

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-97**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MUNICIPAL RESOURCE GROUP, IN THE AMOUNT OF \$68,000, TO PROVIDE ASSISTANCE WITH COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT PROJECTS, FOR A TOTAL AGREEMENT AMOUNT OF \$113,000 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, Municipal Resource Group is a governmental consulting firm which has an extensive background providing support services to municipalities throughout Northern California; and

WHEREAS, in February of 2018, the City entered into a Professional Services Agreement with Municipal Resources Group (MRG) to provide assistance with special projects in the City Manager's Office; and

WHEREAS, a vacancy in the City Manager's Office has created the need for assistance with special projects and the preparation and review of agenda reports; and

WHEREAS, with the recent resignation of the Community & Economic Development Director, the City now needs additional support services from MRG to ensure that projects in that department continue moving forward; and

WHEREAS, specific tasks to be addressed for the Community & Economic Development Department include review of recent HUD findings and development of a strategy for success, analysis of current staffing in the Engineering Division and development of a recommendation for the appropriate staffing structure, development of performance measures and review and implementation of recommendations from the Development Services Permit Efficiency Study; and

WHEREAS, providing the additional support is necessary to continue to meet the goals and objectives of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Professional Services Agreement with Municipal Resource Group, in the amount of \$68,000, to provide assistance with Community & Economic Development Department projects, for a total agreement amount of \$113,000.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-98**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND SOLAR COOL PROPERTIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND SOLAR COOL PROPERTIES II LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTIES LOCATED AT 240 BUNKER AND 310 RIVER ROAD (APN: 038-004-025&026 AND 038-004-004), AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Solar Cool Properties and Solar Cool Properties II, both LLC, California Limited Liability Companies own commercial properties located at 240 Bunker Avenue and 310 River Road which are located outside of Modesto City Limits and outside the City's Sphere of Influence, and

WHEREAS, the properties located at 240 Bunker Avenue and 310 River Road are not connected to the City's sewer system and are requesting a sewer connection, 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 properties located at 240 Bunker Avenue and 310 River Road are not located within one of those designated areas and therefore require 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 these properties, 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 the Will Serve Letter and Outside Service Agreement for sewer service for the properties located at 240 Bunker Avenue and 310 River Road (APN: 038-004-025&026 and 038-004-004) in Modesto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Will Serve letter and the Outside Service Agreement for sewer service.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-99**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2018-2019
ANNUAL ENGINEER'S REPORT FOR CITY OF MODESTO 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 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 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

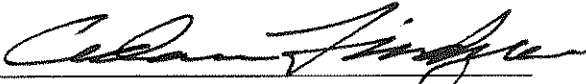
ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-100**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2018-2019
ANNUAL ENGINEER'S REPORT FOR 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 (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 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

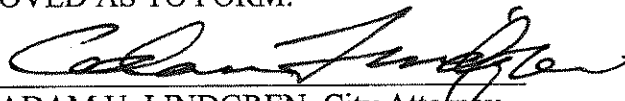
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-101**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2018-2019
ANNUAL ENGINEER'S REPORT FOR THE 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 maintaining 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 496 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,

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 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

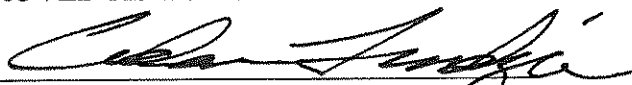
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-102**

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$14,500,000 PRINCIPAL AMOUNT OF WASTEWATER REVENUE REFUNDING BONDS, SERIES 2018A, AUTHORIZING AND DIRECTING EXECUTION OF A FOURTH SUPPLEMENTAL WASTEWATER REVENUE BOND INDENTURE PURSUANT TO WHICH SUCH BONDS ARE ISSUED, APPROVING A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING OTHER OFFICIAL ACTIONS

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

WHEREAS, pursuant to Section 200 of the Charter of the City of Modesto and the City of Modesto Wastewater Treatment Facilities Revenue Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the “Bond Law”), the City is authorized to issue revenue bonds to finance the acquisition, construction, improvement, furnishing, equipping, remodeling, repair, reconstruction or rehabilitation of the wastewater treatment facilities of the City (the “Enterprise”) or for the purpose of refunding bonds issued for such purposes; and

WHEREAS, the City has entered into a Wastewater Revenue Bond Indenture, dated as of April 1, 2005 (the “Master Indenture”), between the City and The Bank of New York Mellon Trust Company, N.A., as successor trustee (the “Trustee”) to U.S. Bank National Association, providing for the issuance of wastewater revenue bonds thereunder and for the pledge of and first claim on the Net Revenues of the Wastewater System (as defined in the Master Indenture), which are held by the City in the Sewer Enterprise Fund established under the Master Indenture, to the payment of bonds and parity obligations issued thereunder; and

WHEREAS, in accordance with the Bond Law and the Master Indenture, as supplemented by a First Supplemental Indenture, dated as of April 1, 2005 (the “First Supplemental Indenture”), a Second Supplemental Indenture, dated as of April 1, 2005 (the “Second Supplemental Indenture”), and a Third Supplemental Indenture, dated as of December 1, 2006 (the “Third Supplemental Indenture,” and together with the Master Indenture, the First Supplemental Indenture and the Second Supplemental Indenture, the “Indenture”), each by and between the City and the Trustee, the City has previously issued its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005A (the “Series 2005A Bonds”), its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005B (Taxable) (“Series 2005B Bonds”) and its City of Modesto, California Wastewater Revenue Bonds, Series 2006A (the “Series 2006 Bonds”); and

WHEREAS, the Series 2005B Bonds matured, were paid timely and are no longer outstanding; and

WHEREAS, the Indenture provides that the City may issue any indebtedness, installment sale obligation, lease obligation or other obligation of the City for borrowed money having an equal lien and charge upon the Net Revenues, therefore payable on a parity with the Prior Bonds (whether or not any Bonds are Outstanding under the Indenture) (“Parity Debt”), from time to time in accordance with the terms of the Indenture; and

WHEREAS, the City previously incurred an obligation (the “2011 SWRCB Obligation”), pursuant to a Project Finance Agreement, dated as of August 26, 2011, as amended on May 11, 2012, by and between the State Water Resources Control Board, an

administrative and regulatory agency of the State of California (the “SWRCB”), and the City, which 2011 SWRCB Obligation constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the City previously issued a bond (the “Series 2015 Bond”), pursuant to a Bond Purchase Agreement, dated as of October 30, 2015, among the City, Capital One Public Funding, LLC, and The Bank of New York Mellon Trust Company, N.A., as paying agent, which Series 2015 Bond constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture, and which refunded all of the Series 2005A Bonds and the November 1, 2023 and 2024 maturities of the Series 2006 Bonds; and

WHEREAS, the City previously incurred an obligation (the “2016 SWRCB Obligation”), pursuant to a Project Finance Agreement, dated as of June 8, 2016, by and between the SWRCB and the City, which 2016 SWRCB Obligation constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the Indenture provides that the City may issue bonds from time to time as authorized by a supplemental indenture; and

WHEREAS, the City has determined that it is desirable and necessary and in the best interest of the City to authorize an additional series of wastewater revenue bonds in order to provide moneys to refund all the Series 2006 Bonds that remain outstanding, in a principal amount not to exceed \$14,500,000, to be designated “City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2018A” (the “Series 2018A Bonds”), to be issued pursuant to the Indenture, as supplemented and amended by the Fourth Supplement (defined below); and

WHEREAS the Series 2018A Bonds are proposed to be sold to Raymond James & Associates, Inc. (the “Underwriter”) pursuant to the Bond Purchase Agreement described below; and

WHEREAS, it is proposed that the City execute and deliver the Continuing Disclosure Agreement described below to allow the Underwriter to comply with Rule 15c2-12(b)(5) of the Securities Exchange Act of 1934; and

WHEREAS, it is proposed that the City deem final for purposes of Rule 15c(2)-12 of the Securities Exchange Act of 1934, as amended, a Preliminary Official Statement (the “Preliminary Official Statement”) and to execute and deliver a final Official Statement (the “Official Statement”) and to authorize the distribution of the Preliminary Official Statement to prospective purchasers of the Series 2018A Bonds and the Official Statement to the actual purchasers of the Series 2018A Bonds; and

WHEREAS, all acts, conditions and things required by the Bond Law and the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the sale and issuance of the Series 2018A Bonds authorized hereby do exist, have happened and have been performed in regular and due time, form and manner required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue and sell the Series 2018A Bonds for the purpose, in the manner and upon the terms herein provided;

WHEREAS, The Bank of New York Mellon Trust Company, N.A. serves as Trustee and

WHEREAS, the forms of the Preliminary Official Statement, the Bond Purchase Agreement, the Continuing Disclosure Agreement and the Fourth Supplement are on file with the City Clerk; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Modesto hereby approves and authorizes:

1. Recitals. The above recitals are true and correct.
2. Approval of Series 2018A Bonds. The City Council hereby authorizes the issuance of its Wastewater Revenue Bonds, Series 2018A in an aggregate principal amount not to exceed \$14,500,000.

3. Fourth Supplemental Indenture; Form of Series 2018A Bonds. The City Council hereby approves the form of the Fourth Supplemental Wastewater Revenue Bond Indenture (the "Fourth Supplement") by and between the Trustee, in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Norton Rose Fulbright US LLP, Bond Counsel, or by the authorized officer executing the same, whose execution thereof shall be conclusive evidence of such officer's approval of any such additions and changes. Each of the Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers (each, an Authorized Officer"), acting singly, is authorized and directed to execute, and the City Clerk is authorized and directed to attest to said signature on, the final form of the Fourth Supplement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Fourth Supplement. The proposed form of the Series 2018A Bonds as set forth in the Fourth Supplement is hereby approved and any Authorized Officer, acting singly, is hereby authorized and directed to execute for and on behalf of the City the Series 2018A Bonds in substantially such forms

and the City Clerk is authorized and directed to attest to said signature on the Series 2018A Bonds, and the Trustee is hereby authorized and directed to authenticate and deliver the Series 2018A Bonds to the Underwriter in accordance with the Fourth Supplement and the Bond Purchase Agreement approved herein, subject to the limitations set forth in Section 4 hereof.

4. Bond Purchase Agreement. The City Council hereby approves the form of the Bond Purchase Agreement (the “Bond Purchase Agreement”) by and between the City and the Underwriter in substantially the form on file with the City Clerk together with any additions thereto or changes, therein deemed necessary or advisable by Bond Counsel, or by the Authorized Officer executing the same, whose execution thereof shall be conclusive evidence of such Authorized Officer’s approval of any such additions and changes; provided, however, that the Underwriter’s discount shall not exceed 0.5% of the principal amount of the Series 2018A Bonds, the net present value savings resulting from the issuance of the Series 2018A Bonds shall be no less than 3% of the principal amount of the Series 2006 Bonds being refunded, and the final maturity of the Series 2018A Bonds shall be not later than November 1, 2036. Each Authorized Officer, acting singly, is authorized and directed to execute the final form of the Bond Purchase Agreement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Bond Purchase Agreement.

5. Official Statement. The City Council hereby approves the form of preliminary official statement of the City relating to the Series 2018A Bonds (the “Preliminary Official Statement”) in substantially the form on file with the City Clerk. Each Authorized Officer, acting singly, is authorized to certify that the Preliminary

Official Statement, with such changes therein as the Authorized Officer so certifying shall approve after consultation with Bond Counsel, is as of its date “deemed final” for purposes of Rule 15c2-12 of the Securities and Exchange Commission. Each Authorized Officer, acting singly, is authorized and directed to execute for and on behalf of the City a final official statement, in substantially the form of the Preliminary Official Statement, with such changes therein (and additions thereto to reflect the terms of the sale of the Series 2018A Bonds) as such Authorized Officer, acting singly, shall approve after consultation with Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Underwriter is authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Series 2018A Bonds, and the Underwriter is directed to deliver copies of any final official statement to all actual purchasers of the Series 2018A Bonds.

6. Continuing Disclosure Agreement. The City Council hereby approves the form of the Continuing Disclosure Agreement (the “Continuing Disclosure Agreement”) by and between the City and Digital Assurance Certification, L.L.C. in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Bond Counsel, or by the Authorized Officer executing the same, whose execution thereof shall be conclusive evidence of such Authorized Officer’s approval of any such additions and changes. Each Authorized Officer, acting singly, is authorized and directed to execute the final form of the Continuing Disclosure Agreement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Continuing Disclosure Agreement.

7. Other Actions. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the Series 2018A Bonds are hereby approved, confirmed and ratified. Each Authorized Officer and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, necessary to effectuate the purposes of this Resolution, including the negotiating and obtaining of a municipal bond insurance policy, debt service reserve surety bond or investment agreement for any funds and accounts held under the Indenture if an Authorized Officer, upon the advice of PFM Financial Advisors LLC, Municipal Advisor, determines that such policy, bond or agreement will result in debt service savings or will otherwise be financially advantageous to the City, and the execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance, sale and delivery of the Series 2018A Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

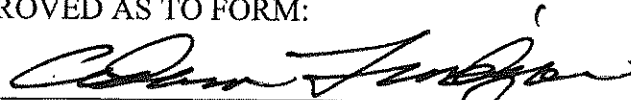
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-103**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
MANAGEMENT AGREEMENT FOR KING-KENNEDY MEMORIAL CENTER
WITH WEST MODESTO KING KENNEDY COLLABORATIVE , TO EXTEND
THE TERM OF THE AGREEMENT UNTIL THE END OF FISCAL YEAR 17-18,
AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE AMENDMENT TO THE AGREEMENT**

WHEREAS, the Parks, Recreation and Neighborhoods Department desires to increase the community offerings in the west side of Modesto, and

WHEREAS, the City of Modesto and the West Modesto King-Kennedy Collaborative (WMKKC) entered into an operating agreement to provide services at the King-Kennedy Memorial Center, and

WHEREAS, the WMKKC continues to provide quality programming and direct community support, and

WHEREAS, the City and WMKKC desire to extend the contract to coincide with the end of Fiscal Year 17/18 on June 30, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Management Agreement for the King-Kennedy Memorial Center with West Modesto King Kennedy Collaborative, to extend the term of the agreement until the end of Fiscal Year 17-18.

BE IT FURTHER RESOLVED, that the Interim 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 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

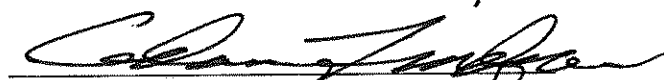
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-104**

RESOLUTION IN SUPPORT OF SENATE BILL 5, CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION AND OUTDOOR ACCESS FOR ALL ACT OF 2018, BE LISTED AS A MEMBER OF THE CALIFORNIANS FOR CLEAN WATER AND SAFE PARKS COALITION, AND DIRECTING STAFF TO EMAIL A COPY OF THE ADOPTED RESOLUTION TO THE LEAGUE OF CALIFORNIA CITIES

WHEREAS, the Legislature adopted and governor signed SB 5, a \$4 Billion General Obligation Bond to be placed on the June 2018 ballot entitled the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018; and

WHEREAS, SB 5 represents the first legislatively authorized debt instrument for parks, resources and environmental improvements since 2002; and

WHEREAS, investments in California's urban, suburban and rural park and resources-related landscapes promote the notion of community and provide health, environmental and aesthetic benefits; and

WHEREAS, California Outdoor economy is a \$92 Billion economic driver, partly responsible for the continued health and growth of many of California's local economies; and

WHEREAS, SB 5 contains \$215 Million in Per Capita funding to assist all of California's communities in underwriting priority park-related improvements; and

WHEREAS, an additional \$40 Million shall be available in block grant awards for communities that self-tax for park related improvements; and

WHEREAS, SB 5 invests no less than \$1 Billion in California's most economically challenged communities, eradicating blight and promoting greater access to the outdoors and health-related pursuits; and

WHEREAS, SB 5 expends \$200 Million on California's State Park system, addressing a greater than \$1 Billion backlog in deferred maintenance which will translate into greater tourism and visitorship opportunities in adjacent communities; and

WHEREAS, SB 5 invests \$30 Million in trail network improvements promoting non-motorized recreational and commuter opportunities throughout the state; and

WHEREAS, SB 5 recognizes the importance of California's rural spaces and invests \$25 Million through a competitive grant program to prop-up and enhance rural park infrastructure; and

WHEREAS, SB 5 expends hundreds of millions on other important investments in resource-related infrastructure including California's rivers, coast, and other waterways, the state's mountainous settings such as the Sierra and wildlife and fish-dependent habitats; and

WHEREAS, SB 5 invests heavily in combatting global warming through investments in urban greening projects, promoting healthy forests and carbon farming applications; and

WHEREAS, SB 5 underwrites investments in improving local water systems, promoting access to safe drinking water in some of California's most economically challenged communities; and

WHEREAS, SB 5 commits to a robust investment in groundwater improvements and sustainability to diversify water sources and recharge groundwater tables; and

WHEREAS, SB 5 underwrites improvements in the state flood management systems, armoring against calamities that beset the state including Oroville and elsewhere.

NOW THEREFORE BE IT RESOLVED, that the City of Modesto hereby supports Senate Bill No. 5, The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018.

THEREFORE BE IT FURTHER RESOLVED that the City of Modesto supports and can be listed as a member of the Californians for Clean Water and Safe Park coalition and directs staff to email a copy of this adopted resolution to the League of California Cities at cityletters@cacities.org.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

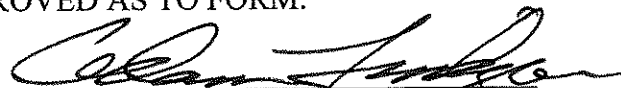
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2018-105**

RESOLUTION APPROVING AN EASEMENT AGREEMENT WITH THE CITY OF TURLOCK FOR A 3.79-ACRE PORTION OF REAL PROPERTY, LOCATED AT JENNINGS RANCH IN MODESTO (APN: 022-001-005), FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LICENSE AGREEMENT

WHEREAS, the City of Modesto is lead agency for the North Valley Regional Recycled Water Project (the Project), and

WHEREAS, the Project will convey treated wastewater via pipeline from the City's Jennings Treatment Facilities to the Delta-Mendota Canal via a new pump station and underground pipelines, to serve irrigation customers of the Del Puerto Water District (DPWD), and

WHEREAS, the City of Turlock is a participant in the project and will deliver treated wastewater from Turlock to the Jennings Treatment Facilities pump station via pipeline, located at Jennings Ranch in Modesto (APN: 022-001-005), and

WHEREAS, Turlock's treated wastewater will be added to Modesto's treated wastewater and delivered to the Del Puerto Water District's Delta-Mendota Canal, and

WHEREAS, the City of Modesto, the owner of the Subject Property, has agreed to grant the City of Turlock an Easement Agreement to allow the City of Turlock to install and maintain a pipeline through the City of Modesto's Jennings Ranch, and

WHEREAS, City staff recommends that the City Council approve the Grant of an Easement Agreement to the City of Turlock.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Easement Agreement to the City of Turlock for a

treated water pipeline, over a 3.79-acre area, of the Subject Property located at Jennings Ranch, in Modesto (APN: 022-001-005), for the North Valley Regional Recycled Water Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Grant of Easement Agreement, 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 6th day of March, 2018, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney