

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-210**

RESOLUTION APPROVING THE SUBMISSION OF THE TRANSPORTATION DEVELOPMENT ACT TRANSIT CLAIM TO THE STANISLAUS COUNCIL OF GOVERNMENTS FOR FISCAL YEAR 2019-20 IN THE AMOUNT OF \$15,409,739, AND A REGIONAL TRANSIT CLAIM IN THE AMOUNT OF \$915,459

WHEREAS, the greatest portion of the City's funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that TDA funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2020-21 pursuant to these sections of the California PUC, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2020-21 is \$15,409,739, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2020-21 for Regional Projects is \$915,459, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2020-21 is \$21,549,739, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California PUC before any TDA funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the TDA transit claim for Fiscal Year 2020-21 to StanCOG in the amount of \$15,409,739 and a Regional Transit Claim for \$915,459.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 2020, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-211**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH STANISLAUS COUNTY FOR STANISLAUS REGIONAL TRANSIT TO USE THE MODESTO TRANSPORTATION CENTER, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AMENDMENT

WHEREAS, Stanislaus County leases bus bays at the Transportation Center for the Stanislaus Regional Transit (StaRT) bus system, and

WHEREAS, the original lease was for a five-year period effective July 1, 2009, with options for three additional five-year extensions, and

WHEREAS, in 2018, the Stanislaus Council of Government (StanCOG) allowed the City to begin requesting regional Transportation Development Act (TDA) funds for the operation of the Transportation Center and Amtrak Station as they are used by more than one operator, and

WHEREAS, prior to 2018, the City had included the facilities in its transit operation claim, and

WHEREAS, since regional dollars are allocated to the City for transit operations it is appropriate to reduce the lease payment from Stanislaus County to the City, and

WHEREAS, the amended lease agreement provides compensation to the City for these services, and

WHEREAS, the amended lease agreement is \$1,000/month for the remainder of the lease term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the lease agreement with Stanislaus County for Stanislaus Regional Transit to use the Modesto Transportation Center.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign 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 May, 2020, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-212**

RESOLUTION APPROVING A TEN-YEAR LEASE AGREEMENT WITH SAN JOAQUIN JOINT POWERS AUTHORITY, FOR THE USE OF THE AMTRAK RAIL STATION AT 1700 HELD DRIVE, MODESTO FOR A TOTAL AMOUNT OF \$1.00 PER YEAR PLUS SHARED UTILITIES COSTS FOR THE TERM OF THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, the Amtrak Station located at 1700 Held Drive, Modesto has been occupied and used by Amtrak for passenger rail transportation service operations since the building opened in 1999, and

WHEREAS, the previous 20-year lease agreement expired in October 2019, and

WHEREAS, a new agreement is needed for them to continue occupancy for rail service operations, and

WHEREAS, the San Joaquin Joint Powers Authority (SJJPA) contacted the City of Modesto Transit staff to advise that they will be assuming control of the property through a lease agreement with the City of Modesto and subleasing it to Amtrak, and

WHEREAS, the SJJPA has been establishing lease agreements along the San Joaquin Valley rail corridor to gain control of the stations serviced by the Amtrak San Joaquins Rail line, and

WHEREAS, Amtrak has informed the City of Modesto that they will be entering a sublease agreement with SJJPA in a separate agreement between the two parties, Amtrak and SJJPA, and

WHEREAS, the station will continue to operate as it has since the initial agreement was established in 1999, and

WHEREAS, the previous agreement was initially for ten years with two five-year options and the annual rent for occupancy was \$1 per year for the entire duration of the agreement, and

WHEREAS, for the ten years of the proposed agreement, the SJJPA will pay \$1 per year to the City of Modesto for the use of the rail station, and

WHEREAS, in addition, the SJJPA will pay a monthly fee in the amount of \$1,600 to share the costs of landscape maintenance and janitorial services. This amount was derived from the current amounts paid by the City for landscaping (\$892) plus the janitorial services (\$2,249) divided by two and rounded up to \$1,600.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a ten-year lease agreement with San Joaquin Joint Powers Authority, for the use of the Amtrak Rail Station at 1700 Held Drive, Modesto for a total amount of \$1.00 per year plus shared utilities costs for the term of the agreement.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign 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 May, 2020, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-213**

RESOLUTION APPROVING THE IMPLEMENTATION OF A FARE CAPPING PROGRAM WITH TOKEN TRANSIT ON MODESTO AREA EXPRESS

WHEREAS, the City's fixed route transit system currently uses cash, magnetic striped fare cards, and the Token Transit mobile ticketing application for fare payment to allow bus riders to pay for rides on Modesto Area Express (MAX), and

WHEREAS, on June 26, 2018, by Resolution 2018-256, Council authorized an agreement with Token Transit to provide mobile ticketing services for MAX for an amount not to exceed \$178,000, and a termination date of June 30, 2023, and

WHEREAS, Token Transit has developed new functionality within the existing program to allow for fare capping services, and

WHEREAS, fare capping allows users to get credit for buying smaller trips and passes and earn their way toward a longer period pass, and

WHEREAS, the fare capping policy can help anyone but can especially assist those with low income ride the bus more often, and

WHEREAS, low-income individuals often only have funds enough for that day or week, and

WHEREAS, this functionality is only available in the Token Transit system, and

WHEREAS, this new fare payment option should promote new ridership. As the MAX system becomes easier to use and understand, the more likely people will utilize the bus for their transportation needs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves approving the implementation of a fare capping program with Token Transit on Modesto Area Express.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 2020, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-214**

RESOLUTION APPROVING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE DEL RIO TANK NO. 14, WELL NO. 68, AND PUMP STATION PROJECT FROM 35 PERCENT (\$2,628,793) TO 38 PERCENT (\$2,854,117) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$7,510,835 WITH MOUNTAIN CASCADE INC., OF LIVERMORE, CA

WHEREAS, on October 2, 2018, by Resolution No. 2018-432, Council approved a contract with Mountain Cascade Inc. (MCI) of Livermore, CA in the amount of \$7,510,835 to construct the Del Rio Tank No.14, Well No. 68 & Pump Station Project, and

WHEREAS, the original amount authorized to the Director of Utilities to issue change orders was 8 percent (\$600,867), and

WHEREAS, on April 23, 2019, by Resolution No. 2019-432, Council approved an increase in Director's authority to issue change orders from 8 percent (\$600,687) to 35 percent (\$2,628,793) of the original construction contract price of \$7,510,835 with Mountain Cascade Inc., of Livermore, CA for unforeseen conditions resulting in the water treatment system necessary for the completion and operation of the Del Rio Tank 14, Well No. 68 and Pump Station Project, and

WHEREAS, the project is currently under construction and additional work is needed to complete the project including additional site grading and paving, vehicle impact protection bollards, and unforeseen adjustments needed in the design and construction, and

WHEREAS, an increase in Director's authority from \$2,628,793 (35%) to a not-to-exceed amount of \$2,854,117 (38%) of the original construction contract price of

\$7,510,835 with Mountain Cascade Inc., of Livermore, CA, will be needed to complete the project improvements, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City's standards of construction and quality.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in Director's Authority to issue change orders for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project from 35 percent (\$2,628,793) to 38 percent (\$2,854,117) of the original construction contract price of \$7,510,835 with Mountain Cascade Inc., of Livermore, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 2020, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-215**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH NV5, OF MANTECA, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE DEL RIO TANK NO. 14, WELL NO. 68, AND PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED \$199,692, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,199,692, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, this project will construct a 0.25-million gallon steel water tank, a 1,000 gallon-per-minute (gpm) well production pump, a 2.45 million gallon-per-day booster pump station, a 1.4 acre-foot retention basin, and a 16-inch transmission main installation from the intersection of St. John Road and Country Club Drive, south to Ladd Road, and

