

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-491**

**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 3, 2020,
AND DECLARING THE RESULTS OF SAID ELECTION**

WHEREAS, on Tuesday, November 3, 2020, a Regular Municipal Election was held in the City of Modesto (herein called “City”) of Stanislaus County to elect the following:

1. One member to Mayor for a four year term;
2. One Councilmember to District 1 for a four year term;
3. One Councilmember to District 3 for a four year term; and
4. One Councilmember to District 6 for a four year term.

WHEREAS, only one candidate for each of the Board of Education Trustee Areas 2, 4 and 6 was nominated for their respective Trustee Areas, and pursuant to Education Code Section 5326, the Candidates were appointed as follows and an election on these offices was not held:

John Ervin	Member, Modesto Board of Education, Trustee Area 2, for a term of four years.
Abel Maestas	Member, Modesto Board of Education, Trustee Area 4, for a term of four years.
Homero Mejia	Member, Modesto Board of Education, Trustee Area 6, for a term of four years.

WHEREAS, said election was held on Tuesday, November 3, 2020, 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 of the City Clerk, which the City Clerk certified to the Council by a Certificate of Canvass and Statement of Votes dated November 23, 2020, 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:

SECTION 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.

SECTION 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 Mayor and in Districts 1, 3 and 6, in the City.
- (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.

SECTION 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.

SECTION 4. The Charter provides that if no candidate for the office of Mayor of the City of Modesto receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first regular municipal election shall have their names on the ballot for election of the office. Therefore, the two candidates receiving the highest number of votes for Mayor, Sue Zwahlen and Doug Ridenour, shall have their names on the ballot for a run-off election to be held on Tuesday, February 2, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, 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, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-492**

RESOLUTION REAPPOINTING GARY BLOM AND APPOINTING RHODA YARE AND MINAL DESAI TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT, EACH WITH A TERM EXPIRATION OF JANUARY 1, 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, Gary Blom was appointed to the Modesto Board of Zoning Adjustment on November 9, 2016, by Council Resolution No. 2016-453, to a four-year term set to expire on January 1, 2021, and

WHEREAS, Gary Blom is eligible for a second, four-year term, and

WHEREAS, two current members do not wish to serve a second term, which leaves two vacancies on the board, and

WHEREAS, the Appointments Committee met on October 22, 2020, and recommended reappointment of Gary Blom and the appointment of Rhoda Yare and Minal Desai to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints Gary Blom and appoints Rhoda Yare and Minal Desai to the Modesto Board of Zoning Adjustment, each with a term expiration of January 1, 2025.

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 1st day of December, 2020, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None


ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-493**

**RESOLUTION REAPPOINTING HANK POLLARD AND AMEET BIRRING
AND APPOINTING OMAR SILVA TO THE CITY OF MODESTO PLANNING
COMMISSION, EACH WITH A TERM EXPIRATION OF JANUARY 1, 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 November 1, 2016, the City Council for the City of Modesto appointed Hank Pollard to the Planning Commission, by Council Resolution 2016-442, and

WHEREAS, on February 14, 2017, the City Council for the City of Modesto appointed Ameet Birring to the Planning Commission, by Council Resolution 2017-45, and

WHEREAS, Hank Pollard and Ameet Birring are eligible for a second, four-year term, and

WHEREAS, Commissioner Rosa Escutia-Braaton's second term is set to expire on January 1, 2021, leaving a vacancy on the Planning Commission, and

WHEREAS, the Appointments Committee met on October 22, 2020, and recommended reappointment of Hank Pollard and Ameet Birring and the appointment of Omar Silva to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints Hank Pollard and Ameet Birring and appoints Omar Silva to the City of Modesto Planning Commission, each with a term expiration of January 1, 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 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 1st day of December, 2020, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-494**

RESOLUTION REAPPOINTING JOE CAHILL AND APPOINTING LISA LOMAS TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION, EACH WITH A TERM EXPIRATION OF JANUARY 1, 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, Joe Cahill was appointed to the Modesto Landmark Preservation Commission on July 11, 2017, by Council Resolution 2017-271, to a four year term set to expire on January 1, 2021, and

