

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-88**

**RESOLUTION ACCEPTING THE RESIGNATION OF MAYA RAMIREZ FROM THE  
CITY OF MODESTO EQUITY COMMISSION**

WHEREAS, the Equity Commission was established to advise the City Manager and City Council on matters relating to diversity, equity, inclusion, and disability, and

WHEREAS, on August 9, 2022, by Resolution No. 2022-332, Maya Ramirez was appointed to serve as a member of the Equity Commission, and

WHEREAS, Maya Ramirez has tendered her resignation from the Equity Commission effective January 30, 2023.

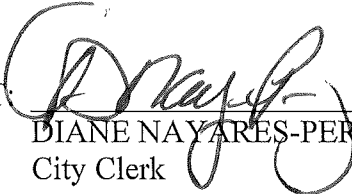
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the resignation of Maya Ramirez from the Equity Commission, with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Vice-Mayor Ricci, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-89**

**RESOLUTION AMENDING THE FISCAL YEAR 2022-23 ANNUAL  
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND  
AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS  
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2022-23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2022-23 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARÉS-PÉREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

## EXHIBIT A

### FISCAL YEAR 2022-23

#### **PARKS, RECREATION AND NEIGHBORHOODS**

- A budget adjustment is necessary in the amount of \$150,022 for revenue and \$114,587 for expenses in the JPA – Tuolumne River Regional Park (TRRP) Fund 6700 operations cost center 80300 to recognize additional revenue and increased expenses as part of the mid-year budget adjustment. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on January 11, 2023.
- A budget adjustment in the amount of \$329,000 is necessary in the JPA – TRRP Special Revenue Fund – CIP to increase the expense budget for the TRRP Vegetation Management and Access Control Project (101476) throughout TRRP. The project will be funded with reserves from insurance proceeds. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on February 8, 2023 as part of the 2023-2024 calendar year TRRP project funding plan.
- A budget adjustment in the amount of \$450,000 is necessary in the JPA – TRRP Special Revenue Fund – CIP to increase the expense budget for the TRRP Mancini Park New Playground Project (101477). The project will be funded with reserves from insurance proceeds. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on February 8, 2023 as part of the 2023-2024 calendar year TRRP project funding plan.
- A budget adjustment in the amount of \$725,000 is necessary in the JPA – TRRP Special Revenue Fund – CIP to increase the expense budget for the TRRP B Improvements Project (101478) throughout TRRP B which includes renovation of picnic area B, parking lot slurry seal, and restroom replacement. The project will be funded with reserves from insurance proceeds. This was approved by the Tuolumne River Regional Park Joint Powers Authority Commission on February 8, 2023 as part of the 2023-2024 calendar year TRRP project funding plan.

#### **PUBLIC WORKS**

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 22-23 for the activity through December 2022. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

<b>Fund</b>	<b>Fund Name</b>	<b>Net Impact of Adjustments</b>
<b>1709</b>	Surface Transportation Fleet Replacement Fund	\$328,619
<b>4109</b>	Water Fleet Replacement Fund	\$503,707
<b>5410</b>	General Fund Fleet Replacement	\$261,415
<b>6799</b>	TRRP Fleet Replacement Fund	\$14,407
<b>Total Transfer Outs</b>		<b>\$1,108,148</b>
5409	Transfer In – Fleet Management Fleet Replacement	\$1,108,148
<b>Total Transfer Ins</b>		<b>\$1,108,148</b>

A budget adjustment is necessary to establish a transfer in the amount of \$328,619 from the Surface Transportation Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 1 Ton Truck with aerial bucket, (1) 1 Ton Truck with flatbed, and (1) Crack Sealer trailer.

A budget adjustment is necessary to establish a transfer in the amount of \$503,707 from the Water Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 1 Ton flatbed truck, (1) 17,500 Utility Truck, and (1) 4-wheel drive loader.