WHEREAS, on October 2, 2018, by Resolution No. 2018-432, Council awarded the construction contract to Mountain Cascade Inc. (MCI) of Livermore, CA., in the amount of \$7,510,835 for the Del Rio Tank No.14, Well No. 68 & Pump Station Project, and

WHEREAS, due to the limited availability of the City's Construction Administration staff and recent staffing transitions, staff recommended utilizing a consultant to provide construction management, inspection and materials testing services through completion of the construction phase, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements," this agreement for professional services is exempt from the bidding requirements of Modesto Municipal Code 8-3.203., and

WHEREAS, for the construction management and inspection services, a Request for Proposals (RFP) was issued to the prequalified list of firms for construction management and inspection services for this project, and

WHEREAS, on October 2, 2018, by Resolution No. 2018-433, Council approved an agreement with NV5, of Manteca, CA, for construction management and inspection services for the Del Rio Tank No.14, Well No. 68 & Pump Station Project in an amount not to exceed \$1,000,000, plus \$120,000 for additional services (if needed), for a total amount not to exceed \$1,120,000, and

WHEREAS, the project was scheduled to be complete by January 31, 2020; however, the project schedule has been extended due to unforeseen conditions resulting in the inclusion of a water treatment system necessary for the completion and operation of the Del Rio Tank 14, Well No. 68 and Pump Station Project, and

WHEREAS, the inclusion of a water treatment system has resulted in an extended construction schedule and additional inspections with anticipated completion schedule of August 2020, and

WHEREAS, City staff recommends approving an amendment to the agreement with NV5, to provide additional construction management, inspection and materials testing services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the current agreement with NV5 for construction management and inspection services for Del Rio Tank No.14, Well No. 68 & Pump Station Project, in the amount of \$199,692 for a total amount not to exceed \$1,199,692.

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 May, 2020, 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

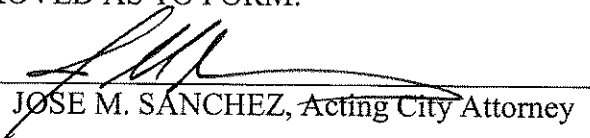
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-216**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-20 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$325,324 TO BE
TRANSFERRED INTO THE PROJECT FROM WATER FUND CIP IN ORDER
TO FULLY FUND THE CONTINGENCY AND CONSTRUCTION
ADMINISTRATION FOR THE DEL RIO TANK NO. 14, WELL NO. 68, AND
PUMP STATION PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of
\$325,324, in order to fund contingency and construction administration for the Del Rio
Tank No. 14, Well No. 68, and Pump Station Project, and

WHEREAS, the Fiscal Year 2019-2020 Capital Improvement Program Budget
must be amended as shown 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 approves the amendment of the Fiscal Year 2019-2020 Capital
Improvement Program Budget as shown in **Exhibit A, attached** hereto.

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 5th day of May, 2020, 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: 
JOSE M. SANCHEZ, Acting City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Capital Improvement Program Project 100473 – Del Rio Water Tank in the amount of \$325,324 to cover expenses associated with the Mountain Cascade Construction Contract and the required City staff time related to administering/managing the project.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-217**

**RESOLUTION ACCEPTING THE MELLIS PARK IMPROVEMENTS
PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO
FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND
RELEASING PAYMENTS TOTALING \$354,223 TO ANV CONTRACTORS, OF
ATWATER, CALIFORNIA**

WHEREAS, the existing pavilion, constructed in 1996 out of large wooden cross beams, was designed to shade the picnic tables and provide a vibrant area for both large groups and families to enjoy the park, and

WHEREAS, after sustaining 25+ years of weathering, the structure was deteriorating and was requiring demolition or replacement, and