WHEREAS, Joe Cahill is eligible for a second, four year term, and

WHEREAS, Commissioner David Roddick's first term is set to expire on January 1, 2021, leaving a vacancy on the Commission, and

WHEREAS, the Appointments Committee met on October 8, 2020, and recommended appointment of Lisa Lomas to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints Joe Cahill and appoints Lisa Lomas to the Modesto Landmark Preservation Commission, each with a term expiration of January 1, 2025.

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 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 1st day of December, 2020, 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: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-495**

RESOLUTION APPROVING THE PURCHASE OF THREE (3) ONE-TON TRUCKS TO SONORA FORD, SONORA, CA., FOR A TOTAL AMOUNT NOT TO EXCEED \$141,951, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, three (3) One-Ton trucks with specific configurations, which are scheduled for replacement, will be used by various departments and divisions; Water, Wastewater and Building Services; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs; and

WHEREAS, the replacement of three (3) One-Ton trucks was approved by the City Manager and City Council with the adopted Fiscal Year 2016-2017 budget; and

WHEREAS, on February 19, 2020 the Purchasing Division issued RFB 1920-53 for Three (3) One-Ton trucks with specific configuration on the City's website under commodity code 07047 for Trucks, Cab and Chassis; and

WHEREAS, thirteen companies downloaded the RFB, one company chose to respond to the bid; the responding vendor was not a local vendor; and

WHEREAS, on March 17, 2020 the bid was formally opened in the City Clerk's office, Sonora Ford, Sonora, CA. was the only responsive and responsible bidder; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. Based on providing the overall lowest responsive and responsible bid, City Staff recommends the award of bid for three (3) One-Ton trucks to Sonora Ford, Sonora, CA., which conforms to the Modesto Municipal Code 8-3.203; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of three (3) One-Ton Trucks from Sonora Ford, Sonora, CA., for a total amount not to exceed \$141,951.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

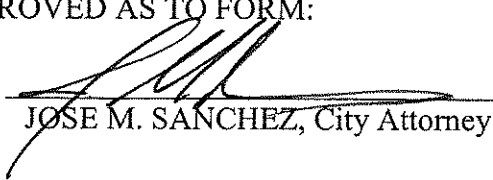
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-496**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CUSTODIAL SERVICES AND SUPPLIES TO CCS FACILITY SERVICES, FRESNO, CA, FOR A FIVE-YEAR AGREEMENT WITH TWO 1-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED COST OF \$667,298 AND A TOTAL AMOUNT NOT TO EXCEED \$4,981,080 OVER SEVEN YEARS, WITH ANY NEW SITE ADDITIONS, REMOVALS, OR SUBSTANTIVE SERVICE CHANGES TO BE AUTHORIZED BY THE DIRECTOR OF FINANCE OR HER DESIGNEE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City provides custodial services for approximately 155,000 square feet of rental, office and public facility space; and

WHEREAS, the agreement will provide custodial services and supplies for City owned buildings that will include cleaning, dusting, mopping, disinfecting, scrubbing, sweeping, vacuuming and waxing, as well as disinfecting facilities and assisting with event set-up and take-down at multiple sites; and

WHEREAS, on April 20, 2020, the Purchasing Division issued RFP 1819-51 for custodial services and supplies under six (6) category codes; and

WHEREAS, on June 30, 2020, in an effort to slow the spread of COVID19, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream; and

WHEREAS, seven (7) companies chose to respond, none of which were local vendors; Six (6) companies provided responsive and responsible proposals, one (1) was deemed non-responsive; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award for for custodial services and supplies to CCS Facility Services, Fresno, CA, for an estimated annual cost not to exceed \$667,298; 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 follow formal bid procedures and RFB No. 1819-51 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for custodial services and supplies to CCS Facility Services, Fresno, CA, for a five-year agreement with two 1-year extension options, for an annual estimated cost of \$667,298 and a total amount not to exceed \$4,981,080 over seven years, with any new site additions, removals, or substantive service changes to be authorized by the Director of Finance or her designee.