A budget adjustment is necessary to establish a transfer in the amount of \$261,415 from the General Fund Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) Investigation Sedan, (1) 1 Ton truck with stake side dump, (1) truck with cargo body, and (1) radar trailer.

A budget adjustment is necessary to establish a transfer in the amount of \$14,407 from the TRRP Fleet Replacement Fund to Fleet Replacement Fund for purchase of (1) 7 ft flail mower.

**UTILITIES**

- A budget adjustment is necessary in the amount of \$400,000 in the Water PCE Litigation Fund 4112 to fund ongoing legal costs associated with PCE Litigation. The Water PCE Mitigation Fund (4112) is separate from the Water Fund (4100), and the PCE legal costs are not funded by rate payers.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-90**

**RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR RENTAL OF GOLF CARTS TO E-Z-GO A DIVISION OF TEXTRON INC., MIRA LOMA, CA, FOR FOUR (4) YEARS, FOR AN ANNUAL ESIMATED AMOUNT OF \$165,408 AND A TOTAL NOT TO EXCEED \$661,634 OVER FOUR YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT**

WHEREAS, in 2019, by Resolution No. 2019-283, Council approved a Master Agreement with Textron Specialized Vehicles, Inc., a Delaware Corporation, for Golf Carts and a Service Vehicle for a four-year lease for a total amount not to exceed \$226,455; and

WHEREAS, in 2020, by Resolution No. 2020-296, Council approved the First Amendment to the Master Agreement with E-Z-GO, division of Textron, Inc., for leased Golf Carts and Service Vehicle to a revised total amount of \$298,399 and extending the term of the Agreement from June 30, 2023, to August 30, 2023; and

WHEREAS, in 2021, by Resolution 2021-408, Council approved the Second Amendment to the Master Agreement with E-Z-GO, division of Textron, Inc., for leased Golf Carts and Service Vehicle to a revised total amount of \$377,623 to extend the Dryden Golf Cart Lease from September 1, 2021, to August 31, 2023; and

WHEREAS, the current golf cart lease is set to expire August 31, 2023; and

WHEREAS, staff began the process of issuing an Invitation for Bids in July 2022 in anticipation of increased lead times for cart delivery to the Golf Courses; and

WHEREAS, on October 31, 2022, the City Manager authorized the Purchasing Manager to issue a formal Invitation for Bids on PlanetBids; and

WHEREAS, E-Z-Go a Division of Textron Inc. was the sole bidder and staff found the bid to be responsive and responsible; and

WHEREAS, the new Lease Agreement for Golf Carts is for (100) new Golf Carts and (2) service vehicles for a term of four years; and

WHEREAS, the cost to lease said vehicles shall not exceed \$165,409 annually and \$661,634 over the four-year lease period; and

WHEREAS, the Director of Parks, Recreation and Neighborhoods is authorized to increase the cost of cart rental fees, as necessary, to cover the cost of the carts; and

WHEREAS, staff recommends the award of bid to E-Z-Go a Division of Textron Inc.; 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; an award of bid and Lease Agreement for Golf Carts for Parks, Recreation & Neighborhoods department use to E-Z-Go a Division of Textron Inc., Mira Loma, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and E-Z-Go a Division of Textron Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and Agreement for Rental of Golf Carts to E-Z-Go a Division of Textron Inc., Mira Loma, CA, for four (4) years, for an annual estimated amount of \$165,408 and a total not to exceed \$661,634 over four years.

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



BE IT FURTHER RESOLVED that the Director of Parks, Recreation and Neighborhoods is authorized to increase the cart rental fees, as necessary, to cover the cost of the carts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-91**

**RESOLUTION APPROVING AN AGREEMENT WITH SHERWOOD DESIGN ENGINEERS, LTD. TO PREPARE CONSTRUCTION DOCUMENTATION FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVERWALK TRAIL - GATEWAY TO LEGION PARK PROJECT FOR AN AMOUNT OF \$450,626, PLUS \$45,063 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED \$495,689 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Tuolumne River Regional Park consists of 500-acres of riparian land within the City of Modesto and Stanislaus County; and

WHEREAS, in 1999, the Tuolumne River Regional Park Commission updated the original land use plan, which included preparation of a TRRP Master Plan and Master Environmental Impact Report; and

WHEREAS, the Master Plan and Master Environmental Impact Report (MEIR) were developed over a two-year period and were certified by the TRRP Commission and adopted by Ceres City Council, Modesto City Council and County Board of Supervisors in 2001; and

WHEREAS, construction of the Gateway Parcel development (the area on the north side of the river from the confluence of the Tuolumne River and Dry Creek to Highway 99) commenced in 2006; and

WHEREAS, riparian habitat restoration activities have included construction of backwater channels, riparian terraces, wildlife areas, amphimeadow and river structure dam removal; and

WHEREAS, The TRRP Riverwalk - Trail Gateway to Legion Park Project will provide for a new paved trail connection between the Gateway Parcel and Legion Park within the TRRP; and

WHEREAS, the project will provide for active recreational uses of the river frontage and be compatible for commuting uses between City employment centers and neighborhood destinations; and

WHEREAS, in accordance with Administrative Directive 3.1, “Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for Capital Projects”, staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, on October 6, 2021, the City’s Parks Planning and Development Division issued a Request for Proposals (RFP) # PRN-21-101164 for professional design consulting services for the Tuolumne River Regional Park (TRRP) Three Trails Connection Project; and

WHEREAS, on November 10, 2021, staff received two (2) consultant proposals, and a consultant selection committee was formed and met to review the proposals received; and

WHEREAS, the committee decided that the project be split into three different sections and determined that the prospective professional design consultant, Sherwood Design Engineers, LTD, is well qualified to complete Section Two – TRRP Riverwalk Trail - Gateway to Legion Park; and

WHEREAS, in addition, staff recommends Council approve a 10% additional services budget in the amount of \$45,063 to allow for additional services that may be required due to unforeseen conditions, delays or expenses for an agreement total not to exceed \$495,689; and

WHEREAS, this additional services budget does not commit the city to spend the additional funding, but allows the Department Director to approve change orders up to the additional services limit, without further council action; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with Sherwood Design Engineers, LTD. to prepare construction documentation for the Tuolumne River Regional Park (TRRP) Riverwalk Trail - Gateway to Legion Park Project for an amount of \$450,626, plus \$45,063 for additional services, if needed, for an Agreement total not to exceed \$495,689.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-92**

**RESOLUTION AMENDING THE FISCAL YEAR 2022-23 CAPITAL  
IMPROVEMENT PROGRAM PROJECT 101232 BUDGET, IN THE AMOUNT  
OF \$210,241 TO INCREASE THE PROJECT EXPENDITURE BUDGET AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE  
NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS  
RESOLUTION**

WHEREAS, the Tuolumne River Regional Park consists of 500-acres of riparian land within the City of Modesto and Stanislaus County; and

WHEREAS, the project will provide for active recreational uses of the river frontage and be compatible for commuting uses between City employment centers and neighborhood destinations; and

WHEREAS, in accordance with Administrative Directive 3.1, “Selection Procedures for Professional Consultants Who Provide Architectural & Engineering for Capital Projects”, staff initiated a Request for Qualifications and Proposals (RFQ/P) to perform Professional Design Consulting Services; and

WHEREAS, the committee decided that the project be split into three different sections and determined that the prospective professional design consultant, Sherwood Design Engineers, LTD, is well qualified to complete Section Two – TRRP Riverwalk Trail - Gateway to Legion Park; and

WHEREAS, in addition, staff recommends Council approve a 10% additional services budget in the amount of \$45,063 to allow for additional services that may be required due to unforeseen conditions, delays or expenses for an agreement total not to exceed \$495,689; and

WHEREAS, in order to fully fund the agreement a budget adjustment in the amount of \$210,241 is needed; and