WHEREAS, due to the high popularity of the park as a picnic destination, staff proposed to replace the wooden beam shade structure with a lighter and more durable, metal design, and

WHEREAS, the newly designed structure plan greatly increased Americans with Disabilities Act compliancy as well as provides longevity to the shade structure, and

WHEREAS, the Mellis Park renovation is one of the projects approved in the 2018/19 CIP budget, and

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

WHEREAS, staff reviewed all of the current projects within the Program Year 2018-2019 Annual Action Plan and determined which projects would be able to move forward within the grant deadlines, and

WHEREAS, a park renovation project in Mellis Park was identified as a project that could meet the allocation deadline, and

WHEREAS, bids were advertised on December 21, 2018, and

WHEREAS, bids were publicly opened on January 22, 2019, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, ANV Contractors, Inc., of Atwater, California, was the apparent responsible and responsive bidder, and

WHEREAS, on February 12, 2019, by Resolution No. 2019-60, Council awarded a contract to ANV Contractors, Inc., of Atwater, California, California for the construction of the Mellis Park Improvements Project in the amount of \$323,390, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of March 18, 2019, and all contract work was completed by May 20, 2019, and

WHEREAS, the total project costs were \$449,177 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$450,600 which included \$355,729 for the construction contract and contingency with ANV Contractors, Inc., and

WHEREAS, there were five change orders on this project with an overall increase of \$30,833, 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 that the Mellis Park Improvements Project is hereby accepted as complete from contractor ANV Contractors, Inc., of Atwater, California, CA, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities and authorize payments totaling \$354,223, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 2020, 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

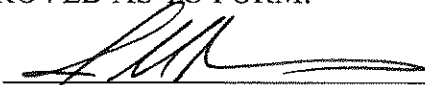
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-218**

RESOLUTION ACCEPTING THE WYLIE, FLOYD AND CARVER STREET IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$1,747,740 TO AMERICAN PAVEMENT SYSTEMS, OF MODESTO, CALIFORNIA

WHEREAS, in November 2016, the voters of Stanislaus County approved the county wide, 25-year, half- cent sales tax increase known as Measure L, and

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved a list of proposed projects including design of the Wylie, Floyd and Carver Street Improvements project to be funded with Measure L tax proceeds in Fiscal Year 2017-18, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council amended the approved list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019, and

WHEREAS, the amendment to the list of projects allocated \$1,700,000 for construction to the Wylie, Floyd and Carver Street Improvements Project, and

WHEREAS, bids were advertised on February 26, 2019, and

WHEREAS, bids were publicly opened on March 2, 2019, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and American Pavement Systems, of Modesto, California, was the apparent responsible and responsive bidder, and

WHEREAS, on April 23, 2019, by Resolution No. 2019-179, Council awarded a contract to American Pavement Systems, of Modesto, California for the construction of

the Wylie, Floyd and Carver Street Improvements project in the amount of \$1,595,915,
and

WHEREAS, the contractor received the Notice to Proceed with a first working day
of June 3, 2019, and all contract work was completed by December 17, 2019, and

WHEREAS, the total project costs were \$2,244,824 which included all
construction, design, and construction administration costs. The total project amount
originally budgeted was \$2,400,000 which included \$1,755,507 for the construction
contract and contingency with American Pavement Systems, and

WHEREAS, per Resolution 2019-181, on April 23, 2019, the Directors Authority
for Change Orders was increased from \$127,673 (8%) to \$159,592 (10%), and

WHEREAS, there were seven change orders on this project with an overall
increase of \$151,825, 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
that the Wylie, Floyd and Carver Street Improvements Project is hereby accepted as
complete from contractor American Pavement Systems, of Modesto, California, and that
the City Clerk is authorized to complete all necessary steps to file the appropriate notices
and documents with the County Recorder, release securities and authorize payments
totaling \$1,747,740, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 2020, 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: 
JOSE M. SANCHEZ, Acting City Attorney