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 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-497**

RESOLUTION REJECTING THE PROPOSALS FOR ON-CALL TRAFFIC ENGINEERING SERVICES FOR THE TRAFFIC ENGINEERING DIVISION, AND AUTHORIZING STAFF TO RE-ADVERTISE FOR BID AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, there are only two full time engineers in the Traffic Engineering Division, and

WHEREAS, to assist staff in completing projects, the Traffic Engineering Division requested proposals for services including preparation of plans, specifications and estimates of costs of projects, detailed studies on specific items, conducting investigations, preparation of reports, and assistance with construction administration on various projects, and

WHEREAS, staff solicited and formally advertised for a Request for Qualifications (RFQ) through Planet Bids (#53510) for transportation engineering services to assist the Traffic Engineering Division with capital improvement projects, and

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

WHEREAS, from the ratings of the nine proposals that were received, four were selected for interviews on August 25th and 26th, and

WHEREAS, after the interviews, it was determined that the RFQ needed to include some modifications to scope of services and other miscellaneous areas, and

WHEREAS, staff communicated with the California Department of Transportation (Caltrans) on the appropriate language needing to be added or changed, and

WHEREAS, based on the proposals received, staff recommends rejecting the bids and re-advertising.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all proposals for On-Call Traffic Engineering Services for the Traffic Engineering Division, and authorizes staff to re-advertise for bid at a future date with an amended scope of work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

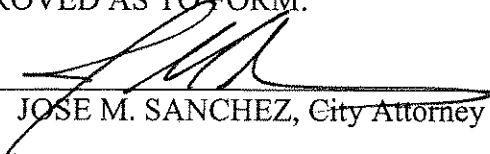
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-498**

RESOLUTION ACCEPTING THE CERES TRUNK REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$5,824,831 TO ROLFE CONSTRUCTION, INC., OF ATWATER, CA

WHEREAS, the Wastewater Collection System Master Plan listed the Ceres Trunk as a high priority project because it was one of the most severely corroded reinforced concrete pipes (RCP) sewer trunks in the City, and

WHEREAS, the Ceres Trunk is known as a secondary trunk and conveys all flow from northern Ceres and Area 8 (southeast Modesto) to the River Trunk, and

WHEREAS, the Ceres Trunk crosses under Highway 99 and the Tuolumne River (Shackelford Crossing), and consists of 18-inch to 24-inch diameter RCP sections, and

WHEREAS, this project replaced the oldest and most deteriorated segments of the Ceres Trunk, from Blankenburg Avenue, east of Highway 99, to the Shackelford Crossing, near Zeff Road and Crows Landing Road, and

WHEREAS, the project also included the rehabilitation of the existing Highway 99 crossing and the installation of a second 24-inch diameter pipeline for reliability, and

WHEREAS, the project required coordination with the industrial businesses connected to the Ceres Trunk, and

WHEREAS, also, the City's property agent had to work with the property owners to acquire necessary easements, and right of way entries, and

WHEREAS, on September 3, 2013, by Resolution No. 2013-315, the City Council approved a prequalified list of consultants for Engineering Design Services for Wastewater and Storm Drain CIP projects, and

WHEREAS, city staff issued a Request for Proposal (RFP) to the list of consultants for preparation of the Preliminary Design Report (PDR) for the Ceres Trunk Rehabilitation and Reliability project. Two proposals were received on July 3, 2014, and were reviewed by a selection committee that consisted of Engineering and Operations & Maintenance staff from the Utilities Department. The selection committee determined that Brown and Caldwell was the most responsive and qualified firm to prepare the PDR, and

WHEREAS, on December 2, 2014, by Resolution No. 2014-512, the City Council approved an agreement with Brown and Caldwell for the preparation of the PDR for the Ceres Trunk Rehabilitation and Reliability project, and