WHEREAS, there are sufficient funds in Fund 6710 – JPA - TRRP Special Revenue Fund – CIP reserves for the project; and

WHEREAS, the City Council shall consider amending the 2022-23 Capital Improvement Program project 101232 budget in the amount of \$210,241.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2022-23 Capital Improvement Program project 101232 budget in the amount of \$210,241 to increase the project expenditure budget.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-93**

**RESOLUTION APPROVING PAYMENT TO W.C. MALONEY, STOCKTON, CA, FOR THE DEMOLITION OF THE DRYDEN CLUBHOUSE, FOR A TOTAL AMOUNT NOT TO EXCEED \$74,873 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PAYMENT**

WHEREAS, on August 4, 2020, the Dryden Golf Course Clubhouse was significantly damaged by fire; and

WHEREAS, it quickly became evident that the structure would need substantial renovation and potentially have to be entirely rebuilt; and

WHEREAS, after continual issues with the building, along with non-stop break-ins, staff determined that it is in the best interest of the citizens of Modesto to demolish the building and construct a new clubhouse; and

WHEREAS, in December 2022, staff received emergency approval from the City Manager to proceed with plans to demolish the clubhouse as the building posed a risk to public safety due to the condition of the building and the frequent vandalism and break-ins; and

WHEREAS, staff obtained two quotes for the demolition of the building; and

WHEREAS, W.C. Maloney's quote was the lowest at \$65,107 and staff determined it appropriate to move forward with W.C. Maloney; and

WHEREAS, demolition began January 30, 2023, and was completed on February 13, 2023; and

WHEREAS, to ensure that there is sufficient authority to cover all necessary emergency expenses, staff is requesting an additional \$9,766 (15%) of currently anticipated expenditures for a total estimated cost of all emergency work, including the additional 15%, of \$74,873; and



WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid but exceptions to the formal bidding process are granted in MMC 8-3.204(c) “Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances”; and

WHEREAS, this project meets these requirements, as staff received emergency authorization from the City Manager’s Office to demolish the Dryden Clubhouse due to the public safety risk.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves payment to W.C. Maloney, Stockton, CA, for the demolition of the Dryden Clubhouse, for a total amount not to exceed \$74,873.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-94**

**RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY FOR CITY STAFF TO PERFORM ENGINEERING REVIEW AND CONSTRUCTION INSPECTION SERVICES FOR THE WEST MODESTO COUNTY AREA 9 SEWER INFRASTRUCTURE PROJECT, FOR AN AMOUNT NOT TO EXCEED \$225,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Rouse/Colorado Community, referred to as County Area 9, is an unincorporated, disadvantaged community located in the west area of the City of Modesto with approximately 332 parcels that rely on septic systems for treatment of sewage, and

WHEREAS, the Rouse/Colorado Community's septic systems are failing and pose a threat to public health and groundwater, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to this area and is prepared to provide sewer services to the Rouse/Colorado Community, and

WHEREAS, the County will submit a grant application to the State Water Resources Control Board for financing through the Clean Water State Revolving Fund and will enter into a Grant Agreement for funding necessary to construct project improvements, and

WHEREAS, the County has requested assistance to review and approve the project plans and specifications, and to provide construction inspection services, and

WHEREAS, the purpose of this Agreement is to facilitate cooperation between the City and the County for the above referenced services, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Stanislaus County for the West Modesto Sewer

Infrastructure Project – Rouse/Colorado Neighborhood for City staff to perform engineering review and construction inspection services for a total amount not to exceed \$225,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARÉS-PÉREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-95**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF  
1986 APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE  
BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO  
FINANCE OR REFINANCE THE ACQUISITION, REHABILITATION,  
IMPROVEMENT AND EQUIPPING OF THE MARPLE MANOR PROJECT  
AND CERTAIN OTHER MATTERS RELATING THERETO**

WHEREAS, the California Municipal Finance Authority (the “Authority”) is authorized pursuant to Title 1, Division 7, Chapter 5 of the California Government Code of California and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the “Agreement”), among certain local agencies throughout the State of California, including the City of Modesto, California (the “City”), to issue revenue bonds and other forms of indebtedness to promote economic development within the State of California; and

WHEREAS, Marple Manor RHF Partners, L.P., a California limited partnership, or an affiliate thereof (the “Borrower”) has requested that the Authority participate in the issuance of one or more series of revenue bonds or notes issued from time to time, pursuant to a plan of finance, in an aggregate outstanding principal amount not to exceed \$30,000,000 (the “Bonds”) for the acquisition, rehabilitation, improvement and equipping of a multifamily rental housing development known as Marple Manor located at 530 Coffee Road, Modesto, California (the “Project”), to be owned and operated by the Borrower; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City because the Project is located within the territorial limits of the City; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code; and

WHEREAS, the Borrower has requested the issuance of the Bonds in order to effect savings in interest rate and/or issuance costs to effect significant public benefits pursuant to the Act; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of the governmental unit on whose behalf the Bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by the Bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, reasonable public notice must include a description of all of the purposes of the Bonds, including the use of proceeds outside the jurisdiction of the City, and the resolution evidencing approval of the “applicable elected representative” must also describe all the purposes of the Bonds, but the approval of the City shall not constitute approval on behalf of any other jurisdiction with respect to the Bonds, who will consider the issuance of the Bonds independently of the City; and

WHEREAS, the members of the City Council are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on March 7, 2023; and

WHEREAS, such public hearing was conducted on [this date by the City Council], at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds and the Project required by Section 147(f) of the Code, as applicable, and Section 4 of the Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF Modesto,  
DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority and the Project to be financed thereby. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds pursuant to a plan of financing by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or rehabilitate the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation, installation or operation of the Project; or (iii) make any contribution or advance any funds whatsoever to the Authority. The City shall not have any liability or responsibility for the issuance of the Bonds or payment of principal or interest on the Bonds, the Bonds shall not constitute an obligation or indebtedness of the City and the assets and revenues of the City are not being pledged as security for the payment of principal or interest on the Bonds.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Williams, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-96**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO  
PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF  
1986 APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE  
BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO  
FINANCE OR REFINANCE THE ACQUISITION, REHABILITATION,  
IMPROVEMENT AND EQUIPPING OF THE RALSTON TOWER PROJECT  
AND CERTAIN OTHER MATTERS RELATING THERETO**

WHEREAS, the California Municipal Finance Authority (the “Authority”) is authorized pursuant to Title 1, Division 7, Chapter 5 of the California Government Code of California and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the “Agreement”), among certain local agencies throughout the State of California, including the City of Modesto, California (the “City”), to issue revenue bonds and other forms of indebtedness to promote economic development within the State of California; and

WHEREAS, Ralston Tower RHF Partners, L.P., a California limited partnership, or an affiliate thereof (the “Borrower”) has requested that the Authority participate in the issuance of one or more series of revenue bonds or notes issued from time to time, pursuant to a plan of finance, in an aggregate outstanding principal amount not to exceed \$30,000,000 (the “Bonds”) for the acquisition, rehabilitation, improvement and equipping of a multifamily rental housing development known as Ralston Tower located at 900 17th Street, Modesto, California (the “Project”), to be owned and operated by the Borrower; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City because the Project is located within the territorial limits of the City; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code; and

WHEREAS, the Borrower has requested the issuance of the Bonds in order to effect savings in interest rate and/or issuance costs to effect significant public benefits pursuant to the Act; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of the governmental unit on whose behalf the Bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by the Bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, reasonable public notice must include a description of all of the purposes of the Bonds, including the use of proceeds outside the jurisdiction of the City, and the resolution evidencing approval of the “applicable elected representative” must also describe all the purposes of the Bonds, but the approval of the City shall not constitute approval on behalf of any other jurisdiction with respect to the Bonds, who will consider the issuance of the Bonds independently of the City; and

WHEREAS, the members of the City Council are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on March 7, 2023; and

WHEREAS, such public hearing was conducted on [this date by the City Council], at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds and the Project required by Section 147(f) of the Code, as applicable, and Section 4 of the Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF Modesto,  
DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority and the Project to be financed thereby. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds pursuant to a plan of financing by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or rehabilitate the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation, installation or operation of the Project; or (iii) make any contribution or advance any funds whatsoever to the Authority. The City shall not have any liability or responsibility for the issuance of the Bonds or payment of principal or interest on the Bonds, the Bonds shall not constitute an obligation or indebtedness of the City and the assets and revenues of the City are not being pledged as security for the payment of principal or interest on the Bonds.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Vice-Mayor Ricci, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2023-97**

**RESOLUTION APPROVING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO PROVIDE FUNDING FOR HAZARD PAY TO EMPLOYEES IN THE TOTAL AMOUNT OF \$6,705,000 AND TO AMEND THE FISCAL YEAR 2022-23 NON-CAPITAL OPERATING BUDGET TO CREATE A NON-CAPITAL PROJECT BUDGET IN THE AMERICAN RESCUE GRANTS FUND (FUND 1390); AND AUTHORIZING THE CITY MANAGER TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE ARPA FUNDING FOR HAZARD PAY FOR THE INTENDED USE DESCRIBED ABOVE**

WHEREAS, the American Rescues Plan Act (ARPA) is a \$1.9 trillion emergency relief measure providing relief to address the impacts of COVID-19 for the American public including first responders, frontline health workers, teachers, local governments and other providers of vital services, and

WHEREAS, on February 8, 2022, the City presented a relief spending plan that encompassed additional expenditures regarding public health and safety and to support the community with essential programs needed to recovery from the pandemic's impacts, and

WHEREAS, one allowable use of ARPA funds is to compensate employees who were required to continue providing essential services to the public with many agencies providing a stipend to their employees in recognition of their hard work and sacrifice to ensure essential services are provided to the community while risking exposure to COVID-19, and

WHEREAS, the City continued to fully provide all essential services to the community throughout the pandemic which required employees to interact with the public, exposing them to the possibility of contracting COVID-19 during a time of uncertainty of the full impact on a person's health, and

WHEREAS, those employees remained committed to their duty to serve the public in all aspects including public safety, water, infrastructure, and implementing programs allowed under ARPA funding guidelines, and

WHEREAS, the City has allocated a majority of the ARPA funds to better the community and assist with recovery of local businesses and individuals, and

WHEREAS, the City would now like to utilize a portion of the unprogrammed funds to recognize its dedicated employees, and

WHEREAS, the City worked with the various Union Association partners to determine an amount to be paid in the form of a stipend that fairly recognizes employees for their hard work and dedication through the COVID-19 pandemic; and

WHEREAS, the hazard pay will be provided as follows:

- Employees that were employed on April 1<sup>st</sup>, 2020, and worked through March 31<sup>st</sup>, 2021, will receive a lump sum stipend of \$3,000
- Employees that were employed on April 1<sup>st</sup>, 2021, and worked through March 31<sup>st</sup>, 2022, will receive a lump sum stipend of \$3,000;
- Employees that were employed on April 1<sup>st</sup>, 2022, and worked through September 30, 2022, will receive a lump sum stipend of \$1,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the use of American Rescue Plan Act (ARPA) funds to provide hazard pay funding to employees in the total amount of \$6,705,000 and to amend the Fiscal Year 2022-23 Non-Capital Operating Budget to create a non-capital project budget in the American Rescue Grants Fund (Fund 1390).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager or



his designee is hereby authorized to carry out the necessary steps to implement the ARPA funding for hazard pay for the intended use described above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2023, by Councilmember Zwahlen, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney