law rules.
- F. Construction of Agreement. The section headings and captions used herein are solely for convenience and shall not be used to interpret this Agreement. The Parties acknowledge that this Agreement is the product of negotiation and compromise on the part of both Parties, and the Parties agree, that since all of the Parties have participated in the negotiation and drafting of this Agreement, this Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if all Parties had prepared it.
- G. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be an original and all of which taken together shall constitute one instrument. The persons executing this Agreement on behalf of Parties have been duly authorized to do so.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the effective date set forth above.

EXHIBIT A – SCOPE OF WORK

Modesto Improvement Partnership, Inc. (hereafter referred to as DoMo) will enhance the downtown area with high impact improvement and placemaking, primarily between 9th and 13th Streets, up to 17th Streets. With these funds, we can strategically create a more vibrant safe, and thriving downtown for all.

1. Pilot Block Lighting & Beautification:

a. J and 10th Lighting, Safety, & Beautification Pilot Project (Covell Corners):

- Location: Intersection of J and 10th St
- Scope of Work: The Project will involve moving the existing light poles at the intersection of J & 10th street in Downtown Modesto and installing taller ones that to be in a 90-degree position from each other. Underground work will be needed along with electrical work for the poles. Poles will be installed to provide more clearance height for newlighting to span across the intersection in a decorative fashion. Near the top of the poles, security cameras (operated by the Modesto Police Department) will be relocated and reinstalled, of which will require additional electrical and wiring work. The proposed plans also include for banners to be installed on the poles along with any necessary hardware, labor and miscellaneous costs associated for the Project.

b. Lampposts:

- Location: J St, between 10th & 11th so that both sides of the street will have the same decorative lamppost standard.
- Scope of Work: Procure and install (4) lampposts using the City of Modesto standard (Visco Street Lights) on the Southeast side of J Street, between 10th and 11th Streets (in front of Beaty Building and Rancho Fresco). Lampposts will mirror the well-lit northwest side (next to Tenth Street Place).

c.

d. Market Lights:

- Location: J St, between 10th & 11th. Both sides to use the same decorative market lights.
- Scope of Work: Procure and install Horizontal Market Lights strung between (4) new poles on the Southeast and Northwest sides of J Street, between 10th and 11th Streets (approx. 200' length).

e. Flowerpots:

- Location: Corner of 10th Street & J; Corner of 11th Street & J.
- Scope of Work: Place 6 Artisan flowerpots total on all four corners; Place 8 Artisan flowerpots total on all four corners.

2. Gateway:

a. "DoMo" Signage:

- Location: At corner of J& 9th Streets (northeast bound).
 - Scope of Work: Design, fabricate, and install a prominent "DoMo" gateway sign to mark the entrance to Downtown Modesto from the Transit Center. This sign could include lighting, contingent on the feasibility of accessing electricity and cost.
- b. Gateway Mural:
- Location: BAC Building at corner of J & Five Points (southwest bound).
 - Scope of Work: Paint a mural on the side(s) of the BAC building coming onto J Street from Five Points. Note-side Walk is too narrow for a sign. Mural would create a sense of arrival in a special place.
- f. Removal of Old Gateway Signs:
- Location: 20 Locations in downtown area
 - Scope of Work: Remove rusted, worn "Welcome to Downtown" and "Thank you for Visiting Downtown" signs.
2. Downtown Public Works:
- a. Bike Parking Zones:
- Location:
 - J & 11th, near Preservation Coffee
 - J & 12th, near Penny University
 - 1126 14th Street, near Queen Bean
 - Scope of Work:
 - Repair and Removal:
 - a. Remove any existing bollard-style bike posts
 - b. Remove old delineator post
 - c. Remove old flowerpots
 - d. Repair asphalt at Preservation bike parking (Public Works)
 - e. Pour concrete into dirt patches at Queen Bean (Public Works)
 - Install:
 - a. Larger-capacity bike racks
 - b. Replace delineator post
 - c. Asphalt and Concrete art using aggregate glass and epoxy to highlight bike parking and provide traffic-calming measures
 - d. Flowerpots to enhance sense of safety (Penn U)
- b. Public Art:
- Location: Side of Beaty Building, on the left upon entering Mural Alley.
 - Scope of Work: Painted mural depicting vintage denim ad.
- c. Bench: Artisan Bench and Flowerpot at Children's Museum
- Location: Sidewalk in front of Modesto Children's Museum
 - Scope of Work: Install one child-size artisan bench curbside, facing building. Note —photo serves as placemark, intended to show bench

design and not direction bench will face. Place one artisan flower pot to left of bench, opposite tree.

3. Cover Project:

a. Electrical Outlet Cover

- Location: In and around the core of our downtown, with an emphasis near the Gallo Center for the Performing Arts.
- Scope of Work: Manufacture and install powder coated steel box covers for electrical outlets, where necessary. Install flaps that lock over outlets where necessary.

4. Following completion of the projects noted above. DoMo may request a notice to proceed from the City for the following projects subject to available funds under this Agreement:

a. Relocate Art Installation:

- Location: Remove sculpture from sidewalk adjacent to Gallo Center for the Arts music Garden to make way for shade sail to be installed later in late 2024.
- Scope of Work: Alternative location would need to be determined.

b. Improve Fence Appearance:

- Location: Needham Street in between Beauty College and Graceada Park
- Scope of Work:
 - Stabilize fence structure
 - Improve overall fence aesthetic

EXHIBIT B

U.S. DEPARTMENT OF THE TREASURY CORONAVIRUS LOCAL FISCAL RECOVERY FUND AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), U.S. Department of Treasury's ("Treasury") regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2026.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to

Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 602 of the Act, regulations adopted by Treasury pursuant to section 602(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient’s noncompliance with section 602 of the Act, other applicable laws, Treasury’s implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 602(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 602(e) of the Act and any additional payments may be subject to withholding as provided in sections 602(b)(6)(A)(ii)(III) of the Act, as applicable.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: “This project [is being] [was] supported, in whole or in part, by federal award number SLFRP2096 awarded to County of Stanislaus by the U.S. Department of the Treasury.”
14. Debts Owed the Federal Government.

- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to sections 602(e) and 603(b)(2)(D) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
- b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;

- vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

**ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS
ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the “Recipient”) provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient’s beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient’s program(s) and activity(ies), so long as any portion of the Recipient’s program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities

because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.

3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.
4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal 6 6. 7. 8. 9. 10. financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.

8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.
10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of subrecipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

EXHIBIT C

ANNUAL REPORTING REQUIREMENTS

Contractor shall use **Exhibit C** to provide an annual performance report.

The initial report will cover the period from the date the contract was executed to the following June 30, and will be due to the Recipient within 15 days after the end of the reporting period. Thereafter, the report will cover a 12-month period and contractors will be required to submit the report to Recipient within 15 days after the end of the 12-month period (by July 15).

Notes on using this template

All contractors that are recipients of State and Local Fiscal Recovery Funds (SLFRF) awards are required to produce an Annual Report. The Annual Report provides information on the contractor's project and how they plan to ensure program outcomes are achieved in an effective and equitable manner.

The initial Annual Report will cover the period from the date of award to the following June 30 and must be submitted to Recipient within 15 calendar days after the end of the reporting period. Thereafter, the Annual Report will cover a 12-month period and contractors will be required to submit the report to Recipient within 15 calendar days after the end of the 12-month period (by July 15).

Annual Report	Period Covered	Due Date
1	Award – June 30, 2025	July 15, 2025
2	July 1, 2025 – June 30, 2026	July 15, 2026
3	July 1, 2026 – December 31, 2026	January 15, 2027

Instructions:

Contractors should consult the SLFRF Guidance on Recipient Compliance and Reporting Responsibilities (Reporting Guidance) located at <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf> for detailed guidance on the submission of this report or contact county staff for assistance with completing this exhibit.

Recipient recommends the use of infographics, tables, charts, pictures, case studies, and other explanatory elements in describing their programs.

Text in italics represents the requirements from the Reporting Guidance and is meant to serve as a reference as contractors prepare their Annual Report. This instructions page and the *text in italics* should be removed before the final transmitted report is published and submitted to Recipient.

**Modesto Improvement Partnership
202x Annual Report**

GENERAL OVERVIEW

Uses of Funds

Describe in further detail contractor's intended and actual uses of the funds, such as how contractor's approach would help support economic vitality. Describe any strategies employed to maximize programmatic impact and effective, efficient, and equitable outcomes. Given the broad eligible uses of funds and the specific needs of the jurisdiction, explain how the funds would support the communities, and target population. Address how you are promoting each of the following Expenditure Categories, to the extent they apply:

- a. Addressing negative economic impacts of COVID-19, including assistance to small businesses, aid to tourism, travel or hospitality, and economic recovery*

EXHIBIT D

QUARTERLY PROJECT AND EXPENDITURE REPORT REQUIREMENTS

Contractor shall use **Exhibit D** to provide a quarterly project and expenditure report. The initial report will cover the period from the date the contract was executed through the end of the quarter, and will be due to the Recipient within 15 days after the end of the reporting period. Thereafter, the report will cover one quarter and contractors will be required to submit the report to Recipient within 15 days after the end of the quarter.

ARPA QUARTERLY PROJECT AND EXPENDITURE REPORT Reporting on State and Local Fiscal Recovery Funds (SLFRF)

PROJECT

Name of Entity:	Project Name:
Reporting Period Start Date:	Reporting Period End Date:
Expenditure Category: 2.13 Other Economic Support* ^	
Please provide a brief description of the activities conducted:	

EXPENDITURES

Category	Cumulative Expenditures to date (\$)	Cumulative Obligations to date (\$)	Current Period Expenditures	Current Period Obligations
7	Administrative			
2.29-2.33	Small Business Economic Assistance (General)*^			
2.35	Aid to Tourism, Travel, or Hospitality			
2.37	Other Economic Support*^			

PROJECT STATUS

[PLEASE SELECT ONE]

5073279.1

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-451**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MODESTO AND MODESTO FIRE DEPARTMENT
TO IMPLEMENT THE FIRE STATION 1 ENHANCEMENT PROGRAM; AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE
THE MEMORANDUM OF UNDERSTANDING**

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA) a \$1.9 trillion emergency relief measure intended to provide relief to address the impact of COVID-19; and

WHEREAS, this legislation made a historic investment into local governments that included making \$45,897,056 available to the City of Modesto to help address the local impact of COVID-19; and

WHEREAS, as the Treasury obligation deadline of December 31, 2024, is closely approaching, City staff have determined the Fire Station 1 Deferred Maintenance program in the amount of \$2,000,000 will not meet the obligation deadline; and

WHEREAS, with the critical need to address the evaluation of either addressing the structural improvements for the existing Fire Station 1 or rebuilding a new Fire Station 1, the City is proposing we establish an intra-agency agreement between the City of Modesto and Modesto Fire Department to meet the obligation requirements for this ARPA program; and

WHEREAS, an intra-agency agreement allows the City to enter into a Memorandum of Understanding between departments, and agencies with the recipient government of the ARPA funding to address the obligation deadline; and

WHEREAS, the Treasury Department has provided guidance that such an intra-agency agreement is sufficient to establish an obligation meeting ARPA's requirements; and

WHEREAS, one of the project requirements that falls under this intra-agency agreement includes providing public safety services which having a functional Fire Station is needed to provide these services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the City of Modesto and Modesto Fire Department to implement the Fire Station 1 enhancement program.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Understanding, 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 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-452**

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FOR AN AMOUNT UP TO \$1,340,820 WITH A LOCAL MATCH REQUIREMENT OF UP TO 10%, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND SUBMIT ALL DOCUMENTS NECESSARY FOR THE COMPLETION OF THE GRANT APPLICATION

WHEREAS, the AFG Program provides financial assistance directly to eligible fire departments, nonaffiliated emergency medical service (EMS) organizations, and State Fire Training Academies (SFTAs) for critical training and equipment; and

WHEREAS, the department's objective in applying for this grant is to secure funding to send ten firefighters to paramedic school and cover the cost to backfill of their positions during schooling; and

WHEREAS, the other portion of the grant request is for Advanced Life Support equipment for Station 12. This is a vital component to meeting the needs of the underserved community within the station's sphere of service; and

WHEREAS, the grant requires a 10% local match, which would be covered by the General Fund's Emergency Medical Services cost center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the submission of a grant application for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) for an amount up to \$1,340,820 with a local match requirement of up to 10%.


BE IT FURTHER RESOLVED, that the City Manager is authorized to execute and submit all documents necessary for the completion of the grant application, 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 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-453**

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM HOUSTON-GALVESTON AREA COUNCIL, WITH MOTOROLA SOLUTIONS, INC., SAN DIEGO, CA, FOR THE PURCHASE OF MOBILE AND PORTABLE RADIOS, FOR A TOTAL AMOUNT NOT TO EXCEED \$999,953; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, on December 8, 2015, by Resolution No. 2015-462, Council approved an agreement with Motorola Solutions, Inc. for the purchase and installation of mobile and portable radios for the Modesto Police Department; and

WHEREAS, this was the last complete update of the department's mobile (in-car) and portable (officer carried) radios to comply with the P-25 Radio Interoperability project that transitioned county-wide radios from analog to digital radio signals; and

WHEREAS, the project included the replacement of approximately 187 mobile radios and 245 portable radios and required accessories to accommodate sworn and civilian police functions for an estimated total cost of \$1,344,991, and

WHEREAS, the last three years, the Modesto Police Department has experienced rapid growth in its civilian allocations and as a result, portable radios have been issued to personnel at a faster than normal rate, drawing down the reserve of radios that was created by the allocation reductions in the Great Recession; and

WHEREAS, department anticipates it has an immediate need of at least 66 new portable radios for positions as they are filled or come out of the various Police Officer Recruit Academies in the coming months and 22 mobile radios as new vehicles are added to the fleet, requiring new radios or are placed into service and old radios cannot be

reused to do age or damage, these number account for a contingency for radio repairs or replacements and unanticipated needs; and

WHEREAS, the City Manager has authorized the Purchasing Manager to solicit the procurement for Mobile and Portable Radios; and

WHEREAS, on February 28, 2021, Houston-Galveston Area Council (H-GAC) issued RFP RA05-21 for Radio Communications / Emergency Response Equipment on the Huston Chronicle. On April 15, 2021, proposals were opened electronically on hgacbuy.org; and

WHEREAS, twenty-One (21) proposals were received and based on the evaluation committee and criteria outlined in the RFP, twenty (20) contracts were awarded for this commodity which includes Mobile and Portable Radios. Based on the responsive and responsible proposer offering the highest scores in products and pricing, project management, organization structure and key personnel, past performance, marketing plan, geographic areas served / authorized distributor, service facilities and personnel, business history / viability, warranty, services, manual documents, and references, city staff recommends to award to Motorola Solutions Inc., San Diego Ca, to purchase Mobile and Portable Radios for an amount not to exceed \$999,953; and

WHEREAS, Houston-Galveston Area Council (H-GAC) is a government agency which streamlines the procurement process by developing IFB's or RFP's for national competitive solicitations that meet or exceed local requirements. The competitive process is continually refined to best meet agency needs and allows Houston Galveston Area Council to offer exceptional products from nationally acclaimed vendors; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 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) “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.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City could be served. By utilizing the competitive Houston-Galveston Area Council (H-GAC) bidding process, the City is complying with the requirements defined under this code for mobile and portable radios.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approves the Competitive Bidding Process from Houston-Galveston Area Council, with Motorola Solutions, Inc., San Diego, CA, for Mobile and Portable Radios, for a total amount not to exceed \$999,953.

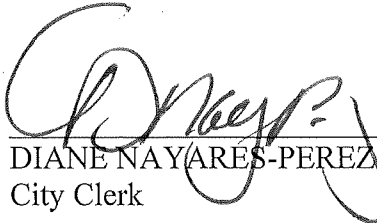
BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-454**

RESOLUTION APPROVING AN AGREEMENT WITH BERRY, DUNN, MCNEIL, AND PARKER, LLC, PORTLAND, ME, TO PREPARE THE PARKS AND RECREATION MASTER PLAN FOR AN AMOUNT OF \$383,350, PLUS \$38,335 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$421,685, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has a strong commitment to provide fair and just access to high-quality parks, green space, recreation facilities and programs, for all members of the community; and

WHEREAS, Modesto's existing park infrastructure and recreational facilities have a high level of deferred maintenance and require rehabilitation, relocation, or redesign to meet current and future recreational needs and community priorities; and

WHEREAS, by Resolution No. 2024-190, Council approved Measure H funding to complete a Parks and Recreation Master Plan (PRMP); and

WHEREAS the PRMP will guide decision-making related to parks and recreation planning, maintenance, and funding; align services with national standards and industry trends; fulfill national accreditation prerequisites; and set goals, policies and standards for future park, facility and program development over the next ten years; and

WHEREAS, on July 16, 2024, the City issued a Request for Proposal (INF RFP-PPD24-22) for the preparation of a Parks and Recreation Master Plan; and

WHEREAS, seven proposals were received; three firms interviewed; and one firm selected; and

WHEREAS, the proposal and interview from Berry, Dunn, McNeil, and Park LLC, was found to be responsive and responsible; and

WHEREAS, the Agreement shall be in the amount of \$383,350, plus ten percent (10%) contingency of \$38,335 for additional services if needed, for a total Agreement amount to not exceed \$421,685; and

WHEREAS, on November 18, 2024, the Safety and Communities Committee recommended the award of the Agreement for the preparation of the Parks and Recreation Master Plan to Berry, Dunn, McNeil, and Parker, LLC, be forwarded to Council for approval; and

WHEREAS, the award of the Agreement for the preparation of the Parks and Recreation Master Plan to Berry, Dunn, McNeil, and Parker, LLC., conforms to Modesto Municipal Code 8-3.204(a), "Exemptions to Formal Bidding Requirements", as agreements for Professional Services are exempt from the bidding requirements of Modesto Municipal Code 8-3.203 if competitive quotations or proposals have been sought informally from at least three (3) qualified entities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the Agreement with Berry Dunn, McNeil, and Parker LLC, Portland Me, to prepare the Parks and Recreation Master Plan for an amount of \$383,350, plus \$38,335 for additional services, if needed, for an Agreement total amount not to exceed \$421,685.

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 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

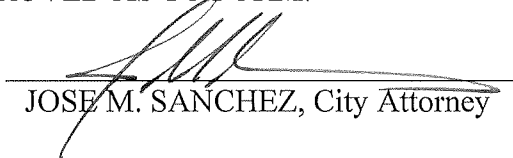
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-455**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) PICNIC AREA B RENOVATION PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO SINCLAIR GENERAL ENGINEERING CONSTRUCTION, INC., OF OAKDALE, CA., IN THE AMOUNT OF \$342,707, AUTHORIZING \$34,271 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$376,978, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion emergency relief measure intended to address the economic hardships and negative impacts caused by the COVID-19 pandemic, and

WHEREAS, the bill provides \$45,897,056 available to the City of Modesto to help address the local impact of COVID-19 and on May 25, 2021, by Resolution 2021-194, Council approved the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the first allocation of ARPA funding, and

WHEREAS, based on the Final Rule released by the Treasury Department in January 2022, the Parks, Recreation and Neighborhoods Department evaluated the previously allocated funding and prepared a revised spending plan, which was approved on July 12, 2022, by Resolution 2022-307 and revised an additional time on July 11, 2023, by Resolution 2023-349, and

WHEREAS, to begin the renovation of TRRP Picnic Area B, on January 23, 2024, by Resolution 2024-018, Council approved the purchase, delivery and installation of a pre-manufactured restroom building for this area, and

WHEREAS, the TRRP Picnic Area B Renovation Project will continue this momentum and will consist of the renovation of the existing picnic area, including

installation of new concrete paving, site furnishings, improved maintenance access, ADA compliance upgrades, and shade tree planting, and

WHEREAS, the project was advertised for bids on October 23, 2024, and

WHEREAS, bids were publicly opened on November 12, 2024, pursuant to City Charter Section 1307, and seven bids were received, and

WHEREAS, Sinclair General Engineering Construction, Inc., of Oakdale, CA., was determined to be the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, the award of contract for the construction of the Tuolumne River Regional Park (TRRP) Picnic Area B Renovation Project, to Sinclair General Engineering Construction, Inc., of Oakdale, CA., conforms to Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract Sinclair General Engineering Construction, Inc., of Oakdale, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tuolumne River Regional Park (TRRP) Picnic Area B Renovation Project, accepts the Bid and awards a construction contract to Sinclair General Engineering Construction, Inc., of Oakdale, CA., in the amount of \$342,707, plus \$34,271 in contingency (if needed), for a total amount not to exceed \$376,978.

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 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARÉS-PÉREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-456**

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101478 (TRRP B IMPROVEMENTS) IN AN AMOUNT NOT TO EXCEED \$125,034 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to renovate the Tuolumne River Regional Park (TRRP) Picnic Area B, and

WHEREAS, Parks & Air Quality Capital Facility Fund (CFF) funding of \$125,034 must be allocated to fund a portion of the project, and

WHEREAS, the Fiscal Year 2024-2025 Capital Improvement Budget must be amended to fund Project 101478 – TRRP B Improvements, in a total amount of \$125,034 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2024-2025 Capital Improvement Program Budget to fund project 101478 (TRRP B Improvements) in an amount not to exceed \$125,034 in transfers, revenue and to budget expenditures to fund the project.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-457**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) PAVILION & LEARNING THEATER PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO WESTSIDE LANDSCAPE & CONCRETE, INC. OF NEWMAN, CA., IN THE AMOUNT OF \$552,925 AUTHORIZING \$44,234 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED \$597,159, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the California Outdoor Environmental Education Facilities (OEEF) Grant Program, funded by The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40), made grant funds available on a competitive basis to aid local agencies and community-based organizations with regard to the development of outdoor environmental education facilities, and

WHEREAS, on August 8, 2017, by Resolution No. 2017-317 Council authorized the submittal of an application in the amount of \$500,000 to the OEEF Grant Program for the Tuolumne River Regional Park (TRRP) River Pavilion Project and subsequently, on October 2, 2018, by Resolution No. 2018-427, Council accepted the OEEF Grant in the amount of \$500,000 to fund the construction of the TRRP River Pavilion Project, and

WHEREAS, the TRRP River Pavilion & Learning Theater project is located in the Legion Park Area of TRRP and will include the design, permitting, bidding and development of a large group picnic pavilion, outdoor learning classroom, river educational and safety signage, and native landscaping adjacent to the existing parking lot along Legion Park Drive, and

WHEREAS, the project was advertised for bids on September 23, 2024, and

WHEREAS, bids were publicly opened on October 15, 2024, pursuant to City

Charter Section 1307, and five bids were received, and two bids were deemed non-responsive, and

WHEREAS, Westside Landscape & Concrete, Inc. of Newman, CA, was determined to be the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, the award of contract for the construction of the Tuolumne River Regional Park River Pavilion & Learning Theater Project, to Westside Landscape & Concrete, Inc., of Newman, CA, conforms to Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract to Westside Landscape & Concrete, Inc., of Newman, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tuolumne River Regional Park River Pavilion & Learning Theater Project, accepts the Bid and awards a construction contract to Westside Landscape & Concrete, Inc., of Newman, CA, in the amount of \$552,925 plus \$44,234 in contingency (if needed), for a total amount not to exceed \$597,159.

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 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: Ricci

ABSENT: Councilmembers: None

ATTEST:


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-458**

RESOLUTION AMENDING THE FISCAL YEAR 2024-25 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101135 (TRRP RIVER PAVILION) FOR A TOTAL AMOUNT NOT TO EXCEED \$64,002 IN TRANSFERS, REVENUE, AND TO BUDGET EXPENDITURES TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City plans to develop the Tuolumne River Regional Park River Pavilion & Learning Theater, and

WHEREAS, Parks & Air Quality Capital Facility Fund (CFF) funding of \$64,002 must be allocated to fund a portion of the project, and

WHEREAS, the Fiscal Year 2024-2025 Capital Improvement Budget must be amended to fund Project 101135 – TRRP River Pavilion, in a total amount of \$64,002 to establish transfers, recognize revenue, and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendments of the Fiscal Year 2024-2025 Capital Improvement Program Budget to fund project 101135 (TRRP River Pavilion) in an amount not to exceed \$64,002 in transfers, revenue and to budget expenditures to fund the project.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: Ricci

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-459**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AWESOME SPOT PLAYGROUND, PHASE 1A, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO WESTSIDE LANDSCAPE & CONCRETE, INC. OF NEWMAN, CA., IN THE AMOUNT OF \$738,868 AUTHORIZING \$73,887 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED \$812,755 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 2015, the community rallied together in support of designing an all-inclusive playground at Beyer Park with the desire to build a playground that would be the first of its kind in the region, providing accessibility to people of all ages with a wide range of physical abilities to be able to play together side-by-side, and

WHEREAS, the project has been officially titled “The Awesome Spot Playground” (TASP) and construction documents were completed with the help of local design professionals, with a groundbreaking event for Phase 1 of construction held on July 14, 2022, and

WHEREAS, TASP team asked the City of Modesto to purchase play equipment elements for Phase 1 of the playground and on September 27, 2022, by Resolution No. 2022-397, and on July 11, 2023, by Resolution No. 2023-350, Council approved the purchases of various playground equipment for TASP with American Rescue Plan Act (ARPA) funds, and

WHEREAS, on February 6, 2024, by Resolution No. 2024-043, Council approved the application and accepted the specified grant funds for The Awesome Spot Playground from the State of California Budget Act of 2023, in the amount of \$400,000, and

WHEREAS, to further assist with the efforts of TASP, on June 4, 2024, by Resolution No. 2024-194, Council approved additional ARPA funding to TASP for

Phase 1A in the amount of \$600,000, and

WHEREAS, the project was advertised for bids on October 7, 2024, and

WHEREAS, bids were publicly opened on October 22, 2024, pursuant to City Charter Section 1307, and five bids were received and one bid was deemed non-responsive, and

WHEREAS, Westside Landscape & Concrete, Inc. of Newman, CA, was determined to be the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, the award of contract for the construction of The Awesome Spot Playground, Phase 1A, to Westside Landscape & Concrete, Inc., of Newman, CA, conforms to Modesto Municipal Code, 8-3.203, and

WHEREAS, staff recommends awarding the contract to Westside Landscape & Concrete, Inc., of Newman, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for The Awesome Spot Playground, Phase 1A, accepts the Bid and awards a construction contract to Westside Landscape & Concrete, Inc., of Newman, CA, in the amount of \$738,868 plus \$73,887 in contingency (if needed), for a total amount not to exceed \$812,755.

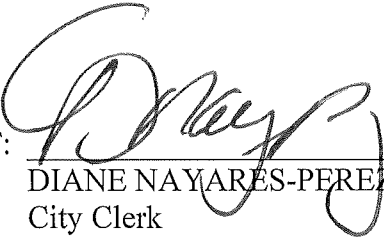
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: Ricci

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-460**

RESOLUTION APPROVING THE INCREASE OF PURCHASE ORDER 216608 WITH NAPA FORD, NAPA, CA FOR THREE FORD POLICE RESPONDER PICKUPS BY \$50,404 FROM \$166,564 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED \$216,968, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER PRICE INCREASE

WHEREAS, Ford Police Responder vehicles are used in daily law enforcement activities citywide by the Modesto Police Department; and

WHEREAS, on October 26, 2021, the Purchasing Division issued Request for Bid (RFB) 2122-30 for Four Ford Police Responders on the City's website under commodity codes 07048-Trucks (One-ton capacity and less); and

WHEREAS, thirteen companies chose to download the RFB document, four vendors chose to submit a bid, there was no local bid received; and

WHEREAS, on November 23, 2021, bids were formally opened in the City Clerk's office and Napa Ford, Napa, CA, was the only responsive and responsible bidder, and City staff recommended awarding the purchase of three Ford Police Responders to Napa Ford, Napa, CA for a total cost not to exceed \$166,564; and

WHEREAS, on January 11, 2022, by Resolution 2022-015, Council approved the purchase of the four Police Responders from Napa Ford, Napa, CA; and

WHEREAS, after the purchase order was issued to Napa Ford on January 18, 2022, it was expected that this order would be accepted and placed in the order bank with Ford Motor Company. Three of the four Responders did not make the first order bank; therefore, one was received on February 24, 2023, at the original price and the remaining three were delayed; and

WHEREAS, due to the delay in receiving the vehicles, prices increased by an additional \$50,404 for a new cost of \$216,968, which is an increase in cost of 40 percent; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) “where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”; and

WHEREAS, the cost increase over the original bid is in alignment with current pricing compared to the listed price on the California Department of General Services (DGS) website, and it is the recommendation from staff to increase the purchase order to continue the order and delivery of the law enforcement vehicles; and

WHEREAS, the Finance Committee considered this item on November 13, 2024, and was recommended to forward to Council for approval; however, since being approved at committee, the not to exceed amount was increased to \$216,968 due to a calculation error and the number of vehicles originally awarded was changed to 4.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the price increase of Purchase Order 216608 for Napa Ford, Napa, CA by \$50,404 for three Ford Police Responder vehicles for a total amount not to exceed \$216,968.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to increase the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2024, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

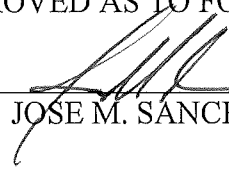
ATTEST.


DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-461**

RESOLUTION APPROVING A THREE-MONTH EXTENSION OF THE LEASE WITH JUANA MONREAL AND JOSE SOLIS, INDIVIDUALS DOING BUSINESS AS LIZ ANDREWS FURNITURE, FOR CITY-OWNED PROPERTY LOCATED AT 131 9TH STREET, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LEASE AMENDMENT

WHEREAS, the City previously approved a recommended plan to address the failing River Trunk facility by moving forward with final design of the River Trunk Realignment Project, and

WHEREAS, the Realignment Project consists of several components, including a new River Trunk Pump Station with dual force mains, and

WHEREAS, after evaluating multiple options, the City determined that the triangular piece of property at the southwest corner of B Street and 9th Street was the best location for the planned pump station, and

WHEREAS, this property was large enough to adequately construct, operate, and maintain the facilities required for the pump station, and

WHEREAS, on July 11, 2023, by Resolution No. 2023-357, Council approved the purchase of the property located at 131 9th Street, Modesto, California (the "Property"), and completed the purchase in the fall of 2023, and

WHEREAS, the Property had an existing tenant, the Liz Andrews Furniture Store, with a Lease expiring on December 31, 2024, and

WHEREAS, the Liz Andrews Furniture Store will be relocating to a new site. However, the Liz Andrews Furniture Store recently requested the Lease be extended for three additional months, until March 31, 2025, in order to facilitate a smooth relocation, and

WHEREAS, the rental amount will remain \$3,535 for the three month extension,
and

WHEREAS, extension of the Lease will not interfere with or delay the planned
pump station.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes a three month extension of the Lease with Juana Monreal and
Jose Solis, individuals doing business as Liz Andrews Furniture, for City-owned property
at 131 9th Street.

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

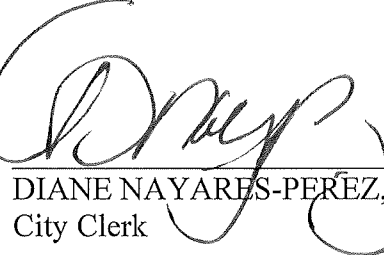
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AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST.



DIANE NAYARES-PEREZ, CMC,
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

JOSE M. SANCHEZ, City Attorney