WHEREAS, on October 27, 2015, by Resolutions No. 2015-403 and 2015-404, the City Council accepted the Preliminary Design Report dated September 11, 2015 for the Ceres Trunk Rehabilitation and Reliability Project as complete; and approved an agreement with Brown and Caldwell for Final Design Services for the Ceres Trunk Rehabilitation and Reliability Project, and

WHEREAS, bids were advertised on September 12, 2017, and were publicly opened on October 17, 2017, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction, Inc., of Atwater, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on November 28, 2017, by Resolution No. 2017-469, Council awarded a contract to Rolfe Construction, Inc., of Atwater, CA, for the construction of the Ceres Trunk Rehabilitation project in the amount of \$5,743,485, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of January 29, 2019, and all contract work was completed by August 30, 2019, and

WHEREAS, the total project costs were \$7,028,054 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$7,834,614 which included \$6,202,967 for the construction contract and contingency with Rolfe 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 8% (\$459,476) of the original contract price, and

WHEREAS, there were fourteen change orders on this project with an overall increase of \$81,346, 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 Ceres Trunk Rehabilitation project is hereby accepted as complete from contractor, Rolfe Construction, Inc., Atwater, 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 \$5,824,831.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-499**

RESOLUTION ACCEPTING THE CROWS LANDING SEWER TRUNK PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$3,057,530 TO A. TEICHERT & SON, INC., DBA TEICHERT CONSTRUCTION, ROSEVILLE, CALIFORNIA

WHEREAS, the Crows Landing Sewer Trunk provides service to south Modesto and west Ceres, and

WHEREAS, during a routine maintenance of the sewer trunk in 2018, crews noticed severe deterioration of the reinforced concrete pipe's crown, and

WHEREAS, the alignment of the trunk parallels the Tuolumne River within a utility easement on private property, and

WHEREAS, the location made it difficult to access during maintenance and the sewer trunk was susceptible to river discharge if issues arose, and

WHEREAS, the improvements rerouted the 30-inch trunk onto Crows Landing Road and connected the pipe to an existing stub-out at the Ceres Trunk before the Tuolumne River crossing, and

WHEREAS, staff opted to utilize a new corrosion resistant pipe material, Vylon, which is a high strength structural polyvinyl chloride pipe, and

WHEREAS, bids were advertised on March 26, 2019, and were publicly opened on April 23, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and A. Teichert & Son, Inc., dba Teichert Construction, Roseville, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on June 25, 2019, by Resolution No. 2019-299, Council awarded a contract to A. Teichert & Son, Inc., dba Teichert Construction, Roseville, California, for the construction of the Crows Landing Sewer Trunk project in the amount of \$2,976,842, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of September 3, 2019, and all contract work was completed by April 30, 2020, and

WHEREAS, the total project costs were \$3,233,877 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$3,673,102 which included \$3,274,526 for the construction contract and contingency with Teichert Construction, 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 8% (\$238,147) of the original contract price, and

WHEREAS, by Resolution 2019-300 on June 25, 2019 the Directors Authority was increased to 10% (\$297,684) of the original contract price, and

WHEREAS, there were four change orders on this project with an overall increase of \$80,687, 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 Crows Landing Sewer Trunk project is hereby accepted as complete from contractor, Teichert Construction, Roseville, 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 \$3,057,530

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-500**

RESOLUTION ACCEPTING THE RIGHT TURN LANE IMPROVEMENTS AT WESTBOUND D STREET TO NORTHBOUND 9TH STREET PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$870,310 TO ROSS F. CARROLL, INC. OF OAKDALE, CALIFORNIA

WHEREAS, in February 2012, the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to provide a route for right turning motorists on westbound D Street without blocking or being blocked by through traffic and to construct a bus turnout on northbound 9th Street, north of the 9th Street/D Street intersection, and

WHEREAS, on December 11, 2012, by Resolution No. 2012-509, Council accepted (CMAQ) funds in the amount of \$101,810 for Preliminary Engineering, and

WHEREAS, on March 3, 2015, by Resolution No. 2015-68, Council accepted an additional \$35,000 in (CMAQ) funds for Preliminary Engineering. These funds were to be utilized for continuance of environmental studies requested by Caltrans, which were not part of the original scope of work, and

WHEREAS, on May 12, 2015, by Resolution No. 2015-148, Council accepted \$35,000 in Regional Surface Transportation Program (RSTP) funds for Preliminary Engineering. These funds were allocated for additional soil sample testing and a Phase 2 Preliminary Site Assessment, as required by Caltrans, and

WHEREAS, On September 8, 2015 Caltrans authorized an additional \$20,823 in CMAQ funds for Preliminary Engineering to complete soil sample testing and \$15,000 in CMAQ funds for staff support to coordinate with dry utility companies during the Right of

Way phase. With this authorization being under \$50,000, the funds were accepted by City Manager signature, and

WHEREAS, on September 13, 2016, by Resolution No. 2016-348, Council accepted CMAQ funds in the amount of \$278,870 and \$168,395 in RSTP funds for construction. The Council also accepted \$115,000 in Federal Transit Administration (FTA) funds for construction of the proposed bus turnout, and

WHEREAS, on July 10, 2018, by Resolution No. 2018-277, Council amended the Fiscal Year 2017-2018 Annual and Capital Improvement Budget which recognized \$291,038 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants Capital Improvement Project Fund, Fund 3130, to the Right Turn Lane WB D Street at Northbound 9th Street Capital Improvement Project, #100728, and reallocated funding to Engineering/Design/Administration, Construction, Construction Administration and Contingency expenses as approved by Caltrans in accordance with the E-76, and

WHEREAS, on September 5, 2017, by Resolution No. 2017-338, Council accepted \$15,000 in CMAQ funds for Preliminary Engineering and \$239,000 for Construction (\$19,000 - CMAQ, \$220,000 - RSTP), and

WHEREAS, bids were advertised on July 31, 2018, and were publicly opened on August 28, 2018, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Ross F. Carroll, Inc. of Oakdale, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on October 9, 2018, by Resolution No. 2018-443, Council awarded a contract to Ross F. Carroll, Inc., of Oakdale, CA, for the construction of the Right Turn

Lane Improvements Westbound D Street to Northbound 9th Street project in the amount of \$859,300, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of March 4, 2019, and all contract work was completed by March 3, 2020, and

WHEREAS, the total project costs were \$1,259,092 which included design, construction, and construction administration costs. The total project amount originally budgeted was 1,314,936 which included \$945,230 for the construction contract and contingency with Ross F. Carroll, 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 10% (\$85,930) of the original contract price, and

WHEREAS, there were six change orders on this project with an overall increase of \$13,710, and

WHEREAS, there was a deduction to the contract in the amount of \$2,700 for substitution of a Disadvantaged Business Enterprise (DBE) subcontractor with a non-DBE subcontractor, 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 Right Turn Lane Improvements Westbound D Street at Northbound 9th Street Improvements project is hereby accepted as complete from contractor, Ross F. Carroll, Inc. of Oakdale, 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 \$870,310.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-501**

**RESOLUTION ACCEPTING THE SOUTH MARTIN LUTHER KING DRIVE
STRENGTHEN & REPLACE WATER MAINS PROJECT AS COMPLETE,
AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY
RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS
TOTALING \$860,248 TO D.A. WOOD CONSTRUCTION, INC., OAKDALE, CA**

WHEREAS, the South Martin Luther King Drive Strengthen & Replace Water Mains project was a partnership between the City's Community and Economic Development Department and the Utilities Department, and

WHEREAS, the Community and Economic Development Department administers Community Development Block Grant funds that were used to partially fund this project, and

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

WHEREAS, the Annual Action Plan must align and support the priorities in the City's Program Year 2015-2020 Consolidated Plan, and

WHEREAS, after vetting the project to ensure it met CDBG eligibility criteria, the water main project was identified within the HUD 2019-2020 Annual Action Plan, which was approved by Council on May 14, 2019 via Resolution No. 2019-240, and

WHEREAS, the South Martin Luther King Drive neighborhood is one of many prioritized areas identified in the City's Water Master Plan that required replacement of current, aging water infrastructure, and

WHEREAS, the South Martin Luther King Drive Strengthen & Replace Water Mains project replaced and upgraded deficient water mains ranging in size from 2” to 6” with 8” City Standard water mains, associated water valves, services, and fire hydrants to increase reliability, flows, and pressures, and

WHEREAS, the project area is bounded by South Martin Luther King Drive on the west, South Madison Street on the east, Spruce Street on the north, and Paradise Road on the south, and

WHEREAS, this project complies with CDBG program rules as it is located within a low-income Census Tract Block Group as defined by the U.S Census Bureau and HUD, and

WHEREAS, bids were advertised on October 16, 2019, and were publicly opened on November 12, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and D.A. Wood Construction, Inc., Oakdale, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on December 10, 2019, by Resolution No. 2019-550, Council awarded a contract to D.A. Wood Construction, Inc., of Oakdale, California, for the construction of the South Martin Luther King Drive Strengthen & Replace Water Mains project in the amount of \$865,504, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of January 24, 2020, and all contract work was completed by April 1, 2020, and

WHEREAS, the total project costs were \$949,558 which included design, construction, and construction administration costs. The total project amount originally

budgeted was \$1,148,224 which included \$952,054 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 up to and not to exceed 10% (\$86,550) of the original contract price. There were three change orders resulting in an overall decrease of \$5,256 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 that the South Martin Luther King Drive Strengthen and Replace Water Mains project is hereby accepted as complete from contractor, D.A. Wood Construction, Inc., Oakdale, 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 \$860,248.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

CONTRACT CHANGE ORDER LOG

Date: October 14, 2020

CHANGE ORDER NO.	DESCRIPTION	EXECUTED	AMOUNT	TIME EXT.	CAUSE		
					DESIGN ISSUE	UNFORSEEN CONDITIONS	ADDED SCOPE
PROJECT NUMBER AND NAME:							
2020/11 - S. Martin Luther King Drive Strengthen and Replace Water Mains (101209) (CDBG NO. 1335)							
01	Add Additional 1" Service To 307 California	05/15/20	\$7,081.78	0 W.D.	No	No	No
02	Additional Service For Testing Station @ 312 California Street	05/25/20	\$869.00	0 W.D.	No	No	No
03	Balancing Change Order	10/15/20	-\$13,207.28	0 W.D.	No	Yes	No

Original Contract Amount: \$865,504.00

Total Working Days Time Extension: 0

Original Director's CCO Authority: \$86,550.40

Total Change Orders Processed To Date: -\$5,256.50

IDA To:

IDA Date:

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-502**

RESOLUTION REJECTING ALL BIDS FOR THE SUTTER SANITARY SEWER TRUNK REHABILITATION PROJECT, PHASE 1 AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bids were publicly opened on October 27, 2020, pursuant to City Charter Section 1307, and five blind bids were received, and

WHEREAS, in accordance with Section 2.02.B of the City's General Provisions, to ensure impartiality when selecting the bid alternates, each bidder was assigned an identification letter for their submitted bid form to the City Clerk and the bidder's names associated with the bid packages received and amounts read out have not been disclosed, and

WHEREAS, all five blind bids received were above the engineer's estimate, with the percentages varying from 18.22% to 57.09% higher, and

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject all bids and re-advertise the project at a later date, with a reanalyzed and accordingly revised engineer's estimate, to better reflect the complexity of the work, due to the Highway 99 underground crossing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1.

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 1st day of December, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Madrigal, Ricci, Zoslocki
Kenoyer, Wright, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney