PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-001

RESOLUTION APPROVING THE APPOINTMENT OF VIONNA ADAMS TO THE DISABLED ACCESS APPEALS BOARD 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, the Disabled Access Appeals Board of the City of Modesto is established to hear and determine appeals from any person aggrieved by any order of the Chief Building Official issued pursuant to the disabled access laws, hear and determine appeals from any person aggrieved by an interpretation by the Chief Building Official of any of the Disabled Access Laws, and to make recommendation to the City Council for new legislation consistent with the intent of the disabled access laws, and

WHEREAS, the Appointments Committee met on December 17, 2020, and recommended the appointment of Vionna Adams as board member to the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment of Vionna Adams as board member to the Disabled Access Appeals Board to a four-year term, with a term expiration of January 1, 2025.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Disabled Access Appeals Board, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-002

RESOLUTION REAPPOINTING JULIE SHERER, REBECCA HARRINGTON AND MONICA VALENCIA TO THE CULTURE COMMISSION WITH TERMS FROM JANUARY 1, 2021 TO DECEMBER 31, 2024

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

WHEREAS, by Resolution No. 2017-44, Council approved the appointment of Julie Scherer to the Culture Commission, as a representative of the City of Modesto, from January 1, 2017 through December 31, 2020, and

WHEREAS, by Resolution No. 2017-332, Council approved the appointment of Rebecca Harrington to the Culture Commission, as a representative of Stanislaus County, from January 1, 2017 through December 31, 2020, and

WHEREAS, by Resolution No. 2020-86, Council approved the appointment of Monica Valencia to the Culture Commission, as a representative of the City of Modesto, through January 1, 2021, and

WHEREAS, Julie Scherer, Rebecca Harrington, and Monica Valencia are eligible to serve terms commencing on January 1, 2021 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Julie Scherer, Rebecca Harrington and Monica Valencia to the Culture Commission with terms from January 1, 2021 to December 31, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-003

RESOLUTION REAPPOINTING DENISE CROSBY, BEHZAD (BERT) TABRIZI, AND RODNEY CORDOVA TO THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS FOR A SECOND TWO-YEAR TERM FROM JANUARY 1, 2021 TO DECEMBER 31, 2022

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, Resolution No. 2019-201 affirms Council's authority to appoint members to the Modesto Convention and Visitors Bureau's Board of Directors, and

WHEREAS, on May 7, 2019, by Resolution No. 2019-202, Council approved the appointment of Denise Crosby, Bert Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors with a term expiration of December 31, 2020, and

WHEREAS, Denise Crosby, Bert Tabrizi, and Rodney Cordova are eligible and have expressed a desire to remain on the Modesto Convention and Visitors Bureau Board of Directors, and

WHEREAS, the Amended CVB Bylaws, adopted on May 7, 2019 by Resolution No. 2019-201, allow for Directors to serve up to three (3) two-year terms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Denise Crosby, Behzad (Bert) Tabrizi and Rodney Cordova to the Modesto Convention and Visitors Bureau Board of Directors for a second two-year term from January 1, 2021 to December 31, 2022.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Convention and Visitors Bureau, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-004

RESOLUTION REAPPOINTING MARIA AREVALO, RESPRESENTING THE MODESTO GOLFING COMMUNITY AT LARGE, TO THE GOLF COURSES ADVISORY COMMITTEE FOR A SECOND FOUR YEAR TERM FROM JANUARY 1, 2021 TO DECEMBER 31, 2024

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

WHEREAS, by Resolution No. 2016-344, Council approved the appointment of Maria Arevalo to the Golf Courses Advisory Committee, as a representative of the golfing community at large, from January 1, 2017 through December 31, 2020, and

WHEREAS, Maria Arevalo is eligible to serve a second term commencing on January 1, 2021 through December 31, 2024, and

WHEREAS, on December 17, 2020, the Appointments Committee recommended the reappointment be forwarded to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Maria Arevalo for a second four-year term to the Golf Courses Advisory Committee, as a member representing the Modesto golfing community at large, from January 1, 2021 to December 31, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-005

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO HONORING THE MEMORY OF RAFAEL R. ARMENTA, LOCAL BUSINESS LEADER

IT IS HEREBY NOTED that the people of the City of Modesto suffered a tremendous loss in the passing of Rafael R. Armenta on November 1, 2020 - recognized as All Saints' Day; and

WHEREAS, Rafael R. Armenta was born in Zacatecas, Mexico on February 6, 1964, came to the United States in 1980 initially to the Los Angeles, California area; and

WHEREAS, where he eventually began working for an El Pollo Loco restaurant as a dish washer, cook, cashier, and then was promoted to manager. While working at El Pollo Loco, he met the love of his life, Bertha Acosta who he later married, and together they raised their children and grandchildren; and

WHEREAS, Rafael eventually purchased his first El Pollo Loco restaurant and became a successful franchisee under his company Nor-Cal Chicken, Inc., including a restaurant located in the City of Modesto; and

WHEREAS, aside from his entrepreneurial accomplishments in the City of Modesto and the Central Valley in California, Rafael was a loving son, husband, father and grandfather. Rafael is survived by his loving wife, Bertha Armenta, his four children, Rafael Armenta, Jr., Breanna Armenta, Manuel Armenta, Conrrado Armenta, his parents Juliana and Abel Armenta, and his five grandchildren, Rafael Andres, Lorenzo, Arianna, Benjamin and Olivia. He is also survived by his brothers and sisters, Rene, Gilberto, Baudelio, Macrina and Maria. His children and grandchildren were his

pride and joy. Mr. Armenta was known as a family man. He loved to celebrate holidays and festive occasions at his home with his family and friends; and

WHEREAS, Rafael was never shy about working hard. He put his clients and customer service first as a priority, and he was well respected in his industry as a successful business owner. Rafael was known as a man who loved life, respected family, enjoyed friendships and worked harder than most; and

WHEREAS, Rafael also served his community by serving as a member of Cien Amigos, Hispanic Chambers of Commerce and other community organizations; and

WHEREAS, Rafael was celebrated and interred on November 17, 2020; and

NOW, THEREFORE, BE IT RESOLVED that a suitable copy of this Resolution be tendered to the bereaved family of Rafael R. Armenta as an expression of the Mayor and Council's deepest sympathy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-006

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR FURNISHING OF CITY-WIDE SHREDDING SERVICES TO PACIFIC STORAGE COMPANY, MODESTO, CA, FOR A TWO-YEAR AGREMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $22,000 AND A TOTAL AMOUNT NOT TO EXCEED $110,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, various City departments of the City of Modesto possess a variety of information material that requires secure destruction; and

WHEREAS, the information material and the schedule of destruction may be defined by rules or regulations or may be as determined by the City of Modesto Records of Retention policy; and

WHEREAS, the informational material may contain sensitive or confidential information which require these documents to be destroyed through a secured destruction process; and

WHEREAS, on October 29, 2020, the Purchasing Division issued RFB 2021-10 for services for furnishing of city-wide shredding services under category codes 96100, 96200 & 96227; and

WHEREAS, on November 24, 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, one company chose to respond to the bid, and this vendor was a local vendor; Pacific Storage Company, Modesto, CA, was a responsive and responsible bidder; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award for furnishing of city-wide shredding services to Pacific Storage Company, Modesto, CA, for a two-year agreement with three (3) one-year extension options, for an annual estimated cost of $22,000, 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. 2021-10 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for furnishing of city-wide shredding services to Pacific Storage Company, Modesto, CA, for a two-year agreement with three (3) one-year extension options, for an annual estimated cost of $22,000 and a total amount not to exceed $110,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-007

RESOLUTION APPROVING THE SECOND AMENDMENT TO AGREEMENT WITH THE BASEBALL CLUB OF MODESTO, LLC, AS SUCCESSOR IN INTEREST TO HWS BASEBALL IV, LLC, TO EXTEND THE TERM THROUGH DECEMBER 31, 2027, WAIVE THE 2020 ANNUAL LICENSE FEE PAYMENT, DEFER THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROJECT DEPOSIT TO FISCAL YEAR 2025-2026, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT

WHEREAS, the City is the owner of the property, stadium and parking facilities that comprise John Thurman Field, and

WHEREAS, by Resolution No. 2016-503, Council approved a ten-year Agreement ("Agreement") with HWS Baseball IV, LLC, aka The Modesto Nuts Baseball Club, ("Club") for the use, operation and management of John Thurman Field, and

WHEREAS, by Resolution No. 2018-451, Council approved the First Amendment to the Agreement to advance one annual deposit to help fund the replacement of a video board and stadium seating as well as various minor changes, and

WHEREAS, in early November 2020, Club notified the City that it assigned all obligations and rights under the Agreement to The Baseball Club of Modesto, LLC, which is owned by Mariners Investment, LLC, c/o The Seattle Mariners, and

WHEREAS, The Baseball Club of Modesto, LLC as successor in interest to HWS Baseball IV, LLC, and

WHEREAS, Section 2 of the Agreement states the term of the Agreement shall commence upon the 1st day of January, 2017 and shall continue until December 31, 2026, and

WHEREAS, the City and the Club desire to amend the Agreement to extend the term of the Agreement by one year to December 31, 2027, and

WHEREAS, Section 3 of the Agreement requires that the Club pay to the City an annual fee of Seventy Thousand and No/100 dollars ($70,000), and

WHEREAS, Section 1, Sub-Section A of the Agreement states the Club's failure to provide a full schedule of professional baseball games at the Stadium Premises for each year during the term of this Agreement shall be a breach of the Agreement and grounds for immediate termination unless the cause of such breach is a professional baseball strike, a natural disaster, or similar force majeure outside of the control of Club and rendering Club's performance impossible, and

WHEREAS, in March 2020, the COVID-19 global pandemic prevented the Club from providing a full schedule of professional baseball games at the Stadium Premises, and

WHEREAS, the City desires to waive the 2020 annual fee due from the Club, and

WHEREAS, Section 4 of the Agreement provides that the City will allocate specified amounts on certain dates toward the Stadium Capital Improvements Needs Fund (the "CIP Deposit"), and

WHEREAS, the COVID 19 global pandemic negatively impacted the City's Fiscal Year 2020-2021 General Fund operating budget from which the annual CIP Deposit for Stadium improvements is funded, and

WHEREAS, the City desires to defer the CIP Deposit that was due to be deposited by July 31, 2020 to July 31, 2025, and

WHEREAS, the City and the Club have negotiated a second amendment to the Agreement to reflect the foregoing proposed revisions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Agreement with the Baseball Club of Modesto, LLC, as successor in interest to HWS Baseball IV, LLC, to extend the term through December 31, 2021, waive the 2020 annual license payment, and defer the fiscal year 2020-2021 Capital Improvement Project deposit to Fiscal Year 2025-2026.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-008

RESOLUTION APPROVING THE FIRST AMENDMENT TO INCREASE THE AMOUNT OF THE AGREEMENT WITH MOORE AND ASSOCIATES FOR TRANSIT MARKETING SERVICES BY $100,000 FROM $375,000 TO A NEW TOTAL AMOUNT OF $475,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on June 27, 2017, by Resolution 2017-246, Council approved an agreement with Moore and Associates to provide marketing services for transit operations, and

WHEREAS, the transit marketing services agreement with Moore and Associates has been in effect since July 1, 2017 and will expire on June 30, 2022, and

WHEREAS, Moore and Associates has performed better than satisfactory in the last three years in compliance with the terms of the agreement, and

WHEREAS, it is anticipated that the $375,000 authorized by Council will be spent by June 30, 2021 which would have a year on the agreement without a funding authorization, and

WHEREAS, the addition of the transit marketing services program has improved the communication and professionalism of the Transit Division, and

WHEREAS, the overall look and feel of Modesto Area Express (MAX) have dramatically improved and increased to get more people riding the bus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to increase the amount of the agreement with Moore and Associates for transit marketing services by $100,000 from $375,000 to a new total amount of $475,000.

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 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-009

RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENT WITH UNIVAR USA INC., SAN JOSE, CA, FOR THE PURCHASE OF SODIUM HYPOCHLORITE BY $89,712 FROM $170,070 TO $259,782 OVER FIVE YEARS AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Wastewater Services Division uses various chemicals, such as sodium hypochlorite, that are necessary for the City's wastewater treatment process, and

WHEREAS, these chemicals are used for the cleaning of the membrane and ultra violet light systems at the City's Jennings Tertiary Treatment Plant and sodium hypochlorite can also be used to neutralize odors from the wastewater stream by dosing the raw influent prior to entering the treatment plant, and

WHEREAS, due to the recent odor complaints received from the public from the Sutter Treatment Plant, staff recommends the use of sodium hypochlorite to reduce odors; this is expected to be a temporary measure taken until a more permanent solution can be determined, and

WHEREAS, on June 14, 2016, by Resolution No. 2016-249, Council approved a Purchase Agreement with Univar for chemicals for an estimated annual cost of $34,134, and over five years of $170,070, and

WHEREAS, the current agreement with Univar expires June 13, 2021, and

WHEREAS, this request adds funding to cover expenses for the immediate need for odor control, and

WHEREAS, the Sutter Treatment Plant is not equipped with storage tanks designed to hold sodium hypochlorite and Univar offers a "Minibulk" agreement which

will allow the City use of a small bulk tank that can be placed at the Sutter Treatment Plant and filled with sodium hypochlorite for $0.89 per gallon. And

WHEREAS, the projected price is $14,952 per month due to the low volume orders that will be required to keep the small bulk tank filled, and

WHEREAS, the requested amount for the amendment is the projected maximum cost, assuming continuous dosing over 7 months of sodium hypochlorite until the end of the Univar agreement, 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, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreement with Univar USA Inc., San Jose, CA, for the purchase of sodium hypochlorite by $89,712 from $170,070 to $259,782 over five years.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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~~

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-010

RESOLUTION APPROVING A MINIBULK STORAGE TANK AGREEMENT FOR STORAGE OF SODIUM HYPOCHLORITE AT THE SUTTER WASTEWATER TREATMENT PLANT AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Wastewater Services Division uses various chemicals, such as sodium hypochlorite, that are necessary for the City's wastewater treatment process, and

WHEREAS, these chemicals are used for the cleaning of the membrane and ultra violet light systems at the City's Jennings Tertiary Treatment Plant and sodium hypochlorite can also be used to neutralize odors from the wastewater stream by dosing the raw influent prior to entering the treatment plant, and

WHEREAS, due to the recent odor complaints received from the public from the Sutter Treatment Plant, staff recommends the use of sodium hypochlorite to reduce odors; this is expected to be a temporary measure taken until a more permanent solution can be determined, and

WHEREAS, the Sutter Treatment Plant is not equipped with storage tanks designed to hold sodium hypochlorite and Univar offers a "Minibulk" agreement which will allow the City use of a small bulk tank that can be placed at the Sutter Treatment Plant and filled with sodium hypochlorite for $0.89 per gallon.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreement with Univar USA Inc., San Jose, CA, for a Minibulk Storage Tank Agreement for storage of sodium hypochlorite at the Sutter Wastewater Treatment Plant.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-011

RESOLUTION APPROVING A FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH HACH COMPANY, LOVELAND, CO, FOR AN INTERFACE TO THE IGNITION SCADA DATABASE, BY $7,482, FROM $53,514 TO A NEW TOTAL OF $60,996 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Wastewater Services Division treats an average of 20-million gallons of sewage per day in compliance with permits issued by the State of California Central Valley Regional Water Quality Control Board (CVRWQCB), and

WHEREAS, to maintain compliance with these permits, the City has to 1) maintain accurate records of water quality data collected by the Supervisory Control and Data Acquisition (SCADA) system, and 2) generate reports to be submitted to the CVRWQCB for review on a monthly, quarterly and annual basis, and the City utilizes a combination of the SCADA system and field operators to collect permit-required field data, and

WHEREAS, LabWorks Laboratory Management System is used for aggregation of results of permit-required water quality tests; this data is then compiled manually from the various isolated databases or field sheets and then submitted to the CVRWQCB, and

WHEREAS, staff is currently limited in its access to reliable performance reports because of a large data-footprint; data is stored in multiple databases, manually generated spreadsheets, handwritten documents and logs, and it is problematic to collect due to the inability to centralize the data and create useable, comprehensible performance reports, and

WHEREAS, staff requires access to multiple databases, sources and methods of data collection to provide a data-oriented process for plant process control, budgeting and planning, and

WHEREAS, on April 7, 2020, by Resolution No. 2020-181, Council approved an agreement with Hach, Loveland, CO, for the Water Information Management System (WIMS) in an amount not to exceed $53,514; this agreement was based on the City's previous control system, the HSQ SCADA platform, for the Headworks of the Sutter Treatment Plant, and

WHEREAS, during the Headworks, Dryden Box and Influent Flume Improvements (Headworks) project, as recommended in the 2017 SCADA System Upgrade Study, a change order was proposed to move away from the HSQ platform, to a new platform, the Ignition system, which requires a second SCADA interface to connect to WIMS, and

WHEREAS, however, the final quote for the Hach WIMS project was not received in time for the approval of the change order, and the newly required interface was not included in the Headworks project, and

WHEREAS, the proposed amendment will provide an interface to the newly added Ignition SCADA database, allowing the WIMS to have access to all critical plant data, maximize functionality and provide additional training; without access to the new database, critical data will need to be manually aggregated, defeating a core purpose of the Hach WIMS.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment increasing the agreement amount with Hach Company, Loveland, CO, for an interface to the Ignition SCADA database, by $7,482, from $53,514 to a new total of $60,996.

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 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-012

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE AMTRAK STATION ROOF AND RESTROOM RENOVATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT TO COMMERCIAL WATERPROOFING SYSTEMS; DBA ERC ROOFING & WATERPROOFING, INC., SANTA ANA, CA, IN THE AMOUNT OF $445,470 PLUS $44,547 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $490,017 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, supports the City's Strategic Plan Initiatives: Provide safe, efficient, and reliable infrastructure through proactive community investment, maintenance and sustainability efforts, and

WHEREAS, the Modesto Amtrak Station located at 1700 Held Drive has been providing rail services for the City of Modesto and outlying areas since 1999 when it was constructed, and

WHEREAS, staff has identified much needed repairs to extend the service life of the facility, and

WHEREAS, particular, the restrooms and the roof of the building were identified as immediate improvements that will assist with prolonging the service life, and

WHEREAS, specifications have been prepared for the Amtrak Station Roof and Restroom Renovation project, and

WHEREAS, the Project was advertised for bids on September 29, 2020, and

WHEREAS, on November 17, 2020, Bids were publicly opened, pursuant to City Charter Section 1307, five bids were received and Commercial Waterproofing Systems;

dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA., was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the Amtrak Station Roof and Restroom Renovation Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $445,470 received from Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Amtrak Station Roof and Restroom Renovation project and accepts the bid of $445,470 plus $44,547 for contingency (if needed) for a total amount not to exceed of $490,017 and awards Commercial Waterproofing Systems; dba ERC Roofing & Waterproofing, Inc., Santa Ana, CA, the contract for the Amtrak Station Roof and Restroom Renovation project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-013

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $116,987 TO BE TRANSFERRED INTO THE PROJECT FROM THE LOCAL TRANSPORTATION FUND AND STATE OF GOOD REPAIR IN ORDER TO FUND THE CONSTRUCTION PHASE OF THE AMTRAK STATION ROOF AND RESTROOM RENOVATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $75,110, in order to fully fund the construction phase of the Amtrak Station Roof and Restroom Renovation Project, and

WHEREAS, the Fiscal Year 2020-21 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 2020-21 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 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

EXHIBIT A

The purpose of this action is to amend the budget of Capital Improvement Program Project 101238 – Amtrak Station Repairs/Rehab in the amount of $116,987 to cover expenses associated with the construction contractor and the required City staff time related to administering/managing the project.

	101238 - Amtrak Station Repairs/Rehab							
	Project to Date	Actual	Commitment	Available		AR Request		Budget Adjustment
AUC-CA	$ 55,000	$ 2,100	$ -	$ 52,900		$ 44,547		$ (8,353)
AUC-CON	$358,979	$ -	$ -	$ 358,979		$445,470		$ 86,491
AUC-CTGY	$ 34,000	$ -	$ -	$ 34,000		$ 44,547		$ 10,547
AUC-EDA	$ 34,000	$ 40,028	$ -	$ (6,028)		$ 22,274		$ 28,302
	$481,979	$ 42,128		$ 439,851		$556,838		$ 116,987
	Report Date: December 15, 2020							

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-014

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE WELL 71 SURFACE IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT TO CONCO-WEST, INC., MANTECA, CA, IN THE AMOUNT OF $2,376,000 PLUS $285,120 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $2,661,120 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, supports the City's Strategic Plan Initiatives: Provide safe, efficient, and reliable infrastructure through proactive community investment, maintenance and sustainability efforts, and

WHEREAS, city water supply Well 226, located at the northwest corner of Conant and Brenner Avenues, was taken offline in 2006 due to elevated arsenic and nitrate concentrations, and

WHEREAS, a new, deeper well was proposed to be drilled on the existing site, built to current well construction standards. Well 226 was over 60 year's old, shallow at 270 feet, and drilled using a method that cannot isolate specific water layers, and

WHEREAS, during the final design of Well 226, staff was informed by the Department of Water Resources that well number 226 could not be reused. New well numbers are required for replacement wells. Therefore, the project became Well 71 (Replacing Well 226), and

WHEREAS, specifications have been prepared for the Well 71 Surface Improvements project, and

WHEREAS, the Project was advertised for bids on September 15, 2020, and

WHEREAS, on November 03, 2020, bids were publicly opened, pursuant to City Charter Section 1307, two bids were received and Conco-West, Inc., Manteca, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, the award of bid for the Well 71 Surface Improvement project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,376,000 received from Conco-West, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded Conco-West, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Well 71 Surface Improvements project and accepts the bid of $2,376,000 plus $285,120 for contingency (if needed) for a total amount not to exceed of $2,661,120 and Awards Conco-West, Inc., of Manteca, CA, the contract for the Well 71 Surface Improvement project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-015

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WELL 71 SURFACE IMPROVEMENTS PROJECT FROM 8% ($190,080) TO 12% ($285,120) OF THE CONSTRUCTION CONTRACT AMOUNT OF $2,376,000 WITH CONCO-WEST, INC., MANTECA, CA

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 budget of 8% for projects over $1 Million, and

WHEREAS, given the nature of well construction and the materials used, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($190,080) of the contract amount of $2,376,000, and

WHEREAS, staff is requesting an increase in the Director's Authority to 12% ($285,120) of the contract amount of $2,376,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Well 71 Surface Improvements Project from 8% ($190,080) to 12% ($285,120) of the construction contract amount of $2,376,000 with Conco-West, Inc., of Manteca, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-016

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $275,175 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FUND THE CONSTRUCTION PHASE OF THE WELL 71 SURFACE IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $227,655, in order to fully fund the construction phase of the Well 71 Surface Improvements Project, and

WHEREAS, the Fiscal Year 2020-21 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 2020-21 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 12th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

EXHIBIT A

The purpose of this action is to amend the budget of Capital Improvement Program Project 101084 – Replacement Well 226 Surface in the amount of $275,175 to cover expenses associated with the construction contractor and the required City staff time related to administering/managing the project.

101084 - Replacement Well 226 Surface

	Project to Date Budget	Actual	Commitment	Available	AR Request	Budget Adjustment
CA	$ 220,000.00	$ 395.75	$ -	$ 219,604.25	$ 237,600.00	$ 17,995.75
CCF	$ 25,000.00	$ -	$ -	$ 25,000.00	$ 25,000.00	$ -
CON	$ 2,220,000.00	$ -	$ -	$ 2,220,000.00	$ 2,376,000.00	$ 156,000.00
CTGY	$ 200,000.00	$ -	$ -	$ 200,000.00	$ 285,120.00	$ 85,120.00
EDA	$ 120,000.00	$ 41,018.66	$ -	$ 78,981.34	$ 95,040.00	$ 16,058.66
	$ 2,785,000.00	$ 41,414.41	$ -	$ 2,743,585.59	$ 3,018,760.00	$ 275,174.41

Report Date: November 5, 2020

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-017

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION FOR URBAN FOREST MANAGEMENT ACTIVITIES FROM THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION

WHEREAS, the City of Modesto Forestry Division's primary purpose is to maintain the City's extensive urban forest of over 100,000 community trees along streets, in parks, at City facilities, and in right-of-way areas, and

WHEREAS, a secondary purpose of the Division is to provide guidance and assistance to Council in managing, enhancing, and growing Modesto's community tree resources, including development of objectives for long-range planning to promote sustainability, species diversity, and increased canopy cover, and

WHEREAS, the Division's Street Tree Plan was developed thirty years ago and requires updating in order to remain in compliance with accepted arboricultural industry standards, and

WHEREAS, the City does not have a current Urban Forest Management Plan (UFMP) that would fulfill the Division's secondary purpose, and

WHEREAS, City staff prepared a grant concept proposal according to CAL FIRE's posted grant guidelines and plan to submit said proposal to CAL FIRE when the proposal submission period opens during Fiscal Year 2020-2021, and

WHEREAS, staff will be applying for a total of $996,775 in funding from CAL FIRE, which will include $739,100 in contractual costs for a qualified consultant to provide a public tree inventory, analysis of city trees, priority planting analysis, tree canopy health assessment, and UFMP, and

WHEREAS, the grant will also include $257,675 in City match costs for staff time assisting the selected consultant firm with grant-related activities, the purchase of trees and planting materials, vehicle and equipment costs, and public outreach workshops.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the submittal of a grant application to seek grant funding for Urban Forest Management Activities from the California Department of Forestry and Fire Protection (Cal Fire).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant application and all related documents, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, 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~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-018

RESOLUTION REJECTING ALL BIDS FOR THE TANK 12 RECOAT AND REPAIRS PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bids were publicly opened on November 10, 2020, pursuant to City Charter Section 1307, and seven bids were received, and

WHEREAS, all seven bids received were below the engineer's estimate, with the percentages varying from 25.23% to 64.51% lower, and

WHEREAS, as a requirement, bidders were asked to submit evidence of qualifying experience as it relates to prior tank coating experience. Staff reviewed the submitted qualifications and experience, contacted the provided references to determine if the referenced documentation was accurate to comply with being a responsive bid, and

WHEREAS, as a part of the contract documents, the 4 million-gallon (MG) Tank 12 needed to be online by May 1, 2021 in order for the City to provide adequate supply for increased water demands during the summer months and it was anticipated that construction for the recoating would begin in middle of February 2021 but due to extensive qualifications and experience verification required, this has resulted in compromising the schedule to adequately complete the improvements by May 1, 2021, 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 scope of the work, as well as provide increased time for review of qualifying experience.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Tank 12 Recoat and Repairs Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-019

RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE REORGANIZATION OF APPROXIMATELY 32.88 ACRES LOCATED EAST OF LODI AVENUE AND NORTH OF WHITMORE AVENUE FOR ANNEXATION TO THE CITY OF MODESTO (G3 ENTERPRISES, INC. AND DOT CALIFORNIA 2019, LLC—UNINHABITED)

WHEREAS, G3 Enterprises, Inc. and DOT California 2019, LLC ("Applicants"), are the owners of approximately 31.24 acres of real property, located east of Lodi Avenue and north of Whitmore Avenue, and

WHEREAS, the City has received a request from the Applicants to initiate reorganization of the Property and adjacent rights-of-way on Lodi Avenue and Whitmore Avenue, a total of approximately 32.88 acres, for annexation to the City of Modesto and simultaneous detachment from the Salida Fire Protection District under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq., and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Property proposed for reorganization is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters), and a description of the boundaries of the subject Property is set forth in **Exhibits** "A" and "B", **attached** hereto and by this reference incorporated herein, and

WHEREAS, the Property proposed for reorganization is within Stanislaus County, is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by LAFCO, and

WHEREAS, the property has been prezoned to Heavy Industrial, P-M-2 Zone, with an Industrial land use designation, and

WHEREAS, the proposed Property is not subject to a Williamson Act contract, and

WHEREAS, the proposed Property is covered by the Master Tax Sharing Agreement that addresses tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 5, 1983, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in **Exhibit** "C", **attached** hereto and by this reference incorporated herein, and

WHEREAS, on December 7, 2020, City of Modesto Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time both oral and documentary evidence were received and considered, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2020-19, recommending to the City Council that it adopt the Resolution of Application for an reorganization to annex the Property to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on January 26, 2021, in the Tenth Street Place Chambers located at 1010 10th Street,

Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The Property has been prezoned to Heavy Industrial, P-M-2 with an Industrial land use designation.

2. The requested reorganization will result in an orderly and logical addition of land to the City.

3. The Property is located within Stanislaus County, within the City's adopted Sphere of Influence, is contiguous to the existing City limits, and can be most efficiently served with City services.

4. The Property proposed to be annexed to the City of Modesto is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters) and a description of the boundaries of the subject Property is set forth in **Exhibits** "A" and "B", **attached** hereto and by this reference incorporated herein.

5. The Property is covered by the Master Tax Sharing Agreement for the sharing of property tax, sales tax, business and mill tax, and utility tax between the County of Stanislaus and City of Modesto which was approved April 5, 1983.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution Authorizing Application for reorganization to annex the Property to the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this Resolution of Application includes annexation of the Property to the Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Government Code section 56653, the City Council submit the Plan for

Services as set forth in **Exhibit** "C", **attached** hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the reorganization for the Property. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Zoslocki, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

EXHIBIT "A"

LEGAL DESCRIPTION

WHITMORE-LODI REORGANIZATION

TO THE CITY OF MODESTO

All of the Real Property as described in the Grant Deed recorded as DOC-2020-0068632-00, Stanislaus County Records, shown as PARCEL NO. 2 on Sheet 2 of 2 of **EXHIBIT** "C" of the Certificate of Lot Line Adjustment recorded as DOC-2017-0090151-00, Stanislaus County Records, together with a portion of the Real Property designated "1" in the Grant Deed (Correcting) recorded as DOC-2019-0036251-00, Stanislaus County Records and shown as PARCEL NO. 1 on said sheet 2 of 2 of **EXHIBIT** "C", lying in the West half of Section 9, Township 4 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of the Whitmore No. 1 Addition to the City of Modesto by Instrument No. 73-55823, Stanislaus County Records, being the intersection of the southerly extension of the West line of the Map of Whitmore Industrial Park No. 1 filed in Volume 27 of Maps at Page 49, Stanislaus County Records, with the South line of said Section 9, said South line being the centerline of Whitmore Avenue as shown on said Map and also being the North line of the West landing Specific Plan Reorganization to the City of Ceres recorded as DOC-2012-0048746-00, Stanislaus County recorded as; thence commencing the following six courses:

1. North 89º51'00" West, 760.98 feet, along said South line of the intersection of said South line with the Southerly extension of the West line of Lodi Avenue as shown on the Parcel Map filed in Book 42 of Parcel maps at Page 24, Stanislaus County Recorders; thence,

2. North 0º00'20" West, 950.07 feet, along said West line of the Lodi Avenue to the Northwest corner of said Lodi Avenue; thence,

3. South 89º50'04" East, 60.00 feet, along the North line of said Lodi Avenue to the Northeast corner of said Lodi Avenue being the southeastern most corner of PARCEL B as shown on said Parcel Map; thence,

4. North 0º00'20" West, 1010.54 feet, along the East line of said PARCEL B also being the West line of said PARCEL NO. 1, to the Northeast corner of said PARCEL B also being the Northwest corner of said PARCEL NO. 1, said corner lying on a south line of the Glenn Avenue Industrial Park Reorganization to the City of Modesto recorded as DOC-2005-0042056,

Stanislaus County Records; thence,

5. South 89º50’38” East, 701.92 feet, along last said South line being the North line of said PARCEL NO. 1 to the Northwest corner of said Whitmore No. 1 Addition to the City of Modesto; thence,

6. South 0º01’19” West, 1960.51 feet, along the West line of said Whitmore No.1 Addition to the City of Modesto to the Point of Beginning.

Containing 32.88 Acres, more or less.

APNs: 086.013.017 and 086.013.018

EXHIBIT "B"

MAP FOR LEGAL DESCRIPTION
WHITMORE-LODI REORGANIZATION
TO THE CITY OF MODESTO

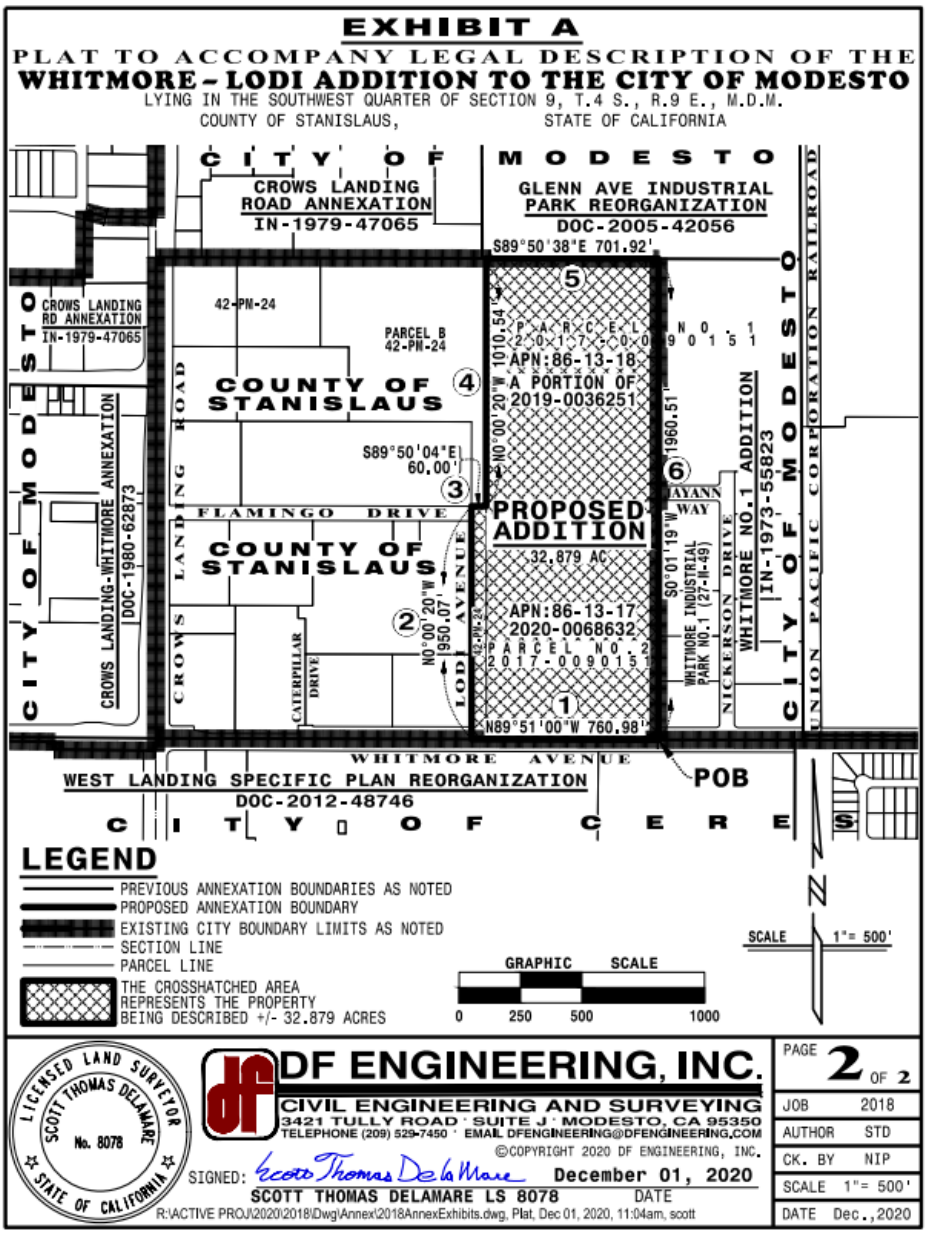

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EXHIBIT "C"

PLAN FOR SERVICES

WHITMORE-LODI REORGANIZATION TO THE CITY OF MODESTO

Background:

The Whitmore-Lodi Reorganization area consists of two parcels located east of Crows Landing Road and north of Whitmore Avenue. Both parcels, totaling about 32.88 acres, are privately owned and are currently being farmed. Including adjacent rights-of-way on Whitmore and Lodi Avenues, the annexation area is approximately 32.88 acres total.

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Whitmore-Lodi Reorganization to the City of Modesto:

A. The project site is part of the Baseline Developed Area, as described in the Modesto Urban Area General Plan, adopted March 5, 2019. As part of the approval, community facilities and services were analyzed in detail in Initial Study Environmental Checklist (C&ED No. 2020-18). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services.

1. Traffic and Circulation: The bulk of the external roadway network is already constructed. Whitmore Avenue is a two-lane road in the project vicinity and is planned as a four-lane minor arterial. Lodi Avenue is planned as a two-lane road. Flamingo Drive will connect with Jayann Way as a two-lane road. The applicant or developer must dedicate and construct roadway improvements along the project frontages of both Whitmore and Lodi Avenues and extension of Jayann Way to City standards.

2. Waste Water Collection: Upon reorganization, the site will annex to Modesto's Sewer District No. 1. Sewer service will be provided to the subject site from an existing line in Lodi Avenue adjacent to the site. The City does not anticipate a substantial demand for service at this site.

3. Water Delivery: There is an adequate quantity of water to serve the industrial development expected to occur on the property. The site will be

served from existing lines in Flamingo Drive and Whitmore Avenue, adjacent to the site.

4. Storm Water Drainage: Storm water drainage for this project must be contained on site, as the City does not have a positive storm drain system serving the area. Prior to the approval of development, the City must approve the storm water drainage system to ensure its adequacy. The storm water drainage system will be constructed by the applicant at the applicant's expense.

5. Solid Waste Disposal: Weekly pickup will be extended to the annexation area upon the effective date of annexation.

6. Fire Protection: Upon reorganization, there will be no change in fire protection service. The site is currently served by the Industrial Fire Protection District, and future service will continue through the Industrial Fire Protection District.

7. Police Protection: The Modesto Police Department is able to provide adequate service to the subject site without additional staffing, as industrial property does not require substantial additional policing.

B. Level and range of services

The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

C. When can services be provided?

The above-described services can be provided upon the effective date of annexation.

D. Improvements required as a condition of reorganization

No improvements are required as a condition of reorganization. The following improvements will be required as a condition of development:

- Concurrent with development, the applicant(s) shall construct roadway improvements to the satisfaction of the City Engineer.
- Prior to approval of development, the City must approve the storm water drainage system.

E. How will services be financed?

Services will be financed through City fees.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-020

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): PREZONE 32.88 ACRES TO HEAVY INDUSTRIAL, P-M-2 ZONE, AND TO ANNEX THE SAME AREA TO THE CITY OF MODESTO

WHEREAS, on March 5, 2019, by Resolution 2019-109, the Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, G3 Industries, Inc., and DOT California 2019, LLC, have proposed the Whitmore-Lodi Annexation, consisting of annexation to the City of Modesto of 32.88 acres located east of Lodi Avenue and north of Whitmore Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-18 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on January 6, 2021, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 26, 2021, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed prezone to Heavy Industrial, P-M-2 zone, and annexation, a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Zoslocki, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

EXHIBIT A

Initial Study

EA/C&ED 2020-18

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2020-18

For the proposed:

Whitmore-Lodi Annexation

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

20 November 20

Updated: August 2020

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Whitmore-Lodi Annexation is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

This evaluation is based upon and tiered from the General Plan Master EIR, SCH# 2014042081.

II. PROJECT DESCRIPTION

A. Title: Whitmore-Lodi Annexation

B. Address or Location: Northeast corner of the intersection of Whitmore and Lodi Avenues

C. Applicant: G3 Enterprises
502 E. Whitmore Avenue
Modesto, CA 95354

D. City Contact Person: Cindy van Empel, AICP, CNU-A

Project Manager: Cindy van Empel, AICP, CNU-A
Department: Community & Economic Development Department
Phone Number: (209) 577-5267
E-mail address: cvanempel@modestogov.com

E. Current General Plan Designation(s): I, Industrial

F. Current Zoning Classification(s): Industrial (Stanislaus County)

G. Surrounding Land Uses:

North: Industrial land, developed and undeveloped
South: Industrial and residential development in Ceres
East: Industrial, developed and undeveloped
West: Industrial land

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The project proponent requests prezoning to (P)M-2, Heavy Industrial, and annexation of two parcels, APNs 086.013.017 and 086.013.018, and the adjoining street rights of way totaling approximately 32.88 acres. Prezoning and annexation of the two parcels, which are currently being farmed, would allow the extension of City utilities and the development of the parcels to a higher intensity than would be possible without utilities. Figures 1 and 2 show the location of the subject site.

Figure 1: Vicinity Map

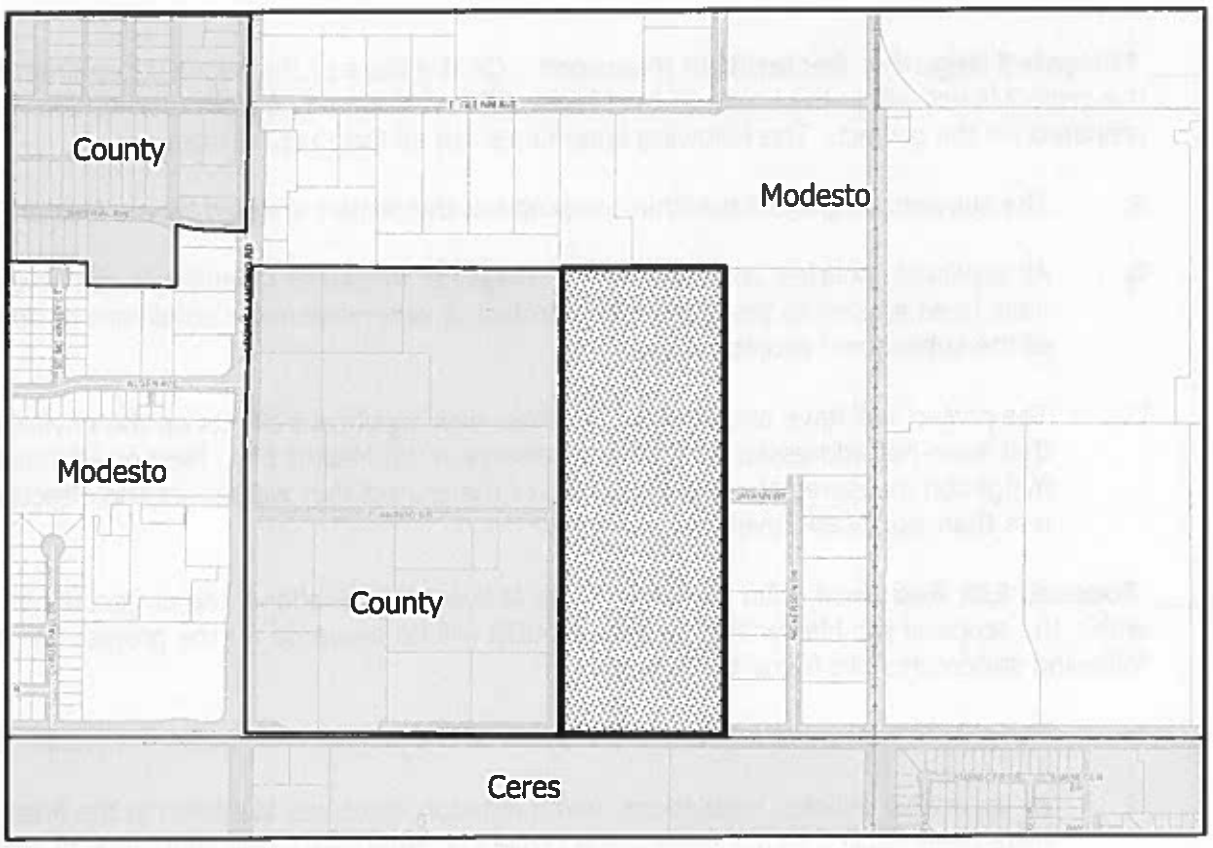

Figure 2: Subject Site

I. Other Public Agencies Whose Approval is Required:

Stanislaus County Local Agency Formation Commission

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

   B. No new or additional mitigation measures or alternatives are required;

   C. The subsequent project is within the scope of the project covered by the Master EIR; and,

   D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

2. ____ **Mitigated Negative Declaration Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR;

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3. ____ **Focused EIR Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR;

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

   C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Cynthia DeForgel — Project Manager

Senior Planner — Title

2 Dec 20 — Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	X	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	X	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	X	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	X	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	X	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	X	☐

Discussion:

(1) The City of Modesto is the lead agency for processing annexations and prezones within the corporate limits and sphere of influence. The Stanislaus County Local Agency Formation Commission is the lead agency for determining whether the City has services adequate for future development and whether the annexation to the City of Modesto can occur.

(2) General plan policies will be applied to the proposed development. Should LAFCo approve the annexation application, Planning Commission will have authority over subsequent future entitlements.

(3) This project does not propose and City staff is unaware of any changes to local, State, or federal policies that would have the effect of being less restrictive than existing policies. City staff is ensuring that the development that occurs in the area is orderly and consistent with policies affecting development.

(4) There are no known resources in the area, as disclosed in the General Plan Master EIR.

(5) The proposed project lies within the City of Modesto's Sphere of Influence.

(6) The proposed annexation and subsequent development will be required to comply with all relevant policies in the general plan.

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	X
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	X
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☐	X
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☐	X
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	X
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	X

Discussion:

(1-6) Nothing in the proposed project would increase the amount of traffic expected to occur from prezoning and annexation, nor change any element of the transportation system, nor add any hazards to the system, as compared to the evaluation conducted as part of the General Plan Master EIR. The proposal is also consistent with relevant regional plans, including the Congestion Management Plan. The project site is two miles from the nearest airport and would affect no air traffic.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	X
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	X
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	X
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☐	X
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	X
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☐	X
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	X

Discussion:

(1-8) The proposed project is consistent with development that is anticipated in the General Plan Master EIR. Prezoning to (P)M-2 and annexation are administrative activities that will result in no direct physical impacts. The proposed project does not conflict with an air quality plan nor impair the attainment of air quality goals. Odors anticipated to occur as a result of future development would be consistent with residential development throughout the area.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	X
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☐	X
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	X
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☐	X
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	X
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	X
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.	☐	☐	☐	X

Discussion:

(1-7) The proposed project consists of a prezone to (P)M-2 and annexation. These are administrative activities that will have no physical impacts and generate no noise. Future development will be subject to City noise policies.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	X
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	X
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	X
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	X
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	X
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	X

Discussion:

(1-6) The subject site is identified by the State of California as Prime Farmland. The site lies within the Baseline Developed Area, as described in the General Plan. The General Plan Master EIR indicates there is no significant impact on farmland conversion in the Baseline Developed Area. There are no Williamson Act contracts on the property and the proposal is consistent with the land use designation of I, Industrial. Therefore, no significant impact is expected and no mitigation will be applied.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	X
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	X
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	☐	☐	☐	X
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	X

Discussion:

(1-3) Prezoning and annexing the subject site will have no direct impact on water supply, but facilitate the delivery of municipal water to the site. There is a water main adjacent to the site in Whitmore Avenue and another water main in Flamingo Drive terminates at Lodi Avenue. The Turlock Irrigation District was provided the opportunity to comment, but offered no mitigation measures. No impact on water supply is expected to occur as a result of prezoning to (P)M-2 and annexation. Another opportunity to comment will be provided at the time development is proposed.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	X
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	X
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	X

Discussion:

(1-3) The proposed project is consistent with the wastewater policies contained in the General Plan and the City of Modesto has adequate capacity to provide service to the project site without need to expand major facilities.

There is an existing sewer line in Lodi Avenue available to serve the site, which should be adequate. At the time of development, the City will evaluate whether a change will be required. No major facilities will be required to be expanded or constructed for this project, and no impacts are expected to occur that are greater than those anticipated in the General Plan Master EIR.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	X
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	X
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	X
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	X
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	X
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	X
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	X

Discussion:

(1-7) The project, which is a prezone and annexation, will not affect any wildlife, wildlife habitat, or wetlands is consistent with General Plan policies relating to wildlife and habitat. The site is not a wildlife corridor, nor does the City of Modesto have any ordinance protecting native trees, and there is no habitat conservation plan or other conservation plan that affects the project site.

Further environmental review will be conducted at the time a specific development proposal is received, in order to ensure that policies applied are current and relevant.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
None of the mitigating policies in the General Plan will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	X
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	X
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	X
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	X
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	X
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	X

Discussion:

(1-6) There are no known historic or archaeological resources on or anywhere near the project site. No discoveries are expected and no impacts are expected occur. The project, which is a prezone to (P)M-2 and annexation, would have no physical impact. No impacts are expected to occur and no mitigation will be required.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	X
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☐	X
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	X

Discussion:

(1-3) This area of the County does not have a positive storm drainage system and the City does not have facilities that could reasonably be extended to provide offsite storm drainage for this property. Future development proposal will be evaluated to determine consistency with General Plan policies that require on-site retention of storm water.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	X
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	X
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	X
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☐	X
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	X
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☐	X
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☐	☐

Discussion:

(1-8) The project site does not lie within or near a 100-year flood zone or near any dam. Flooding risk associated with dam failure is similar on the project site to all areas within the City of Modesto. Development will be required to be consistent with the terms of the City's Stormwater Pollution Prevention Program. Runoff will be required to be controlled on site and treated if it is to be moved off site. No impacts are anticipated to occur, although specific environmental review will be required for a future development proposal.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	X
2) The proposed project would eliminate parks or open space.	☐	☐	☐	X
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	X

Discussion:

(1-3) The proposed project consists of a prezone to (P)M-2 and annexation. None of these activities is anticipated to result in physical impacts. Additional environmental review will be required to evaluate a future, specific development proposal.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	X
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	X

Discussion:

(1-2) Future development of the project site, which would be facilitated by the requested entitlements, is consistent with the expected use of the site, as described in the General Plan. Ceres Unified School District had no comments on the project. There will be another opportunity to comment on the project when development is proposed. School impact fees will be assessed at the time building permits are applied for and no impacts greater than those anticipated in the General Plan Master EIR are expected.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	X
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	X

Discussion:

(1-2) Annexation to the City of Modesto would change the first-responding police department from the Stanislaus County Sheriff's Department to the Modesto Police Department. Modesto Police Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The Police Department will have additional opportunities to comment when development is proposed.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	X
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	☐	☐	☐	X

Discussion:

(1-2) The subject site is served by the Industrial Fire Protection District, which would continue to serve the site following annexation. Modesto Fire Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The Fire Department will have another opportunity to comment when development is proposed.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	X
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	X

Discussion:

(1-2) Impacts on solid waste collection and disposal resulting from the proposed project are expected to be similar in scope and scale to impacts resulting from other residential areas throughout the City of Modesto. There is currently adequate landfill capacity to handle household waste.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	X
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☐	X
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	X
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	X
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	X
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	X
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☐	☐	☐	X
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	X

Discussion:

(1-4) The project site is not on the State's list of known hazardous sites. The proposed prezone to (P)M-2 has the potential to introduce hazardous materials to the site, but it is unknown at this time what kind of development will occur. When a development proposal occurs, it will be evaluated to determine whether hazardous materials policies will be applied to it.

(5) The project site is approximately two miles from the nearest airport and lies outside airport safety zones. The risks associated with airport proximity would not be expected to occur at this site.

(7-8) There are no know hazards on the site that are different from or greater than hazards that occur elsewhere throughout Modesto on similar sites. No impact on the City's emergency response or evacuation plans would result from the proposed project or from eventual development on the site.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	X

Discussion:

(1-2) The proposed project consists of administrative activities, including a prezone to (P)M-2 and annexation. Neither of these actions will have a physical impact on the environment and no impacts are expected to occur.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	X

Discussion:

(1-2) The proposed prezone to (P)M-2 and annexation are administrative in nature and would result in no impacts on the type of development expected to occur on the site in the General Plan Master EIR analysis. When a specific development proposal is received by the City, it will be evaluated to determine whether it is consistent with General Plan policies in effect at that time.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	X
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	X
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	X
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	X
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	X
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	X
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	X

Discussion:

(1-7) The proposed project consists of administrative activities that will facilitate urban development on the project site, but is not expected to result in physical impacts. The future specific development application will be further evaluated to determine whether it will be consistent with General Plan policies. However, the project site is not a scenic area, nor is it near a scenic area and it there are no views on or off site that are considered to be of scenic value.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	X
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	X
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	X
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	X

Discussion:

(1-4) The project site lies within an industrialized area at the southern edge of Modesto. Directly across Whitmore Avenue in Ceres is an established industrial area. To the east of that area and about 700 feet southeast of the project site is an established neighborhood. Existing industrial development lies north and west of this residential area, so annexation and development of the project site will be consistent with the industrial development residents are familiar with.
The proposal to prezone the subject site to (P)M-2 is consistent with the General Plan land use designation of I, Industrial. There is no habitat conservation plan or natural community conservation plan on the site or in the vicinity that would be affected by the proposed rezone and annexation. No impacts are expected and no mitigation measures will be applied to the project. Additional environmental review of a future specific development proposal will be required prior to development.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

None.

Air Quality and Greenhouse Gases:

None.

Generation of Noise and Vibration:

None.

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological / Historic Sites:

None.

Increased Demand for Storm Drainage:

None.

Flooding and Water Quality:

None.

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

None.

Geology, Soils, and Mineral Resources:

None.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-021

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(610)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Sophear Nam on September 29, 2020, to reclassify from Medium-Density Residential. R-3, Zone, to Planned Development Zone, P-D(610) to allow the remodel of an existing 11,423 square foot , two-story building for mixed neighborhood commercial, professional office and multi-family residential uses, from a church use to, property located at 133 Tuolumne Blvd. as described as follows:

Real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

LOTS 24, 25, 26 AND 27 IN BLOCK 305 OF THE CITY OF MODESTO, AS PER MAP FILED DECEMBER 21, 1942, IN VOLUME 15 OF MAPS PAGE 305, STANISLAUS COUNTY RECORDS AND ALL THAT PORTION OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS: BEING A PORTION OF ABANDONED TUOLUMNE BOULEVARD BY RESOLUTION #1046 RECORDED MARCH 28, 1968, IN VOLUME 2213 OF OFFICIAL RECORDS AT PAGE 290, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN CORNER OF LOT 24 OF BLOCK 305 OF THE CITY OF MODESTO, AS PER MAP FILED DECEMBER 21, 1942, IN VOLUME 15 OF MAPS, AT PAGE 305, STANISLAUS COUNTY RECORDS; THENCE ALONG THE SOUTHEASTERN LINE OF LOTS 24, 25, 26 AND 27 NORTH 47° 13’ 22" EAST 100.00 FEET; THENCE ALONG SOUTHEASTERLY PROJECTION OF THE NORTHEASTERN LINE OF LOT 27, SOUTH 42° 46' 38" EAST, 66.61 FEET; THENCE SOUTH 22° 46' 45" WEST 38.47 FEET; THENCE ALONG A TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 25.00 FEET A CENTRAL ANGLE OF 90° 00' AND AN ARC LENGTH OF 39.27 FEET; THENCE NORTH 67° 13’ 15" WEST 77.02 FEET TO THE POINT OF BEGINNING.

ALSO INCLUDING THE EASTERLY ONE-HALF OF CALAVERAS AVENUE AND THE NORTHERLY ONE-HALF OF TUOLUMNE BOULEVARD, ALL IMMEDIATELY ADJACENT TO THE ABOVE DESCRIBED PROPERTY.

APN: 102-015-031-000

WHEREAS, after a public hearing held on December 7, 2020, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 20-17, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to Planned Development will provide for the development of permanent housing and space for commercial opportunities, the requested zone change will result in an orderly planned use of land because the proposed development with multifamily residential and commercial uses is appropriately located on Tuolumne Boulevard, an arterial street and will be compatible with the surrounding commercial and residential uses, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the site is within the Residential (R) land use designation of the General Plan which allows for a medium-high density residential and existing small scale commercial and office uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 26, 2021, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Sophear Nam for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area

General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2020-17 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3727-C.S. on the 26th day of January, 2021, reclassifying the above-described property from Medium-High (R-3) Zone, to Planned Development Zone, P-D(610),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

I. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(610), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan titled "133 Tuolumne Blvd. Modesto, CA, 95354, Cover Page", as stamped approved by the City Council on [date to be determined].

2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.

3. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Division.

4. Applicant must work with Public Works Traffic Operations staff to minimize parking restrictions on both sides Calaveras Avenue from intersection with Tuolumne Boulevard to the residential development to the north.

5. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.

6. The improvement plans shall include all landscaping, parking and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.

7. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.

8. Prior to issuance of a building permit, plans for any new trash enclosures shall demonstrate the use of building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.

9. Climbing vines shall be included in the landscape surrounding any new trash enclosures to prevent tagging.

10. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

11. All aspects of this project to comply with current City of Modesto Standards and also current California Building, Fire, Electrical, Mechanical, Plumbing, Energy codes adopted by the City of Modesto.

12. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

13. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

14. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

15. Prior to Certificate of Occupancy, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.

16. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees

and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

17. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-2.2004, Parking Lot Design.

18. Any lighting fixtures must adequately shield the light to minimize glare or light spillage upon neighboring residents north of the project site.

19. Light fixtures shall be of a type or adequately shielded so as to prevent glare from normal viewing angles.

20. All signs shall comply with the sign requirements of the R-3 Zone facing Calaveras Avenue and the C-1 Zone facing Tuolumne Boulevard.

21. Prior to issuance of a sign permit, three copies of the sign plans for the project shall be submitted for separate review and approval prior to installation. Freestanding signage is expected to be designed as permitted by Modesto Municipal Code Section 10-6.107, Table 6.1-2

22. Exterior building walls shall be provided with a graffiti-resistant coating or paint, to a height of 12-feet.

Additionally, if the project is a Significant Redevelopment1 project, defined as a project that creates, ads, or exchanges (one type of impervious surface for another type of impervious surface) at least 5,000 square feet of impervious area on an already developed site, the following comments will also apply:

23. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

24. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

25. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access

and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

26. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

27. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

28. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

29. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

30. 1Significant Redevelopment includes, but is not limited to, expansion of a building footprint or addition or replacement of a structure, structural development including an increase in gross floor area and/or exterior construction or remodeling, replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities related with structural or impervious surfaces.

PARKS PLANNING

31. For the current landscaping, applicant shall submit Landscape and Irrigation plans for review and approval by the City's Park Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.

32. All planter areas shall have a permanent border around the perimeter to prevent cars and pedestrians from damaging plant materials. If possible, minimum inside dimension of a planter shall be forty inches (40"). (MMC 12-1-03a). Planter dimensions shall be a minimum of four (4) feet by five (5) feet for each tree planted. (MMC 10-2-206a).

33. Within the clear vision triangle at corner lots, there shall be no plants, fences or structures that exceed three (3) feet in height (MMC 10-2-206-a).

34. Climbing vines shall be included in the landscape surrounding the trash enclosure and on the perimeter wall to discourage tagging.

35. Applicant shall install parking lot shade trees for new parking lot per MMC requirements; one (1) shade tree for every eight (8) parking spaces for all parking stall locations, within seven feet (7') of stalls.

36. Applicant shall install a separate landscape water meter for irrigation.

GENERAL CONDITIONS

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that are applicable to the project:

37. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

    a. Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
    b. Require impact tools to be equipped with shrouds or shields;
    c. Require that the quietest equipment available be used; and,
    d. Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

38. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

39. Construction and operational activities shall comply with applicable mitigations of the Initial Study Checklist C&ED No. 2020-19.

II. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(610):

    a. The entire construction program be accomplished in one phase, construction to begin on or before January 26, 2023, and completion to be not later than January 26, 2025.

III. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

IV. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

V. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(610), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on January 26, 2021, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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~~

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-022

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): REZONE OF 133 TUOLUMNE BOULEVARD FROM MEDIUM-HIGH DENSITY RESIDENTIAL (R-3) ZONE TO PLANNED DEVELOPMENT ZONE P-D(610)

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, Sophear Nam has proposed the rezone of 0.46 acres located at 133 Tuolumne Boulevard from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610) to allow for the use of an existing building for commercial, office and residential uses, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-19 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on December 29, 2020, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 26, 2021, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

EXHIBIT A

Initial Study

EA/C&ED

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2020-19

For the proposed:

PDZ-20-002
Rezone of 133 Tuolumne Boulevard from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610)

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

November 20, 2020

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed rezone ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: PDZ-20-002—Rezone from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610)

B. Address or Location: 133 Tuolumne Boulevard

C. Applicant: Sophear Nam, 434 School Street, Livermore CA 94550

D. City Contact Person: Jonnie Lan, AICP, Associate Planner

Project Manager: Jonnie Lan, AICP
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: jlan@modestogov.com

E. Current General Plan Designation(s): Residential (R)

F. Current Zoning Classification(s): Medium-High Density Residential (R-3)

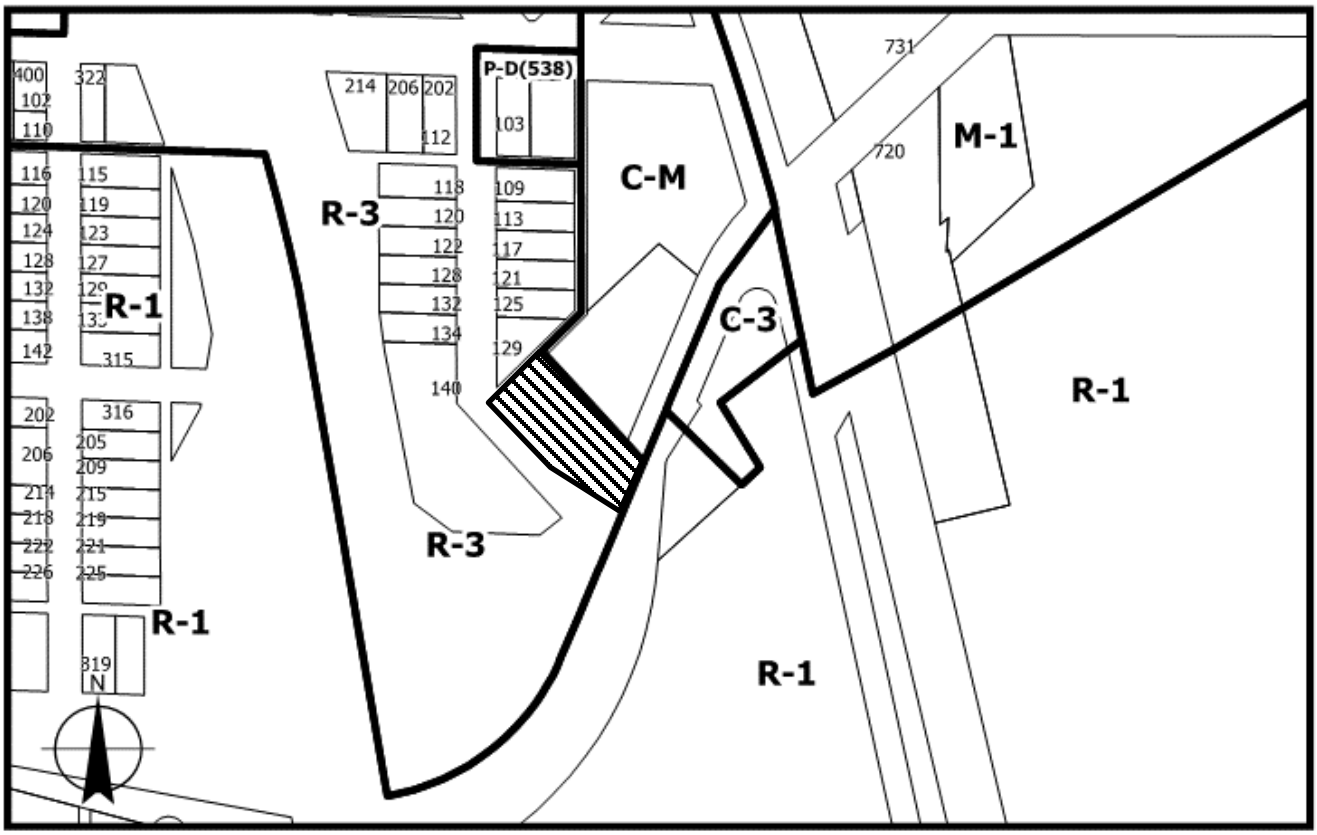
G. Surrounding Land Uses:

North: Commercial Industrial (C-M) Zone; contractors' offices.
South: Medium-High Density Residential (R-3) Zone; Church building.
East: Low Density Residential (R-1) Zone; Flood plain to Tuolumne River.
West: Medium-High Density Residential (R-3); Single and multi-family neighborhood.

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

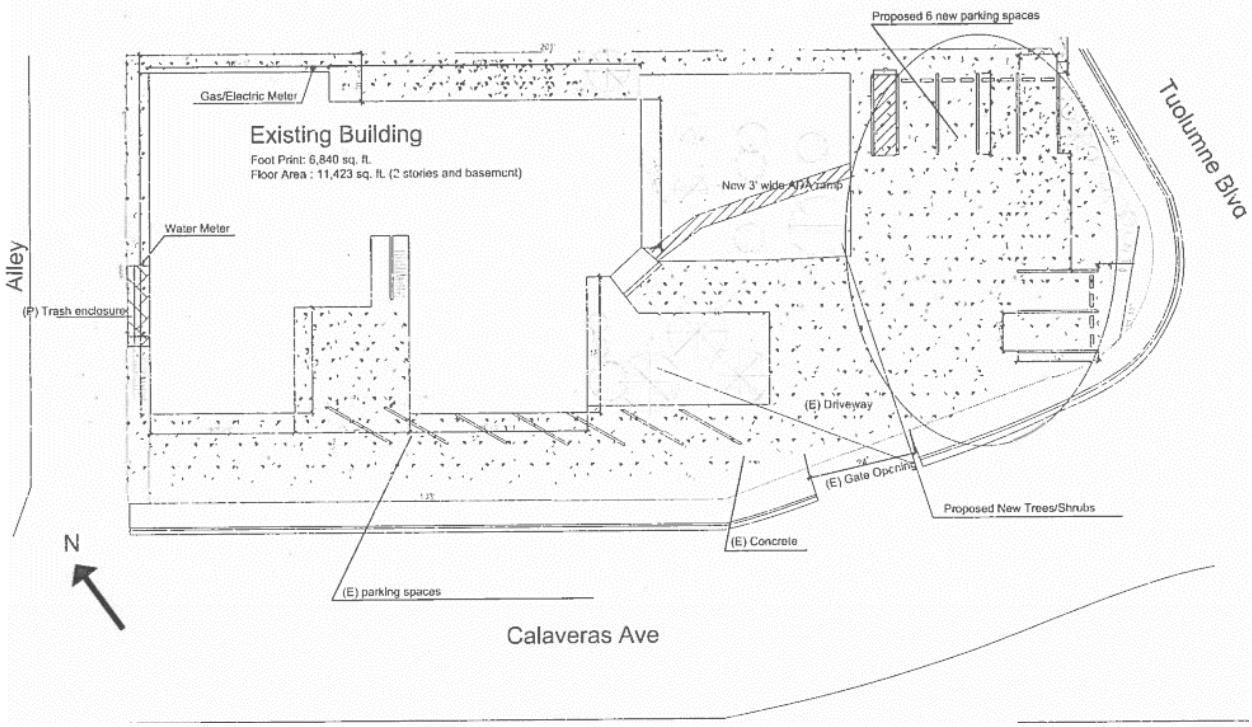
Rezone of a .46 acres parcel within the City, with an existing building previously used as a church and associated parking, from Medium-High Density Residential (R-3) Zone to Planned Development Zone P-D(610). Rezone is to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses.

AREA MAP
PDZ-20-002



Proposed Project Location

AERIAL OF SITE
PDZ-20-002



SITE PLAN
PDZ-20-002

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

B. No new or additional mitigation measures or alternatives are required;

C. The subsequent project is within the scope of the project covered by the Master EIR;

D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

2. ___ Mitigated Negative Declaration Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level; and,

3.____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project;

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result; and,

Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	☒
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	☒
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☐	☒
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☐	☒
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	☒
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	☒

Discussion:

(1) The proposed project would not conflict with an applicable plan, or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system.

(2) The proposed project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) The proposed rezone is to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses. The project would not cause a change in air traffic patterns or change in location. The nearest public airport is the Modesto City-County Airport approximately A mile and three quarters to the east.

(4) The proposed project would not substantially increase hazards due to a design feature or incompatible uses, or result in inadequate emergency access.

(5) The project would not conflict with a transit plan or bicycle plan.

(6) The project would not result in a level of service of "D".

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures regarding air quality from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	☒
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	☒
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	☒
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☐	☒
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☒	☐
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
purpose of reducing the emission of greenhouse gases.				

Discussion:

(1) The proposed project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.

(2) The project would not conflict with or obstruct implementation of an applicable air quality plan.

(3) The project would not violate any air quality standard or contribute substantially to existing or projected violation.

(4-5) The project would not result in an increase of any criteria pollutant nor expose sensitive receptors to pollutants. The project is a rezone to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses.

(6-7) The conversion of the existing building from a church into an 11,423 square foot, two-story building with commercial, office and residential uses could temporarily result in the emission of construction-related odors or greenhouse gasses that would affect a substantial amount of people. The nearest sensitive receptors are residential units approximately 40 feet to the west.

(8) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include Noise-4 and Noise-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	☒
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☐	☒
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	☒
4) The proposed project would result in a substantial temporary or periodic increase in	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
ambient noise levels existing without the project.				
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L_{max} inside bedrooms or 55 dBA L_{max} inside other occupied areas.	☐	☐	☐	☒

Discussion:

(1) The project is a rezone to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses. The project would not be inconsistent with Urban Area General Plan noise and vibration policies and standards.

(2) The project would not generate excessive ground-borne noise and/or vibration levels.

(3-4) The proposed project would generate a temporary significant increase in ambient noise level due to project construction. The project developer would be required to abide by the City of Modesto Municipal Code noise regulation.

(5-6) The project is not near any private or public airport or airstrip. Though the public airport is supported by an Airport Land Use Plan, the project is not located in the airport land use plan area. There would be no impact. No mitigation is required.

(7) The project site is not within 200-feet of an active rail line. There would be no impact. No mitigation is required.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	☒
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	☒
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	☒
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	☒
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	☒

Discussion:

(1) The site is an infill lot with an existing building. The site and surrounding area consist of detached residential lots, contractors' offices and commercial buildings. There are no near by agricultural uses. The project would not be inconsistent with the Urban Area General Plan policies relating to agricultural resources.

(2) The project would not convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The site is within an urbanized area designated as Urban and Built-Up Land by the CA Department of Conservation.

(3) The project would not conflict with existing zoning for an agricultural use. The site has an existing building been previously used as a church and is not under a Williamson Act contract.

(4-6) The site is not located within or near any forest land or timber land, nor would contribute to the conversion of forest land or farmland.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	☒
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	☒
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
which could cause significant environmental effects.				
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the Urban Area General Plan policies relating to water supply.

(2) The project is a rezone to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses. The use would not substantially deplete groundwater supply or interfere with groundwater recharge.

(3) The project would not require construction of new water treatment facilities.

(4) The project would not exceed existing water supply entitlements or require expansion of entitlements. Water service to the site is provided by the City of Modesto.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "Direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	☒
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	☒
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project is a rezone to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses. The project would not exceed wastewater treatment requirements of the Central Valley RWQCB.

(2) The project would not require the construction of new wastewater facilities or the expansion of existing facilities. The site is served by existing sewer lines.

(3) The project would not result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the site. The site is served by existing sewer lines.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	☒
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is not inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat. Upon the site is an existing building previously used as a church. It is surrounded by urbanized area.

(2-5) The project site is located within the Baseline Developed Area of the City and is surrounded by developed urban area consisting of light industrial, commercial and residential. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(6-7) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan. The city does not have a heritage tree ordinance.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	☒
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	☒
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	☒
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	☒
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	☒
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-6) The project site is developed was previously used as a church. It is surrounded by urban uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: SD-10 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	☒
2) The proposed project would substantially	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.				
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the Urban Area General Plan storm drainage policies. The site is was previously used as a church with associated parking lot, and the rezone to Planned Development is to facilitate the conversion of the building into an 11,423 square foot, two-story building with commercial, office and residential uses.

(2-3) The project would not increase the rate or amount of surface runoff as assumed in the General Plan. The site is was previously used as a church with associated parking lot, and the rezone to Planned Development is to facilitate the conversion of the existing building into an 11,423 square foot, two-story building with commercial, office and residential uses. Though the building has not been used as a church in a while, the assumptions made under the General Plan would have included it. Therefore, the proposed new development will not increase the amount of impervious surface.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: FWQ-11 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	☒
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	☒
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☐	☒
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☐	☒

Discussion:

(1) The proposed project would not be inconsistent with the flooding and water quality policies in the Urban Area General Plan.

(2-3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0325E dated September 26, 2008.

(4) The site is not in the vicinity of a levee or dam. The nearest waterway is the Tuolumne River approximately 900 feet to the south.

(5, 7) The project would not alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(6) The project would not violate water quality standards.

(8) The project would not increase the rate or amount of surface runoff as assumed in the General Plan. The site is was previously used as a church with associated parking lot, and the rezone to Planned Development is to facilitate the conversion of the existing building into an 11,423 square foot, two-story building with commercial, office and residential uses.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space. The project is rezoning a property to facilitate the conversion of the existing building. The developed infill property is surrounded by commercial and residential uses.

(3) The rezone to Planned Development is to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses. The project would not be required to provide for additional park space.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	☒
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The site is was previously used as a church with associated parking lot, and the rezone to Planned Development is to facilitate the conversion of the building into an 11,423 square foot, two-story building with commercial, office and residential uses. The project would be required to pay school mitigation fees to pay for its impact on the system. Though any children residing at the site would enroll in the area school districts, the project proposes a minimal number of residential units which would not result in a student population that would exceed school system capacity.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	☒
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the policies relating to police services in the General Plan.

(2) The project is a rezone to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses. The site and surrounding area are developed with residential, commercial and industrial uses currently served by the Modesto Police Department.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	☒
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the policies relating to fire services in the General Plan.

(2) The project is a rezone to facilitate the conversion of the existing building into a 11,423 square foot, two-story building with commercial, office and residential uses. The site and surrounding area are developed with residential, commercial and industrial uses currently served by the Modesto Fire Department.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the solid waste policies in the Urban Area General Plan.

(2) The site is was previously developed as a charter school with classrooms and associated parking lot, a use that would have required a significant amount of solid waste disposal support. The rezone to Planned Development that will facilitate the development of the property into a 25,168 square foot, 3 story building with commercial, office and residential uses won't produce more solid waste that the prior use, nor what is assumed in the General Plan. The site will contain 4 trash dumpsters in two large trash enclosures all proposed to be constructed in accordance to City Standards.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	☒
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☐	☒
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	☒
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☐	☐	☐	☒
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the hazardous materials policies in the General Plan.

(2-3) No hazardous materials above normal General Plan assumptions will be involved with this project. The site is not within a quarter-mile of a school.

(4) The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields.

(7) The project would not interfere with an adopted emergency response or evacuation plan.

(8) The project site is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	☒
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	☒
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	☒
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	☒
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	☒
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the policies relating the visual resources in the General Plan.

(2) The project would not have an adverse impact on a scenic vista. The site is located within the Baseline Urbanized Area of the City and is surrounded by urban uses.

(3-4) The project would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings.

(5) The project would not cause substantial light or glare.

(6) The project would not impact views from riverside areas and parks.

(7) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is designated as Residential (R) in the General Plan, which allows for existing commercial uses as well as residential uses. The building is an existing church. The project is to facilitate the conversion of the existing building to commercial, office and residential uses.

(2) The project would not divide an established community. The surrounding area is developed with commercial, light industrial and residential uses.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed

project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Traffic study(ies) may be required for any given project(s).

Air Quality and Greenhouse Gases:

AQ-85. Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds. (Policy VII.H.2.u)

AQ-86. A Construction Health Risk Assessment shall be required on a project-by-project basis if, at the direction of SJVAPCD after applicant consultation, the specific project is considered to have a potentially significant project-level health risk impact, through refined modeling using 2015 OEHHA guidance (or the latest accepted methodology), to identify impacts and, if necessary, include measures determined by SJVAPCD to reduce exposure. (Policy VII.H.2.v)

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

AQ-102. Reduce PM10 emissions from City–maintained roads to the maximum extent feasible. (Policy VII.H.2.ll)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

Increased Demand for Sanitary Sewer Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological / Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-14. Design development projects to preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffers. Minimize disturbance of natural water bodies or natural drainage systems that might result from development, including road construction. (Policy VI.G.7)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Increased Demand for Parks and Open Space:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Schools:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Police Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Fire Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Solid Waste:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Hazardous Materials:

HM-3. Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (Policy VI.M.1)

HM-4. Require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the most current adopted edition of the Uniform Fire Code. (Policy VI.M.2)

HM-6. For each specific project that would generate hazardous waste, require as a condition of building permit approval that the project sponsor prepare a hazardous material transportation program. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (Policy VI.M.4)

Geology, Soils, and Mineral Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Energy:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Effects on Visual Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Land Use and Planning:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-023

RESOLUTION APPROVING THE APPLICATION OF AMWEST AMBULANCE, AND AUTHORIZING THE ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Amwest Ambulance has submitted an application to provide non-emergency medical transport services within the City of Modesto, and

WHEREAS, Amwest Ambulance has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed background investigations regarding Amwest Ambulance per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Amwest Ambulance to function as a non-emergency medical transport service provider within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on January 26, 2021, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Amwest Ambulance for non-emergency medical transport service within the City of Modesto, and

WHEREAS, Modesto City Council finds that Amwest Ambulance will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Amwest Ambulance and issues Amwest

Ambulance a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-024

RESOLUTION APPROVING A STATE OF CALIFORNIA CANNABIS EQUITY GRANTS PROGRAM FOR LOCAL JURISDICTIONS APPLICATION UP TO $75,000 FOR THE PURPOSE OF FUNDING A CANNABIS EQUITY ASSESSMENT AND EVALUATING A POTENTIAL PROGRAM AND AUTHORIZING THE CITY MANAGER TO COMPLETE AND SUBMIT THE GRANT APPLICATION

WHEREAS, on November 8, 2016, California voters approved Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA), and

WHEREAS, funding has been allocated to the Governor's Office of Business and Economic Development to provide grant funds to local governments pursuant to AB 97 (Stats. 2019, Ch. 40), for Cannabis Equity program purposes, and

WHEREAS, the City Council has adopted a Commercial Cannabis Ordinance, Ordinance 3684-C.S., that established the City's regulatory framework for commercial cannabis businesses, and

WHEREAS, the City of Modesto desires to assess a potential local equity program for prospective commercial cannabis business owners, and

WHEREAS, the Bureau of Cannabis Control (BCC), in partnership with the Governor's Office of Business and Economic Development (GO-Biz) announced that $15,000,000 has been made available for FY 2020-2021 to fund the Cannabis Equity Grants program for Local Jurisdictions through two types of applications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to apply for a State Cannabis Equity Grants Program for Local Jurisdictions, for an amount up to $75,000, and for the purposes of

funding a cannabis equity assessment and funding a potential cannabis equity program for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, ZMayor Brandvold
NOES:	Councilmembers:	Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-025

RESOLUTION APPROVING THE CULTURE COMMISSION'S RECOMMENDATION TO RENAME MELLIS PARK TO DR. MARTIN LUTHER KING, JR. PARK; PERMANENTLY RECOGNIZE THE MELLIS FAMILY WITH THE ESTABLISHMENT OF A BRONZE PLAQUE, STATUE, OR RENAMING OF ANOTHER PARK; AND POSTPONE THE DECISION TO RENAME THE KING-KENNEDY MEMORIAL CENTER TO THE DR. MARTIN LUTHER KING, JR. CENTER

WHEREAS, the Culture Commission advises Council on matters pertaining to art, literature, music, historical properties, and other cultural activities in the City, and

WHEREAS, City Council Policy No. 6.005 authorizes the Culture Commission to submit names for parks not located adjacent to schools, and

WHEREAS, Mellis Park was established in 1959 at 601 Franklin Street, and was formerly a veteran's housing sight and Franklin-California Park, and

WHEREAS, in 1964, the park was renamed Mellis Park in honor of Dan Mellis, a former City Councilmember and business leader, and George Mellis, a Stanislaus County Superior Court Judge, and

WHEREAS, in 1969, the King-Kennedy Memorial Center was constructed adjacent to Mellis Park and named in honor of the late Dr. Martin Luther King, Jr. and Robert F. Kennedy, and

WHEREAS, the King-Kennedy Memorial Center is owned by the City, operated by the West Modesto Community Collaborative, and used by the King-Kennedy Memorial Center Board of Directors for meetings and community events, and

WHEREAS, in 2018, Sebastian Jones asked the Culture Commission to consider changing the name of Mellis Park and the King-Kennedy Memorial Center to Dr. Martin Luther King, Jr. Park and Center, and

WHEREAS, the Culture Commission reviewed and discussed the matter over the past two years, and

WHEREAS, in November 2020, Sebastian Jones submitted a formal request to the Culture Commission requesting the renaming of Mellis Park to Dr. Martin Luther King, Jr. Park and the King-Kennedy Memorial Center to the Dr. Martin Luther King, Jr. Center, and

WHEREAS, on January 6, 2021, the Culture Commission voted unanimously to recommend renaming Mellis Park to Dr. Martin Luther King, Jr. Park, and recognizing the Mellis family in a permanent way by means of a bronze plaque, statue, or the renaming of another park, be forwarded to Council for approval, and

WHEREAS, the Culture Commission voted unanimously to postpone taking any action regarding the renaming of the King-Kennedy Memorial Center until it receives formal input from the King-Kennedy Memorial Center Board of Directors and the West Modesto Community Collaborative, and

WHEREAS, the cost for new park signage is estimated at $10,000 and will be budgeted in Fiscal Year 2021-2022's Operating Budget, and

WHEREAS, the cost to permanently honor the Mellis family will not be known until such form (bronze plaque, statue, or renaming of a park) are determined, and

WHEREAS, on January 19, 2021, the King-Kennedy Memorial Center Board of Directors convened and voted in favor of renaming the park and opposed to the renaming of the center, and

WHEREAS, the West Modesto Community Collaborative is expected to convene on January 23, 2021 to consider the renaming of the center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the renaming of Mellis Park to Dr. Martin Luther King, Jr. Park.

BE IT FURTHER RESOLVED that it hereby approves permanent recognition of the Mellis family with a bronze plaque, statue, or renaming of another park.

BE IT FURTHER RESOVED, that it hereby approves postponing the decision to rename the King-Kennedy Memorial Center and return it to the Culture Commission for further discussion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-026

RESOLUTION APPROVING THE JOINT POWERS AGENCY AGREEMENT TO FORM THE STANISLAUS REGIONAL TRANSIT AUTHORITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, the Stanislaus Council of Governments (StanCOG) completed a Transit Efficiency and Innovation Study, and

WHEREAS, the final study included language providing a recommendation that the transit agencies in the County be re-formed into a new single transit Joint Powers Agency (JPA), and

WHEREAS, the study concluded that given the regional nature of travel within Stanislaus County and given the lack of coordination of fare structures, service deployment, public information, and contract management, a new regional transit agency that combined all the services and deployed all of the assets in the most efficient manner would offer the greatest potential for future transit development, and

WHEREAS, in January 2020, the Chair of the StanCOG Policy Board established a Transit Study Implementation Working Group to guide the intended establishment of a new regional transit agency in Stanislaus County, and

WHEREAS, on June 26, 2018, by Resolution 2018-255, Council approved a Short-Range Transit Plan, included the concept to Consolidate countywide transit systems into a Transit District to provide seamless and integrated service to passengers, and

WHEREAS, on August 5, 2020, by Resolution 2020-326, Council approved a Memorandum of Understanding (MOU) with Stanislaus County to start the process to form the JPA, and

WHEREAS, the MOU between the then three transit systems to form a new transit agency required the formation of an Advisory Committee, and

WHEREAS, the goal for implementation of the JPA is July 1, 2021, and

WHEREAS, this new transit agency would combine two transit operators in the county - Modesto Area Express (MAX), Modesto Area Dial-A-Ride (MADAR), Stanislaus Regional Transit (StaRT), StaRT ADA paratransit and StaRT Demand Response, into one regional system that would become operational on July 1, 2021, and

WHEREAS, a regionalized, consolidated system are expected to provide several benefits to Modesto residents, and

WHEREAS, the consolidation of operations will result in one operation and one facility that will streamline the provision of transit services and result in cost savings to the JPA, and

WHEREAS, the JPA agreement describes the formation of the JPA governing board, and

WHEREAS, a Transition Plan was developed to provide guidance to each jurisdiction on how the JPA will assume operations of the transit systems in the City and County, and

WHEREAS, many locations throughout California operate transit services on a countywide or regional basis than through a City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Joint Powers Agency agreement to form the Stanislaus Regional Transit Authority.

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 26th day of January, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-027

RESOLUTION APPOINTING TWO COUNCILMEMBERS TO THE STANISLAUS REGIONAL TRANSIT AUTHORITY BOARD OF DIRECTORS

WHEREAS, the Joint Powers Agency (JPA) agreement between the City and Stanislaus County describes the formation of the JPA governing board, and

WHEREAS, this board would include two members from the City, two members from the County, one member that represents the small cities in the County other than Modesto and Turlock (appointed jointly by the Modesto City Council and Stanislaus County Board of Supervisors), and two representatives from rider interest groups in the county (appointed by the JPA Board), and

WHEREAS, the Modesto City Council is required to select two members to serve on the Stanislaus Regional Transit Authority Board of Directors, and

WHEREAS, the governing board would be responsible for making policy and budget decisions for the JPA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Councilmember Kenoyer and Councilmember Zoslocki to the Stanislaus Regional Transit Authority Board of Directors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-028

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH NOSSAMAN LLP TO ADJUST THE BLENDED HOURLY RATE FROM $385 TO $425 TO CONTINUE TO PROVIDE EMINENT DOMAIN LEGAL SERVICES FOR STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT, WITH NO INCREASE TO THE NOT TO EXCEED AMOUNT OF $2,000,000 FOR THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, State Route ("SR") 132 is an east-west highway that extends from I-580 in the Central Valley, south of the City of Tracy, to SR 49 in the foothills of the Sierra Mountains, terminating in the town of Coulterville; and

WHEREAS, SR 132 is a vital link through the Central Valley, serving local traffic from these communities and providing for regional traffic between the Bay Area and the mountains for the movement of traffic and goods and services, and provides access to the recreational areas east of Modesto via SR 49; and

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR 132, and enhance safety and operations for the existing and proposed transportation network; and

WHEREAS, on September 4, 2018, by Resolution No. 218- 381, Council approved a professional services agreement with Nossaman LLP of Los Angeles, California for Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project in an amount not to exceed $2,000,000; and

WHEREAS, Nossaman currently has three open cases regarding eminent domain matters and continues to advise staff regarding the SR 132 project; and

WHEREAS, Nossaman has provided legal services to the City at a blended rate of $385. A blended rate is beneficial to the City as it captures attorney services that would usually be charged at a higher rate; and

WHEREAS, Nossaman has requested an increase to their rate by $40 an hour to a new blended hourly rate of $425; and

WHEREAS, the not to exceed amount of the agreement will not increase based on their hourly rate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Nossaman LLP to adjust the blended hourly rate from $385 to $425 to continue to provide Eminent Domain Legal Services for State Route 132 West Freeway/Expressway Phase 1 Project with no increase to the not to exceed amount of $2,000,000 for the Agreement.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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~~

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-029

RESOLUTION APPROVING AN AGREEMENT FOR POLYGRAPH SERVICES WITH MANSFIELD, LIERLY & ASSOCIATES, CITRUS HEIGHTS, CA, FOR A ONE (1) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $45,225, AND A TOTAL AMOUNT NOT TO EXCEED $135,675 OVER THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department utilizes polygraph services as part of its extensive recruitment process, and

WHEREAS, the hiring process for both sworn and non-sworn employees is a long and extensive process of which the polygraph exam is vital, and

WHEREAS, on August 17, 2017, the Purchasing Division issued RFP 1718-06 for Polygraph Examination Services on the City's website under commodity code 99070 – Polygraph Testing Services, and

WHEREAS, seven (7) companies chose to download the RFP document, and

WHEREAS, on August 29, 2017, proposals were formally opened by the City Clerk, three (3) vendors chose to respond, there are no local proposals received, and

WHEREAS, an evaluation committee comprised of three City staff members evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal for polygraph services to TTI, Inc., Benecia, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, and

WHEREAS, on December 7, 2020, the Modesto Police Department received correspondence from TTI, Inc., serving as notice that they will be closing their office effective December 31, 2020, and

WHEREAS, the Purchasing Division reached out to the second highest rated proposer inquiring if they are available to provide services for the remaining time period of the initial agreement, and

WHEREAS, the second highest scoring proposer was Mansfield, Lierly & Associates, who responded that they are available to perform the service per the terms and conditions of their submittal for RFP 1718-06, 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 the formal bid procedures, and

WHEREAS, an award of proposal and agreement for polygraph examination services for Modesto Police Department to Mansfield, Lierly & Associates, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement for polygraph services with Mansfield, Lierly & Associates, Citrus Heights, CA, for a one (1) year agreement with two (2) one-year extension options, for an annual estimated cost of $45,422, and a total amount not to exceed $135,675 over three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-030

RESOLUTION ACCEPTING THE GRANT AWARD FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5339 FUNDS IN THE AMOUNT OF $2,006,514 AND CONGESTION MITIGATION AND AIR QUALITY FUNDS IN THE AMOUNT OF $1,200,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES, AND ALL OTHER NECESSARY DOCUMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the projects are included in the 2019 Federal Transportation Improvement Program (FTIP) adopted by the Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, formerly known as “Toll Credits”, in lieu of a local match, and

WHEREAS, these funds will be used to replace rolling stock in compliance with the Council approved Transit Asset Management Plan by Resolution 2020-046.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the award of $2,006,514 in FTA Section 5339 funds, and $1,200,000 in Congestion Mitigation and Air Quality funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-031

RESOLUTION APPROVING AN AGREEMENT WITH TRC ENGINEERS, INC., FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE 2016 PAVEMENT REHABILITATION PROJECT, STPL-5059 (205) IN THE AMOUNT OF $188,046 PLUS $18,804 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $206,850, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on October 13, 2020, by Resolution No. 2020-421, Council approved the plans and specifications for the 2016 Pavement Rehabilitation Project, accepted the bid, and awarded the project to United Pavement Maintenance, Inc., of Hughson, California, in the amount of $1,880,845, and

WHEREAS, due to the size and complexity of this project, and taking into consideration the current workload, staff recommends utilizing a consultant to provide construction management and inspection services, and

WHEREAS, on March 28, 2020, by Resolution No. 2020-201, Council approved a pre-qualified consultant list for Construction Management and Inspection Services for various Capital Improvement Program projects, and

WHEREAS, on October 15, 2020, a Request for Proposals (RFP) was issued for the 2016 Pavement Rehabilitation Project to three of the City's prequalified firms that provide Construction Management and Inspection Services and staff received proposals from two firms, and

WHEREAS, TRC Engineers, Inc., was selected as the most qualified firm for the 2016 Pavement Rehabilitation Project, 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 and recommends approval of an agreement with TRC Engineers, Inc., for Construction Management and Inspection Services for the 2016 Pavement Rehabilitation Project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an Agreement with TRC Engineers, Inc., in the amount of $188,046, plus $18,804 in additional services (if needed), for a total amount not to exceed $206,850 for Construction Management and Inspection Services for the 2016 Pavement Rehabilitation Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-032

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): AMENDMENT TO VILLAGE ONE PRECISE PLAN AREA NO. 30, TO AMEND THE CIRCULATION AND UTILITY PLANS OF THE PRECISE PLAN, PROPERTY LOCATED BETWEEN FINE AVENUE AND CLAUS ROAD, SOUTH OF SHARON AVENUE AND NORTH OF MERLE AVENUE

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, NRB Investments has proposed to amend the circulation and utility plans of Village One Precise Plan Area No. 30, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-16 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on January 6, 2021, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 26, 2021, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Precise Plan Amendment, a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2021, by Councilmember Zoslocki, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

EXHIBIT A

Initial Study

EA/C&ED 2020-16

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2020-16

For the proposed:

PPA-20-002/TSM-20-002

Amendment to Village One Precise Plan No. 30 and Vesting Tentative Subdivision Map "Icon at the Village"

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

October 8, 2020

Updated: August 2020

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Amendment to Village One Precise Plan No. 30 and associated Vesting Tentative Subdivision Map ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: PPA-20-002/TSM-20-002—Amendment to Village One Precise Plan No. 30 and Vesting Tentative Subdivision Map "Icon at the Village"

B. Address or Location: Precise Plan Area No. 30 comprised of 40 Acres bordered by Fine Avenue, Sharon Avenue, Claus Road and Merle Avenue. Tentative Subdivision Map area on 3.75 acres located at 3906 Sharon Avenue, south of Yellowhammer Lane, Modesto CA

C. Applicant: NRB Investments, LLC; 1701 W. March Lane, Stockton CA 95207

D. City Contact Person: Katharine Martin, Senior Planner

Project Manager: Katharine Martin, Senior Planner
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Residential (R)

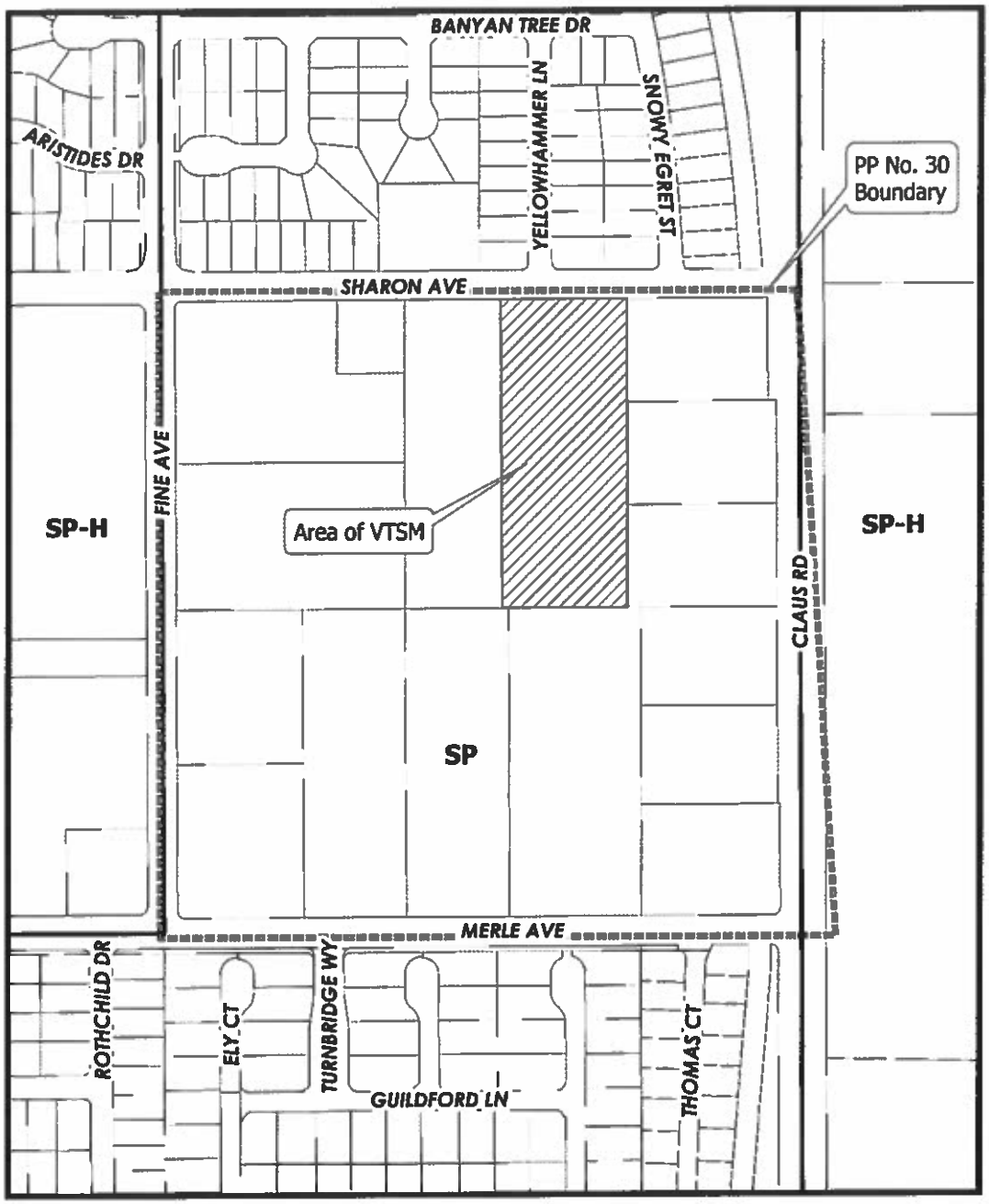
F. Current Zoning Classification(s): SP, Village One Specific Plan (R-1 uses)

G. Surrounding Land Uses:

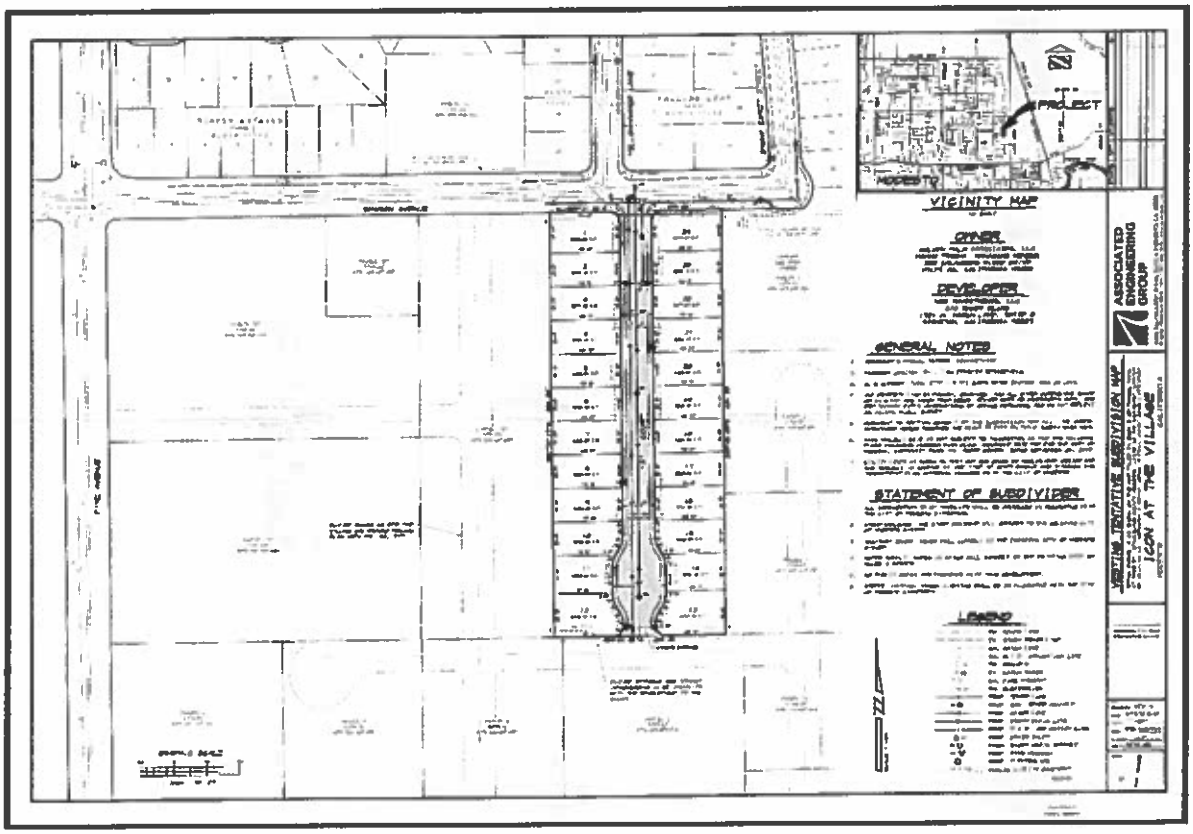
North: SP Zone, Low Density Residential (R-1) Zone uses, existing single-family homes
South: SP Zone, Low Density Residential (R-1) Zone uses, existing rural residential properties
East: SP Zone, Low Density Residential (R-1) Zone uses, existing rural residential properties and church
West: SP Zone, Low Density Residential (R-1) Zone uses, vacant land

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposed textual and graphical amendments to the Village One Precise Plan Area No. 30 to allow for update of circulation and infrastructure plans, together with a proposed Vesting Tentative Subdivision Map to divide 3.75 acres into 24 single-family residential lots of 5,000 square feet or larger, property located at 3906 Sharon Avenue south of Yellowhammer Lane.



PROJECT AREA
PPA-20-002/TSM-20-002



VESTING TENTATIVE SUBDIVISION MAP
ICON AT THE VILLAGE
TSM-20-001

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

B. No new or additional mitigation measures or alternatives are required;

C. The subsequent project is within the scope of the project covered by the Master EIR; and,

D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

2. ___ Mitigated Negative Declaration Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3.____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Project Manager	SENIOR PLANNER Title	11-16-2020 Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐

(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	☒
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	☒
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☐	☒
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☒	☐
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	☒
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	☒

Discussion:

(1) The proposed Precise Plan amendment would update the circulation plan of local residential streets within the Precise Plan area, but would not alter the configuration of existing collector streets or the future Claus Expressway that bounds the Precise Plan area. The project proposes a 24-lot tentative subdivision map with a cul-de-sac street (Court "A") that extends south from Sharon Avenue. Sharon Avenue does not connect to Claus Road/future Claus Expressway, and the update to the circulation plan does not propose a new connection to Claus Road. Court "A" is to be designed with a cul-de-sac formation that includes an open-ended design to be temporarily blocked by a standard barricade, in anticipation of connection to a future local residential street upon development of the properties to the south. The proposed update to the circulation plan would not conflict with policies or plans regarding traffic and transit. There is no impact and no mitigation is required.

(2) The project would not exceed a level of service standard established by the County congestion management agency (StanCOG).

(3) The proposed project would not result in a change in air traffic patterns. The project site is not located within a safety zone as established by the Airport Land Use Commission. The nearest airport is the City-County Airport approximately 3.5 miles away to the south.

(4) The cul-de-sac design of Court "A" would meet the standards of the Village One Specific Plan and Modesto Standard Specifications for width and turning radii, and upon development of the properties to the south would connect to a future local residential street with curb returns and improvements designed to City standards.

(5) The project would not conflict with adopted plans for alternative transportation.

(6) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include AQ-100, AQ-103, AQ-105, AQ-107 through AQ-110, and AQ-113 through AQ-116 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	☒
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	☒
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☒	☐
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☒	☐
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	☒

Discussion:

(1) The proposed Precise Plan amendment is to facilitate the development of a 24-lot single-family residential subdivision proposed as part of the project, and future single-family residential development in the long-term. The project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.

(2) The project would not conflict with or obstruct implementation of the applicable air quality plan.

(3) The proposed project involves a residential subdivision of 24 lots and would not violate any air quality standard or contribute substantially to existing or projected violation.

(4) The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

(5-6) The site of the tentative subdivision map is in proximity to a neighborhood church and existing single-family residential homes; however, any impact by the project would be construction-related and temporary, and at a less than significant level with application of the above mitigation measures.

(7) The proposed project is residential in nature and would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

(8) The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include Noise-4 and Noise 7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	☒
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☐	☒
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	☒
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☒	☐
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L_{max} inside bedrooms or 55 dBA L_{max} inside other occupied areas.	☐	☐	☐	☒

Discussion:

(1) The proposed project would not be inconsistent with the General Plan's noise and vibration policies. The proposed amendments to the Precise Plan No. 30 would not amend the noise attenuation policies for properties that abut the future Clause Expressway to the east.

(2-3) The project would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. The amendment to the Precise Plan is to facilitate residential development by updating the circulation plan and underlying utility plan to amend the network of local residential streets, in order to facilitate residential development. The amendments would allow for the development of 24 single-family residential lots in the short term and additional residential development in the long-term.

(4) Any increase in noise would be construction-related and temporary, and less than significant impact with mitigation measures applied. Subsequent development would be required to adhere to the City's noise ordinance.

(5) The site is not located within an airport land use plan, and is approximately 3.5 miles away from the nearest public airport.

(6) The site is not within the vicinity of a private airstrip. The nearest known private airstrip is Yandell Ranch approximately 12 miles to the west.

(7) The site is not within 200 feet of an active railroad line. The nearest railroad line is the BNSF line 0.5 miles away to the east.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	☒
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	☒
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	☒
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	☒
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	☒
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	☒

Discussion:

(1) The area of Precise Plan No. 30 is within the Planned Urbanizing Area and is currently not in agricultural production. The site is located adjacent to a neighborhood church to the east and existing single-family residential to the north. Residential ranchettes exist to the south. The 2018 California Department of Conservation's Important Farmland Map (the latest data available) designates the area of the Precise Plan as "Rural Residential" (R). The project would not be inconsistent with the General Plan's policies related to agricultural land.

(2) As noted above, the 2018 Important Farmland Map designates the area as "Rural Residential". No farmlands designated as Prime, Unique or of Statewide Importance would be converted to non-agricultural purposes.

(3) The site is not zoned for agricultural uses and is not under a Williamson Act contract.

(4-6) The project would not cause the rezoning of forest land or timberland. The project site is within an urbanized area not in the vicinity of any forest or timberland.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	☒
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	☒
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	☐	☐	☐	☒
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

(3-4) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding sanitary sewer services from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	☒
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	☒
3) The proposed project would result in a finding that the wastewater treatment facilities do not have	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.				

Discussion:

(1) The project involves the development of a 24-lot single-family residential subdivision. The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards.

(2-3) The project would not generate sewage flows greater than estimates for a project of similar residential uses. The project was referred to Land Development Engineering, who indicated no concerns with the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include SWPH-13 and SWPH-14, with regards to policies outlined in Table V-7-1-j and k from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☒	☐
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	☒
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
7) The proposed project would conflict with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.				

Discussion:

(1) The project would not be inconsistent with the General Plan's polices related to loss of sensitive plant and wildlife habitat.

(2) The project involves the division of 3.75 acres into 24 single-family residential lots on a vacant parcel located on what was originally identified as pastureland in the Biological Resources study of the Village One Specific Plan Program EIR (SCH No. 90020181). The EIR did not identify any special status species in the area of the project site; however, there is history of Burrowing Owls nesting in the vicinity of the site as recently as 2013, in a storm drain basin located at the northeast corner of Bear Cub Lane and Kodiak Drive. The owls were then passively relocated in 2013 in accordance with the California Department of Fish and Wildlife Guidelines in order to perform necessary improvements to the basin. There is also potential foraging habitat for the Swainson's Hawk at the site, which is known to nest within the General Plan area in grassland, riparian and agricultural habitats. Implementation of the mitigation measures in Table V-7-1 from the MEIR would reduce the potential impact for either species to a less-than-significant level.

(3-4) The project site is not within a riparian corridor or biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR.

(5) The project would not interfere with the movement of native migratory fish or wildlife species.

(6) The project would not conflict with a local policy or ordinance protecting biological resources. The city does not have a tree preservation ordinance.

(7) The proposed project would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	☒
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	☒
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	☒
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	☒
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-6) The project site is vacant land with no structures. A single-family residence at the site was demolished in 2014. The area is zoned for residential uses and is surrounded by existing residential uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: SD-10 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☐	☒
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☒	☐

Discussion:

(1) The amended storm system is proposed to route storm water from the northwestern portion of the Precise Plan area northward to existing storm water facilities in Sharon Avenue and Fine Avenue, and future development of the remaining Precise Plan area will require onsite detention, or upsizing of identified segments of the stormwater collection system to mitigate potential flooding, or further study. Staff has determined that there is enough capacity in the existing storm system north of the site to serve the northwestern portion of the Precise Plan area, including the tentative map area. All infrastructure improvements would be in accordance to City Standards.

(2) The project would not substantially increase the rate of surface runoff.

(3) Land Development Engineering staff has concluded that there is sufficient capacity in the storm facilities to the north to handle the northerly portion of the site, including the subdivision map site, and that future development in the southerly portion of the Precise Plan will require onsite detention or upsizing of identified segments of the stormwater collection system to mitigate potential flooding.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: FWQ-11 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
flooding and water quality policies in the Urban Area General Plan.				
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	☒
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	☒
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☒	☐
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☒	☐
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☒	☐

Discussion:

(1) The proposed project proposes to amend the circulation and utility plans to route stormwater lines northward to connect to existing lines in Sharon Avenue instead of southward to existing lines in Merle Avenue. The amendment would not be inconsistent with the flooding and water quality policies in the Urban Area General Plan.

(2-3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0345E dated September 26, 2008.

(4) The site is not in the vicinity of a levee or dam. The nearest waterway is Dry Creek approximately one mile to the south.

(5, 7) The project would not alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(6) The project would not violate water quality standards.

(8) The project would not increase the rate or amount of surface runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding parks and open land from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space. The project site is vacant land zoned for residential uses.

(3) Parks Planning staff indicated no concerns with the project with regards to provision of parkland. The site is within 0.25 miles of Freedom Park, an 8-acre community park.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding schools from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	☒
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the polices relating to schools in the General Plan.

(2) The project was referred to the Sylvan Elementary and Modesto City Schools District, who have not indicated concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding police services from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	☒
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the policies relating to police services in the General Plan.

(2) The project was referred to the Modesto City Police Department, who indicated no concerns with the project.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding fire services from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	☒
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
impacts, in order to maintain acceptable response times.				

Discussion:

(1) The project would not be inconsistent with the policies relating to fire services in the General Plan.

(2) The project was referred to the Modesto City Fire Department, who indicated no concerns with the project.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding solid waste from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the solid waste policies in the Urban Area General Plan.

(2) The project would not exceed the projected capacity of existing landfills or result in non-compliance with any federal, state or local statutes or regulations related to solid waste.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: HM-5 and HM-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	☒
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☐	☒
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	☒
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
evacuation plan.				
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the hazardous materials policies in the General Plan.

(2) No hazardous materials will be involved with the project.

(3) The project site is located approximately 0.12 miles from the nearest school. The project is residential in nature and would not result in hazardous materials emissions or waste.

(4) The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields.

(7) The project would not interfere with an adopted emergency response or evacuation plan.

(8) The project site is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies

appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding geologic resources from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding energy from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding visual resources from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	☒
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	☒
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	☒
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	☒
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	☒
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the policies relating the visual resources in the General Plan.

(2) The project would not have an adverse impact on a scenic vista. The site is located within the Planned Urbanizing Area of the City and is surrounded by undeveloped land to the east, residential ranchettes to the south and single-family residential homes to the north.

(3-4) The project would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings.

(5) The project would not cause substantial light or glare.

(6) The project would not impact views from riverside areas and parks. The nearest riverside area or park is Dry Creek one mile to the south.

(7) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures regarding land use and planning from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The site is designated as Residential (R) in the General Plan, and the proposed 24-lot single-family residential subdivision would be consistent with the Land Use Designation. The amendment to Precise Plan No. 30 would not alter the General Plan Land Use designation nor be in conflict with the designation.

(2) The project would not divide an established community.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Air Quality and Greenhouse Gases:

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,

- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

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

SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the General Plan MEIR.

Disturbance of Archaeological / Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

Increased Demand for Parks and Open Space:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Schools:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Police Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Fire Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Solid Waste:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Hazardous Materials:

HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (Policy VI.M.3)

HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-033

RESOLUTION APPROVING THE APPOINTMENT OF AMIN VOHRA AS THE 2021 PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT WITH A TERM EXPIRATION OF DECEMBER 31, 2021

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

WHERAS, the Planning Commission appoints a member on a yearly basis as a representative to the Board of Zoning Adjustment, and

WHEREAS, the Planning Commission met on January 6, 2021, and recommended the appointment of Amin Vohra as its representative to the Board of Zoning Adjustment for 2021, and

WHEREAS, Mr. Vohra is qualified and willing to act as the Planning Commission representative to the Board of Zoning Adjustment for 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the appointment of Amin Vohra as the 2021 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of December 31, 2021.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-034

RESOLUTION APPROVING THE APPOINTMENT OF CARMEN MORAD AS THE PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) WITH A TERM EXPIRATION OF DECEMBER 31, 2021

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

WHEREAS, the Planning Commission appoints an individual from their membership to serve as the Planning Commission representative to the Board of Zoning Adjustment (BZA) and the Citizens Housing and Community Development Committee (CH&CDC) each year, and

WHEREAS, on January 6, 2021, the Planning Commission recommended Carmen Morad as its representative to the Citizens Housing and Community Development Committee, and

WHEREAS, Mrs. Morad, as the Planning Commission's representative in 2016 and 2017, is qualified and willing to be reappointed as the Planning Commission representative to the CH&CDC for 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that Carmen Morad is hereby appointed as the 2021 Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of December 31, 2021.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing and Community Development, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-035

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 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 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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~~

EXHIBIT A

FISCAL YEAR 2020-21

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment is needed to establish a transfer out from Community Development Block Grants (CDBG) to the following projects:
  - 100866 – Sr Playground $200,000
  - 101228 – Kansas Ave 12 Inch Water Line $148,000

  The US Department of Housing and Urban Development (HUD) has authorized these funds to be used in accordance with the approved City CDBG Annual Action Plan, and a transfer is necessary to allocate the funding to the projects discretionary expense budgets.

- A budget adjustment in the amount of $296,558 is necessary to reduce expenses in the ESG-CV CARES Act Funding project, establish a transfer from the project to MPD ESG Homeless Outreach Program Expansion cost center and establish the cost centers budget in order to provide the Homeless Outreach services funded by the CARES Act.

POLICE DEPARTMENT

- A budget adjustment in the amount of $377,933 is needed for the 2019-20 State Law Enforcement Supplemental Funds (Project 101217) to recognize revenue received and program offsetting expenses in a like amount.

PARKS AND RECREATION

- A budget adjustment necessary to clean up the TRRP Masterplan Update 2020 project by establishing a transfer in the amount of $150,000 from the Parks Capital Facility Fee Fund to the TRRP CIP Fund while increasing the project expenditures by $50,359. The new masterplan will allow the City to go after grants to continue developing the TRRP parks.

- A budget adjustment is necessary to increase the expenditure budget for the Downtown Improvement District (DID) account 0100-80030-53505 (Intergovernmental Services – Other) by $191,181. This increase is necessary to cover the final fund disbursement to the DID as it separates its operations from the City of Modesto. One final true-up will be calculated at the end of fiscal year 2020-21 in order to provide any remaining fund balance to the DID.

- A budget adjustment is necessary in the amount of $225,000 to appropriate revenue received from the insurance provider related to the claim for the fire at the Dryden Course Clubhouse. These revenues will cover expenditures related to the renovations being completed at the clubhouse and will require an appropriation in both the revenue and expenditure appropriations of the Dryden Golf Course Rehabilitation Project (101294) in the amount of $225,000.

- A budget adjustment is necessary for the Tuolumne River Regional Park (TRRP) JPA operating budget to reduce the overall revenues and expenditures by $42,274 and $42,434, respectively. Due to the impacts of the COVID-19 pandemic, the TRRP JPA

Commission approved a revised budget on December 2, 2020 and this adjustment will enact the action that was approved by the Commission.

PUBLIC WORKS

- A budget adjustment in the amount of $900,000 is needed in the Surface Transportation Fund (1700) to establish the Upgrade High Voltage FY 20/21 Project (101304) expense budget. Additionally, a transfer out from the Gas Tax Fund (1730) to the project is needed in the amount of $900,000. This project will continue to upgrade the High Voltage Circuits within the City. City Council per resolution 2019-91 recommended the approach to replace 150 high voltage street lights each year at an estimated cost of $1,000,000. This adjustment is accounting for the anticipated replacement expenses for high voltage for fiscal year 2020-2021 which was not included as part of budget adoption as at the time staff was uncertain on the available Senate Bill 1 – RMRA funding and Gas Tax reserves. Council approved the Senate Bill 1 Maintenance of Effort on November 10, 2020 per resolution 2020-467 which allowed the City to obtain FY 20/21 Senate Bill 1 RMRA funds estimated in the amount of $3,698,584 and provided the funding needed for this project to continue.

UTILITIES

- A budget adjustment in the amount of $5,020,000 is needed in the Sewer Operations Fund (4210) to establish the Sutter Trunk – Phase 2 Improvements Project (101298) expense budget. This rehabilitation project will replace approximately 5,000 linear feet of undersized trunk line.

- A budget adjustment in the amount of $68,840 is needed in the Capital Improvement Services Fund 1300, Construction Administration Part-Time staff 42025 cost center. The adjustment will amend the Salaries and Wages - Part-time account as it was not budgeted in the current fiscal year. Additionally, an adjustment in the amount of $36,420 is necessary to the revenue account Interfund Charges - Service Credit Labor Charges to recognize the revenue that part-time staff charge to projects. The adjustment will balance both accounts. The part-time staff in this cost center charges out time to various cost centers and projects and the revenue is receipted back to the cost center.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-036

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR KIERNAN BUSINESS PARK EAST PHASE 1 GREWAL PARKWAY IMPROVEMENTS, LOCATED EAST OF THE KAISER HOSPITAL ON DALE ROAD AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, a tentative Parcel Map was approved by the City Planning Commission on June 19, 2017 per Planning Commission Resolution No. 2017-16, and

WHEREAS, the Resolution required certain improvements be made along Dale Road Grewal Parkway, Bruno Parkway and modifications to the signalized intersection of Dale and Grewal ("PUBLIC IMPROVEMENTS"), and

WHEREAS, said PUBLIC IMPROVEMENTS, have been completed to the satisfaction of the Utilities Department, and

WHEREAS, the Construction Administration Office of the Utilities Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, the Community Facilities District No. 2016-1 (Kiernan Business Park East #2) will assume maintenance responsibilities of the storm drainage, landscaping and irrigation along Grewal Parkway, Bruno Parkway and the east side of Dale Road, and

WHEREAS, the City of Modesto will assume maintenance responsibilities of the street and remaining utilities and infrastructure upon acceptance of the PUBLIC IMPROVEMENTS, and

WHEREAS, pursuant to Resolution, SUBDIVIDER has filed a Faithful Performance Bond through Ross F. Carroll, Inc. in the amount of $2,355,404.48, a Payment Bond in the amount of $2,355,404.48 and a Warranty Bond in the amount of $235,540.45, and

WHEREAS, the City Engineer has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto to accept PUBLIC IMPROVEMENTS for Kiernan Business Park East Phase 1 Grewal Parkway Improvements located east of the Kaiser Hospital on Dale Road as complete, and to authorize the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-037

RESOLUTION APPROVING AN EMERGENCY SOLUTIONS GRANT CARES ACT ROUND 2 (ESG-CV2) GRANT AGREEMENT TO DOWNTOWN STREETS TEAM AND COMMUNITY HOUSING AND SHELTER SERVICES IN AN AMOUNT NOT TO EXCEED $500,000 PLUS ACTIVITY DELIVERY COSTS FOR A CAMP2HOME RAPID REHOUSING PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded $1,118,269 in CDBG-CV1 and $567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, on June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional $3,360,962 in Emergency Solutions Grants – Coronavirus (ESG-CV2) and this funding was programmed by 2019-2020 Annual Action Plan Amendment #4 approved by City Council on October 27, 2020 by Resolution 2020-448, and

WHEREAS, Amendment #4 launched the City's Camp2Home Program as one of the City's response to the homelessness issues in order to mitigate the effects of COVID-19 on this population of our Community, and

WHEREAS, the goal of the Camp2Home program is to implement a homeless action plan that reduces encampments in public spaces, ensures the provision of supportive services and identifies strategies for permanent housing, and

WHEREAS, individuals engaged in shelters and experiencing homelessness often find themselves in a cycle of homelessness, and

WHEREAS, due to COVID-19 and the economic downturn, it is even harder for those to rebuild their lives through employment and housing, and

WHEREAS, Downtown Streets Team has developed an individual centric curriculum designed to meet individuals where they are and assist each individual to a place of self-sufficiency, and

WHEREAS, this program will develop skills in identifying goals and barriers, financial literacy, and housing readiness and each of these modules are taught with the goal of breaking the cycle of homelessness with dignity, and

WHEREAS, Downtown Streets Team will continue this oversight and case management of the individuals that graduate on to gainful employment, and

WHEREAS, program graduates that move on to gainful sustainable employment will be eligible for rapid rehousing assistance which will be managed by Community Housing and Shelter Services, and

WHEREAS, these graduates that move on to gainful sustainable employment will be eligible for rapid rehousing assistance, and

WHEREAS, ESG-CV2 funds will be used in partnership with Downtown Streets Team along with the expertise of Community Housing and Shelter Services to engage with homeless individuals as they move on to self-sufficient living by providing informed oversight as well as financial support in the form of security deposits, utility deposits, and rental assistance for up to one year as part of the rapid rehousing program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) grant agreement to Downtown Streets Team and Community Housing and Shelter Services in a total amount not to exceed $500,000 plus activity delivery costs for a Camp to Home Rapid Rehousing program.

BE IT FURTHER RESOLVED; authorize the City Manager or his designee to execute any documents and/or agreements with such changes as determined by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-038

RESOLUTION APPROVING AN AGREEMENT WITH DIGITAL ASSURANCE CERTIFICATION (DAC) LLC, ORLANDO, FLORIDA, FOR POST-ISSUANCE SECURITIES AND TAX COMPLIANCE SERVICES FOR SEVEN (7) YEARS AT AN ANTICIPATED ANNUAL COST OF UP TO $12,000 AND A TOTAL AMOUNT NOT TO EXCEED $84,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Municipal Code Section 8-4.301, the City may issue bonds or refund bonds based on the financing needs for the City which will, in the long-term, benefit the City's debt financing portfolio strategy, and

WHEREAS, U.S. Securities and Exchange Commission (SEC) Rule 15c2-12 requires that issuers of municipal debt are primarily responsible for the content of their disclosure documents, and

WHEREAS, the City utilizes a post-issuance securities and tax compliance services company to assist in monitoring the City's debt portfolio of over $457 million with oversight by the Director of Finance, and

WHEREAS, Digital Assurance Certification (DAC) will assist the City in fulfilling the responsibilities under SEC Rule 15c2-12, by helping to avoid potential issues and assist in ensuring the requirements and all critical filing deadlines are met, and

WHEREAS, these services include the following:

1. Information dissemination
2. An integrated repository of current and previous disclosures
3. Compliance templates
4. Reminders of critical filing deadlines
5. Rating change alerts

6. Example policies and procedures.

7. Training on updates and new regulations

WHEREAS, since 2015 DAC has provided support for the City of Modesto and continues to ensure all responsibilities related to debt issuances are met and the City stays in compliance with any regulations, and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(b) of the Modesto Municipal Code, a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, DAC holds a patent on technology and is the only company that provides the service of reporting all disclosures directly to the Municipal Securities Rulemaking Board's (MSRB) Electronic Municipal Market Access (EMMA) system along with a repository and receipt service, and

WHEREAS, current estimated annual costs are approximately $7,000 and vary each year depending on the complexity and number of debt transactions; the City shall pay DAC the following rates for services based on the debt financing needs of the organization for the various services performed during each fiscal year:

- One-time set-up fee for each new issue $2,500
- Ongoing rating monitoring and filing fee $1,000
- Ongoing annual filing/storage fee $4,500

THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that it hereby approves an agreement with digital assurance certification (DAC) LLC, Orlando,

Florida, for post-issuance securities and tax compliance services for seven (7) years at an anticipated annual cost of up to $12,000 and a total amount not to exceed $84,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-039

RESOLUTION APPROVING THE EXTENSION OF TERMINATION DATES OF TWO ANNUAL PURCHASING AGREEMENTS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED PURCHASE AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL

WHEREAS, City staff continues to review and monitor over 1,000 purchasing items and identify the best and most efficient way to procure the needs of the City, and

WHEREAS, to ensure that goods and services are available to effectively manage the operations of the City, the Purchasing Division is making every attempt to expedite the bidding process and making sure we have new agreements in place before the current agreements expire, and

WHEREAS, the Finance Department has implemented bi-monthly purchasing training to educate City Staff about the standards which govern the City's purchases, including the City's Charter, Municipal Code, implementation of Administrative Directive 7.5 Purchasing Policy, and updated Purchasing Purchase Manual, and

WHEREAS, the Finance Department continues to work with departments to address the on-going procurement needs of the City and strategizing the best solution to ensure a new agreement can be approved by the time the existing annual purchasing and consultant agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in **Attachment** A – Purchasing Agreement Extension Dates), and

WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreements with various vendors as **attached**; approving the term dates for the services stated herein; and authorizing the Purchasing Manager, or her designee, to issue the identified Annual Purchasing Agreements terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

Attachment A - Purchasing Agreement Extension Dates

No.	Description	Supplier	Agreement Amount	Vendor Invoices Paid or Pending Payment - 11/2/20	Amount Remaining on Agreement	Original Start Date	Original Term Date	Revised Term Date
1	ANNUAL AGREEMENT - GRANULAR ACTIVATED CARBON - RFB 1516-18, RESOLUTION 2016-88	CALGON CARBON CORPORATION	$ 1,384,945	$ 966,491	$ 418,454	8-Mar-2016	7-Mar-21	7-Sep-21
2	ANNUAL AGREEMENT FOR AFTER HOURS ON-CALL ANSWERING SERVICES WATER AND WASTEWATER DIVISIONS RESO 2016-114.	HARTLEY AND ASSOCIATES	$ 203,000	$ 126,028	$ 76,972	22-Mar-2016	21-Mar-21	21-Sep-21

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-040

RESOLUTION AUTHORIZING AN INCREASE NOT TO EXCEED $150,000 FOR A REVISED TOTAL AMOUNT OF $3,947,057 TO FUND UNPAID HEALTH CLAIMS SETTLEMENTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SETTELMENTS

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, following notice of the current health plan provider's failure to pay outstanding claims, initiated the need for the City to determine most effective way to negotiate unpaid outstanding claims; and

WHEREAS, by Resolution No. 2019-147, the Council approved an agreement with S&S Healthcare Strategies, Ltd. for negotiation of unpaid medical claims; and

WHEREAS, the Council approved the full reimbursement of employees who paid claims on or before March 1, 2019 that should have been paid by previous plan provider, Riverstone Capital; and

WHEREAS, by Resolution No. 2019-147, the Council approved the use of $2,626,000 of Employee Benefits Fund reserves for initial funding of employee reimbursement, claims negotiation and settlement in the amount of $2,626,000; and

WHEREAS, the City began negotiations with providers; and

WHEREAS, by Resolution No. 2020-258, the Council approved the use of an additional amount of $1,171,057; and

WHEREAS, negotiations have been successful but additional funds are needed to continue settling outstanding unpaid claims; and

WHEREAS, the City may fund claims settlement through the Employee Benefit

Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves additional funding in the amount not to exceed $150,000 for a total of $3,947,057 for negotiated settlement of remaining outstanding unpaid medical claims with cooperating providers.

BE IT FURTHER RESOLVED that the Director of Human Resources is hereby authorized to serve as the coordinator for the various plans.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary agreements relating to employee and dependent health care to fulfill the intent of this Resolution, in a form approved by Legal Counsel, including such provisions as may be necessary to meet requirements of the Independent Fiduciary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-041

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 OPERATING BUDGET IN THE AMOUNT OF $150,000 TO FUND UNPAID HEALTH CLAIMS SETTLEMENTS CAUSED BY RIVERSTONE CAPITAL INSOLVENCY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, funding for the health care contributions mentioned in this agenda item is not currently budgeted in Fiscal Year 2020-21, and

WHEREAS, certain budgetary actions are required to fulfill this action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-21 Operating Budget in the amount of $150,000 fund unpaid health claims settlements caused by Riverstone Capital insolvency.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-042

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH ESRI ENTERPRISE ADVANTAGE PROGRAM FOR TECHNICAL ADVISORY SERVICES, TRAINING AND SERVICE CREDITS FOR A ONE-YEAR AGREEMENT WITH A ONE-YEAR EXTENSION OPTION FOR AN ANNUAL AMOUNT NOT TO EXCEED $92,200 AND A TOTAL AMOUNT NOT TO EXCEED $184,400 OVER TWO YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in April 2016, the Modesto Police Department began the process of building the Real Time Crime Center (RTCC), and

WHEREAS, in February 2017, the Modesto Police Department entered into a five-year contract with CyberTech Systems and software, Inc. and ESRI Advantage Program (RFP 1617-04, RESO No. 2017-52) to provide the real-time crime dashboard and infrastructure for the RTCC, and

WHEREAS, the Modesto Police Department is currently in year 3 of the 5-year contract with CyberTech Systems and Software, Inc. for the ESRI for Small Public Safety Agencies software analytics platform, and

WHEREAS, ESRI is a powerful mapping and spatial analytics software that is used to gain greater insights by organizing, analyzing and visualizing selected data into interactive dashboards, and

WHEREAS, to utilize the complete functionality of ESRI's robust software, staff training is needed, and

WHEREAS, training and technical assistance/support is what is provided through the ESRI Enterprise Advantage Program (EEAP), and

WHEREAS, funding for this purchase will from the Modesto Police Department's 2018 Edward Byrne Memorial Justice Assistance Grant (BJAG) in year one, and

WHEREAS, should the extension option be exercised, year two funding will come from the Modesto Police Department's 2017-18 Supplemental Law Enforcement Services Fund (SLESF) Project No. 101059, and

WHEREAS, the purpose of the EEAP is to maximize the functional of the ESRI technology and develop staff to be subject matter experts within the organization instead of needing to hire outside vendors to achieve the goals of the organization, and

WHEREAS, this is a one-year contract that includes 100 technical advisor hours, quarterly technology webcasts and 100 learning and service credits, 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, and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(b) "Where the Purchasing Agency's requirements can be met solely by a single article or process," and

WHEREAS, the Modesto Police Department is currently in a 5-year contract with ESRI and they are the proprietary provider of this service, and

WHEREAS, here, ESRI should be exempt from the formal bidding procedure in accordance with the Modesto Municipal Code 8-3.204(b) as this vendor and the Modesto Police Department have invested over four years building the Real Time Crime Center

(RTCC) and ERSI is the proprietary provider of the training, technical support, and service credits, and

WHEREAS, therefore, this purchase qualifies for exemption from the formal bidding process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sole source agreement between the City of Modesto and CyberTech Systems and Software, Inc. for the ESRI Enterprise Advantage Program for technical advisory services, training and service credits for a one-year agreement with a one-year extension option, for an annual amount not to exceed $92,000, and a total amount not to exceed $184,000.

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 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-043

RESOLUTION APPROVING AN EXTENSION TO PURCHASE AGREEMENT NO. 166895 WITH FERRELLGAS LP, ELK GROVE, CA, FOR THE PURCHASE OF LIQUEFIED PETROLEUM GAS FOR THE WATER CORPORATION YARD PROJECT (NORTHEAST CORPORATION YARD) FOR A TWO (2) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $31,320 AND A NOT TO EXCEED AMOUNT OF $125,280 OVER FOUR (4) YEARS AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT

WHEREAS, on November 4, 2015, by Resolution No. 2015-424, Council approved the purchase of a 48.62-acre site at 4240 Litt Road in northeast Modesto for the future construction of the Water Corporation Yard Project, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-93, Council awarded a $14.1 million design build contract to Diede Construction for the Water Corporation Yard Project, and

WHEREAS, to meet the Water Corporation Yard Project contract end date of December 10, 2019 and allow staff to begin utilizing the facility at the completion of the project, staff requested a purchase agreement be entered into with Ferrellgas, LP, Elk Grove, CA, by utilizing the competitive bid process, “piggybacking”, with the State of California’s contract to provide Liquefied Petroleum Gas, and

WHEREAS, MMC Section 8-3.204(d) is available where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served, and

WHEREAS, on September 3, 2019, by Resolution No. 2019-392, Council approved a Purchase Agreement with Ferrellgas LP, Elk Grove, CA, by utilizing the competitive bid process with the State of California Department of General Services for the purchase of Liquefied Petroleum Gas for the Northeast Corporation Yard for a term of one-year in an amount not to exceed $31,320 and authorized the Purchasing Manager, or her designee, to execute the Purchasing Agreement, and

WHEREAS, Staff is requesting that at this time Council consider extending their approval to coincide with the full term of the State's contract for Purchasing Agreement No. 166895 with Ferrellgas: Year One September 3, 2019 through February 9, 2020

Year Two	February 10, 2020 through February 9, 2021
Year Three	February 10, 2021 through February 9, 2022
Year Four	February 10, 2022 through February 9, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an extension to Purchasing Agreement No. 166895 with Ferrellgas, LP, Elk Grove, CA, for a two (2) year agreement with two (2) one-year extension options, for an estimated annual cost of $31,320 and a not to exceed amount of $125,280 over four years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-044

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH O'DELL ENGINEERING, OF MODESTO, CA, FOR ADDITIONAL DESIGN SERVICES FOR THE HIGHWAY VILLAGE STRENGTHEN & REPLACE WATER MAINS PROJECT IN AN AMOUNT NOT TO EXCEED $53,000, FOR AN AMENDED TOTAL AMOUNT NOT TO EXCEED $165,187, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, Utilities Engineering is currently managing the Highway Village Strengthen & Replace Water Mains Project, which will replace and upgrade deficient water mains, associated valves, and fire hydrants to improve system reliability, flows and pressure, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-84, Council approved an agreement with O'Dell Engineering, Modesto, CA, for Design Services for the Highway Village Strengthen & Replace Water Mains Project in an amount not to exceed $101,988 for the identified scope of services, plus $10,199 for additional services (if needed), for a maximum total amount of $112,187, and

WHEREAS, City staff, City representatives and or its agents are required to have written consent from property owners to make the proposed improvements on their property, and

WHEREAS, approximately 224 properties will be affected; requiring City Staff and O'Dell Engineering to prepare right-of-entry agreements and conduct outreach efforts to residents and property owners to inform them of the impacts the project will have, and

WHEREAS, O'Dell Engineering is the Engineer-of-Record for the Highway Village Strengthen & Replace Water Mains Project, and

WHEREAS, engineering support during construction services are necessary from O'Dell Engineering to ensure construction of the water mains meets the original design described in the plans and specifications, and

WHEREAS, O'Dell Engineering will provide support to City staff, by reviewing submittals and requests for information, attending construction meetings and preparing record drawings, and

WHEREAS, an amendment to the agreement is necessary to cover the additional cost for the expanded scope of work, City staff is recommending an amendment to the agreement with O'Dell Engineering, in the amount of $53,000, to allow continued design services throughout the construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the agreement with O'Dell Engineering, of Modesto, CA, for additional Design Services for the Highway Village Strengthen & Replace Water Mains Project in an amount not to exceed $53,000, for a new total amount not to exceed $165,187.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-045

RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 10 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CREATE THE NEW LAND USE DESIGNATION OF MIXED USE 2 (MU2) TO ALLOW FOR BUSIENSS PARK USES OR MEDIUM HIGH DENSITY RESIDENTIAL USES TO A MAXIMUM OF 550 DWELLING UNITS ON THREE PARCELS TOTALING 22.9 ACRES, PROPERTY LOCATED ON THE NORTH SIDE OF HEALTHCARE WAY WEST OF DALE ROAD

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159, adopted the Kiernan Business Park Specific Plan, and

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

WHEREAS, on November 4, 1997, the City Council by Resolution No. 97-631 adopted Amendment No. 1 to the Kiernan Business Park Specific Plan to add language to allow for changes in utility service providers, and

WHEREAS, on April 7, 1998, the City Council by Resolution No. 98-170 adopted Amendment No. 2 to the Kiernan Business Park Specific Plan to add language to permit indoor theaters in the Regional Commercial Designation within a Planned Development Zone, and

WHEREAS, on August 10, 2004, the City Council by Resolution No. 2004-424 adopted Amendment No. 3 to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street system in the future business park, and to incorporate design standards into the Specific Plan, and

WHEREAS, on September 1, 2009, the City Council by Resolution No. 2009-420 adopted Amendment No. 4 to re-designate 39 acres located on the east side of Dale Road

between Kiernan Avenue and Bangs Avenue from Business Park (BP) to Mixed Use (MU) and Medium-High Density Residential (MHDR), to modify the circulation plans, incorporate MU and MHDR design standards and guidelines, and establish facilities plans for the area bounded by Kiernan Avenue, Dale Road, Bangs Avenue, and American Avenue, and

WHEREAS, on December 15, 2015, the City Council by Resolution No. 2015-499 adopted Amendment No. 5 to amend the storm drain provisions and to clarify and simplify land use and development standard regulations for the Specific Plan, and

WHEREAS, on May 2, 2017, the City Council by Resolution No. 2017-171 adopted Amendment No. 6 to amend the definition of allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses, and

WHEREAS, on May 1, 2018, the City Council by Resolution No. 2018-166 adopted Amendment No. 7 to change the land use designation of 2.8 acres located on Pelandale Avenue east of Chapman Road from Office (O) uses to Regional Commercial (RC) uses, and

WHEREAS, on October 5, 2018, the Director of Community and Economic Development approved Amendment No. 8 to the Specific Plan, a minor administrative amendment as provided by Section IX-B.1.a of the Specific Plan, to allow for development of up to 33 additional dwelling units within the Mixed Use (MU) land use designation, and

WHEREAS, on December 18, 2018, the Director of Community and Economic Development approved Amendment No. 9 to the Specific Plan, a minor administrative

amendment as provided by Section IX-B.1.a of the Specific Plan, to amend the Circulation Plan of the Specific Plan relative to the alignment of Healthcare Way west of Dale Road and the Kaiser Modesto Medical Center, and

WHEREAS, Ronald J. Malik has filed an application to amend the Kiernan Business Park Specific Plan to change the land use designation of 22.9 acres located on the north side of Healthcare Way west of Dale Road from Business Park (BP) to the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units or a mixture of the two uses, and

WHEREAS, on September 23, 2020 the proposed Specific Plan Amendment was referred to the Sylvan and Modesto School Districts, Modesto Irrigation District, Local Agency Formation Commission, County Planning and Community Development, and the Environmental Resources Director, for a 45 day referral period in accordance with Government Code sections 65453 and 65352, and

WHEREAS, on December 21, 2020, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed Village One Specific Plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2020-09, recommended to the City Council approval of an amendment to the Kiernan Business Park Specific Plan to amend the Kiernan Business Park Specific Plan to change the land use designation of 22.9 acres located on the north side of

Healthcare Way west of Dale Road from Business Park (BP) to the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units or a mixture of the two uses, with the provision that the minimum density of residential uses be 15 dwelling units per acre, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 9, 2021, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Amendment No. 10 to the Kiernan Business Park Specific Plan, property located north of Healthcare Way and west of Dale Road is consistent with the Modesto Urban Area General Plan, which designated the site as Business Park (BP) and allows for Business Park land uses as prescribed by the Kiernan Business Park Specific Plan, and the addition of the Mixed Use 2 (MU2) land use to the Specific Plan would allow for business park uses as is already permitted within the Specific Plan, or allow for Medium High Density Residential uses to a maximum of 550 dwelling units with a minimum density of 15 units per acre, or a mixture of the two uses, within the 22.9-acre amendment area.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Kiernan Business Park Specific Plan is hereby amended to change the land use designation of 22.9 acres located on the north side of Healthcare Way west of Dale Road from Business Park (BP) to the new land use designation of Mixed Use 2 (MU2) to allow

for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units with a minimum density of 15 units per acre or a mixture of the two uses, as shown on **Exhibit** "A" **attached** hereto and incorporated herein by reference.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

Text Amendment to Kiernan Business Park Specific Plan

EXHIBIT "G" TO PROJECT DESCRIPTION AND PURPOSE OF PROPOSAL
TEXTUAL AND OTHER REVISIONS PROPOSED TO SPA #10 TO KBPSP

AMENDMENTS TO SECTION III - SPECIFIC PLAN ELEMENTS.

Subsection III.A. The first sentence, second paragraph of Subsection A in Section III on page 1 is revised to read as follows:

> The Specific Plan defines ~~six~~ **seven** land use designations for the Plan area: Business Park (BP), Office (O), Regional Commercial (RC), Medical Campus (MC), Mixed Use (MU), **Mixed Use 2 (MU2)** and Medium High Density Residential (MHDR).

Section III, Figure III-1. Figure III – 1 (Land Use Plan Diagram) in Section III on page 2 is revised to show the Mixed Use 2 (MU2) designation on the diagram and its legend and to revise the current legend entry of "Mixed Uses" to "Mixed Use" as follows:

Section III, Table III-1. Table III – 1 (Land Use Summary) in Section III on page 3 is revised to add a land use summary for Mixed Use 2 (MU2), revise the text that appears directly under the table, and to add footnote 5 as follows:

Development Area	Approximate Gross Acres	Maximum Density Allowed (sf)	Dwelling Unit Max
Mixed Use 2 (MU2) Area[5] Phase II			
BP Scenario maximums	**22.9**	**Included in Business Park Area (BP) Phase II above**	**n/a**
MHDR Scenario maximums	**22.9**	**550,000 gsf (MHDR)**	**550 units**
Subtotal	**22.9**	**550,000 gsf (if MHDR)**	

			550 units (if MHDR)

Table III-1: Kiernan Business Park – Maximum Buildout Land Use Scenario Summary **for Phase I (area east of Dale Road) and Phase II (area west of Dale Road)**

[5]MU2 can develop either as BP or MHDR, or a combination, so maximums shown in each scenario are not cumulative and should not be counted as such in subtotals or totals.

Subsection III, B.7. A new subsection B.7 is added to Section III on page 8 prior to subsection C as follows:

7. Mixed Use 2 (MU2) Area Permitted Uses.

a. Allowable Uses. The land uses allowed in the Mixed Use 2 (MU2) Area shall be those uses allowable in the Business Park (BP) Area or the Medium High Density Residential (MHDR) Area of the Specific Plan. MHDR uses shall be at a minimum density of 15 dwelling units per acre.

b. Conditional Uses. The land uses permitted in the Mixed Use 2 (MU2) Area subject to approval of a conditional use permit in accordance with Section 10-9.701 et seq. shall be those conditional uses permitted in the Business Park (BP) Area of the Specific Plan.

c. Ancillary Uses. The ancillary uses allowed in the Mixed Use 2 (MU2) Area shall be those allowed in the Business Park (BP) Area of the Specific Plan.

AMENDMENTS TO SECTION IV - DEVELOPMENT STANDARDS.

Subsection IV.A.2.1.5. A new subsection A.2.1.5 is added to Section IV at the bottom of page 12 as follows:

5) Mixed Use 2 (MU2) Signage.

Signs in the Mixed Use 2 (MU2) Area shall conform to either the Business Park (BP) sign requirements in subsection 1) above or the Medium High Density Residential (MHDR) sign requirements in subsection 3) above, based upon the type of projects actually constructed in the Mixed Use 2 (MU2) Area.

Subsection IV.H. A new Section H is added to Section IV between pages 31 and 32 as follows:

H. Development Standards for Mixed Use 2 (MU2) Area.

Definition of Mixed Use 2 (MU2) land use: MU2 allows land uses from either the Business Park (BP) land use designation or the Medium High Density Residential (MHDR) land use designation in the Specific Plan.

If land is developed with Business Park (BP) uses in the Mixed Use 2 (MU2) Area, the Development Standards in this Section IV for the Business Park (BP) Area shall apply.

If land is developed with Medium High Density Residential uses in the Mixed Uses 2 (MU2) Area, the Development Standards in this Section IV for the Medium High Density Residential (MHDR) Area shall apply.

Chart in Section IV, page 32. A footnote is added to the un-numbered chart entitled "SUMMARY OF DEVELOPMENT STANDARDS" found Section IV at page 32 as follows:

1. For the Mixed Use 2 (MU2) Area, the development standards for BP shall apply for BP uses and those for MHDR shall apply for MHDR uses except that in the MHDR Area, residential uses may be up to four (4) stories high plus loft and building height may be up to fifty-five (55) feet.

AMENDMENTS TO TABLE OF CONTENTS.

Table of Contents. The Table of Contents to the KBPSP will be revised to reflect the amendments listed above.

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PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-046

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2014042081): AMENDMENT NO. 10 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CREATE THE NEW LAND USE DESIGNATION OF MIXED USE 2 (MU2) TO ALLOW FOR BUSINESS PARK USES OR MEDIUM HIGH DENSITY RESIDENTIAL USES TO A MAXIMUM OF 550 DWELLING UNITS ON THREE PARCELS TOTALING 22.9 ACRES PROPERTY LOCATED NORTH OF HEALTHCARE WAY WEST OF DALE ROAD

WHEREAS, on March 5, 2019, by Resolution 2019-108, Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, Ronald J. Malik has proposed an amendment to the Kiernan Business Park Specific Plan to change the land use designation of 22.9 acres located on the north side of Healthcare Way west of Dale Road from Business Park (BP) to the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units or a mixture of the two uses, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-21 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on January 20, 2021, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 9, 2021, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Kiernan Business Park Specific Plan, a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2020-21

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2020-21

For the proposed:

SPA-20-002
Proposed Amendment No. 10 to the Kiernan Business Park Specific Plan, Addition of New "Mixed Use 2" (MU2) Land Use Designation

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

November 16, 2020

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed Specific Plan Amendment ("project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: SPA-20-002—Amendment to the Kiernan Business Specific Plan, addition of new "Mixed Use 2" (MU2) Land Use designation for 22.9 gross acres located on the north side of Healthcare Way, north of Kaiser Modesto Medical Center and west of Dale Road.

B. Address or Location: 3101 Healthcare Way (APNs 078-069-010, -011, 012

C. Applicant: Ron Malik, 1709 Lourmarin Court, Modesto CA 95356

D. City Contact Person: Katharine Martin, Senior Planner

Project Manager: Katharine Martin
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-577-5267
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Business Park (BP)

F. Current Zoning Classification(s): Specific Plan (SP)

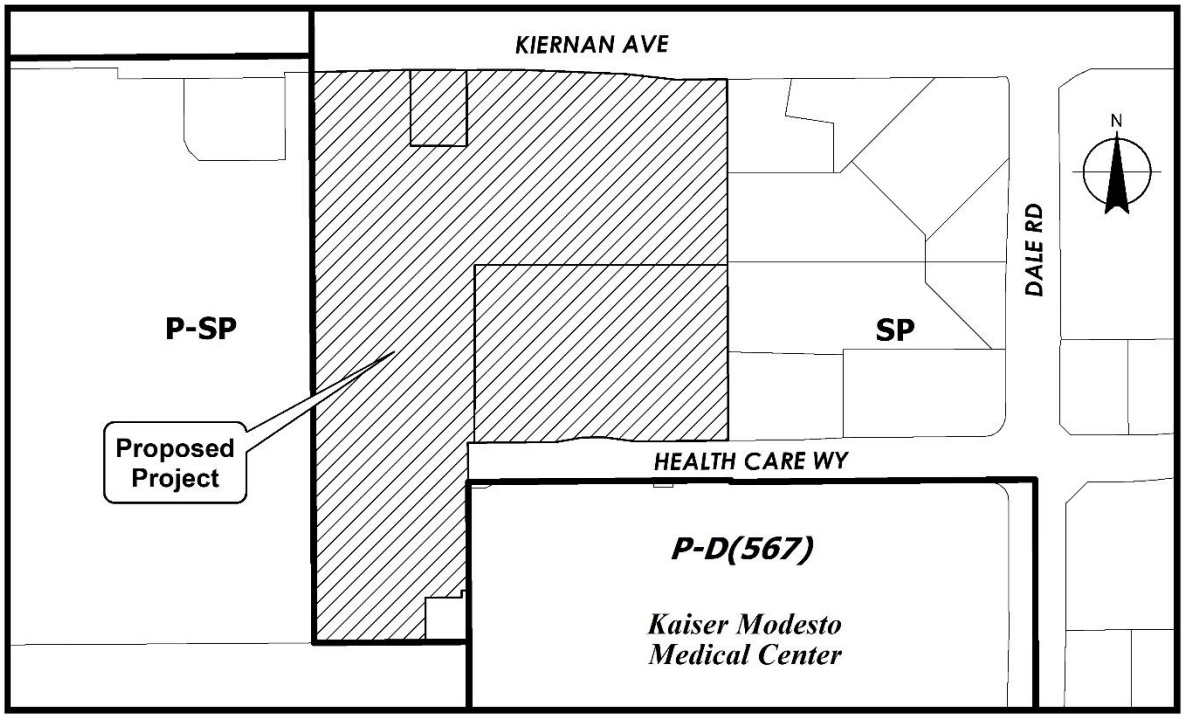
G. Surrounding Land Uses:

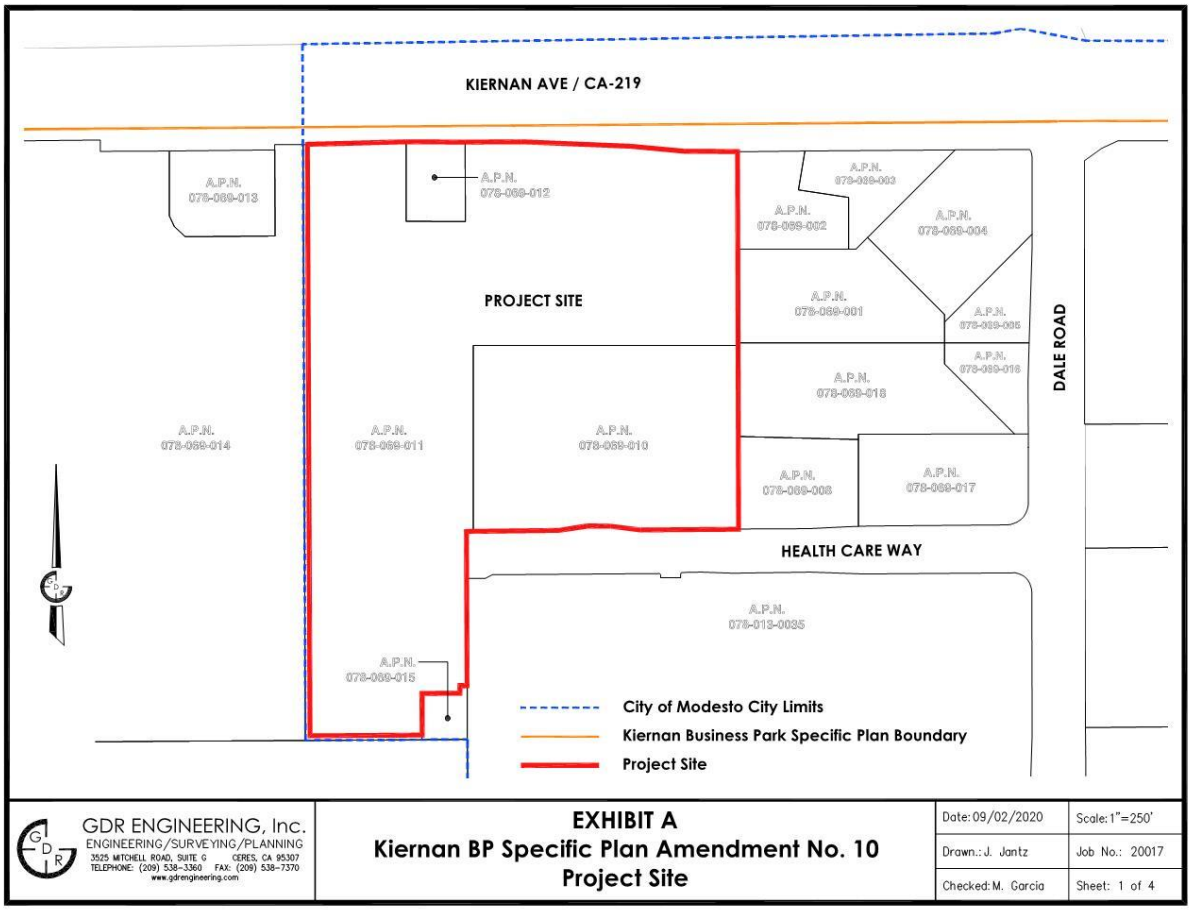
North: CA State Highway 219, County Unincorporated Area, Salida Community Plan PI (Planned Industrial), currently in almond orchard production.
South: City Incorporated Area, Planned Development Zone P-D(567), Kaiser Permanente Modesto Medical Center
East: City Incorporated Area, Specific Plan (SP) Zone, Hotel, Vacant Land
West: County Unincorporated Area, Kiernan Business Park Specific Plan area (Business Park land use designation), currently in seasonal alfalfa production.

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposed amendment to the Kiernan Business Park Specific Plan to include the new land use designation of Mixed Use 2 (MU2) to Section III of the Specific Plan document and the Land Use Diagram (Figure III-1) for three parcels comprised of 22.9 acres, properties located on the north side of Healthcare Way north of Kaiser Modesto Medical Center and west of Dale Road. The MU2 designation would provide for Business Park and/or Medium-High Density Residential uses at the project site.

The allowable uses within the proposed MU2 would be Business Park uses as already summarized in Table III-1 of the Specific Plan for the Phase II Business Park designation, or Medium High Density Residential (MHDR) uses at a maximum of 550,000 gross square foot of building area and a maximum of 550 dwelling units, or a mixture of the two uses. No development is proposed with the amendment to the Specific Plan. Future development would be subject to the Development Plan Review Process in accordance to Section IX of the Specific Plan and Article 10, Chapter 9, Title 10 of the Modesto Municipal Code, and any applicable mitigation measures from the Master EIR applied as conditions for such projects where necessary.





I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

B. No new or additional mitigation measures or alternatives are required;

C. The subsequent project is within the scope of the project covered by the Master EIR; and,

D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

2. ___ Mitigated Negative Declaration Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3.____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Project Manager	Title	Date
	SENIOR PLANNER	DEC. 11, 2020

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	☒	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	☒
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	☒
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☒	☐
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☐	☒
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	☒
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☒	☐

Discussion:

(1) The proposal proposes the addition of a new land use designation, "Mixed Use 2" (MU2), to provide for either business park uses as already permitted within the Specific Plan, or Medium High Density Residential uses for a maximum of 550 dwelling units. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with traffic volumes or impacts to alternative modes of transportation.

(2) The proposed land use amendment would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) The nearest airport is the City-County Airport approximately seven miles away to the south, and the amendment area is not located within a safety zone as established by the Airport Land Use Commission. A helipad exists at the Kaiser Modesto Medical Center to the south, with a northwest-northeast approach-departure pattern, which may create noise intrusion to any future residential development.

(4) The proposed land use amendment would not substantially increase vehicle hazards due to a design feature. The project was referred to the Traffic Engineering Department, who indicated no concerns.

(5) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. A bus stop is located on Dale Road south of the site, and bus turn-outs are installed on Healthcare Drive in anticipation of future bus service.

(6) The applicant provided a traffic impact study conducted by KD Anderson and Associates (November 25, 2020) which concluded that the area of the proposed MU2 land use designation, if developed with entirely residential uses, would be expected to generate fewer vehicle trips that was expected from business park uses as already permitted. Therefore, there would be no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts. No additional mitigation measures would be required.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include AQ-87, AQ-100, AQ-101, AQ-103 through AQ-105 and AQ-107 through AQ-117 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	☒
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	☒
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	☒
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☐	☒
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	☒

Discussion:

(1) The proposal involves amending the Specific Plan to allow for either Business Park uses already permitted or Medium-High Density Residential uses within the 22.9 acres of the amendment area to a maximum of 550 dwelling units. No development is proposed with the amendment; however, any future development would be subject to Development Plan Review prior to issuance of a building permit, and subject to the mitigation measures outlined above.

(2) The land use amendment would not conflict with or obstruct implementation of the applicable air quality plan.

(3) The proposal involves the amendment of the Specific Plan to add a new land use, and would not itself violate any air quality standard or contribute substantially to existing or projected violation. Any future development would be subject to Development Plan Review prior to issuance of a building permit, and applicable mitigation measures would be required as conditions of approval to the project.

(4) The proposed land use amendment would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. A traffic analysis provided by KD Anderson and Associates (November 25, 2020) concluded that the traffic impact of residential uses would be similar or less than those previously identified for the Specific Plan.

(5) The area proposed for the land use amendment is in close proximity to a hospital. However, any future development would be subject to the Development Plan Review process, and mitigation measures from the MEIR would be applied where required to reduce air quality impacts to a less than significant level.

(6) The nearest population concentration is within the hospital in close proximity to the site. While no development is proposed with the amendment, future development would be subject to the Development Plan Review process and mitigation measures from the MEIR would be applied to reduce impacts to a less than significant level.

(7) The proposed amendment itself would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. A traffic analysis provided by KD Anderson and Associates (November 25, 2020) concluded that the traffic impact of residential uses would be similar or less than those previously identified for the Specific Plan.

(8) The proposed amendment itself would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include Noise-4 and Noise-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	☒
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☐	☒
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	☒
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☐	☒
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☒
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L_{max} inside bedrooms or 55 dBA L_{max} inside other occupied areas.	☐	☐	☐	☒

Discussion:

(1) The proposed amendment is not inconsistent with Urban Area General Plan noise and vibration policies and standards. No development is proposed with the amendment; however, any future development would be subject to Development Plan Review prior to issuance of a building permit, and mitigation measures applicable to such future development would be applied.

(2-3) The proposed land use amendment would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. However, any future development would be subject to the Development Plan Review process and application of noise mitigation measures that would reduce impacts.

(4) The proposal involves the addition of a new land use that would provide for Medium High-Density Residential uses or Business Park uses. Any increase in noise would be construction-related and temporary, subject to applicable noise mitigation measures from the MEIR at the time of the Development Plan Review process done prior to the issuance of building permits.

(5) The site is not located within an airport land use plan, and is approximately seven miles away from the nearest public airport. The site is in close proximity to the Kaiser Modesto Medical Center which includes an air ambulance helipad with typical traffic of four trips in a thirty-day time period, and any future residential development would be subject to temporary noise from incoming and outgoing flights.

(6) The site is not within the vicinity of a private airstrip.

(7) The site is not within 200 feet of an active railroad line.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include AL-20 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	☒
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	☒
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	☒
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	☒
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	☒
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	☒

Discussion:

(1) The land use amendment area is vacant land within the Kiernan Business Park Specific Plan and is designated for Business Park uses. The proposed amendment would form a new land use designation of "Mixed Use 2" (MU2) to allow Medium High Density Residential uses or Business Park uses as already permitted by the Specific Plan. The amendment would not be inconsistent with the General Plan's policies related to agricultural land.

(2) The site is designated as Prime Farmland by the California State Department of Conservation; however, the majority of the site has been disturbed for the placement of storm drain basins for a prior development that was left unfinished, and the site as remained vacant since. Additionally, on April 9, 2013, the Modesto City Council adopted Resolution 2013-129, to consider preparing an agricultural policy that would not apply to land in within the City's incorporated area and exempted the Kiernan Business Park from any agricultural mitigation requirements.

(3) The site is vacant land and is not zoned for agricultural use. No Williamson Act contract is in place on any of the three subject properties that comprise the 22.9 acre amendment area. The site is adjacent to urban uses including a hospital, a hotel and a six-lane state highway, and would not convert farmland into a non-agricultural use.

(4-6) The proposal would not cause the rezoning of forest land or timberland. The amendment area is within an urbanized area not in the vicinity of any forest or timberland.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	☒
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	☒
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	☐	☐	☐	☒
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	☒

Discussion:

(1) The proposal would be consistent with the water supply policies in the General Plan. The proposed amendment would form a new land use designation of "Mixed Use 2" (MU2) to allow Medium High Density Residential uses or Business Park uses as already permitted by the Specific Plan, and would not conflict with General Plan policies related to water supply. No development is proposed with the land use amendment, and any future development would be subject to the Development Plan Review process prior to issuance of a building permit, with mitigation measures applied where required. Land Development Engineering reviewed the proposed amendment and indicated no concerns with water supply.

(2-3) The proposed land use amendment is consistent with the ground water demands assumed in the General Plan. The proposal was referred to Land Development Engineering Staff who

indicated no concerns with water supply or effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	☒
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	☒
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The proposed amendment is to permit the development of either Business Park uses or Medium High Density Residential projects of up to 550 dwelling units, or a mixture of the two. The proposal would not be inconsistent with the wastewater policies in the General Plan.

(2-3) There is an existing upsized 27-inch sewer line in Healthcare Drive with capacity to serve the Business Park and hospital. The proposal was sent to the Land Development Engineering Division who indicated no concerns with the amendment.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than

has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include SWPH-12 and SWPH-14 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☒	☐
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	☒
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.				
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed land use amendment would not be inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat. The proposal is to add a new land use designation to the Specific Plan; however, no new development is proposed in conjunction with the project.

(2) The amendment area is vacant land partially disturbed by the development of storm water basins for a previous project that was not completed. Burrowing Owls have been known to nest in vacant areas east of the amendment area east of Dale Road, and there is potential foraging habitat for the Swainson's Hawk at and nearby the site, known to nest within the General Plan area in grassland, riparian and agricultural habitats. No development is proposed with the Specific Plan amendment; however, implementation of the mitigation measures in Table V-7-1 from the MEIR for future development would reduce the potential impact for either species to a less-than-significant level.

(3-5) The land use amendment area is not located within a riparian corridor as defined by Figures V-7-1 of the Master EIR, nor would interfere substantially with the movement of native or migratory fish or wildlife species. The site is adjacent to the Kaiser Modesto Medical Center, a major regional hospital, and California State Highway 219. The Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(6-7) The proposal is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan. The city does not have a heritage tree ordinance.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The applicable mitigating policies to be applied to this project include: AH-19 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	☒
2) The proposed project would result in a modification that would result in a substantial	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
adverse change in the significance of the resource or demolition of a listed or eligible historic resource.				
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	☒
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	☒
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	☒
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	☒

Discussion:

(1) The proposal would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-6) The land use amendment area is vacant partially disturbed land with no structures. The area is designated for Business Park land uses and is adjacent to the CA State Highway 219 and the Kaiser Modesto Medical Center. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: SD-10, SD-12, SD-13 and SD-15 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☐	☒
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	☒

Discussion:

(1) The proposed amendment and any subsequent development as a result would not be inconsistent with the Urban Area General Plan storm drainage policies.

(2-3) The amendment area does include a partially-developed storm water treatment basin that was installed in 2009 for the amendment area and the business park uses at the Bridges Business Park II area east of the site. Current Specific Plan policy allows that storm water handling and treatment may be provided on-site as development occurs. While no development is proposed in conjunction with the proposed land use amendment, any future development would be subject to the Development Plan Review process and mitigation measures related to storm water drainage would be applied.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: FWQ-11, FWQ-13, FWQ-14 and FWQ-16 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	☒
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	☒
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☐	☒
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☒	☐

Discussion:

(1) The proposed land use amendment would not be inconsistent with the flooding and water quality policies in the Urban Area General Plan.

(2-3) The amendment area is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0310E dated September 26, 2008.

(4) The site is not in the vicinity of a levee or dam. The nearest waterway is the Stanislaus River approximately two miles to the north.

(5, 7) The proposal would not alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(6) The proposed land use amendment would not violate water quality standards.

(8) The proposal would not increase the rate or amount of surface runoff. While no development is proposed in conjunction with the proposed land use amendment, any future development would be subject to the Development Plan Review process and mitigation measures related to flooding and water quality would be applied.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☒	☐

Discussion:

(1) The proposed land use amendment would not be inconsistent with the parks and open space policies of the General Plan.

(2) The proposal does not involve the elimination of an existing park or designated open space.

(3) Parks Planning staff indicated no concerns with the proposed land use amendment with regards to the provision of parkland. The site is within 1.3 miles of Mildred Perkins Park, a 6-acre neighborhood park.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General

Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	☒
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	☒

Discussion:

(1) The proposed amendment would not be inconsistent with the polices relating to schools in the General Plan.

(2) The project was referred to the Stanislaus Elementary and Modesto City Schools District, who have not indicated concerns with the proposal.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigation to be applied to this project includes none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	☒
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	☒

Discussion:

(1) The proposal would not be inconsistent with the policies relating to police services in the General Plan.

(2) The proposal was referred to the Modesto City Police Department, who indicated no concerns with the land use amendment. Any future multi-family development would be required to enroll in the Police Department's Crime-Free Multi-Housing program.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	☒
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	☐	☐	☐	☒

Discussion:

(1) The proposal would not be inconsistent with the policies relating to fire services in the General Plan.

(2) The proposal was referred to the Modesto City Fire Department, who indicated no concerns with the land use amendment. The nearest fire station is Modesto Fire Station No. 11, 2.5 miles away.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☒	☐

Discussion:

(1) The proposed amendment is not inconsistent with solid waste policies in the General Plan. Future development would be required to provide for solid waste service.

(2) The proposal would not result in solid waste generation that exceeds projected capacity or result in the need for new solid waste facilities, or result in non-compliance with regulations related to solid waste.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: HM-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	☒
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☒	☐
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	☒
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☐	☐	☐	☒
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	☒

Discussion:

(1) The proposed amendment would not be inconsistent with the hazardous materials policies in the General Plan.

(2) The proposed amendment would not itself generate hazardous materials. No development is proposed with the amendment; however, any new development would be subject to Development Plan Review and mitigation measures applicable to the development would be made conditions of approval of the project.

(3) The site is located approximately 1.5 miles from the nearest school.

(4) The site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(5-6) The site is not within an airport land use plan nor in the vicinity of any airports or private airfields. The nearest air traffic is a helipad operated by the adjacent Kaiser Modesto Medical Center for medical helicopter service.

(7) The proposed amendment would not interfere with an adopted emergency response or evacuation plan.

(8) The amendment area is not located near any wildland areas nor is at risk for wildland fire.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	☒

Discussion:

(1) The proposal would not be inconsistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The site is not located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed amendment would not be inconsistent with the energy policies in the General Plan.

(2) The proposed amendment would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant w/Mitigating Policies**	**Less Than Significant Impact**	**No Impact**
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	☒
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	☒
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	☒
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	☒
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☒	☐
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	☒
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	☒

Discussion:

(1) The proposed amendment would not be inconsistent with the policies relating the visual resources in the General Plan.

(2) The amendment would not have an adverse impact on a scenic vista. The site is located within the Planned Urbanizing Area of the City and is surrounded by urban uses.

(3-4) The amendment would not impact scenic resources, nor degrade the existing visual character or quality of the site and its surroundings. The adjacent Kiernan Avenue/CA-219 state highway is not a scenic highway.

(5) The proposed amendment would not cause substantial light or glare not already assumed for business park or office development.

(6) The proposed amendment would not impact views from riverside areas and parks. The nearest riverside area or park is the Stanislaus River, approximately 2 miles to the north.

(7) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
The appropriate mitigating policies to be applied to this project include: none from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The amendment area is already designated for Business Park uses within the land use diagram of the Specific Plan and the City's General Plan, and such uses and policies would remain in effect; however, the proposed amendment would also allow for Medium-High Density Residential uses to a maximum of 550 dwelling units, or a mixture of residential and business park uses. As business park uses would remain permitted uses, the proposed amendment would remain consistent with the General Plan.

(2) The proposed amendment would not divide an established community. The site is already considered for business park development and would permit the addition of Medium High Denstiy Residential uses or a mixture of the two uses.

(3) The proposal does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The proposal does not conflict with applicable habitat conservation plans or natural community conservation plans.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate

document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Traffic study(ies) may be required for any given project(s).

Air Quality and Greenhouse Gases:

AQ-87. Future development that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the setback distances from highways, railroads, local roadways, and stationary sources specified below shall require site-specific analysis to determine the level of TAC and $PM_{2.5}$ exposure. This analysis shall be conducted following methodology and procedures recommended by SJVAPCD and OEHHA. If the site-specific analysis reveals significant exposures, such as cancer risk greater than 20 in one million or acute or chronic hazards with a Hazard Index greater than 1.0, additional measures (described below) shall be required to reduce the risk below the threshold. (Policy VII.H.2.w)

Setback screening distances:

a) Gasoline dispensing facilities: 300 feet for large facilities (3.6 million gallons of throughput a year or more) and 50 feet for smaller facilities;
b) Dry cleaning facilities: 300 feet for facilities that emit Perchlorethylene;
c) Distribution centers: 1,000 feet;
d) Chrome platers: 1,000 feet;
e) Freeways, urban roads with 100,000 vehicles/day or rural roads with 50,000 vehicles/day or more: 500 feet;
f) BNSF rail line: 800 feet from 2020-2024, and 500 feet for 2025 and later; and,
g) UP rail line: 200 feet east of the rail line and 300 feet west of the rail line from 2020-2024, and 100 feet east of the rail line and 200 feet west of the rail line for 2025 and later.

Future non-residential developments containing potentially significant TAC sources would be evaluated in consultation with SJVAPCD to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 20 in one million, or acute or chronic hazards with a Hazard Index greater than 1.0. This analysis shall be conducted following methodology and procedures recommended by SJVAPCD and OEHHA. If the site-specific analysis reveals significant exposures, additional measures shall be required as described below to reduce the risk to below the threshold.

If the analysis shows the cancer risk exposure is significant,Then the project sponsor shall submit performance specifications and design details to demonstrate that lifetime residential exposures would be reduced to a level of less-than-significant under the applicable threshold subject to approval by the City. The specifications or design standards may include the following or other comparable measures:

i. Install air filtration systems rated MERV-13 or higher and a maintenance plan for the air filtration system shall be implemented.

ii. Plant trees and/or vegetation between sensitive receptors and pollution sources, if feasible. Trees that are best suited to trapping particulate matter shall be planted, including the following: Pine (Pinus nigra var. maritime), Cypress (X Cupressocyparis leylandii), Hybrid popular (Populus deltoids X trichocarpa), and Redwoods (Sequoia sempervirens).

iii. Design sites to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and rail lines.

iv. Locate operable windows, balconies, and building air intakes as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

AQ-112. Limit traffic speeds on unpaved roads to 15 mph. (Policy VII.H.2.vv)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

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

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

Effects on Agricultural Lands:

AL-20. For any subsequent project that is adjacent to an existing agricultural use, the project proponent may incorporate measures to reduce the potential for conflicts with the agricultural use. Potential measures to be implemented may include the following:

1) Include a buffer zone of sufficient width between proposed residences and an agricultural use.
2) Inform residents about possible exposure to agricultural chemicals. (Policy VII-D.4[e])

Increased Demand for Long-Term Water Supplies:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

Increased Demand for Sanitary Sewer Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

Loss of Sensitive Wildlife and Plant Habitat:

SWPH-12. For all lands within the Planned Urbanizing Area, site-specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area as delineated on Figure V-7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram). Prior to considering development applications, the City shall coordinate with the USFWS and CDFW regarding listed species and potential for impacts. The City shall employ the measures recommended by the USFWS and/or CDFW to avoid an incidental take.

Conduct surveys at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by CDFW and the USFWS. The results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (UAGP Policy VII-E.3[a])

SWPH-14. Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table V-7-1 in the Final Master Environmental Impact Report.

Disturbance of Archaeological / Historic Sites:

AH-19. Any project subject to CEQA that involves substantial earth-disturbing activities should require consultation by the applicant for the purposes of determining the potential for archaeological and cultural resources impacts and creating appropriate mitigation to address any such impacts. (Policy VII.F.3[a])

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Increased Demand for Parks and Open Space:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Schools:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Police Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Increased Demand for Fire Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Solid Waste:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Generation of Hazardous Materials:

HM-8. Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (Policy VI.M.6)

Geology, Soils, and Mineral Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Energy:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Effects on Visual Resources:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

Land Use and Planning:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-047

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE COUNTY OF STANISLAUS FOR COST REIMBURSEMENT RELATED TO THE OPERATION OF COVID-19 VACCINE POINT-OF-DISTRIBUTION (POD) LOCATIONS

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus, "SARS-CoV-2," and the disease it causes, which has been named "coronavirus disease 2019," abbreviated COVID- 19, ("COVID-19"), and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID- 19, and

WHEREAS, on March 13, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Modesto in response to COVID-19 pursuant to Government Code section 8630 and Modesto Municipal Code section 3-4.06, and

WHEREAS, on March 19, 2020, the City Council adopted Resolution 2020-140 ratifying the proclamation of a local emergency, and

WHEREAS, since the start of the COVID-19 pandemic, there have been over 3,109,151 cases of COVID-19 in California and 44,184 cases of COVID-19 in Stanislaus County, as well as over 36,790 deaths due to COVID-19 in California and 788 deaths due to COVID-19 in Stanislaus County, and

WHEREAS, the Stanislaus County Public Health Division is coordinating COVID-19 vaccinating efforts based on guidance recommendations from the California Department of Public Health, the COVID-19 California Governor's Vaccine Task Force, and the COVID-19 Vaccine Task Force Working Group, and

WHEREAS, the City of Modesto has agreed to allow the Stanislaus County Public Health Division to use the Modesto Centre Plaza as a COVID-19 vaccine clinic, and

WHEREAS, the County initially launched the Modesto vaccination POD at their Hospital located on Scenic Drive, but the parking capacity was inadequate for the crowds, and the facility did not lend itself to the required physical distancing, and

WHEREAS, the City partnered with the County to relocate the Scenic Drive Hospital POD operation to the Modesto Centre Plaza 3 days later on January 15, 2021, and are negotiating a Memorandum of Understanding (MOU) to formalize the arrangement and reimbursement parameters, and

WHEREAS, the City of Modesto has incurred significant necessary expenses to ensure the smooth operation of the POD, including: personal protective equipment, cameras, traffic management equipment, and others, and

WHEREAS, moreover, the City is responsible for inoculation support, post-inoculation health screening, traffic/facility/parking management, while the County has the primary responsibility of the administration of the vaccines, and

WHEREAS, the City intends to seek reimbursement from the County through the authority provided in a Memorandum of Understanding (MOU), and

WHEREAS, the County would be responsible for the reimbursement of specified project costs which may include: utilities, maintenance, facility rental expenses, certain labor, food, security, and all other costs that exceed the typical overhead expenses, and

WHEREAS, the reimbursable amount that the City can expect to receive has not been determined due to the fluctuation of eligible grant or relief monies, and in vaccine availability and labor related expenses as different segments of the community become eligible to receive the vaccine, and

WHEREAS, the City is committed to carefully tracking all expenses related to this operation to help ensure comprehensive documentation of the cost of the operation, and the associated reimbursement, and

WHEREAS, a Memorandum of Understanding would help ensure the continued operation of the COVID-19 Vaccine Clinic as a matter of urgency, necessary to protect the lives, health and welfare of the Modesto community.

NOW, THEREFORE, BE IT RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate, and execute a Memorandum of Understanding with the County of Stanislaus, in a form approved by the City Attorney, for cost reimbursement related to the operation of COVID-19 Vaccine Point-of-Distribution (POD) locations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-048

RESOLUTION RATIFYING AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MODESTO APPROVING THE EXPENDITURE OF FUNDS TO PAY FOR COSTS RELATED TO THE OPERATION OF COVID-19 VACCINE CLINICS AND ENACTING A RELATED BUDGET ADJUSTMENT

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus, "SARS-CoV-2," and the disease it causes, which has been named "coronavirus disease 2019," abbreviated COVID- 19, ("COVID-19"), and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID- 19, and

WHEREAS, on March 11, 2020, the Stanislaus County Public Health Officer declared a local health emergency, and on March 13, 2020 the County of Stanislaus Director of Emergency Services proclaimed a Local Emergency due to the threat of COVID-19 in the County, and

WHEREAS, on March 13, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Modesto in response to COVID-19 pursuant to Government Code section 8630 and Modesto Municipal Code section 3-4.06, and

WHEREAS, on March 19, 2020, the City Council adopted Resolution 2020-140 ratifying the proclamation of a local emergency, and

WHEREAS, the conditions of extreme peril to the safety of persons and property within the territorial limits of the City related to the COVID-19 pandemic continue in existence, and

WHEREAS, since the start of the COVID-19 pandemic, there have been over 3,109,151 cases of COVID-19 in California and 44,184 cases of COVID-19 in Stanislaus County, as well as over 36,790 deaths due to COVID-19 in California and 788 deaths due to COVID-19 in Stanislaus County, and

WHEREAS, vaccines have been invented to inoculate individuals against COVID-19, and

WHEREAS, COVID-19 vaccines authorized by the United States Food and Drug Administration ("FDA") have been shown to be safe and effective at preventing the recipient from contracting COVID-19, and

WHEREAS, the Federal Government has allocated COVID-19 vaccines to California, and California has provided vaccines to county health departments and hospitals for distribution, and

WHEREAS, distribution of the COVID-19 vaccine is one of the most important tools in ending the COVID-19 pandemic, and

WHEREAS, the Stanislaus County Public Health Division is coordinating COVID-19 vaccinating efforts based on guidance recommendations from the California Department of Public Health, the COVID-19 California Governor's Vaccine Task Force, and the COVID-19 Vaccine Task Force Working Group, and

WHEREAS, the City of Modesto has agreed to allow the Stanislaus County Public Health Division to use the Modesto Centre Plaza as a COVID-19 vaccine clinic (the "COVID-19 Vaccine Clinic"), and

WHEREAS, pursuant to Modesto Municipal Code section 8-3.102, the City Manager has the general power to authorize and approve all budgeted contracts, purchase orders, and expenditures in the amount of $50,000 or less, and

WHEREAS, notwithstanding the City Manager's normal $50,000 expenditure authority, during a declared emergency Modesto Municipal Code section 3-4.06(a)(6)(ab) authorizes the City Manager to "obtain vital supplies, equipment, and such other properties found lacking" and necessary for the protection of life and property regardless of the amount of the expenditure, and

WHEREAS, the City's adopted budget policy authorizes the City Manager to make adjustments to the adopted budget of up to $50,000, and

WHEREAS, the City of Modesto is incurring costs related to the operation of this the COVID-19 Vaccine Clinic, and

WHEREAS, the City Manager previously approved a budget adjustment authorizing up to $50,000 to be expended related to the COVID-19 Vaccine Clinic, and

WHEREAS, as the COVID-19 Vaccine Clinic becomes operational, the costs incurred by the City are rising and will soon exceed the previously authorized $50,000, and

WHEREAS, although it is anticipated that the City will be reimbursed for its costs related to the COVID-19 Vaccine Clinic, those costs will be initially incurred by the City and reimbursed at a later date, and

WHEREAS, the health, safety, and welfare of Modesto residents, businesses, visitors, and staff is of utmost importance to the City, and ensuring that the COVID-19 Vaccine Clinic can continue to operate is vital for furthering the health, safety, and welfare of the community, and

WHEREAS, a budget adjustment of greater than $50,000 is necessary in order for the COVID-19 Vaccine Clinic to continue operating and to allow additional similar vaccine clinics to operate in the future, and

WHEREAS, allowing the COVID-19 Vaccine Clinic to cease operations, even temporarily, would cause significant public health impacts by further delaying the ability of the most vulnerable populations to be vaccinated, which could lead to additional avoidable cases of COVID-19 or even deaths, and

WHEREAS, additional vaccine clinics that require expenditures by the City may open in the future, and requiring City Council approval for budget adjustments to cover the cost of such vaccine clinics will result in delays in the operation of such clinics, which would cause significant public health impacts by further delaying the ability of the most vulnerable populations to be vaccinated, which could lead to additional avoidable cases of COVID-19 or even deaths, and

WHEREAS, Section 3-4.05 of the Modesto Municipal Code designates the City Manager as the Director of Emergency Services, and

WHEREAS, Government Code section 8634 and Modesto Municipal Code section 3-4.06 authorize the City Manager in his capacity as the Director of Emergency Services to take actions reasonably related to the protection of life and property as affected by the COVID-19 emergency, and

WHEREAS, on January 28, 2021, the City Manager in his capacity as the Director of Emergency Services issued an emergency order regarding to the expenditure of funds for the operation of COVID-19 vaccine clinics, and

WHEREAS, on February 2, 2021 the City Manager in his capacity as the Director of Emergency Services issued a revised emergency order approving a budget adjustment in the amount of up to $200,000 to cover all costs incurred by the City of Modesto related to the operation of the COVID-19 vaccine clinics and authorizing the City Manager to approve the expenditure of such budgeted funds, and

WHEREAS, ensuring the continued operation of the COVID-19 Vaccine Clinic is a matter of urgent public health, necessary to protect the lives, health and welfare of the Modesto community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby ratifies the Emergency Order issued by the City Manager in his capacity as Director of Emergency Services, dated February 4, 2021, **attached** to this Resolution as **Exhibit A** and enacting a related budget adjustment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, 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

REVISED ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MODESTO APPROVING THE EXPENDITURE OF FUNDS TO PAY FOR COSTS RELATED TO THE OPERATION OF COVID-19 VACCINE CLINICS AND ENACTING A RELATED BUDGET ADJUSTMENT

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus, "SARS-CoV-2," and the disease it causes, which has been named "coronavirus disease 2019," abbreviated COVID- 19, ("COVID-19"), and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID- 19, and

WHEREAS, on March 11, 2020, the Stanislaus County Public Health Officer declared a local health emergency, and on March 13, 2020 the County of Stanislaus Director of Emergency Services proclaimed a Local Emergency due to the threat of COVID-19 in the County, and

WHEREAS, on March 13, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Modesto in response to COVID-19 pursuant to Government Code section 8630 and Modesto Municipal Code section 3-4.06, and

WHEREAS, on March 19, 2020, the City Council adopted Resolution 2020-140 ratifying the proclamation of a local emergency, and

WHEREAS, the conditions of extreme peril to the safety of persons and property within the territorial limits of the City related to the COVID-19 pandemic continue in existence, and

WHEREAS, since the start of the COVID-19 pandemic, there have been over 3,109,151 cases of COVID-19 in California and 44,184 cases of COVID-19 in Stanislaus County, as well as over 36,790 deaths due to COVID-19 in California and 788 deaths due to COVID-19 in Stanislaus County, and

WHEREAS, vaccines have been invented to inoculate individuals against COVID-19, and

WHEREAS, COVID-19 vaccines authorized by the United States Food and Drug Administration ("FDA") have been shown to be safe and effective at preventing the recipient from contracting COVID-19, and

WHEREAS, the Federal Government has allocated COVID-19 vaccines to California, and California has provided vaccines to county health departments and hospitals for distribution, and

WHEREAS, distribution of the COVID-19 vaccine is one of the most important tools in ending the COVID-19 pandemic, and

WHEREAS, the Stanislaus County Public Health Division is coordinating COVID-19 vaccinating efforts based on guidance recommendations from the California Department of Public Health, the COVID-19 California Governor's Vaccine Task Force, and the COVID-19 Vaccine Task Force Working Group, and

WHEREAS, the City of Modesto has agreed to allow the Stanislaus County Public Health Division to use the Modesto Centre Plaza as a COVID-19 vaccine clinic (the "COVID-19 Vaccine Clinic"), and

WHEREAS, pursuant to Modesto Municipal Code section 8-3.102, the City Manager has the general power to authorize and approve all budgeted contracts, purchase orders, and expenditures in the amount of $50,000 or less, and

WHEREAS, notwithstanding the City Manager's normal $50,000 expenditure authority, during a declared emergency Modesto Municipal Code section 3-4.06(a)(6)(ab) authorizes the City Manager to "obtain vital supplies, equipment, and such other properties found lacking" and necessary for the protection of life and property regardless of the amount of the expenditure, and

WHEREAS, the City's adopted budget policy authorizes the City Manager to make adjustments to the adopted budget of up to $50,000, and

WHEREAS, the City of Modesto is incurring costs related to the operation of this the COVID-19 Vaccine Clinic, and

WHEREAS, the City Manager previously approved a budget adjustment authorizing up to $50,000 to be expended related to the COVID-19 Vaccine Clinic, and

WHEREAS, as the COVID-19 Vaccine Clinic becomes operational, the costs incurred by the City are rising and will soon exceed the previously authorized $50,000, and

WHEREAS, although it is anticipated that the City will be reimbursed for its costs related to the COVID-19 Vaccine Clinic, those costs will be initially incurred by the City and reimbursed at a later date, and

WHEREAS, the health, safety, and welfare of Modesto residents, businesses, visitors, and staff is of utmost importance to the City, and ensuring that the COVID-19

Vaccine Clinic can continue to operate is vital for furthering the health, safety, and welfare of the community, and

WHEREAS, a budget adjustment of greater than $50,000 is necessary in order for the COVID-19 Vaccine Clinic to continue operating and to allow additional similar vaccine clinics to operate in the future, and

WHEREAS, obtaining City Council approval for the budget adjustment could result in the COVID-19 Vaccine Clinic having to shut down until the City Council had the opportunity to approve the adjustment, and

WHEREAS, allowing the COVID-19 Vaccine Clinic to cease operations, even temporarily, would cause significant public health impacts by further delaying the ability of the most vulnerable populations to be vaccinated, which could lead to additional avoidable cases of COVID-19 or even deaths, and

WHEREAS, additional vaccine clinics that require expenditures by the City may open in the future, and requiring City Council approval for budget adjustments to cover the cost of such vaccine clinics will result in delays in the operation of such clinics, which would cause significant public health impacts by further delaying the ability of the most vulnerable populations to be vaccinated, which could lead to additional avoidable cases of COVID-19 or even deaths, and

WHEREAS, Section 3-4.05 of the Modesto Municipal Code designates the City Manager as the Director of Emergency Services, and

WHEREAS, Government Code section 8634 and Modesto Municipal Code section 3-4.06 authorize the City Manager in his capacity as the Director of Emergency

Services to take actions reasonably related to the protection of life and property as affected by the COVID-19 emergency, and

WHEREAS, it is necessary to immediately approve an adjustment to the budget for the City of Modesto in order to facilitate the continued operation of the COVID-19 Vaccine Clinic and other similar vaccine clinics, and

WHEREAS, ensuring the continued operation of the COVID-19 Vaccine Clinic is a matter of urgent public health, necessary to protect the lives, health and welfare of the Modesto community.

NOW, THEREFORE, BE IT ORDERED, by the Director of Emergency Services of the City of Modesto pursuant to Modesto Municipal Code section 3-4.06 as follows:

1. The local emergency declared by Resolution No. 2020-140 due to the COVID-19 Pandemic continues to exist within the City of Modesto and shall remain in effect until such time that the Council determines that the emergency conditions have been abated.

2. A budget adjustment in the amount of up to $200,000 is approved to cover all costs incurred by the City of Modesto related to the operation of the COVID-19 Vaccine Clinic at the Modesto Center Plaza and the operation of similar clinics at other locations in the City for the distribution of the COVID-19 vaccine. The $200,000 budget adjustment shall include the $50,000 budget adjustment previously approved by the City Manager.

3. The City Manager may approve the expenditure of the funds budgeted by Section 2 of this Order in accordance with the authority granted by Modesto Municipal Code section 3-4.06(a)(6)(ab).

4. This Order shall supersede and replace that certain order issued by the Director of Emergency Services on January 28, 2021.

5. This Order shall be presented to the City Council for ratification within 14 days.

2.4.21
Date

Joseph Lopez
Director of Emergency Services

3688076.1

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-049

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE FEBRUARY 2, 2021 CITY OF MODESTO MUNICIPAL RUN-OFF MAIL BALLOT ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON FEBRUARY 2, 2021, AND DECLARING THE RESULTS OF SAID ELECTION

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of Mayor for the City of Modesto receives a majority vote at a regular municipal election, a second Regular Municipal Election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for the election to the office, and

WHEREAS, at said Regular Municipal Election on November 3, 2020 a majority vote was not cast for Mayor of the City of Modesto, and

WHEREAS, the two candidates receiving the highest number of votes for Mayor Sue Zwahlen and Doug Ridenour, will have their names on the ballot for a run-off election to be held on Tuesday, February 2, 2021, and

WHEREAS, the February 2, 2021 City of Modesto Municipal Run-Off Mail Ballot Election was held by mail ballot in the City of Modesto on Tuesday, February 2, 2021, to elect the Mayor for the City of Modesto, as mentioned above, and said election was held in accordance with the with laws 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 City Clerk canvassed the returns of said February 2, 2021 City of Modesto Municipal Run-Off Mail Ballot Election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of

Votes dated February 23, 2021, a copy of which is 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 Canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

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 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 for each person

SECTION 3. That, at said February 2, 2021 City of Modesto Municipal Run-Off Mail Ballot Election, held by mail ballot, 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 of said persons, certifying her/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

Sue Zwahlen	**Mayor, for a term of four years, City of Modesto**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, 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~~

EXHIBIT A

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO MUNICIPAL RUN-OFF MAIL BALLOT ELECTION
February 2, 2021

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Election's Office on February 2, 2021, to publicly canvass the returns of the City of Modesto Municipal Run-Off Mail Ballot Election held on February 2, 2021, in accordance with Modesto City Council Resolution No. 2020-073. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Mayor, City of Modesto		
Sue Zwahlen	19,423	57.53%
Doug Ridenour	14,337	42.47%

**I now ask the Council to approve the Resolution confirming the canvass of the February 2, 2021 election.

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
City of Modesto	114,745	33,783	29.44%

STEPHANIE LOPEZ
City Clerk
City of Modesto

February 23, 2021

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-050

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2021-2022 ANNUAL ENGINEER'S REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 (DRY CREEK MEADOWS SUBDIVISIONS NOs. 1-6)

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and comprised of 749 single-family residential lots and three (3) public agency owned parcels, and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by this Council as the Engineer of Work for LMAD No. 1, and is hereby directed to prepare

and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-051

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2021-2022 ANNUAL ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 (DRY CREEK MEADOWS SUBDIVISIONS NOs. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 AND 2)

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2, and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED, that the City Engineer is designated by this City Council as the Engineer of Work for LMAD No. 2, and is hereby directed to

prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-052

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2021-2022 ANNUAL ENGINEER'S REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering the maintaining seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 496 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus, and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements,

NOW, THEREFORE, BE IT RESOLVED that the City Engineer is designated by this Council as the "Engineer of Work" for the Shackelford LLD, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-053

RESOLUTION APPROVING THE FISCAL YEAR 2019-2020 SINGLE AUDIT REPORT FOR THE CITY OF MODESTO FROM EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC.

WHEREAS, the City of Modesto Single Audit reports are federally mandated by the provisions of the Federal Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), which requires an audit to be conducted for any non-Federal entity that expends $750,000 or more a year in Federal awards, and

WHEREAS, this audit was conducted by the City's external auditors, Hudson Henderson & Company, Inc., and the main objectives were to ensure a fair presentation of the basic financial statements and the schedule of expenditures of Federal awards, and to also audit the City's internal controls and compliance with legal requirements, with special emphasis on internal controls and legal requirements involving the administration of federal awards expended during the fiscal year, and

WHEREAS, as part of the City's Fiscal Year 2019-2020 Single Audit report, no audit findings were reported for any of the grant funding received from the various federal agencies and all findings reported in the prior fiscal year have had the correction plan implemented.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2019-2020 Single Audit report for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-054

RESOLUTION APPROVING THE AUDITED FINANCIAL STATEMENTS AND VARIOUS AUDIT REPORTS FOR FISCAL YEAR 2019-2020 AUDITED BY EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC. FOR THE CITY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT, TWELVE COMMUNITY FACILITIES DISTRICTS AND VARIOUS JOINT POWERS AGENCIES

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc., has completed their audit of the City's financial statements for the fiscal year ended June 30, 2020, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of twelve Community Facilities Districts and various Joint Powers Agencies, as required by their respective enabling legislations, and for which the City of Modesto serves as the financial administrator, and

WHEREAS, as part of the City's Fiscal Year 2019-2020 Comprehensive Annual Financial Report, one audit finding was reported related to the accrual of invoices for purchases of goods/services prior to the end of the fiscal year and a corrective action plan has been defined by staff, and

WHEREAS, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2019-2020 annual audit reports for the City of Modesto, Community

Facilities Districts, and various Joint Powers Agencies, as listed in **Exhibit** A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2019-2020 annual audit reports for the City of Modesto and other Joint Power Agencies, as listed in **Exhibit** A, which is incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
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. 2021-054

RESOLUTION ACCEPTING THE FISCAL YEAR 2019-2020 ANNUAL AUDIT REPORTS

EXHIBIT A

City of Modesto:

1. Comprehensive Annual Financial Report FY 2019-2020
2. GANN Limit Report FY 2019-2020
3. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
4. Community Facilities District Number 2000-2 (Coffee-Claratina)
5. Community Facilities District Number 1998-1 (Enterprise Business Park)
6. Community Facilities District Number 2003-1 (Fairview Village)
7. Community Facilities District Number 2007-2 (Kiernan Business Park West)
8. Community Facilities District Number 1997-1 (North Beyer Park)
9. Community Facilities District Number 2002-1 (Northpointe)
10. Community Facilities District Number 2004-1 (Village One #2)
11. Community Facilities District Number 1996-1 (Village One)
12. Community Facilities District Number 2016-2 (Kiernan Business Park East #2)
13. Community Facilities District Number 2007-1 (North Beyer #2)
14. Community Facilities District Number 2016-2 (The Vintage)

Other Agencies:

15. Abandoned Vehicle Abatement (AVA)
16. Modesto-Ceres Fire Protection Agency Financial Statements
17. Tuolumne River Regional Park (TRRP)
18. Transportation Development Agency (TDA)
19. Transportation Development Agency (TDA) National Transit Database (NTD) Reporting Forms

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-055

RESOLUTION APPROVING THE FISCAL YEAR 2019-2020 AUDITOR'S REPORT ON COMPLIANCE OF THE MEASURE L: LOCAL ROADS FIRST TRANSPORTATION FUNDING MEASURE

WHEREAS, in November of 2016 the voters of Stanislaus County approved the county wide, 25-year, half-cent sales tax increase for the Local Roads First Transportation Funding Measure, known as Measure L. As part of the safe guards built into the expenditure plan an annual independent audit and annual reporting must be completed, and

WHEREAS, on December 12, 2017, per Resolution 2017-505, Council approved the Measure L master funding agreement with the Stanislaus Council of Governments (StanCOG) which requires an annual independent audit of all of recipients Measure L accounts which audit shall be conducted at recipient's sole cost and expense, and

WHEREAS, for the audit related to FY 2019-2020 the City received information from StanCOG that they would be continuing to conduct the annual audit and that it would be at the expense of StanCOG as part of the 1% allowable administrative expenses within the Measure L ordinance, and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc., was selected by StanCOG to conduct the Fiscal Year 2019-2020 audit report, and

WHEREAS, as part of the City's Fiscal Year 2019-2020 Measure L Program Audit, the accounting firm verified the revenues and expenditures, fund balances, and that the Maintenance of Effort requirement was met, and

WHEREAS, Hudson Henderson & Company, Inc. issued the final independent auditor's report of the Measure L program for the fiscal year ending in June 30, 2020, and

WHEREAS, in addition, the firm issued a letter to the Policy Board of Stanislaus Council of Governments with the final report. Both the final report and the letter to StanCOG did not have any findings for the year ending June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2019-2020 Auditor's Report on Compliance of the Measure L: Local Roads First Transportation Funding Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-056

RESOLUTION APPROVING THE AUDITORS' REPORTS AND SCHEDULE OF PASSENGER FACILITY CHARGE REVENUES AND EXPENDITURES FOR FISCAL YEAR ENDED JUNE 30, 2020, PREPARED BY EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC.

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Hudson Henderson & Company, Inc. has completed its Auditors' Report and Schedule of Passenger Facility Charge Revenues and Expenditures, and

WHEREAS, the independent audit is applicable to the City's Passenger Facility Charge program at the Modesto City-County Airport for the year ending June 30, 2020, and

WHEREAS, as part of the Independent Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures, one audit finding was reported.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Independent Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2020 for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-057

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) PACKER TRUCKS TO WESTERN TRUCK CENTER, STOCKTON, CA FOR A TOTAL AMOUNT NOT TO EXCEED $501,078 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department, Green Waste Division and Forestry Division requires the replacement of two packer trucks to maintain operations; and

WHEREAS, these vehicles are used for picking up tree pruning's, leaf waste and other green waste from around the City; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on August 8, 2020 the Purchasing Division issued RFB 1920-50 for Two (2) Packer Trucks on the City's website under commodity codes 6500 for Automotive and Trailer Bodies, 07047 for Trucks, 07051 for Trucks (over one-ton) and 07052 for Trucks with Specialized Bodies; and

WHEREAS, four (4) companies chose to download the RFB document, two (2) chose to respond, there were no local bids received; and

WHEREAS, on September 29, 2020 bids were formally opened in the City Clerk's office and Western Truck Center, Stockton, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the overall lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for two (2) packer trucks to Western Truck Center, Stockton, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two (2) packer trucks to Western Truck Center, Stockton, CA for a total amount not to exceed $501,078.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-058

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A ONE-TON TRUCK WITH UTILITY BODY TO AMERICAN CHEVROLET MODESTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED $80,123 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Utilities Department, Jennings Plant Maintenance Division require a replacement of a one-ton truck with utility body to maintain operations; and

WHEREAS, this vehicle is used to haul equipment and parts in and around the Jennings Road Secondary Waste Water Treatment Plant; and

WHEREAS, this truck has a rack for lumber and pipe, along with utility boxes to store frequently used tools and supplies; and

WHEREAS, Modesto Municipal Section 8-3.203 requires that all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on August 8, 2020 the Purchasing Division issued RFB 1920-83 for a One-Ton Truck with Utility Body on the City's website under commodity codes 07053 for Trucks with Specialized Bodies; and

WHEREAS, twenty-two (22) companies chose to download the RFB document, two chose to respond, there was one local vendor; and

WHEREAS, on September 29, 2020 bids were formally opened in the City Clerk's office and American Chevrolet, Modesto, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the overall lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for a one-ton truck with utility body to American Chevrolet, Modesto CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a one-ton truck with utility body to American Chevrolet, Modesto, CA for a total amount not to exceed $80,123.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-059

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE OF TWO (2) THERMAL STRIPING MACHINES TO MRL EQUIPMENT COMPANY, BILLINGS, MT FOR A TOTAL AMOUNT NOT TO EXCEED $146,498 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department, Traffic Engineering Division require two thermal striping machines, as new additions to the fleet; and

WHEREAS, these are new machines that have the latest thermal striping technology, used to stripe the roadways with a thermal paint that bonds to the pavement and is much more durable than standard paint; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on September 15, 2020 the Purchasing Division issued RFB 1920-51 for two (2) thermal striping machines on the City's website under commodity codes 91276-Striping Streets, 93608-Air Compressors and 07053-Trucks with Specialized Bodies; and

WHEREAS, five (5) companies chose to download the RFB document, one vendor chose to respond, there were no local bids received; and

WHEREAS, on October 20, 2020 bids were formally opened in the City Clerk's office and MRL Equipment Company Inc. Billings, MT was the only responsive and responsible bidder; and

WHEREAS, based on providing the only responsive and responsible bid which confirms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for two (2) thermal striping machines to MRL Equipment, Billings, MT.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two (2) thermal striping machines to MRL Equipment, Billings, MT for a total amount not to exceed $146,498.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-060

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) STREET SWEEPERS TO OWEN EQUIPMENT, FAIRFIELD, CA FOR A TOTAL AMOUNT NOT TO EXCEED $957,885, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department, Street Sweeping Division requires the replacement of three street sweepers to maintain operations; and

WHEREAS, these vehicles are used to sweep all streets within the City as part of the program service offered to tax payers, also used to clean up construction work sites and accident debris as needed; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on September 10, 2020 the Purchasing Division issued RFB 1920-36 for Three (3) Street Sweepers on the City's website under commodity codes 92979-Sweepers, Street, Maintenance and Repair, 07047-Trucks, Cab and Chassis, 07048-Trucks (One-Ton and Less Capacity), 07051-Trucks (Over One-Ton) and 07053-Trucks with Specialized Bodies; and

WHEREAS, eight (8) companies chose to download the RFB document, two chose to respond, there were no local bids received; and

WHEREAS, on October 20, 2020 bids were formally opened in the City Clerk's office and Owen Equipment, Fairfield, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the overall lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for three (3) street sweepers to Owen Equipment, Fairfield, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approved the purchase of three (3) street sweepers to Owen Equipment, Fairfield, CA for a total amount not to exceed $957,885.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-061

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) BMW MOTORCYCLES TO CYCLE SPECIALTIES, MODESTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED $59,342 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department (MPD) require the replacement of two BMW motorcycles; and

WHEREAS, these motorcycles are used in law enforcement for traffic detail, special events, and other enforcement work where a typical patrol vehicle may not be as practical; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on September 22, 2020 the Purchasing Division issued RFB 1920-70 for two BMW motorcycles on the City's website under commodity codes 07012-Motorcycles, Accessories and Parts; and

WHEREAS, three (3) companies chose to download the RFB document, two (2) vendors chose to respond, one was a local bidder; and

WHEREAS, on October 27, 2020 bids were formally opened in the City Clerk's office and Cycle Specialties, Modesto, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for the two (2) BMW motorcycles to Cycle Specialties, Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two (2) BMW motorcycles to Cycle Specialties, Modesto, CA for a total amount not to exceed $59,342.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-062

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A UTILITY TRUCK WITH COMPRESSOR TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL AMOUNT NOT TO EXCEED $123,530 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Utilities Department, Water Construction Division require the replacement of a utility truck with compressor; and

WHEREAS, this vehicle is used to haul tools to various job sites throughout the City and the compressor is used to run a jack hammer and other pneumatic tools required at job sits; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on September 22, 2020 the Purchasing Division issued RFB 2021-12 for a Utility Truck with Compressor on the City's website under commodity codes 02500-Air Compressors and Accessories, 74017-Compressors and Parts, 93608-Air Compressors and Accessories, Maintenance and Repair, 06510-Bodies, Utility, 06590-Van, Truck Bodies, 07048-Trucks (One-Ton and Less), 07051-Trucks (Over One-Ton) and 07053-Trucks (With Specialized Bodies); and

WHEREAS, seven (7) companies chose to download the RFB document, five (5) vendors chose to respond, there were no local bids received; and

WHEREAS, on October 27, 2020 bids were formally opened in the City Clerk's office and Towne Ford, Redwood City, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for a utility truck with compressor to Towne Ford, Redwood City, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorized the purchase of a utility truck with compressor to Towne Ford, Redwood City, CA for a total amount not to exceed $123,530.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-063

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A LOW-PROFILE DUMP TRUCK TO PB LOADER, FRESNO, CA FOR A TOTAL AMOUNT NOT TO EXCEED $99,191 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Work Department, Green Waste Collection Division require the replacement of a low-profile dump truck; and

WHEREAS, this equipment is used when trees, limbs and stumps are too large for the packer trucks to pick up and dispose of; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on October 5, 2020 the Purchasing Division issued RFB 2021-13 for low-profile dump truck on the City's website under commodity codes 07047-Trucks, Cab & Chassis, 07051-Trucks (Over One-Ton), 07053-Trucks (With Specialized Bodies) and 54539-Lifts, Platforms, Telescoping; and

WHEREAS, three (3) companies chose to download the RFB document, two (2) vendors chose to respond, there were no local bidders; and

WHEREAS, on November 10, 2020 bids were formally opening in the City Clerk's office and PB Loader, Fresno, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for the low-profile dump truck to PB Loader, Fresno, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a low-profile dump truck to PB Loader, Fresno, CA for a total amount not to exceed $99,191.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-064

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TEN (10) FORD POLICE INTERCEPTORS TO NAPA FORD, NAPA, CA FOR A TOTAL AMOUNT NOT TO EXCEED $406,977 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department require the replacement of three (3) Ford Police Responder Pick-up trucks and ten (10) Ford Police Interceptor SUV's; and

WHEREAS, these vehicles are used daily to patrol the City; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, On October 27, 2020 the Purchasing Division issued RFB 2021-22 for three (3) Ford Police Responder Pick-up trucks and ten (10) Ford Police Interceptor SUV's on the City's website under commodity codes 07000-Automotive vehicles, 07006-Automobiles, 07048-Trucks (One-Ton and Less Capacity) and 07051-Trucks (Over One-Ton Capacity); and

WHEREAS, two (2) companies chose to download the RFB document, one vendor chose to respond, there was no local bidder; and

WHEREAS, the bid submitted was for ten (10) Ford Police Interceptor SUV's only, pricing for the Ford Police Responder Pick-up trucks is not available and will need to be bid at a later date; and

WHEREAS, on November 24, 2020 bids were formally opened in the City Clerk's office and Napa Ford, Napa CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for ten (10) Ford Police Interceptor SUV's to Napa Ford, Napa, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of ten (10) Ford Police Interceptor SUV's to Napa Ford, Napa, CA for a total amount not to exceed $406,977.

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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City~~ Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-065

RESOLUTION APPROVING THE AWARD OF BID AND SERVICE AGREEMENT FOR POTABLE WATER DELIVERY SERVICES TO DEMPSEY'S WATER SYSTEMS, MODESTO CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED COST FOR THE FIRST-YEAR OF $13,350 AND A TOTAL AMOUNT NOT TO EXCEED $57,186 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Compost Facility's primary and state mandated purpose is to process the City's diverted yard waste, paper waste and food waste materials into a reusable soil amendment product (compost); and

WHEREAS, the operation is comprised of three buildings (two offices and one equipment shop), heavy equipment for material processing and nine (9) employees; and

WHEREAS, an issue with the potability of the well water connection at the Compost Facility was identified in 2019. A safety review revealed the well water connection was providing non-potable water to the facility; and

WHEREAS, due to the urgent need, a water vendor was identified in July 2019 who set up potable water service to the facility. The service included installation and maintenance of potable water tank system and delivery of potable water to refill the tank on a regular schedule or when requested; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request of Bids (RFB) for Potable Water Delivery Services; and

WHEREAS, on August 27, 2020, the Purchasing Division issued RFB No. 1920-76 for Potable Water Delivery Services under multiple category codes; and

WHEREAS, on September 29, 2020, in an effort to slow the spread of COVID-19, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream; and

WHEREAS, one (1) vendor chose to respond, which is a local vendor who provided a responsive and responsible bid; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award for furnishing of Potable Water Delivery Services to Dempsey's Water Systems, Modesto CA, for an estimated cost for the first-year of $13,350 and a total amount not to exceed $57,186 over five years; 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. 1920-76 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and service agreement for Potable Water Delivery Services to Dempsey's Water Systems, Modesto, CA for a two (2) year agreement with three (3) one-year extension options, for an estimated cost for the first-year of $13,350 and a total amount not to exceed $57,186 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-066

RESOLUTION APPROVING THE PAYMENT FOR THE FURNISHING OF POLICE OFFICER STANDARDS AND TRAINING ACADEMY SERVICES WITH SAN JOAQUIN DELTA COLLEGE AND/OR STANISLAUS COUNTY SHERIFF'S DEPARTMENT REGIONAL TRAINING DIVISION FOR AN ESTIMATED ANNUAL COST OF $100,000 AND A TOTAL AMOUNT NOT TO EXCEED $500,000 OVER FIVE YEARS

WHEREAS, the Commission on Peace Officer Standards and Training (POST) is the training standard for police officers, deputy sheriffs, school district police officers, district attorney investigators, as well as other classifications of peace officers, and

WHEREAS, the goal of every POST-certified academy is to ensure that those who graduate will be well-prepared for and successful in the Field Training Program and their career as California peace officers, and

WHEREAS, Modesto Police Department recruitments are cyclical in nature due to retirements, separations and promotions, and

WHEREAS, the hiring process is a long and extensive process of which the Police Officer Recruit POST Academy is vital, and

WHEREAS, the Police Department's ability to hire new Police Officers and get them into POST Academy training in a timely fashion is critical to maintaining proper staffing levels, and

WHEREAS, in the current fiscal year, the Police Department is on track to expend more than $50,000 on POST Academy services, and

WHEREAS, as POST Academies are 5-6 months in length, they can cross fiscal years, and

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2022-239

WHEREAS, it was the discovery that expenses for POST Academy services, regardless of vendor, will exceed $50,000 in the current fiscal year that prompted the Police Department to seek direction from the Finance Department on how to proceed, and

WHEREAS, the Finance Department provided direction that the Police Department should seek the authorization for payment of POST Academy services in an amount not to exceed $100,000 each fiscal year to conform with procurement policy and Modesto Municipal Code, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.204 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures; however, MMC 8-3.204(b) provides that a purchase may be exempt from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, here, San Joaquin Delta College and Stanislaus County Sheriff's Department Regional Training Division should be exempt from the formal bidding procedure in accordance with MMC 8-3.204(b) since they are the local POST training facilities which meet or exceed the standards of POST training for recruits, and

WHEREAS, San Joaquin Delta College and Stanislaus County Sheriff's Department Regional Training Division should be exempt from the formal bidding

procedure in accordance with MMC 8-3.204(d) as they are the lowest possible cost commensurate with the desired quality; therefore, this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment for the furnishing of Police Officer Standards and Training Academy services with San Joaquin Delta College and/or Stanislaus County Sheriff's Department Regional Training Division for an estimated annual cost of $100,000 and a total amount not to exceed $500,000 over five years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-067

RESOLUTION APPROVING AN AGREEMENT WITH THE THOUSAND OAKS EXECUTIVE CENTER, LLC. FOR THE LEASE OF 40 PARKING SPACES LOCATED ON APN 034-018-014 IN THE AMOUNT OF $15,000 ANNUALLY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Pamela Monterosso Park acts as a primary trailhead for the Mensinger Trail along Dry Creek, and

WHEREAS, conceptual development of the area began in 2006 and the later construction included a roundabout parking area with 6 parking spaces, a small shade pavilion, picnic table and landscaping, and

WHEREAS, early development plans included the purchase and development of the parcel adjacent to the park (APN 034-018-014) to be used for parking, however those plans were not realized, and

WHEREAS, the park and trailhead are now fully developed and heavily used by disc golfers, runners, bicycle groups and others seeking recreational activities throughout the Dry Creek Regional Park, and

WHEREAS, in Fall of 2020, a representative for the landowner of the adjacent parcel, notified the Director of Parks, Recreation and Neighborhoods (PRN) that the parking lot was being heavily used by park visitors and any future development by the landowner could impact its availability for park users, and

WHEREAS, the Director met with the property representative and several community organizations that use the parking lot to discuss the property owner's concerns, options related to the property, and the need for additional parking to access the park and trail, and

WHEREAS, the property representative agreed to lease the parking spaces to the City while it pursues grant opportunities for a possible future purchase, and

WHEREAS, Thousand Oaks Executive Center, LLC. has agreed to lease 40 parking for an annual cost of $15,000. The initial term of the proposed agreement is from January 1, 2021 to June 30, 2021, with a prorated rent of $7,500, that shall be automatically renewed for an additional one-year term annually on July 1st, and

WHEREAS, the City will be responsible for keeping the parking spaces free from trash and debris, but the property owner will otherwise be responsible for maintaining the area, and

WHEREAS, the City of Modesto's Property Agent estimates that the lease rate on the open market, for comparable parking spaces, would be roughly twice the agreed upon lease rate, and

WHEREAS, the proposed agreement is designed to be an interim solution while the City pursues grant funding that is appropriate for the purchase of this parcel, and

WHEREAS, approval of this agreement will benefit the City and several non-profit groups that are active in the recreational and preservation efforts within Dry Creek Regional Park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement with the Thousand Oaks Executive Center, LLC. for the lease of 40 parking spaces located on APN 034-018-014 in the amount of $15,000 annually.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-068

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 OPERATING BUDGET AS OUTLINED IN ATTACHMENT A AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in order to budget for expenditures related to the agreement between the City of Modesto and Thousand Oaks Executive Center, LLC. for the leases of 40 parking spaces located on APN 034-018-014, and

WHEREAS, the Fiscal Year 2020-2021 Operating Budget must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Operating Budget as outlined in **Attachment 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 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Budget Adjustment for Monterosso Parking Lot Lease

Fund 0100 – General Fund

Operating Budget 31010 – PRND Administration

Expense:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-31010-51040	Salaries and Wages: Part-Time	$24,460	($15,000)	$ 9,460
0100-31010-53070	Rental of Real Property	$0	$15,000	$15,000
	Total	**$24,460**	**$0**	**$24,460**

Revenue:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
	Total	**$0**	**$ 0**	**$**

Total Expense/Revenue Adjustments Increase/(Decrease)**:** **$0.00**

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-069

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE LICENSE AGREEMENT WITH MODESTO ON ICE, INC., AN S CORPORATION, TO EXTEND THE TERM THROUGH JANUARY 31, 2026 AND WAIVE THE ANNUAL LICENSE FEE FOR THE 2020-2021 SEASON

WHEREAS, the City determined the downtown would benefit from increased activity with the installation of a seasonal ice-skating rink on a portion of the Modesto Centre Plaza parking lot located at the intersection of 11th and L Streets, and

WHEREAS, on May 26, 2020, by Resolution No. 2020-233, Council approved a License Agreement with the new owners of Modesto on Ice, Inc. to operate a seasonal ice-skating rink for five years/seasons, and

WHEREAS, the License Agreement was executed during the early onset of the COVID-19 pandemic, and

WHEREAS, due to state guidelines and restrictions, Modesto on Ice could not open or operate its first year/season, and

WHEREAS, with its long history and partnership, it is in the best interest to City and Modesto on Ice to continue to work together during these difficult and uncertain times, and

WHEREAS, in response to the negative economic impacts of COVID-19, staff recommends waiving the annual license fee for Season/Year 1 ($10,175), adding one additional Season/Year through January 31, 2026, and other administrative revisions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the License Agreement with Modesto on

Ice, Inc., an S Corporation to extend the term through January 31, 2026 and waive the annual license fee for the 2020-2021 season.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-070

RESOLUTION ACCEPTING THE LITT ROAD IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,928,289 TO MCFADDEN CONSTRUCTION, INC., OF STOCKTON, CALIFORNIA

WHEREAS, the Utilities Department Water Services Division has been in search of a replacement Corporation Yard since 2013, as it has outgrown its current locations, and

WHEREAS, Water Operations are divided among three separate locations, but for operational and fiscal efficiency, it is best to house the Water Services Division at a single site, and

WHEREAS, on November 4, 2015, by Resolution No. 2015-424, Council approved the purchase of a 47.37 acre site at 4240 Litt Road in northeast Modesto for the future Water Corporation Yard, and

WHEREAS, the project site is approximately 3,000 feet north of Sylvan Avenue and 850 feet south of Plainview Road, just outside of City limits but within the City's sphere of influence, and

WHEREAS, staff began preliminary scoping and development of a new Water Corporation Yard Project in January 2016, and

WHEREAS, in addition to developing the Water Corporation Yard Project, offsite improvements along Litt Road were required. Offsite improvements included the extension of an existing 12" water line, extension of an existing 21" sewer trunk line to serve the project, extension of a 4" gas line from Sylvan Avenue, and widening Litt Road from the end of Mary Grogan Park to Plainview Road, and

WHEREAS, to achieve project completion by fall of 2019, Staff recommended pursuing a Design-Build (DB) approach. The benefits of DB include expedited project delivery, reduced project costs, and decreased disputes since the same entity (the DB team) is responsible for both design and construction, and

WHEREAS, initially, Staff anticipated including the Litt Road improvements with the onsite development as a part of the design build project for the Water Corporation Yard, and

WHEREAS, ultimately, it was determined by Staff and the City Attorney's Office that offsite improvements should be separated from the onsite improvements because the DB procurement method prescribed in the California Public Contract Code (PCC) 22161 states that DB projects that involve the construction of buildings do not include the construction of infrastructure, and

WHEREAS, to meet certain milestones for the onsite Water Corporation Yard Project, the Litt Road Improvements needed to be completed first; specifically, utility stubs to serve the on-site improvements during construction, and

WHEREAS, bids were advertised on October 17, 2017, and were publicly opened on November 28, 2017, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and McFadden Construction, Inc. of Stockton, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on January 16, 2018, by Resolution No. 2018-09, Council awarded a contract to McFadden Construction, Inc. of Stockton, California, for the construction of the Litt Road Improvements project in the amount of $1,533,584, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of February 26, 2018, and all contract work was completed by October 31, 2019, and

WHEREAS, the total project costs were $2,185,043 which included design, construction, and construction administration costs. The total project amount budgeted was $2,864,000 which included $1,993,659 for the construction contract and contingency with McFadden 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% ($122,687) of the original contract price, and

WHERE S, the Directors Authority was increased on July 10, 2018, by Resolution 2018-285 to 30% not to exceed $460,075, and

WHEREAS, there were twenty-three change orders on this project with an overall increase of $394,705, 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 Litt Road Improvements project is hereby accepted as complete from contractor, McFadden Construction, Inc., of Stockton, 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 $1,928,289.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-071

RESOLUTION APPROVING A LOCAL EMERGENCY RENTAL ASSISTANCE PROGRAM, ACCEPTING $6,398,151 FROM THE US DEPARTMENT OF TREASURY FOR EMERGENCY RENTAL ASSISTANCE, ACCEPTING THE ALLOCATION OF COVID-19 TENANT RELIEF ACT -SB91 FUNDS FROM THE STATE OF CALIFORNIA IN THE AMOUNT OF $7,630,675, AN AGREEMENT WITH THE STANISLAUS REGIONAL HOUSING AUTHORITY IN AN AMOUNT NOT TO EXCEED $6,398,151 AND AN AGREEMENT WITH THE STANISLAUS REGIONAL HOUSING AUTHORITY IN AN AMOUNT NOT TO EXCEED $7,630,675 TO EXECUTE THE FEDERAL AND STATE PROGRAM, AN AGREEMENT WITH ROLLING F CREDIT UNION, ORGANIZED LABOR CREDIT UNION, MODESTO'S FIRST FEDERAL CREDIT UNION, AND SELF-HELP FEDERAL CREDIT UNION IN AN AMOUNT NOT TO EXCEED $100,000 PER CREDIT UNION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL AGREEMENTS, WITH SUCH CHANGES AS DETERMINED BY THE CITY ATTORNEY.

WHEREAS, on December 21, 2020, Congress passed the Consolidated Appropriations Act of 2021 and the Emergency Rental Assistance program made available $25 billion nationwide to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic, and

WHEREAS, The U.S. Treasury issued approximately $1.1 billion to California jurisdictions with a population of 200,000 or more and an additional $1.5 billion to the State of California, and

WHEREAS, The City of Modesto is eligible to receive $6,398,151 directly from the U.S. Treasury, and

WHEREAS, the State of California passed the COVID-19 Tenant Relief Act – SB91 (Act) which was signed into law January 29, 2021 to extended eviction protections to COVID-19 impacted tenants and established the state's Emergency Rental Assistance Program (ERAP), and

WHEREAS, The Act extends tenant protections included in the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088) to June 30, 2021; and

WHEREAS, on January 6, 2021, both Stanislaus County and the City of Modesto were notified the agencies would be receiving direct ERAP allocations from the U.S. Treasury and Senior Leadership for the County and City of Modesto met and determined it would be in the best interest of the community for the agencies to work collaboratively and develop a countywide program rather than develop and implement two separate programs, and

WHEREAS, in order to not further burden the agencies that currently provide housing support, City and County staff looked for alternatives to develop a public-private partnership to distribute ERAP funds to eligible households, and

WHEREAS, The Stanislaus Regional Housing Authority offered to act as the fiscal agent for both the City of Modesto and Stanislaus County and to develop a community application portal to accept applications for the Emergency Rental Assistance Program countywide with its extensive experience managing federal and state funding and programs and is well suited to serve as the fiscal agent, and

WHEREAS, the Stanislaus Regional Housing Authority has agreed to develop and maintain a website and online portal whereby community members can learn about and apply for the program; manage the master list; perform final eligibility review; issue payments to landlords and utility companies and track payments by jurisdiction, and

WHEREAS, to assist with the universal application intake process, the City and County has enlisted the assistance of four local credit unions, and a mobile outreach team, and

WHEREAS, the credit unions participating are Self-Help Credit Union; Rolling F Credit Union Modesto First Federal Credit Union, and Organized Labor Credit Union, and

WHEREAS, the City and County are in conversations with a fifth credit union for application assistance, to serve as community intake locations and offer additional assistance to households, in both Spanish and English to enter the information into the portal, or offer a paper copy of the application packet, and

WHEREAS, Stanislaus County United Way 211 is also partnering with the County and Modesto to support this effort, and

WHEREAS, outreach materials will be developed in both English and Spanish and will be distributed through a variety of channels – social media, local community-based organizations, Municipal Advisory Councils, and other distribution networks, and

WHEREAS, the program structure was developed to meet the needs of our local community, and

WHEREAS, phase one of ERAP and will cover 100% of rental and utility arrears, accumulated between April 1, 2020 and March 31, 2021 with no maximum amount of arrear assistance a household can receive, and

WHEREAS, for the first 60 days, the program will prioritize those eligible households who are at or below 50% of the area median income and to households in

which one or more household member is unemployed and has been unemployed for 90 days, and

WHEREAS, applications will be carefully screened to ensure assistance is provided to only eligible households that meet the mandated criteria, and

WHEREAS, households who are at or below 30% of the area median income, will be directed to one of the local housing service providers who have been allocated HUD rental assistance funding and these providers will offer the same 100% of rental and utility arrear support, and have the ability to provide the required ongoing case management to this at-risk population, and

WHEREAS, after the first 60 days, assistance will be focused on those who are at or below 80% of the area median income until funding is exhausted, then program will shift to phase two of the funding which will pay for 80% of rental arrears, and

WHEREAS, for phase two the State of California have given local jurisdictions the option to apply for and receive a block grant for their local allocation of the State funding and the City of Modesto has submitted an Expression of Intent form to receive a block grant from the State in the amount of: $7,630,675, and

WHEREAS, to run the program, the State is giving jurisdictions the option to defer entering into the Standard Agreement to receive a block grant from the State until federal funding is exhausted to pay 100% of arrears, and then the Standard Agreement will be executed, and the project would continue locally paying for 80% of arrears using the block grant from the state, and

WHEREAS, in order to proceed with a Standard Agreement with the State, the Department is requiring each locality to submit a resolution which authorizes its

representatives to bind that locality to the terms and conditions of the block grant award, and

WHEREAS, the State is recommending jurisdictions to approve a not-to-exceed amount of three times the existing state block grant reservation to allow for future rental assistance funds that may be run through the same program, and this amount would be $22,892,025, and

WHEREAS, a maximum of 10% of the total ERAP funding received by the City may be used to pay for administrative expenses incurred by the City, Housing Authority of the County of Stanislaus, and other partner agencies to administer the ERAP program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving a local Emergency Rental Assistance program, accepting $6,398,151 from the US Department of Treasury for Emergency Rental Assistance, an agreement with the Stanislaus Regional Housing Authority in an amount not to exceed $6,398,151 and an agreement with the Stanislaus Regional Housing Authority in an amount not to exceed $7,630,675 to execute the Federal and State program.

BE IT FURTHER RESOLVED that the City Manager or his designee to execute any documents and/or agreements with Rolling F Credit Union, Organized Labor Credit Union, Modesto's First Federal Credit Union, and Self-Help Federal Credit Union in an amount not to exceed $100,000 per credit union such changes as determined by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized and directed to execute any documents and/or agreements necessary to carry

out the purpose and intent of this Resolution, in such form as approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-072

RESOLUTION AUTHORIZING THE CITY OF MODESTO TO PARTICIPATE IN THE STATE LOCAL EMERGENCY RENTAL ASSISTANCE PROGRAM; AUTHORIZING AND DIRECTING THE CITY TO ACCEPT A BLOCK GRANT IN A TOTAL AMOUNT NOT TO EXCEED $22,892,025; AUTHORIZING AND DIRECTING THE CITY TO ENTER INTO, EXECUTE, AND DELIVER THE BLOCK GRANT AWARD DOCUMENTS, WHICH SHALL INCLUDE A STANDARD AGREEMENT NOT TO EXCEED $22,892,025; AUTHORIZING AND DIRECTING FOR THE CITY TO ASSUME RESPONSIBILITY FOR ADMINISTERING THE BLOCK GRANT AWARD IN ACCORDANCE WITH ALL BLOCK GRANT AWARD REQUIREMENTS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE EXECUTE THE BLOCK GRANT AWARD DOCUMENTS ON BEHALF OF THE CITY

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTIONS NO. 2021-391

WHEREAS, on December 27, 2020, the Consolidated Appropriations Act, 2021 (Pub.L. No. 116-260) (the "Act") was signed into law. Section 501 of Division N of the Act established the federal Emergency Rental Assistance Program ("ERAP"), and authorized the direct allocation of emergency rental assistance funds to states, units of local government, tribal communities, and territories. The ERAP funds are intended to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic, and

WHEREAS, California Senate Bill No. 91 (2021-2022 Reg. Sess.) ("SB 91") established the State of California's program for administering its share of ERAP funds (the "State Rental Assistance Program," "SRAP," or "State Rental Assistance Funds"). SB 91 added Chapter 17 (commencing with Section 50897) to Part 2 of Division 31 of the Health and Safety Code. Health and Safety Code section 50897.1, subdivision (a)(1) authorizes the Department of Housing and Community Development (the "Department") to administer the State Rental Assistance Funds in accordance with state and federal law, and

WHEREAS, on January 22, 2021 the CITY OF MODESTO ("Locality") received an allocation of ERAP funds from the U.S. Department of the Treasury ("Treasury") in the amount of $6,398,150.80 (such amount, the Locality's "Direct Federal Allocation")., and

WHEREAS, the City plans to administer its Direct Federal Allocation, and acknowledges that the Direct Federal Allocation is subject to the requirements of the Act and Treasury interpretive guidance, and to all such requirements as may be subsequently amended, and

WHEREAS, the City desires to receive an allocation of State Rental Assistance Funds pursuant to Health and Safety Code section 50897.2, subdivision (a)(1) or (2) (such allocation, a "Block Grant Award"). Locality submitted its request for a Block Grant Award to the Department, on an Expression of Intent Form, on or before February 12, 2021; and

WHEREAS, the City acknowledges that every Block Grant Award is subject to the requirements of SB 91 and Department guidelines, to the relevant requirements of the Act and Treasury interpretive guidance, and to all such requirements as may be subsequently amended (collectively, the "Block Grant Award Requirements"), and

WHEREAS, the City further acknowledges that every Block Grant Award is subject to the terms and conditions of a Department-approved STD 213, Standard Agreement ("Standard Agreement"), all other documents required or deemed necessary or appropriate to allocate the Block Grant Award, and all amendments thereto (collectively, the "Block Grant Award Documents"), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorized to participate in the State Local Emergency Rental Assistance Program.

BE IT FURTHER RESOLVED that it is hereby authorized and directed to accept a Block Grant Award in a total amount not to exceed $ 22,892,025.

BE IT FURTHER RESOLVED that it is hereby authorized and directed to enter into, execute, and deliver the Block Grant Award Documents, which shall include a Standard Agreement in a total amount not to exceed $ 22,892,025.

BE IT FURTHER RESOLVED that it is hereby authorized and directed to assume responsibility for administering the Block Grant Award in accordance with all Block Grant Award Requirements.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute the Block Grant Award Documents on behalf of the Locality for participation in the State Rental Assistance Program, in such form as approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-073

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 MULTI-YEAR FUND BUDGET, ACCEPTING THE ALLOCATION OF CONSOLIDATED APPROPRIATIONS ACT OF 2021 FUNDS FROM THE US DEPARTMENT OF TREASURY IN THE AMOUNT OF $6,398,151 AND ACCEPTING THE ALLOCATION OF COVID-19 TENANT RELIEF ACT – SB91 FUNDS FROM THE STATE OF CALIFORNIA IN THE AMOUNT OF $7,630,675, APPROVING THE ACCEPTANCE OF THESE FUNDS INTO MULTI-YEAR OPERATING PROPJECTS WITH APPROPRIATE REVENUE AND EXPENDITURE ALLOCATIONS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the COVID-19 virus, better known as the novel Coronavirus, is a respiratory virus hat has spread across the world and has created a global pandemic by devastating communities and the world economy, and

WHEREAS, to respond to this pandemic, Congress passed the Consolidated Appropriations Act of 2021 into law which provided $25 billion to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic, and

WHEREAS, the Consolidated Appropriations Act included direct allocations to California jurisdictions with populations of 200,000 or more, the City of Modesto Program has been allocated $6,398,151 to establish an Emergency Rental Assistance Program (ERA), and

WHEREAS, these funds will be disbursed to eligible COVID-19 expenditures and meet the Treasury guidelines defined under the Consolidated Appropriations Act and must be expended no later than December 30, 2021, and

WHEREAS, the State of California passed the COVID-19 Tenant Relief Act – SB91 into law on January 29, 2021, extending eviction protections to COVID-19 impacted tenants and establishing the State's Emergency Rental Assistance Program, and

WHEREAS, the COVID-19 Tenant Relief Act – SB91 includes direct allocations to the City of Modesto in the amount of $6,972,190, with an additional $658,485 to be used for administration, for a total of $7,630,675 with the possibility of receiving future rental assistance funds from the same program totaling no more than $22,892,025, and

WHEREAS, the City of Modesto has been working with Stanislaus Regional Housing Authority to develop a public-private partnership to distribute ERA Program funds to eligible members of the community, and work in partnership with existing housing support programs and resources.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto Resolution that it hereby amends the Fiscal Year 2020-2021 Multi-Year Fund Budget, accepts the allocation of Consolidated Appropriation Act of 2021 funds from the US Treasury in the amount of $6,398,151 and accept the allocation of COVID-19 Tenant Relief Act -SB91 Funds in the amount of $7,630,675 and approve the acceptance of these funds into multi-year operating projects with appropriate revenue and expenditure allocations.

BE IT FURTHER RESOLVED that authorizing the City Manager, or his designee, to carry out administrative actions or execute any agreements required for the City to receive and expend the ERA program funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

Exhibit A

BUDGET ADJUSTMENT FISCAL YEAR 2020-2021

City of Modesto		**Funds Reimbursed with Treasury Funds**		
Community & Economic Development Department		Emergency Rental Assistance Program		
Community Development Division		FUND 1344		
		COST CENTER 14998		
		PROPOSED	ADJUSTMENT	FINAL PROPOSED
Federal - Discretionary Expenses - Appr Unit C	Direct Grants	$ -	$ 6,398,151.00	$ 6,398,151.00
State - Discretionary Expenses - Appr Unit C	Direct Grants	$ -	$ 7,630,675.00	$ 7,630,675.00
TOTAL Expenses		$ -	$ 14,028,826.00	$ 14,028,826.00
Federal	Revenue		$ 6,398,151.00	$ 6,398,151.00
State	Revenue	$ -	$ 7,630,675.00	$ 7,630,675.00
TOTAL Revenues		$ -	$ 14,028,826.00	$ 14,028,826.00
Total		$ -	$ -	$ -

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-074

RESOLUTION APPOINTING SALVATORE SALERNO AS THE POET LAUREATE OF THE CITY OF MODESTO FOR A TWO-YEAR TERM RETROACTIVE TO JULY 1, 2020 THROUGH JUNE 30, 2022

WHEREAS, July 13, 1993, by Resolution 93-412, Council established a non-salaried honorary position of Poet Laureate of the City of Modesto, and

WHEREAS, the purpose of a Poet Laureate is to present original poems at various City functions and occasions, and

WHEREAS, in compliance with City Council Policy No. 6.020, the Culture Commission completed the Poet Laureate application and review process, and

WHEREAS, on January 6, 2021, the Culture Commission unanimously voted to recommend Salvatore Salerno for consideration as the next Poet Laureate of the City of Modesto, and

WHEREAS, the Culture Commission recommends the appointment of Salvatore Salerno as the next Poet Laureate of the City of Modesto for the 2020-2022 term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Salvatore Salerno as the Poet Laureate of the City of Modesto for the 2020-2022 term (retroactive to July 1, 2020 – June 30, 2022).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2021, by Councilmember Zoslocki, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-075

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE STANISLAUS COUNTY FIRE WARDEN'S OFFICE (SCFW) FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE FOR NO ANNUAL COST, OVER A THREE-YEAR TERM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto, along with other cities in Stanislaus County and Stanislaus County itself, entered into a Hazardous Materials Response agreement in 1995, which expired in 2005; and

WHEREAS, the other cities in Stanislaus County and Stanislaus County (County) have not been able to enter into another agreement, but the Modesto Fire Department (MFD) has still provided hazmat response throughout County, through local mutual aid, without a formal agreement; and

WHEREAS, the new Memorandum of Understanding reestablishes the operational agreement expired since 2005; and

WHEREAS, MFD will upgrade to State Certified Hazmat Type I Team in order to meet Hazmat level requirements, and provide an Administrative Battalion Chief to provide administrative oversight and support the Hazmat Team; and

WHEREAS, the term of this MOU is for three (3) years, beginning February 1, 2021 through January 31, 2024; and

WHEREAS, there is no estimated cost for City under this MOU, and SCFW shall provide $250,000 from Less Than County-Wide (LTCW) tax dollars annually to City, to cover personnel costs, salary reimbursement for one Administrative Battalion Chief, and cost recovery for incentive pay and additional Hazmat team members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) with the Stanislaus County Fire Warden's Office (SCFW) for hazardous materials emergency response for no annual cost, over a three-year term.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-076

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2020-21 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 30, 2020, as part of the Annual Budget of the City of Modesto for Fiscal Year 2020-2021, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, a study was conducted by Human Resources to determine an appropriate classification, and

WHEREAS, position changes will be effective upon adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2020-21 Operating Budget for various departments as follows:

1. Add one (1) Fire Battalion Chief in the Special Operations Division (18240) of the Fire Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-077

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR ELECTRICAL ENGINEERING DESIGN SERVICES, WITH PEZZONI ENGINEERING, INC., MODESTO, CA, FOR A ONE-YEAR AGREEMENT, WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $100,000, AND A TOTAL COST NOT TO EXCEED $300,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific engineering design services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals (RFQ/RFP) was formally advertised through Planet Bids for On-Call Electrical and Mechanical Engineering Design Services, and

WHEREAS, on August 28, 2020, staff received six (6) Statements of Qualifications (SOQ) for electrical engineering design services, and seven for mechanical engineering design services, and

WHEREAS, after careful review of the SOQ/Proposals by Utilities Department Staff, Pezzoni Engineering, Inc., Modesto, CA, was selected as the most qualified firm to provide On-Call Electrical Engineering Design Services, and

WHEREAS, when On-Call Electrical Engineering Design Services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, the consultant will not perform any services until a written Notice to Proceed is received, and

WHEREAS, no new budget allocations are required at this time as task orders associated with these agreements will be project specific and encumbered against existing approved CIP project budgets, and

WHEREAS, costs for On-Call Electrical Engineering Design Services are not expected to exceed $100,000 per year and the total cost for the proposed three-year contract term (initial one-year term, with two one-year extensions) is not to exceed $300,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Electrical Engineering Design Services with Pezzoni Engineering, Inc., Modesto, CA, for a one-year agreement, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-078

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR MECHANICAL ENGINEERING DESIGN SERVICES, WITH LEE AND RO, INC., WALNUT CREEK, CA, FOR A ONE-YEAR AGREEMENT, WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $100,000, AND A TOTAL COST NOT TO EXCEED $300,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific engineering design services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, a Request for Qualification and Proposals (RFQ/RFP) was formally advertised through Planet Bids for On-Call Electrical and Mechanical Engineering Design Services, and

WHEREAS, on August 28, 2020, staff received six (6) Statements of Qualifications (SOQ) for electrical engineering design services, and seven for mechanical engineering design services, and

WHEREAS, after careful review of the SOQ/Proposals by Utilities Department Staff, Lee and Ro, Inc., Walnut Creek, CA, was selected as the most qualified firm to provide on-call Mechanical Engineering Design Services, and

WHEREAS, when On-Call Mechanical Engineering Design Services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, the consultant will not perform any services until a written Notice to Proceed is received, and

WHEREAS, no new budget allocations are required at this time as task orders associated with these agreements will be project specific and encumbered against existing approved CIP project budgets, and

WHEREAS, costs for On-Call Mechanical Engineering Design Services are not expected to exceed $100,000 per year and the total cost for the proposed three-year contract term (initial one-year term, with two one-year extensions) is not to exceed $300,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Mechanical Engineering Design Services with Lee and Ro, Inc., Walnut Creek, CA, for a one-year agreement, with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-079

RESOLUTION APPROVING THE CONSOLIDATION AND WATER SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Riverdale Park Tract (Riverdale) Community is located in an unincorporated County area west of Carpenter Rd, north of W. Hatch Rd and south of the Tuolumne River, and

WHEREAS, the Riverdale Community consists of an estimated 500 residents and is served potable water through approximately 175 connections by the Riverdale Park Tract Community Services District (District), which owns and operates the water system, and

WHEREAS, in March 1992, the City and the District entered into an agreement to provide metered water to the District at an industrial water rate charge for periods when the District may need a supplemental or emergency water supply, and

WHEREAS, in 2015, the Stanislaus County Department of Environmental Resources (DER) identified the District's water system as being in violation of the Maximum Contaminant Level (MCL) for Uranium under Title 22 regulations, and

WHEREAS, in 2016, the DER issued a Compliance Order requiring the District to complete a Corrective Action Plan to bring the water system into compliance, and

WHEREAS, a Feasibility Study was completed in 2018 which looked at four alternatives to mitigate the water quality problem; a new well, a treatment system,

blending with a new water source, and a new water source from The City of Modesto through consolidation, and

WHEREAS, in 2018, staff was approached with the solution to consolidate the District water system and become the sole water provider for the Riverdale Community, and

WHEREAS, the City's current General Plan boundary includes the Riverdale Community in its future growth potential, and the City's current Water System Master Plan includes the Riverdale Community in the future water service area, and

WHEREAS, the City has adequate water supply to serve the Riverdale Community, and

WHEREAS, on December 3, 2020 the District approved the Consolidation and Water Service Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Consolidation and Water Service Agreement Between the City of Modesto and Riverdale Park Tract Community Services District.

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 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-080

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE BANGS AVENUE - TULLY ROAD SEWER & WATER MAIN IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT TO PRESTON PIPELINES INFRASTRUCTURE, INC., MILPITAS, CA, IN THE AMOUNT OF $1,284,896 PLUS $321,224 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $1,606,120 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Wastewater Collection System Master Plan identified the North Trunk as a priority project necessary to facilitate new development in the Bangs/Tully/Carver area of Modesto, and

WHEREAS, the North Trunk section extended approximately 2,900 linear feet of 27-inch diameter sewer trunk along Bangs Avenue between Carver Road and Tully Road. Additionally, the project was also to provide approximately 775 linear feet of 12-inch diameter sewer main along Tully Road, between Bangs Avenue and Pelandale Avenue, and

WHEREAS, during construction of the North Trunk project, approximately 1,425 lineal feet of 24-inch water transmission main was removed to accommodate the installation of the 27-inch sewer trunk along Bangs Avenue. Instead of re-installing the 24-inch main as a part of the North Trunk project, staff determined it was in the best interest of the City to create a new project that would install the 24-inch water main, and

WHEREAS, the Bangs Avenue – Tully Road Sewer & Water Main Improvement project will re-install the approximately 1,425 lineal feet of 24-inch Water Transmission Main that was removed as a part of the North Trunk Project on Bangs Avenue, from mid-block between Carver Road and Tully Road, to the Bangs Avenue/Tully Road

intersection. Additionally, the project will install a 12-inch sewer main and a 12-inch water main along Tully Road from Pelandale Avenue to Bangs Avenue. These utility improvements will be necessary for the upcoming Woodglen Development, and

WHEREAS, specifications have been prepared for the Bangs Avenue - Tully Road Sewer & Water Main Improvements project, and

WHEREAS, the Project was advertised for bids on December 22, 2020, and

WHEREAS, on January 26, 2021, bids were publicly opened, pursuant to City Charter Section 1307, five bids were received and Preston Pipelines Infrastructure, Inc., Milpitas, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, the award of bid for the Bangs Avenue - Tully Road Sewer & Water Main Improvements project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,376,000 received from Preston Pipelines Infrastructure, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded Preston Pipelines Infrastructure, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Bangs Avenue - Tully Road Sewer & Water Main Improvements project and accepts the bid of $2,376,000 plus

$285,120 for contingency (if needed) for a total amount not to exceed of $2,661,120 and Awards Preston Pipelines Infrastructure, Inc., Milpitas, CA, the contract for the Bangs Avenue - Tully Road Sewer & Water Main Improvements project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-081

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE BANGS AVENUE - TULLY ROAD SEWER & WATER MAIN IMPROVEMENTS PROJECT FROM 8% ($102,792) TO 25% ($321,224) OF THE CONSTRUCTION CONTRACT AMOUNT OF $1,284,896 WITH PRESTON PIPELINES INFRASTRUCTURE, INC., MILPITAS, CA AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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 budget of 8% for projects over $1 Million, and

WHEREAS, given the nature of the project, the significant depth of the sewer main installation and potential grading, drainage and pavement impacts, additional work may be needed to address unexpected conditions that require changes in project scope that may exceed the Director's Authority of 8%. The project design was expedited to return the water transmission main back into service. While staff provided design of the pavement restoration, the existing soil conditions may affect the proposed design and result in additional costs, and

WHEREAS, staff is requesting an increase in the Director's Authority to 25% ($321,224) of the contract amount of $1,284,896.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project from 8% ($102,792) to 25% ($321,224) of the construction contract amount of $1,284,896 with Preston Pipelines Infrastructure, Inc., Milpitas, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-082

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,811,704 TO BE BUDGETED INTO THE PROJECT FROM WASTEWATER FUND RESERVES AND ESTABLISHING TRANSFER FROM THE WATER FUND TO THIS PROJECT IN THE AMOUNT OF $342,491 TO FUND THE CONSTRUCTION PHASE OF THE BANGS AVENUE - TULLY ROAD SEWER & WATER MAIN IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,811,704, in order to fully fund the construction phase of the Bangs Avenue - Tully Road Sewer & Water Main Improvements Project, and

WHEREAS, the Fiscal Year 2020-21 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 2020-21 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 2nd day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Capital Improvement Program Project 101302 – Bangs/Tully Sewer Water Main in the amount of $1,811,704 to cover expenses associated with the construction phase of the project:

101302 - Bangs/Tully Sewer Water Main

Revenue

	PJTD Budget	Budget Adjustment	Revised Budget	
64100	$ -	$ 342,491.00	$ 342,491.00	Transfer In - Water Fund

Expenses

	PJTD Budget	Budget Adjustment	Revised Budget
CON	$ -	$ 1,284,896.00	$ 1,284,896.00
CTGY	$ -	$ 321,225.00	$ 321,225.00
CA	$ -	$ 128,489.00	$ 128,489.00
CCF	$ -	$ 25,698.00	$ 25,698.00
EDA	$ 25,000.00	$ 51,396.00	$ 76,396.00
	$ 25,000.00	$ 1,811,704.00	$ 1,836,704.00

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-083

RESOLUTION REAPPOINTING JAMES LIBERTO TO THE CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE WITH A TERM EXPIRATION OF DECEMBER 31, 2024

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

WHEREAS, on March 1, 2016 by Resolution No. 2016-66, James Liberto was appointed to the Housing Rehabilitation Loan Committee with an initial term of March 1, 2016 through December 31, 2019, and

WHEREAS, James Liberto is eligible to serve a second 4-year term.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints James Liberto to the Modesto Housing Rehabilitation Loan Committee with a term expiration of December 31, 2024.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-084

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2020-21

CITY MANAGER

- A budget adjustment is necessary to increase the non-capital project expenditure budget for project 101305 (Centre Plaza Vaccination Site – COVID-19) in the amount of $250,000. Of this amount $37,500 will be budgeted to Appr Unit A – Police Overtime, $150,000 will be budgeted to Appr Unit C – Services City Forces, $50,000 will be budgeted to Appr Unit C – Business Expenses, and $12,500 will be budgeted to Appr Unit C – Professional Services. These funds will be used to cover city staff time and other costs associated with City assistance at the COVID-19 Vaccination clinic in coordination with Stanislaus County. The costs will ultimately be reimbursed through County and Federal funding.

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 20-21 for the October 2020 – December 2020 period. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
4109	Water Fleet Replacement Fund	$94,745
5410	GF Equipment Replacement	$67,837
5809	Building Services Fleet Replacement Fund	$47,119
	Total Transfer Outs	**$209,701**
5409	Transfer In – Fleet Management Fleet Replacement	$209,701
	Total Transfer Ins	**$209,701**

A budget adjustment is necessary to establish a transfer in the amount of $94,745 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Utility Truck ¾ Ton Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of $67,837 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Truck ¾ Ton Ext. Cab with ACO Body.

A budget adjustment is necessary to establish a transfer in the amount of $47,119 from Building Services Fleet Replacement Fund 5809 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Utility Truck 1 Ton Cab.

- A budget adjustment in the amount of $246,000 is necessary to fund 4510-Bus Fixed Route fund, project 101134 - BMF Compressed Natural Gas Upgrade to increase Local Transportation Funds. This will upgrade the Bus Maintenance Facility to be compliant for Compressed Natural Gas vehicles. Appropriations will be updated as follows:

Account Description	*Budget*	*Adjustment*	*Revised Budget*
Funish & Office Equip >$5,000	$ 10,000	$ (10,000)	$ -
Landscape Maintenance	$ 40,000	$ (40,000)	$ -
Office Furniture <$5,000	$ 7,500	$ (7,500)	$ -
Professional Services	$ 70,000	$ (70,000)	$ -
Repair & Maint - Outside Svcs	$ 116,500	$ (116,500)	$ -
Tools & Field Supplies <$5,000	$ 10,000	$ (10,000)	$ -
Repair & Maint - Real Property	$ -	$ 500,000	$ 500,000
	Net Changes	**$ 246,000**	

- A budget adjustment in the amount of $100,000 to fund 4510-Bus Fixed Route, project 101023 - Bus Stop Improvements/Repairs 2017 to increase Federal Transportation Administration revenues and reduce Local Transportation Fund revenues. This project will replace and repair existing bus shelters throughout the City of Modesto.

- A budget adjustment in the amount of $63,000 to fund 4510-Bus Fixed Route, project 100982 - MAX ITS Equipment Purchase is necessary to establish budget for reimbursement from City of Escalon to install Avail equipment in buses for Escalon routes.

- A budget adjustment in the amount of $854,881 is necessary to fund 4510-Bus Fixed Route, project 101162-MAX Traffic Signal Priority to reduce the remaining Local Transportation Funds revenue budget and appropriations for project closure.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-085

RESOLUTION APPROVING A FIRST AMENDMENT TO THE SECOND RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE, VAN EGMOND & HEITLINGER IN AN AMOUNT NOT TO EXCEED $260,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF $500,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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

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

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

WHEREAS, on January 28, 2020, by Resolution 2020-029, Council approved a Second Restated Legal Services Agreement with Arata, in the amount of $240,000 for continued representation, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fist Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger, in an amount not to exceed

$260,000, for a total not to exceed amount of $500,000 to continue representing the City of Modesto in tort matters, as provided in **Exhibit** A **attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit** A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

FIRST AMENDMENT TO THE SECOND RESTATED LEGAL SERVICES AGREEMENT

This First Amendment to the Second Restated Legal Services (this "**First Amendment**"), is made and entered into on the 9th day of March 2021 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ARATA, SWINGLE, VAN EGMOND & HEITLINGER**, a Professional Corporation ("**Attorney**"), located at 1207 I Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Second Restated Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Second Restated Agreement for further service by increasing the previously approved amount of fees from $240,000 to $500,000.

NOW, THEREFORE, it is hereby agreed that the Restated Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Egmond and Heitlinger dated January 28, 2020 authorized by Resolution No.2020-029, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of five hundred thousand dollars ($500,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated January 28, 2020, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

_____
Jiles Smith, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
ARATA, SWINGLE, VAN EGMOND & HEITLINGER
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-086

RESOLUTION APPROVING AN EMERGENCY SOLUTIONS GRANT CARES ACT (ESG-CV1) TO THE SALVATION ARMY, MODESTO CITADEL FOR THE OPERATION OF THE BERBERIAN EMERGENCY SHELTER LOCATED AT 320 9TH STREET, MODESTO CA 95351 IN AN AMOUNT NOT TO EXCEED $200,000, AND $5,000 IN ACTIVITY DELIVERY COSTS TO PREVENT, MITIGATE, AND RESPOND TO THE SPREAD OF COVID-19, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded $1,118,269 in CDBG-CV1 and $567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, the City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from

COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community, and

WHEREAS, the City has been working with its partners in allocating CARES Act resources to address this priority while responding to the COVID-19 threat to the community, and

WHEREAS, emergency shelters such as Salvation Army's Berberian Shelter play an important role in providing shelter to homeless individuals in the community, and

WHEREAS, to assist in the operational response to COVID-19 and assist unhoused individuals, the City will provide ESG-CV1 funds in an amount not to exceed $200,000 for the operations of the Berberian Emergency Shelter to prevent the spread of COVID-19 among homeless individuals and the general public, and

WHEREAS, the Salvation Army will coordinate with public health to ensure shelter management is updated with the most current COVID- 19 protocols, and

WHEREAS, the Salvation Army will make investments that improve the Berberian Shelter's ability to prevent, mitigate, and respond to the spread of infection such as ramping up shelter operations costs to pay for enhanced sanitation and hygiene measures or adding additional non-congregate shelter options to decompress congregate shelter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving an Emergency Solutions Grant CARES Act Round 1 (ESG-CV1) grant agreement to The Salvation Army Modesto Citadel in an amount not to exceed $200,000 plus $5,000 in activity delivery costs to prevent, mitigate, and respond to the spread of COVID-19.

BE IT FURTHER RESOLVED; authorize the City Manager or his designee to execute any documents and/or agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-087

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) NETWORK COMMUNICATIONS EQUIPMENT TO NETXPERTS INC., WALNUT CREEK, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $113,225; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE A PURCHASE ORDER

WHEREAS, the Utilities Department, Wastewater Division is requesting the purchase of SCADA Network Communications Equipment; and

WHEREAS, the current network communications equipment used for SCADA throughout the Sutter and Jennings Wastewater Treatment Plants are at End of Life (EOL) and no longer supported by the manufacturer. The equipment will be used by the Utilities Department, Wastewater Treatment Division to maintain current operations within the Division; and

WHEREAS, the purchase of this SCADA Network Communications Equipment will replace all EOL network equipment with new devices that meet City IT requirements for availability, security and network management functionality; and

WHEREAS, on October 13, 2020 the Purchasing Division issued RFB 2021-07 on the Planet bids via the City's website under various commodity codes associated with SCADA Network Communications Equipment, and

WHEREAS, on November 17, 2020, in an effort to slow the spread of COVID-19 bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream, and

WHEREAS, five (5) vendors chose to respond, one (1) was a local vendor. Four (4) of the five (5) vendors are responsive and responsible bidders, one (1) vendor was deemed non-responsive, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award for the procurement of SCADA Network Communications Equipment to NetXperts Inc., Walnut Creek, CA., for a total cost not to exceed $113,225; 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. 2021-07 conforms to this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the SCADA Network Communications Equipment to NetXperts Inc., Walnut Creek, CA for the procurement of SCADA Network Communications Equipment, for a total cost not to exceed of $113,225.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-088

RESOLUTION RATIFYING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2020 ASSISTANCE TO FIREFIGHTERS GRANT IN AN AMOUNT THAT WILL NOT EXCEED $45,251.41, WHICH INCLUDES A 10% LOCAL MATCH FOR THE PROCUREMENT OF FIRE HOSES AND NOZZLES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

WHEREAS, the Assistance to Firefighters Grant (AFG) Program provides financial assistance directly to eligible fire departments for critical training and equipment; and

WHEREAS, the Modesto Fire Department intends to apply for the replacement of fire hoses and nozzles in order to replace aging and outdated fire hoses and nozzles on five remaining fire engines not yet updated; and

WHEREAS, the National Fire Protection Agency (NFPA) recommends replacing fire hoses at 10-year intervals; and

WHEREAS, MFD would replace all remaining fire hoses that require updating if awarded this grant; and

WHEREAS, the grant amount will not exceed $45,251.41, which includes a 10% local match for the procurement of fire hoses and nozzles; and

WHEREAS, costs to pursue the grant include staff time to research, prepare and submit the application which are part of the applicable staff's job responsibilities, and the local match of 10%, and

WHEREAS, the Notice of Funding Opportunity was posted on grants.gov on Tuesday, December 29, 2020. The application period opened January 4, 2021 and closed February 12, 2021. Due to the deadline passing before this Council meeting, the Modesto

Fire Department has already submitted the application and is requesting that Council ratify the submission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby ratifies the submission of an application for the Fiscal Year 2020 Assistance to Firefighters Grant in an amount that will not exceed $45,251.41, which includes a 10% local match, for the procurement of fire hoses and nozzles.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-089

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2020 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSER (SAFER) GRANT TO FUND NINE (9) FIREFIGHTER POSITIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

WHEREAS, the Staffing for Adequate Fire and Emergency Response (SAFER) grant awards grants directly to eligible fire departments to assist with staffing and deployment capabilities to respond to emergencies; and

WHEREAS, the Modesto Fire Department (MFD) is requesting permission to apply for nine (9) firefighter positions through the SAFER grant; and

WHEREAS, MFD will be able to maintain constant staffing as well as add six (6) relief firefighter to relieve the burden of overtime and additional work hours for our firefighters; and

WHEREAS, the grant is 100% funded for Step B Firefighter wages and salary benefits for the three-year grant period; and

WHEREAS, step increases for years two and three will be the responsibility of the City; however, the reduction in overtime with the relief firefighter positions will net the City's savings a total of $1,496,335 over three years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of an application for the Fiscal Year 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fund nine (9) firefighter positions.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-090

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY FOR THE PURPOSE OF PROPERLY ADMINISTERING FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT FUNDS AND SUB-AWARDS WITH STANISLAUS COUNTY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AMENDMENT

WHEREAS, on November 25, 2014, by Resolution 2014-486, the City and Stanislaus County entered into a Memorandum of Understanding (MOU) to identify the roles and responsibilities for the City as the grant recipient and Stanislaus County as the subrecipient for Federal Transit Administration (FTA) Section 5307 grant funds received by Modesto in accordance with P.L. 112-141, Moving Ahead for Progress in the 21st Century (MAP-21), and

WHEREAS, the City is required to ensure that all supported activities in which the Stanislaus County engages as the subrecipient comply with all regulations, grant agreements, circulars and other guidance issued by federal regulatory agencies, and

WHEREAS, the City's auditors conducted a review of the Transit Division's internal controls during the annual fiscal audit and noticed that some language was not included in the original MOU between Modesto and the County, and

WHEREAS, upon receiving the information to add the additional language to the MOU, the City worked with Stanislaus County to explain the missing language that needed to be added to the MOU and mutually agreed to the change.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Memorandum of Understanding with

Stanislaus County for the purpose of properly administering Federal Transit Administration Section 5307 grant funds and sub-awards with Stanislaus County.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-091

RESOLUTION ACCEPTING THE 2017-2018 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $928,851 TO ROLFE CONSTRUCTION, INC., ATWATER, CALIFORNIA

WHEREAS, this project was a priority project due to the essential utility improvements required at the D Street and 10th Street (Salvation Army location) as well as installation of sewer clean-outs at various locations within the City, and

WHEREAS, this project included replacing an existing 6-inch diameter sewer main with a new 8-inch diameter sewer main to improve hydraulic deficiencies, constructing new manholes, and installing 61 cleanouts throughout the City, and

WHEREAS, bids were advertised on October 8, 2019, and were publicly opened on October 22, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction, Inc., Atwater, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on November 5, 2019, by Resolution No. 2019-496, Council awarded a contract to Rolfe Construction, Inc., Atwater, California, for the construction of the 2017-2018 Sanitary Sewer Collection System Replacement project in the amount of $691,296 plus $103,694 for contingency (if needed) for a total amount of $794,990, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of November 18, 2019, and all contract work was completed by July 13, 2020, and

WHEREAS, the total project costs were $1,061,921 which included design, construction, and construction administration costs. The total project amount originally

budgeted was $1,129,676 which included $794,990 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. 2019-497 on November 5, 2019, established a contract change order authority of 10% ($69,130) of the original contract price. However, staff requested authorization to increase the contract change order authority to 15% ($103,694) due to the construction location, the urgency and size of the project, and unforeseen field conditions, and

WHEREAS, on June 23, 2020, the Directors Authority was increased to 43%, $297,257 by Resolution No. 2020-270, and

WHEREAS, there were six change orders on this project with an overall increase of $237,555, 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 2017-2018 Sanitary Sewer Collection System Replacement 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 $928,851.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-092

RESOLUTION APPROVING THE APPLICATION OF FALCON CRITICAL CARE, AND AUTHORIZING THE ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Falcon Critical Care has submitted an application to provide non-emergency medical transport services within the City of Modesto, and

WHEREAS, Falcon Critical Care has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed background investigations regarding Falcon Critical Care per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Falcon Critical Care to function as a non-emergency medical transport service provider within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on March 9, 2021, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Falcon Critical Care for non-emergency medical transport service within the City of Modesto, and

WHEREAS, Modesto City Council finds that Falcon Critical Care will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Falcon Critical Care and issues Falcon Critical

Care a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Zoslocki, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-093

RESOLUTION ADOPTING THE 2021-2024 SMART CITY STRATEGY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT THE NECESSARY STEPS TO ACHIEVE THE PRIORITIES IDENTIFIED IN THE STRATEGY

WHEREAS, a strategic planning process is an organization's process by which it ensures that its resources and priorities reflect the priorities of the community and the City Council; and

WHEREAS, on October 8, 2019 the City Council adopted the Five-Year Strategic Plan strategic plan identifying several areas of focus; and

WHEREAS, the 2021-2024 Smart City Strategic Plan supports many goals within the Areas of Focus of the Five-Year Strategic Plan; and

WHEREAS, the smart city planning process included meetings with the senior executive team, interviews with key community stakeholders, and comprehensive staff research; and

WHEREAS, the City of Modesto Smart City Team (SCT) identified three (3) Areas of Focus: Efficiency and Effectiveness, Building a Data Culture, and Improving Community Well-Being, each of which has corresponding goals and strategies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2021-2024 Smart City Strategic Plan, and the City Manager, or his designee, are hereby authorized to carry out the necessary steps to achieve the priorities identified in the 2021-2023 Smart City Strategic Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-094

RESOLUTION APPROVING THE APPOINTMENT OF ANTHONY DROBNICK TO THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH EXPIRATION DATE 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, Anthony Drobnick, meets the requirements of the position and is willing to serve on the Citizens Housing and Community Development Committee, and

WHEREAS, this item was presented to the Appointments Committee on March 4, 2021, and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows; Anthony Drobnick, is hereby appointed to the Modesto Citizens Housing and Community Development Committee 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 Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-095

RESOLUTION APPROVING THE APPOINTMENTS OF JOHN BERGMAN AND KYLE FORD TO CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE WITH AN EXPIRATION DATE 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 Commission; and

WHEREAS, John Bergman and Kyle Ford expressed an interested in serving on the Housing and Rehabilitation Loan Committee (HRLC); and

WHERE, this item was presented to the Appointments Committee on March 4, 2021, and was recommended to forward to Council for approval; and

WHEREAS, John Bergman will serve in the seat designation of Contractor Representative and will serve for the time period April 6, 2021 to January 1, 2025; and

WHEREAS, Kyle Ford will serve in the seat designation of Citizen at Large and will serve for the time period April 6, 2021 to January 1, 2025.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Council of the City of Modesto that John Bergman is hereby appointed to the Housing Rehabilitation and Loan Committee and will serve in the seat designation of Contractor Representative for the time period April 6, 2021 through January 1, 2025.

BE IT FURTHER RESOLVED that Kyle Ford is hereby appointed to the Housing Rehabilitation and Loan Committee and will serve in the seat designation of Citizen at Large for the time period April 6, 2021 through January 1, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-096

RESOLUTION APPROVING THE APPOINTMENTS OF JIM SPELMAN AND GUADALUPE RIVERA, AS MEMBERS AT LARGE, TO THE GOLF COURSES ADVISORY COMMITTEE, FOR A FOUR-YEAR TERM RETROACTIVE TO JANUARY 1, 2021 THROUGH DECEMBER 31, 2024

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

WHEREAS, the Golf Courses Advisory Committee is comprised of five members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Park Golf Club, and six members-at-large, and

WHEREAS, the Golf Courses Advisory Committee has several members at large representatives, and

WHEREAS, the Appointments Committee met on March 6, 2021, and recommended the appointment of Jim Spelman and Guadalupe Rivera, as members at large to the Golf Courses Advisory Committee, and

WHEREAS, both terms will be for four years, retroactive to January 1, 2021 and ending on December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Jim Spelman and Guadalupe Rivera to the Golf Courses Advisory Committee, members at large, for a four-year term retroactive to January 1, 2021 through December 31, 2024.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-097

RESOLUTION APPROVING THE REAPPOINTMENT OF JIM BISHOP AND THE APPOINTMENT OF EMMANUEL BECERRA TO THE TUOLUMNE RIVER REGIONAL PARK CITIZEN'S ADVISORY COMMITTEE FOR A FOUR-YEAR TERM RETROACTIVE TO JANUARY 1, 2021 THROUGH DECEMBER 31, 2024

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

WHEREAS, by Resolution No. 2015-24, Council appointed Jim Bishop to the Tuolumne River Regional Park Citizens Advisory Committee, and

WHEREAS, by Resolution No. 2016-496, Jim Bishop was reappointed, and

WHEREAS, Jim Bishop is seeking reappointment for another term, as permitted by the bylaws, and

WHEREAS, Emmanuel Becerra is seeking appointment to the Tuolumne River Regional Park Citizens Advisory Committee, and

WHEREAS, on March 6, 2021, the Appointments Committee recommended the reappointment of Jim Bishop and the appointment of Emmanuel Becerra to the Tuolumne River Regional Park Citizens Advisory, and

WHEREAS, both terms will be for four years retroactive to January 1, 2021 and ending on December 31, 2024.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that Jim Bishop is hereby reappointed to the Tuolumne River Regional Park Citizens Advisory Committee for four-year term, retroactive to January 1, 2021 through December 31, 2024.

BE IT FURTHER RESOLVED, that Emmanuel Becerra is hereby appointed to the Tuolumne River Regional Park Citizens Advisory Committee for a four-year term, retroactive to January 1, 2021 through December 31, 2024.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the reappointed and appointed members of the Tuolumne River Regional Park Citizens Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-098

RESOLUTION APPROVING THE REAPPOINTMENT OF SHANE COOPER, JIM MCKAY, AND STEVE HATZIGEORGIOU TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE FOR AN ADDITIONAL TWO-YEAR TERM

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County and surrounding areas, and

WHEREAS, the Modesto City Council and the Stanislaus Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop, and

WHEREAS, Shane Cooper, Jim McKay and Steve Hatzigeorgiou have already served a two-year term, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointment of Lt. Steve Hatzigeorgiou to fill the position on the Modesto City-County Airport Advisory Committee, representing a Commercial Provider / Service Provider; Jim McKay to fill position on the Modesto City-County Airport Advisory Committee, representing the Public at Large; and Shane Cooper to fill position on the Modesto City-County Airport Advisory Committee, representing a

Business Owner / Service Provider to the Airport Advisory Committee, each for an additional term of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-099

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO RECOGNIZING DALE BUTLER FOR HIS SERVICE ON THE LATINO EMERGENCY COUNCIL

WHEREAS, the Latino Emergency Council (LEC) was formed in 2005 under the leadership of Dale Butler, then President of the Hispanic Leadership Council, Jose Rodriguez, El Concilio Executive Director and David Jones, Stanislaus County.

WHEREAS, Dale Butler recently announced his resignation as a LEC Board of Directors member.

WHEREAS, he was a leader in forming the LEC and has made many contributions to the organization and our community.

WHEREAS, the Latino Emergency Council created a formal mechanism for communication between Latino leaders and the Stanislaus County Office of Emergency Services to improve emergency preparedness capacity in the Latino community and facilitate emergency communication in crisis situations.

WHEREAS, the LEC has been instrumental in communications between the County OES and the Latino community in crises such as heath and cold weather incidents, floods, West Nile virus, bird flu, whooping cough and, recently, focused on sharing information concerning COVID with the Latino community.

NOW, THEREFORE, BE IT RESOLVED, that a suitable copy of this Resolution be tendered to Dale Butler as an expression of the Mayor and Council's appreciation for his contributions and commitment to the Latino Emergency Council and our community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-100

RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV3) GRANT TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO), IN AN AMOUNT NOT TO EXCEED $450,000 AND $25,000 IN ACTIVITY DELIVERY COSTS FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 835 CALIFORNIA AVENUE, MODESTO CA FOR THE DEVELOPMENT OF PERMANENT SUPPORTIVE HOUSING, TO PREVENT, MITIGATE, AND RESPOND TO THE SPREAD OF COVID-19 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded $1,118,269 in CDBG-CV1 and $567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #4 approved by City Council on October 27, 2020 by Resolution 2020-448, and

WHEREAS, Stanislaus County Affordable Housing Corporation (STANCO) is seeking funding to acquire a property located at 835 California Avenue, Modesto 95354 for the development of six to eight permanent supportive housing units, and

WHEREAS, in response to the risk of COVID-19 on individuals and families living in shared space facilities, Stanislaus County Affordable Housing Corporation (STANCO), in partnership with the City of Modesto and Stanislaus County Behavioral Health and Recovery Services (BHRS), is looking to acquire a property located at 835 California Avenue, Modesto and secure funding to design and construct multifamily units on the underused vacant land on this third-of an-acre lot, and

WHEREAS, this project location is located next to Courtney Manor, 901 California Avenue, Modesto which is another STANCO and BHRS managed property that provides 18 supportive transitional housing units for persons with mental health disabilities, and

WHEREAS, once at Courtney Manor, clients are assisted with either being integrated back into their previous living environment, if they have stabilized, or being placed into housing through the Behavioral Health and Recovery Services' (BHRS) housing program, and

WHEREAS, the proposed location will be a permanent supportive housing solution for these clients and others in the community. With experienced staff nested in an existing office housed at Courtney Manor, the proximity to this property will allow staff to also serve clients in this proposed project, and

WHEREAS, in addition, STANCO's resident manager and maintenance hub for Courtney Manor has the ability to absorb the added units and will result in the ability to quickly house and provide services and create long term operational savings making this project feasible, and

WHEREAS, STANCO proposes low rise housing units for this project that will be energy efficient and incorporate accessibility features to accommodate persons with physical challenges, and

WHEREAS, the property is currently zoned R2 which allows for the addition of multifamily units and STANCO will work through the City's approval process to ensure the project is developed to meet all development standards, and

WHEREAS, overall, this upcoming project is estimated to be approximately $2.6 million and will leverage $2.3 million in No Place Like Home funding through the Stanislaus County Behavioral Health and Recovery Services as well as $7,000 per client per year for on-going services, and

WHEREAS, the existing single-family home will undergo minor rehabilitation and be available for immediate occupancy with the full project development is estimated to be complete early winter 2022, and

WHEREAS, the construction of these additional units of affordable housing and working in conjunction with the local coordinated entry system will allow prioritization for permanent housing solutions that can serve to protect the City's vulnerable populations form exposure to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Community Development Block Grant CARES Act (CDBG-CV3) grant to Stanislaus County Affordable Housing Corporation (STANCO), in an amount not to exceed $450,000 and $25,000 in activity delivery costs for the acquisition of the property located at 835 California Avenue, Modesto CA for the development of

Permanent Supportive Housing, to prevent, mitigate, and respond to the spread of COVID-19.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute any documents and/or agreements with such changes as determined by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-101

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A LOW-PROFILE DUMP TRUCK TO COBALT TRUCK EQUIPMENT, LAS VEGAS, NV FOR A TOTAL AMOUNT NOT TO EXCEED $110,581, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department require the replacement of a Low-Profile Dump Truck; and

WHEREAS, this vehicle is used to haul spoils from demo projects and haul the mini excavator; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on November 2, 2020 the Purchasing Division issued RFB 2021-27 for a Low-Profile Dump Truck on the City's website under commodity codes 07051-Trucks (Over One-Ton), 07053-Trucks with specialized bodies and 54539-Lifts, platforms, telescoping; and

WHEREAS, two (2) companies chose to download the RFB document and submit bids, there were no local bids received: and

WHEREAS, on December 1, 2020 bids were formally opened in the City Clerk's office and Cobalt Truck Equipment, Las Vegas, NV was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for a Low-Profile Dump Truck to Cobalt Truck Equipment, Las Vegas, NV.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Low-Profile Dump Truck to Cobalt Truck Equipment, Las Vegas, NV for a total amount not to exceed $110,581.

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 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-102

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A ONE-TON TRUCK WITH STAKE SIDE DUMPING BODY TO COBALT TRUCK EQUIPMENT, LAS VEGAS, NV FOR A TOTAL AMOUNT NOT TO EXCEED $63,246, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department require the replacement of a One-Ton Truck with Stake Side Dumping Body; and

WHEREAS, this vehicle is used to haul crews and equipment out to parks to maintain the parks, they empty all trash receptacles and relocate the trash to the dump; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, on October 27, 2020 the Purchasing Division issued RFB 2021-14 for a One-Ton Truck with Stake Side Dumping Body on the City's website under commodity codes 07051-Trucks (Over One-Ton), 07053-Trucks with Specialized Bodies and 54539-Lifts, Platforms, Telescoping; and

WHEREAS, two (2) companies chose to download the RFB document and one (1) vendor chose to submit a bid, there was no local bidder; and

WHEREAS, on December 1, 2020 bids were formally opened in the City Clerk's office and Cobalt Truck Equipment, Las Vegas, NV was the only responsive and responsible bidder; and

WHEREAS, based on providing the only responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of

bid for a One-Ton Truck with Stake Side Dumping Body to Cobalt Truck Equipment, Las Vegas, NV.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a One-Ton Truck with Stake Side Dumping Body to Cobalt Truck Equipment, Las Vegas, NV for a total amount not to exceed $63,246.

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 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-103

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) ONE-TON TRUCKS TO PENSKE CHEVROLET, CERRITOS, CA FOR A TOTAL COST NOT TO EXCEED $100,068, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department require the replacement of Two (2) One-Ton Trucks; and

WHEREAS, these vehicles are used for hauling materials and towing equipment; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on November 4, 2020 the Purchasing Division issued RFB 2021-28 for Two (2) One-Ton Trucks on the City's website under commodity codes 07051-Trucks (Over One-Ton Capacity) and 07053-Trucks with Specialized Bodies; and

WHEREAS, three (3) companies chose to download the RFB document and submit bids, there were no local bids received; and

WHEREAS, on December 8, 2020 bids were formally opened in the City Clerk's office and Penske Chevrolet, Cerritos, CA was the lowest responsive ad responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for Two (2) One-Ton Trucks to Penske Chevrolet, Cerritos, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of Two (2) One-Ton Trucks to Penske Chevrolet, Cerritos, CA for a total amount not to exceed $100,068.

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 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-104

RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID (RFB) NO. 2021-05 FOR TWO (2) TRAILER MOUNTED AIR COMPRESSORS AND AUTHORIZING STAFF TO REISSUE THE RFB AT A FUTURE DATE

WHEREAS, the Public Works Department require the replacement of Two (2) Trailer Mounted Air Compressors; and

WHEREAS, on November 10, 2020 the Purchasing Division issued RFB 2021-05 for Two (2) Trailer Mounted Air Compressors; and

WHEREAS, on December 8, 2020 bids were formally opened in the City Clerk's office; and

WHEREAS, nine (9) companies chose to download the RFB document, six (6) companies chose to submit a bid; and

WHEREAS, after reviewing bids and specifications exceptions listed from vendors, it was determined that staff needed to amend the specifications based on further review identified after the bid event; and

WHEREAS, staff believes it is in the City's best interest to reject bids; and

WHEREAS, in accordance with Modesto Municipal Code Section 8-3.204(a), Formal Bid Procedures, the Council shall have authority to accept or reject any or all bids. The rejection of all bids for RFB 2021-05 Two (2) Trailer Mounted Air Compressors conforms to the Modesto Municipal Code 8-3.204, subsection (e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for RFB 2021-05 for Two (2) Trailer Mounted Air Compressors.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorizing staff to reissue the RFB at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-105

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT WITH ITERIS INC., SANTA ANA, CA BY UTILIZING THE COMPETITIVE BID PROCESS WITH COUNTY OF SACRAMENTO FOR VIDEO DETECTION CAMERAS FOR A TWO (2) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED COST OF $2,500,000 FOR THE FIRST TWO-YEARS AND A TOTAL AMOUNT NOT TO EXCEED $3,325,000 OVER FOUR YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's primary vehicle detection technology is inductive loops buried in the pavement. This in-pavement installation is problematic when construction is necessary and when maintenance or repairs are needed. To address these issues, the City has elected to standardize the video detection technology being deployed at signalized intersections; and

WHEREAS, this technology has evolved over the last several years to support the individualized detection of motor vehicles, bicycles and pedestrians on a lane by lane basis at the stop bar, as well as a few hundred feet in advance of the intersection; and

WHEREAS, video detection systems today can collect, aggregate, and summarize Average Annual Daily Traffic (ADT) approach counts, intersection turning movement counts, and bicycle/pedestrian approach counts; and

WHEREAS, the City will also utilize the video detection cameras to monitor traffic and integrate with the Police Department's crime center; and

WHEREAS, after months of testing several different detection systems, Iteris' Vantage Vector Camera with NEXT System has been chosen by the City of Modesto Traffic Electrical and Engineering Divisions as the best all-around product for the City's needs; and

WHEREAS, on December 18, 2018, the County of Sacramento, CA issued an Invitation for RFB 8617 on the Public Purchase website for the purchase of video detection cameras on an as-needed basis; and

WHEREAS, two hundred thirty-five potential bidders were notified, fifty-six (56) accessed the bid and one (1) bid was receive and based on providing a responsive and responsible bid an agreement was awarded to Iteris 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 be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality."; and

WHEREAS, MMC 8-3.202(d) permits the Purchasing Manager to utilize the "piggybacking" from a competitive bid process with the County of Sacramento, CA when the best cost savings interest of the City be served. Here, this exemption is satisfied because the County of Sacramento, CA RFB 8617 for video detection cameras went through a formal competitive bidding process; and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in corporative purchasing plans when the best cost savings interest of the City would be served. Based on providing the overall responsive and responsible bid, City staff recommends the award of bid and

purchasing agreement with Iteris Inc, which conforms to the Modesto Municipal Code 8-3.202(h).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and purchasing agreement with Iteris Inc., Santa Ana, CA, by utilizing the competitive bid process with County of Sacramento for video detection cameras for a two (2) year agreement with two (2) one-year extension options, for an estimated cost of $2,500,000 for the first two-years and a total amount not to exceed $3,325,000 over four years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-106

RESOLUTION APPROVING A SECOND ONE-YEAR EXTENSION OPTION FOR THE PURCHASING AGREEMENTS FOR HOT PATCH WORK WITH UNITED PAVEMENT MAINTENANCE, HUGHSON, CA AND PATCH CREW, MODESTO, CA, WITHOUT EXCEEDING THE ANNUAL COST OF $4,306,500 AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE THE EXTENSION

WHEREAS, the Utilities Department's Water and Wastewater Divisions request contractual assistance to perform hot patch work throughout Modesto and the outlying areas including the City's regional water systems; and

WHEREAS, on May 22, 2018, by Resolution 2018-188, Council approved the award of bids for the furnishing of hot patch work for the Utilities Department's Water and Wastewater Divisions, to two firms: Garrett Thompson Construction, Inc., Modesto, CA, for an annual cost not to exceed $4,106,500 and United Pavement Maintenance, Hughson, CA for an annual cost not to exceed $200,000, both were awarded two-year agreements with three one-year extension options, with each one-year extension requiring approval by City Council, for a total combined annual cost not to exceed $4,306,500; and

WHEREAS, on December 4, 2018, staff provided Council an informational report on the hot patch agreements. The report included information on the Utilities Department's progress on hot patch work, on-site job inspections, invoice review, certified payroll review, and contractor status review. The results of this review identified that all of the work being performed by Garrett Thompson Construction and United Pavement Maintenance met all agreement obligations; and

WHEREAS, an additional secondary provider was needed due to the City's decision to terminate the agreement with Garrett Thompson in May 2019 for failure to maintain insurance coverage requirements as required by agreement; and

WHEREAS, on July 9, 2019 by City Council Resolution 2019-344 authorized the agreement with Patch Crew, Modesto, CA, for an annual estimated amount of $400,000, and a total annual combined amount of $4,306,500 between United Pavement Maintenance and Patch Crew; and

WHEREAS, United Pavement Maintenance is now the primary provider, with Patch Crew being the secondary service provider; and

WHEREAS, on March 10, 2020 by City Council Resolution 2020-128 authorized the first-year extension option with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA without exceeding a total annual combined amount of $4,306,500 between both providers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the second one-year extension option for the purchasing agreements for hot patch work with United Pavement Maintenance, Hughson, CA and Patch Crew, Modesto, CA, for a combined amount not to exceed the annual cost of $4,306,500.

BE IT FURTHER RESOLVED, that the Director of Finance or her designee to execute the second one-year extension option, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-107

RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID NO. PPD20-07 FOR ON-CALL VEGETATION MANAGEMENT SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REISSUE THE RFB AT A FUTURE DATE

WHEREAS, the PRND's Park Operations Division maintains 76 parks with over 1,200 acres of park land with thousands of trees, and

WHEREAS, it is the responsibility of the City to ensure that the parks system is free of known hazards and that vegetation is properly managed to limit the creation of future hazards, and

WHEREAS, the Parks Operations Division is responsible to ensure park vegetation is managed properly the Forestry Division has been able to assist with some of the park vegetation management needs; however due to staffing levels, specialized equipment and tools, it is necessary to outsource the Services, and

WHEREAS, the current landscaping maintenance agreement does not cover the Services and there is no active agreement for On-Call Vegetation Management Services to address the list of work within the scope of services to be completed, and

WHEREAS, the City Manager authorized the Purchasing Division to issue a formal Request for Bids (RFB) for Vegetation Management Services, and

WHEREAS, staff posted Request for Bid No. PPD20-07 for On-Call Vegetation Management Services on the City's website and 27 companies downloaded the bid package, and

WHEREAS, On January 12, 2021 bids were formally opened in the City Clerk's office, and

WHEREAS, five companies chose to respond, two of which were local vendors, and

WHEREAS, after reviewing the bids received, it was determined that staff needed to amend the original Scope of Services to ensure a more competitive process, eliminate ambiguity in the original scope, and add a requirement for the payment of prevailing wages based on the anticipated value of the contract, and

WHEREAS, staff believes it is in the City's best interest to reject all bids received under PPD20-07, and

WHEREAS, staff will work with the Finance Department to amend the Scope of Services to better define the project, and establish prevailing wage requirements on the RFB, and

WHEREAS, staff intends to issue a new RFB with an amended Scope of Work at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for Request for Bid No. PPD20-07 for On-Call Vegetation Management Services.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to reissue the RFB for Vegetation Management Services at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-108

RESOLUTION APPROVING THE SUBMISSION OF THE CITY'S LOCAL TRANSPORTATION FUNDS FISCAL YEAR 2020-2021 CLAIM FOR NON-MOTORIZED PURPOSES (BIKE LANES AND PEDESTRIAN PATHWAYS) IN THE AMOUNT OF $189,759 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects (bicycle and pedestrian pathways), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2020-21 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of the City's Local Transportation Funds Fiscal Year 2020-21 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of $189,759 to the Stanislaus Council of Governments (STANCOG).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-109

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FUND PROJECT #101232 (TRRP RIVERWALK – GATEWAY TO LEGION) IN AN AMOUNT NOT TO EXCEED $189,759 IN REVENUE, AND TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO FUND THE PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects (bicycle and pedestrian pathways), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2020-21 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City, and

WHEREAS, $189,759 is available to be budgeted into the Fiscal Year 2020/21 Capital Improvement Program Budget, and

WHEREAS, staff identified one project to receive funding this fiscal year: #101232: TRRP Riverwalk – Gateway to Legion (**See Attachment A**).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-2021 Capital Improvement Program Budget to fund project #101232 (TRRP Riverwalk – Gateway to Legion) in an amount not to exceed $189,759 in revenue, and to budget expenditures as outlined in **Attachment A** to fund the project

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A

Budget Adjustment for LTF Non-Motorized Funds to Capital Project 101232
(TRRP Riverwalk – Gateway to Legion)

Fund 6710 – TRRP CIP Projects

Capital Project 101232 – TRRP Riverwalk – Gateway to Legion

Expense:

Task	Starting Amount	Increase/ (Decrease)	Ending Total
Engineering/Design/Administration	$200,000	$189,759	$389,759
Total	**$200,000**	**$189,759**	**$389,759**

Revenue:

To:

Account		Starting Amount	Increase/ (Decrease)	Ending Total
6710-89999-63460-101232	(Transfer in from Fund 3460)	$200,000	$ 000	$200,000
6710-89999-61520-101232	(Transfer In from LTF-Non-Motorized Fund)	$0	$189,759	$189,759
	Total	**$200,000**	**$ 189,759**	**$389,759**

Total Revenue/Expense Adjustments **$189,759**

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-110

RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE DR. MARTIN LUTHER KING, JR. PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California

to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED THE COUNCIL OF THE CITY OF MODESTO HEREBY: APPROVES THE FILING OF AN APPLICATION FOR THE **DR. MARTIN LUTHER KING JR. PARK RENOVATION**; AND

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and

3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the **City Manager** to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-111

RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE MANCINI PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California

to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED THE COUNCIL OF THE CITY OF MODESTO HEREBY: APPROVES THE FILING OF AN APPLICATION FOR THE **MANCINI PARK RENOVATION**; AND

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and

3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the **City Manager** to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-112

RESOLUTION ADOPTING A LIST OF PROJECTS TO BE FUNDED WITH ROAD REPAIR AND ACCOUNTABILITY ACT TAX PROCEEDS IN FISCAL YEAR 2021-22

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statues of 2017) was passed by the Legislation and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide, and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year, and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include description and the location of each proposed project, a proposed schedule for projects completion, and the estimated useful life of the improvement, and

WHEREAS, the City will receive an estimated amount of $4,206,037 in RMRA funding in Fiscal Year 2021-22 from SB 1, and

WHEREAS, this is the fifth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance, safety improvements in traffic signal and street light maintenance, and traffic sign and stripping maintenance that would not have otherwise been possible without SB 1, and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities contribute to the project list, and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community priorities for transportation investment, and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate over one-hundred lane miles of residential streets throughout the City this year and multiple similar projects into the future, and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in a "poor" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "good" condition, and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide, and

WHEREAS, projects listed result in the following life-cycle benefits: Slurry seal project that includes crack seal and asphalt repairs will result in a five to seven-year life extension to existing pavement. Traffic signal and street light maintenance will result in a ten-year extension. Traffic sign and striping maintenance will result in a five-year life extension.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts a list of projects to be funded with road repair and accountability act tax proceeds in fiscal year 2021-22.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A – FY21/22 SB1 Project List

Project Type	FY 2021-22 Project Name	Total Project Cost	Estimated Project Start Date	Estimated Project Completion Date	Community Benefit Summary
Slurry Seal Program (Type II Slurry, Crack Seal, Asphalt Repairs)	Slurry Seal	$2,171,854	July 1, 2021	June 30, 2022	Increase Street life by five to seven years
Traffic Signal & Street Lighting Maintenance	Traffic Signal & Street Lighting Maintenance	$998,690	July 1, 2021	June 30, 2022	LED lighting has ten-year life and is energy efficient
Traffic Sign & Striping Maintenance	Traffic Sign & Striping Maintenance	$594,190	July 1, 2021	June 30, 2022	Two to five-year life for striping and five-year life for signs
	Total FY 21/22	$3,764,734			

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-113

RESOLUTION APPROVING THE APPLICATION FOR AND ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION GRANT OFFER IN AN AMOUNT ESTIMATED TO BE $339,000 FOR THE REIMBURSEMENT FOR PROPERTY AQUISISTION LOCATED AT 2847 RIVER ROAD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT RELATED DOCUMENTS

WHEREAS, the Modesto City-County Airport (Airport) is part of the Federal airport system and is eligible for Federal funding, and

WHEREAS, as Airport sponsor, the City is eligible each year for entitlement and discretionary funds that provide for the Federal Aviation Administration (FAA) Airport Capital Improvement Program (ACIP), and

WHEREAS, the Airport will be reimbursed for the property acquisition located at 2847 River Road utilizing funds from the Airport entitlements fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application for and accepts an FAA grant offer in an amount estimated to be $339,000 for the property reimbursement at 2847 River Road.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute all grant related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-114

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE JOINT POWERS AGENCY AGREEMENT FOR THE STANISLAUS REGIONAL TRANSIT AUTHORITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SIGN THE AGREEMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on February 10, 2021, the JPA board of directors approved an action to amend the JPA agreement and get approval from each of the member agencies, including the City, and

WHEREAS, the JPA agreement is recommended to be amended to change language regarding the Treasurer/Auditor function.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Joint Powers Agency Agreement for the Stanislaus Regional Transit Authority, **attached** hereto and incorporated herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

AMENDED AND RESTATED JOINT POWERS AGREEMENT ESTABLISHING THE STANISLAUS REGIONAL TRANSIT AUTHORITY

THIS JOINT POWERS AGREEMENT ("Agreement"), made and entered into in the County of Stanislaus, State of California, this ____ day of March, 2021, is between the CITY OF MODESTO, a California municipal corporation (hereinafter "Modesto" or "City"), and the COUNTY OF STANISLAUS (hereinafter "County"), a political subdivision of the State of California. The City and County are sometimes referred to individually as a "Party" and collectively as "Parties." Each Party to this Agreement is a public agency organized and operating under the laws of the State of California and each is a public agency as defined in California Government Code section 6500.

RECITALS

1. Common Power. Section 6500 *et seq*., of the California Government Code (Title 1, Div. 7, Chapter 5, Article 1, provides for agreements between two or more public agencies to jointly exercise any power common to the contracting parties, subject to certain mandatory provisions contained therein; and, thereby, authorizes the Parties to enter into this Agreement.

2. Common Authority. In the performance of their essential governmental functions, Modesto and the County each provide transit services within their respective boundaries and to areas outside of said boundaries to perform or participate in intra-city, inter-city and regional transit services.

2.1. The Parties desire to provide transit and related services in a cooperative and coordinated manner, to best manage the public resources committed and necessary for delivery of such transit services.

2.2. The formation of the Authority enables the Members to take advantage of the opportunities for more economical provision of transit services through economies of scale and to improve and expand the provision of a variety of transit services including, but not limited to, normal and customary intra-city bus transit, intercity transit, paratransit services, dial-a-ride, and connecting transit to other transportation providers such as the ACE commuter train in such manner and at such time as the Members may decide necessary and appropriate for the public benefit.

3. Amendment. The City of Modesto and the County of Stanislaus, desire to amend that certain joint powers agreement of January 26, 2021, and enter into this Amended and Restated Agreement in order to establish the duties and powers of the STANISLAUS REGIONAL TRANSIT AUTHORITY.

AGREEMENT

Section 1. Formation of the Stanislaus Regional Transit Authority ("Authority").

1.1. Pursuant to Chapter 5, Division 7, Title 1 of the Government Code of the State of California (commencing with Section 6500) as amended from time to time, and commonly known as the Joint Exercise of Powers Act ("Act"), there is hereby created a joint powers agency which is named the "STANISLAUS REGIONAL TRANSIT AUTHORITY" and may otherwise be referred to as "Authority" or such other acronym, brand or identifier as determined appropriate by the Board. Upon the Effective Date of this Agreement, the Authority will operate as a public entity separate and apart from the Members for the purpose of providing public transportation and related services, including but not limited to bus, dial-a-ride and shuttle service, and the provision of facilities and personnel for such services.

Section 2. Parties to Agreement.

2.1. The Members of the Authority are the City of Modesto and the County of Stanislaus. Each of the Members are a public agency as defined by Government Code section 6500 *et seq.*, and are each authorized and empowered to contract for the joint exercise of powers common to each agency. Each Party to this Agreement individually has the statutory authority to provide transit and related services, as well as provide facilities and personnel for such services. In accordance with the Act, the Members enter this Agreement to jointly exercise their common powers in the manner set forth in this Agreement. Each Member represents that any new member agencies that may join after the Effective Date, as provided in Section 26 of this Agreement, or that may later withdraw pursuant to Section 27, does not affect the terms of this Agreement or the then-existing Members' rights or obligations under this Agreement.

Section 3. Purpose.

3.1. The Authority shall function as a regional transit authority with the power and authority to own, operate and administer a public transportation system on a regional level for the benefit of the Members. Upon the Effective Date of this Agreement, the Authority will operate as a public entity separate and apart from the Members.

Section 4. Term.

4.1. Effective Date. This Agreement shall be dated as of the date it is approved by the Stanislaus County Board of Supervisors and shall become effective ("Effective Date") upon approval by the City of Modesto City Council.

4.2. Term. This Agreement shall continue until terminated or dissolved in accordance with section 28 herein.

Section 5. Boundary.

5.1. The Authority shall exercise its powers within its service area. The Authority's service area boundary shall be all the area within the Members' boundaries as

designated by the Authority Board.

Section 6. Transition Plan; Use Agreements; Transfer of Assets; Succession to Existing Contracts.

6.1. Upon the Effective Date of this Agreement, the Members and the Authority will convey or enter into use agreements, as applicable, for the assets designated in a "Transition Plan" created by the Members, for the transition period which will begin on the Effective Date of this Agreement through July 1, 2021. The transition period may be extended by mutual written agreement of the governing bodies of the Members. Once the Authority receives approval of its status as a "qualified grantee" by necessary grantors, including the Federal Transit Administration (FTA), Modesto and the County may transfer, and the Authority will receive and accept, only those Member designated transit related assets, personal property, rolling stock and equipment of the Member's presently operating transit service.

6.2. Unless prohibited by law, all existing agreements and contracts involving transit services by the Members or its personnel shall be assigned to the Authority as of the date specified in the Transition Plan, with any service or obligation to be provided or performed thereafter by the Authority. A list of all such contracts and agreements shall be identified by the Members during the transition period and identified in the Transition Plan. The Authority agrees to assume all of the obligations, duties and liabilities of the Members under said agreements and contracts. Such agreements may include, but are not limited to, service operating contracts between Member agencies and contracting companies which may be assigned to the Authority no sooner than July 1, 2021.

Section 7. Existing Levels of Service.

7.1. The services delivered by the Authority will be consistent with the expectations of each Member. Each Member will be involved in all decisions regarding service levels and service deployment within its jurisdiction. The initial service to be provided by the Authority shall be the same as that currently provided by the Members until such time as the Authority carries out a region-wide planning process at which time services may be restructured under the direction of the Authority.

Section 8. Transit Employees.

8.1. To the extent allowed by law and any existing labor agreements and requirements, or otherwise set forth in the Transition Plan, not earlier than 30 days after the Effective Date, the Authority may offer employment to some or all of the existing public transportation system employees of the Member jurisdictions. The employment by the Authority of each such employee shall endeavor to be of substantially the same kind and level as the employment currently enjoyed by the employees. Salary, fringe benefits and seniority rights shall be comparably provided to the fullest extent possible.

8.2. Notwithstanding Section 25 of this Agreement (indemnification), the Authority accepts responsibility for any claims arising due to such transfer of employment post formation of the Authority, including, but not limited to, any Federal Section 13(c) claims or any employee association claims regarding changes in wages, benefits or working conditions.

Section 9. Powers.

9.1. The Authority shall have the common power of the Parties to plan, establish, administer, and operate an independent public transportation system and related services and in the exercise of that power, the Authority is authorized, in its own name, to do all acts necessary to fulfill the purposes of this Agreement including, but not limited to, each of the following:

9.1.1 Exercise the common powers of its Members in providing public transportation and related services, including related operational services, and any service to contracting entities and those powers that may be conferred upon it by subsequently enacted legislation;

9.1.2 Employ an Executive Director or Chief Administrative Officer;

9.1.3 Employ agents and employees and contract for professional services;

9.1.4 Make and enter into contracts, including contracts with its Members;

9.1.5 To assume any existing applicable contracts of its Members relating to the provision of transportation and related services as otherwise permitted under this Agreement;

9.1.6 Incur debts, liabilities and obligations; provided that no debt, liability or obligation of the Authority is a debt, liability or obligation of the Parties either singly or collectively except as may be agreed to by the governing body of the Member or otherwise required by law;

9.1.7 Acquire, own, lease, hold, convey, construct, manage, maintain, operate, sell or otherwise dispose of real and personal property by any lawful means, excepting only eminent domain;

9.1.8 Receive or apply for gifts, grants or loans, contributions and donations of real and personal property, funds, services and other forms of assistance from any public or private source including, the United States, the State of California or any department, instrumentality or agency thereof, for the purposes of financing the Authority's activities;

9.1.9 Sue and be sued in its own name, but not in the name or stead of any Member agency;

9.1.10 Invest money pursuant to California Government Code section 6505.5 that is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to section 53601 of the California Government Code as it now exists or may hereafter be amended;

9.1.11 Issue revenue bonds or other forms of indebtedness, as provided by

law;

9.1.12 To levy and collect payments and fees for services;

9.1.13 To impose new special taxes or assessments as authorized by law;

9.1.14 Claim transit funds from local, state and federal sources;

9.1.15 Cooperate with other agencies and participate in joint projects as necessary;

9.1.16 Prepare and support legislation related to the purposes of the Agreement;

9.1.17 Exercise all other powers necessary and proper to carry out the provisions of this Agreement;

9.1.18 These powers will be exercised in the manner allowed by applicable law and as expressly set forth in this Agreement.

Section 10. Board of Directors and Voting.

10.1. The powers of the Authority are vested in its Board of Directors ("Board"). The Board of the Authority is comprised of seven (7) voting directors which shall be appointed as follows:

a. Two (2) Directors from the City of Modesto with each Director having one vote.

b. Two (2) Directors from the Board of Supervisors of the County of Stanislaus with each Director having one vote.

c. One (1) Director who shall be jointly appointed by the Board of Supervisors and the City of Modesto to represent the cities in Stanislaus County other than Modesto and Turlock with said Director having one vote. The appointed representative shall be an elected official serving on the City Council of the city.

d. Two (2) Citizen Directors shall be appointed by the Authority Board of Directors representing Modesto and the County. The Citizen Director shall have one vote. The criteria for selection of these citizen Directors shall be specified in the Authority's bylaws.

10.2. Appointment. Directors shall be appointed by the governing body of each Party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. If a vacancy occurs, it shall be filled by a new appointment made by the appropriate Member agency.

10.3. Alternate Representatives. Each Member shall designate at least one alternate representative. The alternates, except for the Citizen Director alternates, shall be elected officials of the Member. Members may designate more than one alternate for each representative, as deemed prudent by that Member. When a Director is absent, the alternate may act in his or her place. To be eligible to cast the vote of the Member, alternates must be designated and notice of that designation given to the Executive Director prior to the meeting at which that alternate is to attend on behalf of the Member's designated representative.

10.4. Quorum and Majority Requirements. The presence of a majority of the Directors, or in the absence of a Director his or her alternate, shall constitute a quorum, except that there must be at least one Director/Alternate from each Member for a quorum to be present. All actions of the Board require the affirmative vote of a majority of the Directors

10.5. Director's Terms. Directors shall serve a term of two (2) years unless earlier removed or replaced by the appointing Member Agency in accordance with that Member Agency's procedures. A Director is automatically removed if he or she is no longer an elected official. Directors may serve any number of terms consistent with the appointment process of the Director's appointing governing body.

10.6. Director Compensation. The Board may approve a stipend of up to $100 per meeting with a maximum of one compensated meeting per month for the Directors and Alternates. The Board may authorize actual and reasonable reimbursement of expenses and costs incurred by Directors or Alternate Directors on behalf of the Authority for which receipts are provided.

10.7. Delegation of Powers. The Board may delegate certain powers to specified committees but may not delegate the power to amend the Bylaws of the Authority, to approve the budget, to appoint the Executive Director, or to appoint the citizen Directors.

10.8. Time and Place of Meetings. The Board shall establish by resolution the date, time and place for regular meetings which shall occur at a minimum of four (4) times per year. Special meetings may be called by the Chair or by a majority of the Directors. All meetings of the Board shall be in conformance with the Ralph M. Brown Act (California Government Code sections 54950 et seq.).

10.9. Minutes. The Secretary/Clerk of the Authority shall cause minutes of all meetings of the Board to be kept and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Board, the Members, and other parties upon request.

Section 11. Conflicts of Interest.

11.1. In accordance with state law, Directors and Officers are "public officials" within the meaning of the Political Reform Act of 1974("PRA"), as amended, and its regulations, for purposes of financial disclosure, conflict of interest and other requirements of the PRA and regulations. The Authority shall adopt a conflicts of interest code in compliance with the Political Reform Act and all other applicable laws and regulations, including, but not limited to, the restrictions on the acceptance or solicitation of contributions.

Section 12. Committees.

12.1. The Board may create committees from time to time as necessary or desirable.

12.2. Technical Advisory Committee. To help the Authority achieve the appropriate level of transit services consistent with the expectations of each Party, a Technical Advisory Committee ("TAC") shall be established, which will coordinate with Authority staff and make recommendations to the Board regarding transit service and operations issues. The composition of the TAC shall be established in the Authority Bylaws. In addition to the TAC, each Party shall have the right to perform an annual review, audit, and inspection of the services and transit services report prepared by the Authority.

Section 13. Officers.

13.1. Chair. The Board shall elect from among its elected members a Chair of the Board. A citizen Director may not serve as Chair. The initial term of the Chair shall be two-years. Thereafter, the Chair shall serve a one-year term of office beginning at the first regular meeting of each calendar year (*i.e., January meeting*). The Chair may serve more than one term if re-elected by the Board.

13.1.1 The Chair shall preside at all meetings of the Board and such other meetings as approved by the Board.

13.1.2 The Chair shall serve as the official spokesperson for the Board.

13.1.3 The Chair shall designate Directors or others to represent the Board at various meetings, hearings and conferences.

13.1.4 The Chair shall perform such other duties as necessary to carry out the work of the Board or as prescribed by law.

13.2. Vice Chair. The Board shall elect from among their elected members a Vice-Chair of the Board. A Citizen Director may not serve as Vice-Chair. The initial term of the Vice-Chair shall be two-years. Thereafter, the Vice-Chair shall serve a one-year term of office beginning at the first regular meeting in each calendar year (*i.e., January meeting*). The Vice-Chair may serve more than one (1) term if re-elected by the Board.

13.2.1 The Vice-Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair.

13.3. The Chair and Vice Chair assume their office upon election by the Authority Board. If either the Chair or Vice-Chair ceases to be a director, the resulting vacancy will be filled at the next meeting of the Authority Board.

Section 14. Additional Officers.

14.1. The Board may create such offices and appoint individuals to such offices

it considers either necessary or convenient to carry out the purposes of this Agreement.

Section 15. Executive Director.

15.1. The Executive Director shall be selected by and shall serve at the pleasure of and upon the terms prescribed by the Board. The powers and duties of the Executive Director are:

15.1.1 To serve as the Chief Administrative officer of the Authority and to be responsible to the Authority Board for the proper administration of all affairs.

15.1.2 To appoint, supervise, suspend, discipline or remove Authority employees subject to those policies and procedures, from time to time, adopted by the Authority Board.

15.1.3 To appoint the Treasurer/Chief Financial Officer of the Authority.

15.1.4 To supervise and direct the preparation of the annual budget for the Authority and to be responsible for its administration after adopting by the Authority Board.

15.1.5 To formulate and present to the Authority Board plans for Authority activities and the means to finance them.

15.1.6 To supervise the planning and implementation of all Authority activities.

15.1.7 To attend all meetings of the Authority Board and designate an employee to act as the Clerk to the Authority Board.

15.1.8 To prepare and submit to the Authority Board periodic financial reports and, as soon as practicable after the end of each fiscal year, an annual report of the activities of the Authority for the preceding year.

15.1.9 To have custody and charge of all Authority property other than money and securities.

15.1.10 To transmit to the Executive Director's successor all books and records of Authority in his or her possession.

15.1.11 To file an official bond in an amount determined by the Board, which shall not be less than the smallest bond required of the chief financial officer, treasurer or other fiscal officer of Authority or, upon the approval of the Authority Board of Directors, satisfy this requirement pursuant to Government Code section 1463.

15.1.12 To perform such other duties as the Authority Board may

require in carrying out the policies and directives of the Authority Board.

Section 16. Treasurer and Auditor-Controller.

16.1. The Authority Chief Executive Officer, or his/her designee, shall be the Treasurer and Auditor-Controller for Authority. The Treasurer and the Auditor-Controller shall perform the duties set forth in Government Code Sections 6505.5, 6505.6 and other sections as applicable.

Section 17. By-Laws.

17.1. The Board of Directors shall adopt Bylaws as necessary for the efficient and effective functioning of the Authority. The Bylaws may be amended from time to time as necessary by a majority vote of the Board.

Section 18. Limitation on Liability of Members for Debts and Obligations of the Authority.

18.1. Except as otherwise prohibited with respect to a public retirement system, pursuant to Government Code sections 6508.1 and 6508.2, the debts, liabilities, and obligations of the Authority do not constitute debts, liabilities, or obligations of any Member Agency. However, a Member may separately contract for or assume responsibility for specific debts, liabilities, or obligations of the Authority.

18.2. Except as expressly authorized by the Member Agencies, no Member Agency shall be responsible for the acts and omissions of another Member Agency's officers or employees nor shall a Member Agency incur any liabilities arising out of the services and activities of another Member Agency's officers or employees.

Section 19. Limitation of Financial Commitment.

19.1. The Authority shall not look to Member Agencies for financial contributions from their general fund, or any other fund, unless each Member Agency separately contracts for and agrees to set aside and commit for the Authority transit moneys as part of its annual budgetary process.

Section 20. Fiscal Year.

20.1. The first fiscal year of the Authority is the period from the Effective Date of this Agreement through June 30, 2021. Each subsequent fiscal year of the Authority begins on July 1st and ends on June 30th unless the Board of Directors provides otherwise by resolution.

Section 21. Budget.

21.1. Within sixty (60) days after the first meeting of the Board, a preliminary general budget for the initial fiscal year shall be adopted by majority vote of the Board. For each fiscal year thereafter, the Board shall adopt a budget not later than sixty (60) days before the beginning of a fiscal year. In the Board's sole discretion, the budget may be an annual or multi-year budget.

Section 22. Annual Audit.

22.1. The Authority shall cause an annual audit to be prepared and filed in accordance with Government Code section 6505 and Public Utilities Code section 99245. The minimum standards of the audit shall be those prescribed by the Controller for special districts under section 26909 of the Government Code and shall conform to generally accepted auditing practices. A report of the audit shall be filed as public record with each of the Agencies within 12 months of the end of the Fiscal Year under examination. Any costs in making an audit in accordance with this Agreement shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for the purpose.

Section 23. Annual Report.

23.1. The Executive Director shall prepare and submit an annual report of the operations to the Authority Board, Members, StanCOG and State Controller within 90 days of the end of the fiscal year pursuant to Public Utilities Code, section 99243.

Section 24. Regional Service Planning.

24.1. The Authority shall cause to have prepared a Regional Service Plan periodically but in no event less frequently than every five years. A SRTP (Short Range Transit Plan) may be used to fulfill this requirement. The Plan shall contain the baseline levels of transit service to be provided and shall include days of service; hours of service, areas to be served, types of transit service to be provided and rates of passenger fares to be charged for said service. The Board shall review said Plan and either approve and adopt said plan as presented or approve and adopt said Plan with modifications. The Plan may be expanded, modified, or reduced by the Board. The Technical Advisory Committee shall also make recommendations to the Board regarding the SRTP.

Section 25. Indemnification.

25.1. By Authority. From and after the Effective Date, the Authority shall hold each Member, its officers, agents and employees, harmless from any loss, damage, injury, claim, demand, litigation or liability and all expenses and costs relating thereto arising out of or in any way related to any Member asset transferred to the Authority, including but not limited to any agreement or contract assumed by or otherwise transferred to Authority, real property, personal property, equipment and apparatus.

25.2. The Authority shall defend, hold harmless and indemnify, to the fullest extent permitted by law, each Member Agency from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, damages, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney's fees and costs, court costs, interest, defense costs, and expert witness fees, where the same arise out of, or are in any way attributable in whole or in part, to the operation of the Authority or its employees, officers or agents or the employees, officers or agents of the Member Agencies while acting within the course and scope of an agency relationship with the Authority.

25.3. By Members. Each Member Agency shall defend, indemnify and hold

harmless the Authority, its Boards, officers, agents, representatives and employees and each other individual Member, and its respective officers, employees, agents and representatives from any loss, damage, injury, demand, litigation liability or claims for damage for any tort, personal injury, including death, as well as from claims from property damage, and all expenses and costs relating thereto (including attorneys' fees) which may arise from the acts or omissions of the Members employees, contractors, subcontractors or agent's operations occurring prior to the Effective Date of the Authority. This section does not apply to matters arising out of or related to employment.

Section 26. New Members.

26.1. For the purpose of this section only, all Members admitted after the initial creation of the Authority are "New Members". The Authority Board shall establish the number of Directors each New Member can appoint, with each Director having one vote. Any other public entity providing, or proposed to provide, transit in Stanislaus County is eligible for membership in the Authority.

26.2. A public entity meeting the criteria established by the Authority Board may be admitted as a New Member upon a two-thirds (2/3) vote of the Authority Board and upon complying with all other requirements established by the Board and the Bylaws.

26.3. Each applicant for membership as a New Member must pay all fees and expenses, if any, set by the Board in order to pay for the costs of adding the New Member and to address its participation in the ownership of the Authority's assets and liability for any debt of the Authority upon approval as a New Member.

Section 27. Withdrawal from Membership.

27.1. Members may withdraw from the Authority by providing written notice to all other Member agencies by resolution of intent to withdraw adopted by the governing board of the withdrawing party. The notice of resolution of intent to withdraw shall be given at least 180 days before the start of the fiscal year in which it shall be effective. Such a withdrawal shall be effective at the start (July 1st) of the fiscal year after the 180-day period has passed. Withdrawal of a Member shall not affect the remaining Members of the Authority.

27.2. Upon the effective date of withdrawal, the withdrawing Member shall cease to be bound by this Agreement, except for any long-term financing obligations or other voluntarily assumed obligations placed upon and agreed to by the withdrawing party under the Agreement, or otherwise required by law. Notwithstanding the foregoing, any future long-term financing obligations incurred by the Authority, will not be an obligation of the withdrawing member. The withdrawing member shall only be obligated on existing debt up to the date of its termination and the date its withdrawal from the Authority becomes effective. Any remaining debts shall be the obligation of the Authority.

27.3. A withdrawn Member shall not be entitled to the return of any grant funds previously or historically allocated to it provided that the Authority is the current grantee for those funds at the time of withdrawal. However, the return of assets previously contributed by the Member Agency to the Authority shall be provided for in a withdrawal plan, prepared by the Authority, to address return of funds or assets from the Authority to the withdrawing Member.

Such withdrawal plan may include 1) the compensation for real property whose title has passed to the Authority with such value determined by a competent real property appraiser who is familiar with local property values and licensed in the state of California; 2) the purchase of a withdrawing Member's assets used by but not yet transferred to the Authority; or 3) compensation for the depreciated value of assets or rolling stock transferred as of the Effective Date. The Authority and the withdrawing Member will negotiate in good faith a withdrawal plan to address return of funds or assets from the Authority to the Member and assignment of liabilities associated with those funds or assets to that Member. In the event of a disagreement regarding the amount of compensation due for real property, the parties may resolve the matter via alternative dispute resolution or any other mutually acceptable means.

27.4. Any Member who has withdrawn from the Authority in accordance with the provisions of this section may resume its membership upon sixty (60) days written notice to the then-existing members, which notice may be waived by a majority vote of the Authority Board.

Section 28. Termination and Distribution.

28.1. This Agreement may be terminated by the written consent of two-thirds (2/3) of the governing bodies of the Members; provided, however, that this Agreement and the Authority shall continue to exist after termination for the purpose of disposing of all claims, distribution of assets and all other functions necessary to conclude and wind down the obligations and affairs of the Authority.

28.2. Upon termination of the Agreement, and after payment of debts, a dissolution plan shall be prepared by the Authority and reviewed and approved by the Members to address the surplus property owned by the Authority, both real and personal, including all funds on hand, after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement, and such surplus property shall be returned to the respective Members as nearly as possible in proportion to their cash contributions and property (if any) transferred (at market value when contributed less any depreciation) to the Authority. The Board shall determine such distribution within six (6) months after disposal of the last pending claim or other liability covered by the plan.

28.3. After termination or dissolution of the Authority, any surplus money on deposit in any fund or account of the Authority will be returned to the Members as required by law. The Board is vested with all powers of the Authority for the purpose of concluding and dissolving the business affairs of the Authority.

Section 29. Notices.

29.1. Notice to each Member under this Agreement is sufficient if mailed to the Member and separately to the Member's Directors at their respective addresses on file with the Authority, or by such other means the Member has agreed to. All notices required by Government Code sections 6503.5 and 53051 shall be filed by the Authority with the California Secretary of State.

Section 30. Prohibition Against Assignment.

30.1. No Member may assign a right, claim, or interest it may have under this Agreement. No creditor, assignee or third-party beneficiary of a Member has a right, claim or title to any part, share, interest, fund or asset of the Authority. However, nothing in this section prevents the Authority from assigning any interest or right it may have under this Agreement to a third party.

Section 31. Amendments.

31.1. This Agreement may be amended by the Members acting pursuant to a resolution of their respective governing bodies. A proposed amendment must be submitted to each Member at least thirty (30) days in advance of the date when the Member considers it. An amendment is to be effective upon execution unless otherwise designated.

Section 32. Successors and Assigns.

32.1. This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the Parties.

Section 33. Titles and Headings.

33.1. The section titles and headings of this Agreement are for convenience only and shall not be used in interpreting this Agreement.

Section 34. Severability.

34.1. If a portion, term, condition or provision of this Agreement is determined by a court to be illegal or in conflict with a law of the State of California, or is otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions and provisions is not affected.

Section 35. Liability of the Authority.

35.1. Subject to limitations thereon contained in any trust agreement or other documents pursuant to which financing of the Authority is implemented, funds of the Authority may be used to defend, indemnify, and hold harmless the Authority, any Member, any Director or Alternate, and any employee or officer of the agency for actions taken within the scope of their duties and acting on behalf of the Authority.

Section 36. Governing Law.

36.1. This Agreement will be governed by and construed in accordance with the laws of the State of California.

Section 37. Counterparts.

37.1. This Agreement may be executed in several counterparts, each of which is

an original and all of which constitutes but one and the same instrument.

Section 38. Integration

38.1. This Agreement represents the full and entire Agreement among the Member Agencies with respect to the matters covered herein.

Section 39. Execution.

39.1. The legislative bodies of the Member Agencies have each authorized execution of this Agreement, as evidenced by the respective signatures attested below.

[Signatures on next page]

IN WITNESS WHEREOF, the parties, pursuant to resolutions of their respective governing boards, have caused this Agreement to be executed this_____day of_____, 2021.

County of Stanislaus

By: _____
Jody Hayes, Chief Executive Officer

ATTEST:
Elizabeth King
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By: _____
Elizabeth A. King,
Clerk of the Board
Dated: _____, 2021

Approval as to Form:

THOMAS E. BOZE
County Counsel

By: _____
Thomas E. Boze, County Counsel

City of Modesto

By: _____
Joseph P. Lopez, City Manager

ATTEST:
Stephanie Lopez
Modesto City Clerk

By: _____
Stephanie Lopez
Modesto City Clerk
Dated: _____, 2021

Approval as to Form:

Office of the City Attorney

By: _____
Jose M. Sanchez, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-115

RESOLUTION APPROVING THE APPOINTMENT OF THE CITY OF RIVERBANK MAYOR RICHARD O'BRIEN TO THE STANISLAUS REGIONAL TRANSIT AUTHORITY BOARD OF DIRECTORS

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on February 10, 2021, the JPA board of directors approved an action to recommend that the Modesto City Council and Stanislaus County Board of Supervisors approve Riverbank Mayor Richard O'Brien to fill the seat on the Stanislaus Regional Transit Authority Board of Directors that represents the small cities in the county, and

WHEREAS, the JPA agreement requires that the City Council approve the appointment of the member to represent the small cities in the county.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of the City of Riverbank Mayor Richard O'Brien to the Stanislaus Regional Transit Authority Board of Directors the Stanislaus Regional Transit Authority.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-116

RESOLUTION ACCEPTING THE GRANT AWARD FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5339 FUNDS IN THE AMOUNT OF $2,006,514 AND CONGESTION MITIGATION AND AIR QUALITY FUNDS IN THE AMOUNT OF $1,200,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES, AND ALL OTHER NECESSARY DOCUMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the projects are included in the 2019 Federal Transportation Improvement Program (FTIP) adopted by the Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, formerly known as “Toll Credits”, in lieu of a local match, and

WHEREAS, these funds will be used to replace rolling stock in compliance with the Council approved Transit Asset Management Plan by Resolution 2020-046.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the award of $2,006,514 in FTA Section 5339 funds, and $1,200,000 in Congestion Mitigation and Air Quality funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-117

RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID NO. 1920-02 FOR THE PRINTING OF THE MODESTO AREA EXPRESS RIDE GUIDE

WHEREAS, the Modesto Area Express (MAX) ride guide shows routes and timetables for all MAX routes, and

WHEREAS, this guide is usually printed every six months, based on the number of ride guides distributed and changes required to the MAX system, and

WHEREAS, on June 3, 2020, the Purchasing Division issued RFB No.1920-02 for the Printing of Modesto Area Express Ride Guide under multiple categories, and

WHEREAS, on June 30, 2020 bids were formally opened by the City Clerk and broadcast via Webex, and

WHEREAS, four companies chose to respond, none of which were local vendors, and

WHEREAS, on January 26, 2021, Council approved a Joint Powers Agency (JPA) agreement to provide transit services, and

WHEREAS, it is anticipated that the JPA would begin operation on July 1, 2021, and

WHEREAS, as the size and scope of the ride guide will likely change with a consolidated transit operation, staff felt it was in the best interest of the City to reject all bids and allow the JPA to develop its own ride guide specifications and bid documents for a future JPA procurement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for Request for Bid No. 1920-02 for the Printing of the Modesto Area Express Ride Guide.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-118

RESOLUTION APPROVING A SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH WILLDAN, INC., FOR TRAFFIC ENGINEERING SERVICES BY $50,000 FROM $205,000 TO A NEW TOTAL AMOUNT OF $255,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on August 13, 2019, by Resolution No. 2019-369, Council approved an Agreement with Willdan, Inc. for Traffic Engineering Services in an amount not to exceed $145,000 for up to one year, and

WHEREAS, the City is currently using Willdan, Inc. to provide engineering expertise and assistance to the Traffic Engineering Division since the retirement of the Traffic Engineer July 2019, and

WHEREAS, Willdan provided a Traffic Engineering consultant to be available 28 hours a week to help ensure that current CIP projects will remain on schedule, provide guidance on complaints/issues, and provide technical support, and

WHEREAS, due to the current workload, the FY 20/21 budget for Traffic Engineering approved $30,000 in professional services to help assist with projects and the various tasks to keep the Traffic Engineering Division running efficiently, and

WHEREAS, on October 27, 2020, by Resolution No. 2020-442, Council approved the First Amendment increasing the agreement amount with Willdan, Inc., for Traffic Engineering services by $60,000 from $145,000 to a new total not to exceed amount of $205,000, and extending the term of the agreement from one year to two years with a one-year extensions, and

WHEREAS, only $11,257 is remaining to date on Willdan's contract, and

WHEREAS, staff is recommending a Second Amendment to increase their contract amount by $50,000, and

WHEREAS, part of the needed increase comes from the Upgrade Advanced Traffic Management System (ATMS) Project (101192) requires a specialized contractor to perform degradation samples of the poles and re-certification of wind/load calculations for the fiber optic attachment, and

WHEREAS, the Transit Division has American Disability Act (ADA) locations needing to be upgraded within Caltrans right-of-way, but due to the workloads in Traffic Engineering and Transportation Engineering Design Divisions, these project locations would not be addressed for some time, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the agreement amount with Willdan, Inc., for Traffic Engineering services by $50,000 from $205,000 to a new total amount of $255,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-119

RESOLUTION AUTHORIZING ENTERING INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND AUTHORIZING AND DESIGNATING A REPRESENTATIVE FOR THE JM PIKE PARK STORMWATER TO SANITARY CROSS CONNECTION REMOVAL PROJECT

WHEREAS, the City of Modesto has submitted an application to the State Water Resources Control Board for funding for the JM Pike Park Stormwater to Sanitary Cross Connection Removal Project, to remove dry wells and stormwater to sanitary sewer connections and replace them with a pipe network to convey storm water to new underground stormwater chambers for percolation, a pretreatment device and park improvements, and

WHEREAS, prior to the State Water Resources Control Board's executing a funding agreement, the City of Modesto is required to adopt a resolution authorizing an agent, or representative, to sign the funding agreement, amendments, and requests for disbursement on behalf of the City of Modesto, and to carry out other necessary Project-related activities, and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to carry out the Project, enter into a funding agreement with the State Water Resources Control Board, and accept and expend State funds for the Project, and

BE IT FURTHER RESOLVED AND ORDERED, that the City Manager, or his designee, is hereby authorized and designated to sign, for and on behalf of the City of Modesto, the funding agreement for the Project and any amendments thereto, and

BE IT FURTHER RESOLVED AND ORDERED, that the City Manager, or his designee, is hereby authorized and designated to represent the City of Modesto in carrying out the City of Modesto responsibilities under the funding agreement, including certifying invoices and disbursement requests for Project costs on behalf of the City of Modesto and compliance with applicable State and federal laws, and

BE IT FURTHER RESOLVED AND ORDERED, that any and all actions, whether previously or subsequently taken by the City of Modesto, which are consistent with the intent and purposes of the foregoing resolution, shall be, and hereby are, in all respects, ratified, approved and confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-120

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $15,840,000 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES IN ORDER TO FULLY FUND THE JM PIKE PARK STORMWATER TO SANITARY CROSS CONNECTION REMOVAL PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $15,840,000, in order to fund the JM Pike Park Stormwater to Sanitary Cross Connection Removal Project, and

WHEREAS, the Fiscal Year 2020-21 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 2020-21 Capital Improvement Program Budget as shown in **Exhibit A**.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

101313 - JM Pike Park CC Removal

Revenue		
State Water Resources Control Board - Proposition 1 Grant		$ 10,000,000

Expenses		
EDA	Engineering/Design/Administration	$ 1,200,000
CON	Construction	$ 12,000,000
CTGY	Contingency	$ 1,440,000
CA	Construction Administration	$ 1,200,000
		$ 15,840,000

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-121

RESOLUTION APPROVING THE ANNUAL WATER RATE REVIEW AND ADOPTING 2% WATER RATE INCREASES WITHIN FISCAL YEAR 2020-21, TO BE EFFECTIVE OCTOBER 1, 2021

WHEREAS, Modesto Municipal Code Section 11-6.05 authorizes Council, by resolution, to establish charges for metered water services, and Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services; and

WHEREAS, Proposition 218 amended the California Constitution to establish a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const. Article XIID); and

WHEREAS, water service fees are property-related fees and thus subject to the procedural and substantive requirements of Proposition 218; and

WHEREAS, the City engaged Bartle Wells Associates (BWA) in July 2015 to conduct a comprehensive review of the City's water rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated May 2016 entitled City of Modesto Water Rate and Fee Study (Report), containing analyses and recommendations for adjusting the City's water rates and charges; and

WHEREAS**,** the Report concludes that the revenues generated under existing water rates and charges are insufficient to meet the water utility's revenue requirements for fiscal year (FY) 2016-17 and subsequent years, given changes and new developments in the City's water system, including new capital improvement projects identified in the Water Master Plan; and

WHEREAS, the Report demonstrates that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section 6; and

WHEREAS, on August 9, 2016, the City Council duly held a public hearing , and at its conclusion the City Clerk tabulated the number of written and oral protests received and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving water services; and

WHEREAS, the City Council subsequently approved a new water rate structure in accordance with Proposition 218 by Resolution No. 2016-343 and adopted a five-year schedule of new maximum water service rates for FY 2016-17 through FY 2020-21; and

WHEREAS, the adopted rate increase of 25.04% for FY 2016-17 became effective on September 1, 2016; and

WHEREAS, on December 12, 2017, per Resolution No. 2017-522, Council approved the annual review of water rates as required by Resolution No. 2016-343, which lowered the maximum water service rates for FY 2017-18 from 11.08% to 9.00%, effective April 1, 2018; and

WHEREAS, on September 25, 2018, per Resolution No. 2018-419, staff conducted a review of the rates for FY 2018-19 adopted as part of the five-year schedule. The FY 2018-19 adopted rate increase became effective January 1, 2019; and

WHEREAS, on October 22, 2019, per Resolution No. 2019-482, staff conducted a review of the rates for FY 2019-20 adopted as part of the five-year schedule. The FY 2019-20 approved rate increase of 6% became effective April 1, 2020; and

WHEREAS, City staff has recently conducted an annual review of the water rates as required by Resolution No. 2016-343 to evaluate whether the approved 9.00% increase for Fiscal Year 2020-21 meets the enterprise's revenue needs based on anticipated expenses and the City's policies; and

WHEREAS, upon review of the FY 2020-21 proposed Water Fund proforma, the City's Budget Division recommends a rate schedule increase of 2% in annual rate, which would allow the fund to maintain a minimum 1.5 debt service coverage ratio required by Council policy, and maintain a 2.0 debt coverage ratio in future years as recommended in the recent Fitch Rating review; and

WHEREAS, based on evaluation of revenues and expenses, the rate increases are justified and necessary to address increased operating expenses and fund capital expenses and should have been implemented earlier this fiscal year. However, due to the global pandemic of COVID-19, the rate increases were deferred; and

WHEREAS, the pandemic was an unforeseen emergency that has had substantial impacts to municipalities and rate payers; and

WHEREAS, as a result, the City had to make adjustments, not otherwise planned for. Deferment of rate increases being one of those adjustments. Deferment has not eliminated the need or importance of the rate increases; and

WHEREAS, pursuant to amended Resolution 2004-627, the approved increase in water rates for Fiscal Year 2020-21, would become effective 90 days after completion of the annual review; however, given the economic impacts resulting from the global COVID-19 pandemic, staff took additional time to review revenues, adjust the Capital Improvement Program, and analyze the proforma. Staff is recommending the FY 2020-21 rate increase be deferred and become effective on October 1, 2021 which would provide a period of economic relief amidst the ongoing pandemic.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto as follows:

SECTION 1. WATER RATE SCHEDULE- METERED WATER RATES. Metered ratepayers shall pay a water (volume) rate for water as follows, and the drought water rates shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

Meter Size	Current	FY2020/21
Fixed Meter Charges ($/month)		
5/8 inch	$24.94	$25.44
3/4 inch	$24.94	$25.44
1 inch	$36.11	$36.83
1.5 inch	$64.04	$65.32
2 inch	$97.55	$99.50
3 inch	$203.66	$207.73
4 inch	$360.04	$367.24
6 inch	$734.22	$748.90
8 inch	$1,348.56	$1,375.53
10 inch	$2,130.44	$2,173.05
12 inch	$2,800.62	$2,856.663

Water Rate ($/ccf)		
Drought	$2.10	$2.14
Non-drought	$1.98	$2.02

SECTION 2. WATER RATE SCHEDULE- UNMETERED WATER RATES. The following contains the maximum water (volume) rate service charges for unmetered ratepayers. The drought water (volume) rate shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

DROUGHT Unmetered Fixed Charge ($/month)		
Rate Code	**Current**	**FY2020/21**
PRO1 - 0 to 5,000 sq ft	$58.82	$60.00
PRO2 - 5,001 to 7,000 sq ft	$67.71	$69.06
PRO3 - 7001 to 11,000 sq ft	$85.29	$87.00
PRO4 - 11,001 to 17,000 sq ft	$111.55	$113.78
PRO5 - Over 17,000 sq ft	$124.79	$127.29

NON-DROUGHT Unmetered Fixed Charge ($/month)		
Rate Code	**Current**	**FY2020/21**
PRO1 - 0 to 5,000 sq ft	$56.11	$57.23
PRO2 - 5,001 to 7,000 sq ft	$64.23	$65.51
PRO3 - 7001 to 11,000 sq ft	$80.26	$81.87
PRO4 - 11,001 to 17,000 sq ft	$104.22	$106.30
PRO5 - Over 17,000 sq ft	$116.30	$118.63
TUR - Turlock Fire Charge	$4.19	$4.19

SECTION 3. DEFERRAL. The water rate increase mentioned herein for FY20-21 is to be deferred to October 1, 2021 for reasons mentioned in this resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall go into effect

and be in full force and operation immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Escutia-Braaton
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-122

RESOLUTION APPROVING THE APPROPRIATION OF GENERAL FUND RESERVES IN THE AMOUNT OF $708,500 AND AMENDING THE FISCAL YEAR 2020-21 OPERATING BUDGET TO ESTABLISH A NEW EXPENDITURE APPROPRIATION IN THE AMOUNT OF $708,500 TO FUND A CONTRIBUTION TO THE RELIEF ACROSS DOWNTOWN (RAD) PROGRAM TO APPLY CITY-WIDE, CONTINGENT ON THIS AMOUNT BEING REIMBURSABLE FROM AMERICAN RESCUE PLAN ACT OF 2021 (ARPA) FUNDING FROM UNITED STATES DEPARTMENT OF THE TREASURY WHEN THESE FUNDS BECOME AVAILABLE TO THE CITY OF MODESTO

WHEREAS, in August of 2020 the Downtown Modesto Partnership launched its Relief Across Downtown (RAD) Program, making a redeemable "gift card" available to customers, and

WHEREAS, the RAD Program is a unique opportunity for businesses to benefit from incentivized consumers with increased purchasing power, supporting business revenue, and

WHEREAS, as of March 2021, there are no matching funds available to RAD card users, and

WHEREAS, the Downtown Modesto Partnership requested the Modesto City Council allocate $650,000 to the RAD Program, plus an additional 9% administrative fee for a total of $708,500, and

WHEREAS, on March 11, 2021 President Biden signed the American Rescue Plan (ARPA) into law, and

WHEREAS, ARPA will appropriate the City of Modesto with funds to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses, and

WHEREAS, Council desires to contribute to the Relief Across Downtown (RAD) program to apply to businesses City-wide with General Fund Reserves contingent on this amount being reimbursable from American Rescue Plan Act of 2021 (ARPA) funding from United States Department of the Treasury if and when these funds become available to the City of Modesto, and

WHEREAS, funding for this item is currently not budgeted in fiscal year 2020-21.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Modesto approves the appropriation of General Fund Reserves in the amount of $708,500 and amending the Fiscal Year 2020-21 Operating Budget to establish a new expenditure appropriation in the amount of $708,500 to fund a contribution to the Relief Across Downtown (RAD) program to apply City-wide, contingent on this amount being reimbursable from American Rescue Plan Act of 2021 (ARPA) funding from United States Department of the Treasury when these funds become available to the City of Modesto.

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 and the direction of the majority of the City Council provided at the April 6, 2021 regular Council meeting in adopting this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Mayor Zwahlen
NOES:	Councilmembers:	Wright, Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-123

RESOLUTION APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT WITH THE MODESTO IMPROVEMENT PARTNERSHIP, INC FOR SERVICES INVOLVING ADMINISTRATIVE SUPPORT TO IMPLEMENT THE TOUCHLESS GIFT CARD PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Improvement Partnership, Inc., is a California Non-Profit Public Benefit Corporation, and

WHEREAS, the City has a need for services involving administrative support to implement the touchless gift card program; and

WHEREAS, an agreement with the Modesto Improvement Partnership, Inc is needed to authorize City support of the RAD program and define the scope of services provided by the contractor; and

WHEREAS, the Contractor is specially trained, experienced and competent to perform and has agreed to provide such services.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Modesto approves an agreement with the Modesto Improvement Partnership, Inc. for services involving support to implement the touchless gift card program, and;

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 6th day of April, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-124

RESOLUTION APPROVING THE APPOINTMENTS OF EACH OF THE VACANCIES FOR THE BLIGHT ABATEMENT ADVISORY COMMITTEE FOR A FOUR- YEAR TERM BEGINNING MAY 1, 2021 THROUGH MAY 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, the Blight Abatement Advisory Committee is comprised of 7 members who are residents of the City of Modesto and 2 other members are residents of the County, and

WHEREAS, on March 24, 2021, the Appointments Committee recommended the following appointments:

Candidate Name
Kathleen Munoz
Wayne Bridegroom
Mike Kelly
Sarah Kashefi
Chris Guptill
Maria Hernandez
Lynn Dickerson
Emil Mozaffari

WHEREAS, the terms will be for four years for each of the appointments beginning on May 1, 2021 through May 1, 2025, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Kathleen Munoz, Wayne Bridegroom, Mike Kelly, Sarah Kashefi, Chris Guptill, Maria Hernandez, Lynn Dickerson, and Emil

Mozaffari to the Blight Abatement Advisory Committee from May 1, 2021 through May 1, 2025.

BE IT FURTHER RESOLVED, that the City Clerk, or her designee, is directed to transmit a copy of this resolution to the appointed members of the Blight Abatement Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-125

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 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 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 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 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2020-21

CITY MANAGER'S OFFICE

- A budget adjustment is necessary to increase the non-capital project expenditure budget for project 101305 (Centre Plaza Vaccination Site – COVID-19) in the amount of $408,000. Of this amount $56,000 will be budgeted to Appr Unit A – Police Overtime, $195,000 will be budgeted to Appr Unit C – Services City Forces, $72,000 will be budgeted to Appr Unit C – Benefit Overhead, $35,000 will be budgeted to Appr Unit C – Business Expenses, and $50,000 will be budgeted to Appr Unit C – Professional Services. These funds will be used to cover city staff time and other costs associated with City assistance at the COVID-19 Vaccination clinic in coordination with Stanislaus County such as the custodial services and the security services required to run the vaccination site. The costs will ultimately be reimbursed through County and Federal funding and this adjustment should cover the costs remaining through March and April.

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $59,095 is needed in project 101223 – CED. Technology Fee (Fund 1800 – Economic Development/Strategic Plan Fund) to budget the Fiscal Year 2020-21 loan repayment to the Abatement Fund (Fund 4910). This is the first of five annual payments approved under the loan amortization schedule, for a total of $265,404. The loan and the repayment schedule were approved by City Council on April 7th, 2020 via resolution 2020-143. The Funds were used to purchase the Trak-It software by the Community and Economic Development Department.

HUMAN RESOURCES

- A budget adjustment in the amount $2,108,000 is needed in the Employee Benefits Fund (5510) to account for 1) $1,862,000 in Retiree Sick Leave Conversion 2) $120,000 for unbudgeted Early Retirement Incentive 3) $126,000 in unbudgeted 24-hour Sick Leave to Health Savings Account/Flexible Spending Account/Deferred Compensation Conversion as approved by Council on 6/25/2019 via resolution 2019-312. The Retiree Sick Leave Conversion is related to the changes in the accounting procedures that reflect the expense instead of processing payments through a liability account. This is a technical adjustment to allocate the funds to the appropriate accounts.

- A budget adjustment in the amount of $550,000 is needed in the Employee Benefits Fund (5510) to increase the Assessment – Active Employee Contribution revenue budget and the Unfunded Accrued Liability Pack expense budget. The revenue is collected from the Unfunded Accrued Liability (UAL) employee contributions and is sent to CalPERS.

MODESTO POLICE DEPARMENT

- A budget adjustment is needed in the amount of $95,000 to cover actual expenses to-date and in the amount of $121,000 to budget Asset Forfeiture revenue from trust as an offset for the expenses in this cost center. When this adjustment is done, the balance of the Cost Center will be a net zero impact to the General Fund.

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of $120,000 is needed to reduce the transfer from General Fund and the revenue and expense budget in the John Thurman Field Capital Improvement project # 101019. On January 12st, 2021, via resolution 2021-007, the City Council approved the deferral of the $120,000 FY2020-21 contribution to FY2025-26.

PUBLIC WORKS

- A budget adjustment is necessary in the amount of $94,324 to fund 4510-Bus Fixed Route, project 101151-Video Surveillance System MAX-MADAR to reduce CalOES revenue and appropriations. This funding is to purchase AngelTrax surveillance system in MAX and MADAR buses.

- A budget adjustment to fund 4540-Bus Fixed Route MAX Operations, cost center 53472-PW-Transit Services to increase Federal Transportation Administration revenues and reduce MAX fare revenues, Local Transportation Funds and State Transit Assistance. This budget adjustment will also correct a previous budget overage discovered. Budget adjustment will go as follows:

	Budget	Adjustment	Revised
FTA	$4,529,840.00	$ 4,892,845.00	$ 9,422,685.00
LTF (Prior Year)	$ 277,153.00	$ (277,153.00)	$ -
STA	$5,884,843.00	$ (3,577,138.00)	$ 2,307,705.00
Fares (various)	$2,367,000.00	$ (1,536,328.00)	$ 830,672.00
Net Changes		**$ (497,774.00)**	

- A budget adjustment is necessary in the amount of $100,000 to fund 4540-Bus Fixed Route MAX Operations, cost center 53472-PW-Transit Services to increase City of Escalon revenues. The City of Escalon reimburses the City of Modesto for the cost of their routes.

- A budget adjustment in the amount of $131,303 to fund 4520-Bus Service Fund DAR, cost center 53473-Transportation-Dial-A-Ride to increase Federal Transportation Administration revenues and reduce Local Transportation Funds.

- A budget adjustment in the amount of $2,192,464 for fund 4540-Bus Fixed Route MAX Operations, cost center 53490-Transit FTA Pass-Through is necessary to increase Intergovernmental Service expense. The City of Modesto Transit Division received CARES Act funding to support the operation of transit services during the COVID-19 pandemic. The City of Modesto acts as a pass-through to Stanislaus County StaRT transit services.

UTILITIES

- A budget adjustment in the amount of $125,000 is necessary to establish the expense budget for the Tannin & Lignin Study (101311) being conducted by Wastewater Operations. This project will track tannin & lignin concentration levels across multiple sampling points throughout the wastewater treatment plant(s) in an effort to identify issues negatively affecting the treatment process so that they can be addressed.

- A budget adjustment in the amount of $224,096 is necessary to increase the expense budget for the SR 132 Relocation – Water Mains (100923). The increase in budget is for the installation of cathodic protection on the water lines that are part of the Rosemore and Carpenter superstructures. There are sufficient funds within the Water Fund for the additional expense.

- A budget adjustment in the amount of $229,411 is necessary to increase funding for the Utility Billing Assistance Program (4100-12475-54428). The adjustment is needed due to an increased number of customers applying and qualifying for the program due to COVID-19 and a rise in delinquencies. The budget increase will be covered by late penalties collected from utility customers as well as an increase of $117,088 to the Garbage Companies portion of Utility Assistance Fees.

  4100-12475-47075 ($84,766.18)
  4100-12475-47076 ($32,321.82)
  4100-12475-54428 $229,411.00
  Net $112,323.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-126

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MARK S. GROVER AND LORRAINE J. GROVER, TRUSTEES OF THE GROVER REVOCABLE LIVING TRUST, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 0 PIRRONE ROAD IN MODESTO (APN 003-014-007), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE WILL SERVE LETTER AND THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Mark S. Grover and Lorraine J. Grover, Trustees of the Grover Revocable Living Trust, own property located at 0 Pirrone Road, and

WHEREAS, the owner is proposing to construct a 2,310 square feet of retail space, 3,250 square feet of fast -food restaurant space with drive-thru and outdoor dining area, service station with six pumps, two above - ground gasoline storage tanks, 4,500 square feet of convenience market space and 61,460 square feet of mini storage with 1,400 square feet of office space, and

WHEREAS, a representative of the property owner has requested water service, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval, and

WHEREAS, the property located at 0 Pirrone Road is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Water Service for the property located at 0 Pirrone Road in Modesto (APN 003-014-007).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-127

RESOLUTION APPROVING COOPERATIVE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE PROJECT INITIATION DOCUMENT (PID) PHASE OF THE BRIGGSMORE AT STATE ROUTE 99 INTERCHANGE AND STANDIFORD AT STATE ROUTE 99 INTERCHANGE RECONSTRUCTION PROJECTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the State Route 99/Briggsmore Interchange Project and the State Route 99/Standiford Interchange Project (Projects) have been constructed incrementally in response to changing demands and available funding over time, and

WHEREAS, the purpose of this project is to reduce traffic congestion, improve regional and interregional traffic operation, and enhance safety on the State Route 99 highway and within the vicinity of the local transportation network of the SR-99 /Briggsmore and SR-99/Standiford Interchanges through reconstruction, and

WHEREAS, the first phase of the Project is termed Project Initiation Document (PID) phase, and

WHEREAS, the outcome of the project initiation process is a document that establishes a well-defined purposes-and-need statement, proposed project scope tied to a reliable cost estimate, and a schedule, and

WHEREAS, the use of State funds for capital improvements on the State Highway System (SHS) requires an approved PID, and

WHEREAS, the Department of Transportation (Caltrans) requires development of a PID prior to approval to begin the environmental project phase or PA&ED, and

WHEREAS, the Project Approval and Environmental Document (PA&ED) phase develops and establishes the State and Federal approvals necessary for the Project to move to the final PS&E project phase, and

WHEREAS, Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO) and the designated Council of Governments for Stanislaus County, and

WHEREAS, in November, 2016 Stanislaus County voters approved Measure L, a 25-year, ½ cent sales tax to maintain and improve transportation systems, and

WHEREAS, the Measure L Strategic Plan designates these Projects as priority projects for delivery in Measure L's first 10 years, and

WHEREAS, the 2019 Strategic Plan Update designated these Projects to receive up to $21,973,000 of regional Measure L funds over the next several years, and

WHEREAS, StanCOG has agreed to provide funding for the PA&ED and PID phase of the Projects in accordance with the terms and conditions set forth in the Agreements approved by City Council on September 1, 2020, and

WHEREAS, approval of the Cooperative Agreements with Caltrans is the next step towards progressing the study and reconstruction of the SR99/Briggsmore and SR99/Standiford Interchange projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cooperative Agreements with the California Department of Transportation (Caltrans) for the Project Initiation Document (PID) Phase of the

Briggsmore at State Route 99 Interchange and Standiford at State Route 99 Interchange Reconstruction Projects.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-128

RESOLUTION ACCEPTING THE FISCAL YEAR 2021-22 ENGINEER'S REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS TO BE HELD ON JUNE 22, 2021 TO CONSIDER THE 2021-22 LEVY AND COLLECTION OF ASSESSMENTS WITHIN SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus ("County") formed the Shackelford Landscape and Lighting District ("Shackelford LLD") for the purpose of administering the maintenance of seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 494 lots with both residential and commercial development, and is bounded by Crows Landing on the west, E. Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on February 22, 2012, the Stanislaus County Local Agency Formation Commission ("LAFCO") approved the annexation of the Shackelford Area to the City of Modesto ("City"), and

WHEREAS, on April 24, 2012, the City Council approved the Shackelford Landscape and Lighting District Transfer Agreement between the County and City, and

WHEREAS, the City assumed full responsibility and administration of the Shackelford LLD on July 1, 2012, and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for the Shackelford LLD, to prepare and file an annual report, and

WHEREAS, the Engineer of Work has prepared and filed said annual report with the City Clerk, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the Shackelford LLD for the fiscal year stated in the annual report.
b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
c. Reference to the assessment district by its distinctive designation and indication of the general location of the Shackelford LLD.
d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2021-22 Engineer's Report for the Shackelford Landscape and Lighting District.

BE IT FURTHER RESOLVED that the City Council hereby finds the following:

1. The City Council intends to levy and collect assessments within the Shackelford LLD during the fiscal year 2021-22.
2. There are no proposed new improvements or any substantial changes in the existing improvements in the Shackelford LLD and the existing improvements to be made in the Shackelford LLD are generally described as follows:

   The City shall provide maintenance, operation and servicing, in perpetuity, of streetlights and all improvements required for such maintenance including, but not limited to:

   a. Payment to local utility company for monthly power costs of energizing street lights in the Shackelford LLD.
   b. Payment to local utility company for maintenance of street lights in the Shackelford LLD that the utility company owns (usually those lights that are mounted on wooden poles).

c. Maintenance provided by the City of Modesto for street lights in the Shackelford LLD that are owned by the City of Modesto (usually those lights that are mounted on steel poles).

3. The Shackelford LLD is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located North of Hatch Road, South of State Highway 99, and East of Crows Landing Road.

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

5. On Tuesday, the 22nd day of June, 2021, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the questions of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-129

RESOLUTION ACCEPTING FISCAL YEAR 2021-2022 ANNUAL ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 THROUGH 6; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 – 6 AND SETTING A PUBLIC HEARING ON JUNE 22, 2021 TO CONSIDER THE FISCAL YEAR 2021-22 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Fiscal Year 2021-22 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, which is **attached** hereto and hereinafter incorporated by reference.

BE IT FURTHER RESOLVED that the City Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2021-22.

2. There are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 1 and that the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive
   b. Areas adjacent to the access control walls along Creekwood Drive
   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).
4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.
5. On Tuesday, the 22nd day of June, 2021, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place

of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1
♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6♦

A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2021 - JUNE 30, 2022

3/24/2021

Prepared By:
Jessica Narayan
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

TABLE OF CONTENTS

SECTION	TITLE
I.	History
II.	Annual Assessment Review & Summary
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VI.	Annual Assessments List by Parcel & Property Owner

SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimated costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and three (3) public agency owned parcels. An annual assessment of $26 per single-family residential parcel has remained the same since 1996. The total assessment to be levied for LMAD No. 1 for Fiscal Year 2021-2022 is $19,474.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

1. Single Family Residential Parcels:
   There are 749 single-family residential parcels located within LMAD No. 1.

2. Multi-Family Residential Parcels:
   There are no multi-family residential parcels located within LMAD No. 1.

3. Commercial/Industrial Parcels:
   There are no commercial or industrial parcels located within LMAD No. 1.

4. Public Agency Parcels:
   There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. 2021-2022 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of $26.00 per parcel. Each parcel receives equal benefits from the District. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
$	19,474.00	Total annual assessment

C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2021-2022 annual assessment is the same as the annual assessment for Fiscal Year 2020-2021 of $26.00 per single-family residential parcel.

SECTION III FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 6480		Estimated FY 2020-21[1]	Proposed FY 2021-22[2]
Beginning Fund Balance		$ 4,946	$ 3,301
Revenue (Cost Center 80010)			
Special Assessments		$ 10,781 [3]	$ 19,474 [4]
Interest		$ (14)	
Estimated - Special Assessments		*$ 8,693* [5]	
Total Revenue		$ 19,460	$ 19,474
Expenses (Cost Center 80010)	**Account**		
Operating Budget			
Postage Expenses	52025	$ -	$ -
Water Utility Expenses	53043	$ (3,122)	$ (4,500)
Repair and Maintenance Services - Landscape	53165	$ (6,004)	$ (10,590)
Professional Services	53300	$ -	$ (1,000)
Legal Services	53450	$ -	$ (500)
Services City Forces - Interfund	54500	$ (2,130)	$ (2,052)
Estimated - Water Utility Expenses	*53043*	*$ (1,378.40)*	
Estimated - Repair and Maintenance Services	*53165*	*$ (4,276.81)*	
Estimated - Professional Services	*53300*	*$ (1,000.00)*	
Estimated - Legal Services	*53450*		
Estimated - Services City Forces	*54500*	*$ (3,194.00)*	
Total Expenses		$ (21,105)	$ (18,642)
Ending Fund Balance		$ 3,301	$ 4,133

[1] The estimated amount shows what has been expended as of 3.8.21. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*.

[2] The estimated expenditures for FY 2021-22 are based on the revenue that is currently able to be generated within LMAD No. 1.

[3] Actual revenue received for FY 2020-21 tax levy.

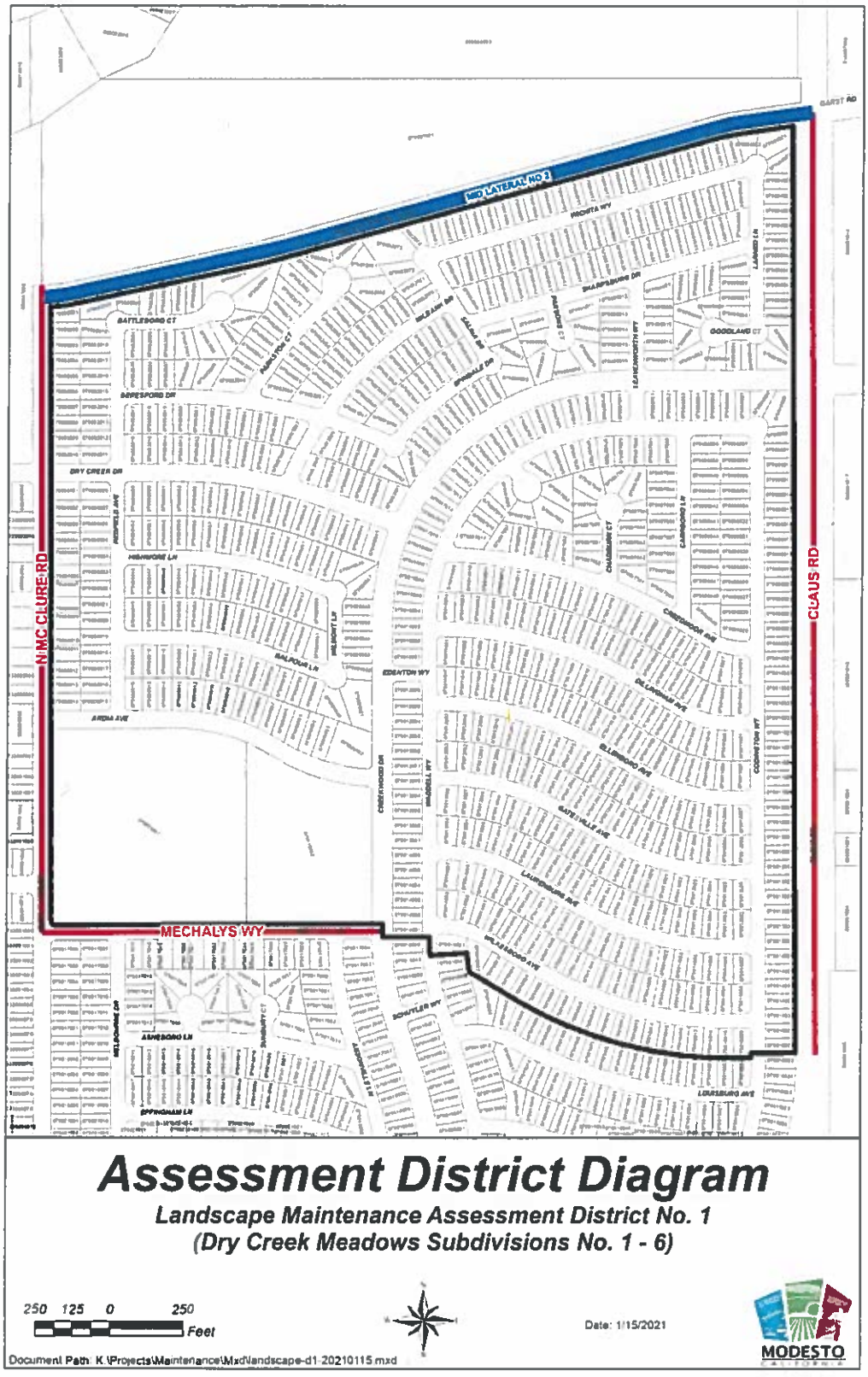
[4] Proposed levy.

[5] Estimated revenues for second installment of FY 2020-21 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 342-2270.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-002-001-000	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-002-000	SOUMPHONPHAKDY YOUTHANA	732 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-003-000	SORDO BRYON S ET AL	728 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-004-000	PRASAD AJAY B & CHANDRA SAILESHNI D	724 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-005-000	LOPEZ JOSE M	720 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-006-000	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-007-000	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-008-000	GARCIA JOSE DE JESUS	708 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-009-000	ESPINOZA GABRIEL	704 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-010-000	LEON MARTHA	700 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-011-000	SAMRA AMARJIT S TR	701 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-012-000	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-013-000	YOUNGMAN AARON B & LAUREN E	709 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-014-000	BATTAGLIA COREY J	713 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-015-000	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-016-000	NGUYEN THANG & DANG LIEN	721 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-017-000	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-018-000	WRIGHT JASON ET AL	729 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-019-000	VAZQUEZ MIRIAM S	733 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-020-000	CASEY MARY JOHN	737 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-021-000	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-022-000	JOHNSON VERDELL TR	3517 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-023-000	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-024-000	PLUNK NATALIE & ROBERT	3525 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-025-000	HASKEL ALAN	3529 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-028-000	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-029-000	HASKEL ROBERT	3532 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-030-000	EMERY EVERETTE & SHONDA TRS	3528 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-031-000	VILLALPANDO HERIBERTO & ROSA	3524 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-032-000	NGUYEN HUY ET AL	3520 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-033-000	PRASHAD RAJENDRA & SONI L	3516 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-034-000	VO SANG	3512 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-035-000	ALCAZAR ELISA C ET AL	3513 BERESFORD DR	Modesto CA 95357	$26.00
079-002-036-000	CARREON JOSE & CECILIA	3517 BERESFORD DR	Modesto CA 95357	$26.00
079-002-037-000	GOMEZ PATRICIA	3521 BERESFORD DR	Modesto CA 95357	$26.00
079-002-038-000	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	Modesto CA 95357	$26.00
079-002-039-000	BECERRA JUAN CARLOS RIVERA	3529 BERESFORD DR	Modesto CA 95357	$26.00
079-002-040-000	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	Modesto CA 95357	$26.00
079-002-041-000	ALLEN FLETCHER	717 PARKSTON CT	Modesto CA 95357	$26.00
079-002-042-000	SOTO HECTOR M & PENA MARIA C	721 PARKSTON CT	Modesto CA 95357	$26.00
079-002-043-000	SAMRA AMARJIT	725 PARKSTON CT	Modesto CA 95357	$26.00
079-002-044-000	WRIGHT JASON ODELL SR & SARA	729 PARKSTON CT	Modesto CA 95357	$26.00
079-002-048-000	SINGH JOTIKA ET AL	745 PARKSTON CT	Modesto CA 95357	$26.00
079-002-049-000	TOWNSELL DARNELL JR ET AL	749 PARKSTON CT	Modesto CA 95357	$26.00
079-002-050-000	ALTON KARIM YOUKHANA TR	753 PARKSTON CT	Modesto CA 95357	$26.00
079-002-051-000	TORRES JUAN LUIS	752 PARKSTON CT	Modesto CA 95357	$26.00
079-002-052-000	CASTILLO RANDY	748 PARKSTON CT	Modesto CA 95357	$26.00
079-002-053-000	LANZA PHILIP R	744 PARKSTON CT	Modesto CA 95357	$26.00
079-002-054-000	FABER BRUCE ET AL	740 PARKSTON CT	Modesto CA 95357	$26.00
079-002-055-000	PEREZ ISIDRO C	736 PARKSTON CT	Modesto CA 95357	$26.00
079-002-056-000	GANJA SAM	732 PARKSTON CT	Modesto CA 95357	$26.00
079-002-057-000	GUEVARA NICOLAS A & MARIA C	728 PARKSTON CT	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-002-058-000	COLLS LUIS R TR	724 PARKSTON CT	Modesto CA 95357	$26.00
079-002-059-000	MUSIC DAVID T & PATRICIA A	720 PARKSTON CT	Modesto CA 95357	$26.00
079-002-060-000	CLARKE THOMAS D II & BRENDA L	716 PARKSTON CT	Modesto CA 95355	$26.00
079-002-061-000	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	Modesto CA 95357	$26.00
079-002-062-000	LUBINSKY EDWARD & LUBINSKY CAROL E	717 MILBANK DR	Modesto CA 95354	$26.00
079-002-063-000	CASTILLO HECTOR	721 MILBANK DR	Modesto CA 95357	$26.00
079-002-064-000	PRASAD RAMA ET AL TRS	725 MILBANK DR	Modesto CA 95357	$26.00
079-002-065-000	WINGO NAIDA J ET AL	729 MILBANK DR	Modesto CA 95357	$26.00
079-002-066-000	SMITH MARQUE R	733 MILBANK DR	Modesto CA 95357	$26.00
079-002-067-000	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	Modesto CA 95357	$26.00
079-002-068-000	PETERSON JEAN	741 MILBANK DR	Modesto CA 95357	$26.00
079-002-069-000	MORSE GERALD WAYNE & CONSUELO	745 MILBANK DR	Modesto CA 95357	$26.00
079-002-070-000	RAMIREZ-RIVERA JULIO C & CRUZ-FUENTES ALMA NIDIA	817 SALINA DR	Modesto CA 95357	$26.00
079-002-071-000	CONTRERAS JESUS E RAMOS & RAMOS ANGELICA N CARRASC	821 SALINA DR	Modesto CA 95357	$26.00
079-002-072-000	SALAZAR JENNIFER	825 SALINA DR	Modesto CA 95357	$26.00
079-002-073-000	MANANQUIL DEXTER & PRAK DEBBIE	3701 WICHITA WAY	Modesto CA 95357	$26.00
079-002-074-000	ROMAN TED ET AL	3705 WICHITA WAY	Modesto CA 95357	$26.00
079-002-076-000	BATES HAROLD & JANICE	3533 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-078-000	SINGH MOHINDER	733 PARKSTON CT	Modesto CA 95357	$26.00
079-002-079-000	SINGH DALVIR	737 PARKSTON CT	Modesto CA 95357	$26.00
079-002-080-000	HASKEL ROBERT P	3537 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-082-000	SIMAS LUIS & DAISY	741 PARKSTON CT	Modesto CA 95357	$26.00
079-003-001-000	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-002-000	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-003-000	BROWN CHRISTOPHER C & KAREN R	3633 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-004-000	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-005-000	TORRES MOSES & ESTRADA NANCY	3625 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-006-000	MAGCALAS JOEL & VIRGINIA	3621 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-007-000	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-008-000	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-009-000	PRASAD SUJENDRA & DEVI SANGITA	3605 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-010-000	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-011-000	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-012-000	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-013-000	CHERRY RANDY L & ROSALBA	3529 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-014-000	REYES FERNANDO ET AL	3525 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-015-000	CHUON LEE ET AL	3521 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-016-000	DIXON THOMAS L TR	3517 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-017-000	WISNER JAMES E & ELINA S	3512 BERESFORD DR	Modesto CA 95354	$26.00
079-003-018-000	ESTRADA ADRIANA G	3516 BERESFORD DR	Modesto CA 95357	$26.00
079-003-019-000	DELANEY KIMBERLY R	3520 BERESFORD DR	Modesto CA 95357	$26.00
079-003-020-000	LOVE BOBBY	3524 BERESFORD DR	Modesto CA 95357	$26.00
079-003-021-000	DHALIWAL JOGINDER SINGH & KULWANT KAUR	3528 BERESFORD DR	Modesto CA 95357	$26.00
079-003-022-000	LUTTRELL ERIC ET AL	3532 BERESFORD DR	Modesto CA 95357	$26.00
079-003-023-000	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	Modesto CA 95357	$26.00
079-003-024-000	GARCIA JOSE VASQUEZ & MOSQUEDA LAURA CALDERON	3540 BERESFORD DR	Modesto CA 95357	$26.00
079-003-025-000	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	Modesto CA 95357	$26.00
079-003-026-000	ARELLANO ERIK ALBERTO	3604 BERESFORD DR	Modesto CA 95357	$26.00
079-003-027-000	PRAKASH OM & SUSHIL	3608 BERESFORD DR	Modesto CA 95357	$26.00
079-003-028-000	REYES ERLINDA M TR	3616 BERESFORD DR	Modesto CA 95357	$26.00
079-003-029-000	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	Modesto CA 95357	$26.00
079-003-030-000	BURKE GARY F II & JEAN-BURKE BECKY TRS	3624 BERESFORD DR	Modesto CA 95357	$26.00
079-003-031-000	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	Modesto CA 95357	$26.00
079-003-032-000	SAENGPHACHANH PHONESY ET AL	3632 BERESFORD DR	Modesto CA 95357	$26.00
079-003-033-000	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	Modesto CA 95350	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-003-034-000	SOLIS MARIA	708 SPINDALE DR	Modesto CA 95357	$26.00
079-003-035-000	LANGI SOANE	712 SPINDALE DR	Modesto CA 95357	$26.00
079-003-036-000	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	Modesto CA 95357	$26.00
079-003-037-000	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	Modesto CA 95357	$26.00
079-003-038-000	MORALES DIANA R	724 SPINDALE DR	Modesto CA 95357	$26.00
079-003-039-000	MONTELONGO SANDRO	728 SPINDALE DR	Modesto CA 95357	$26.00
079-003-041-000	GONZALES JUAN G JR & GLORIA M	729 SPINDALE DR	Modesto CA 95357	$26.00
079-003-042-000	DORRETT NEWTON & LYNELL D	725 SPINDALE DR	Modesto CA 95357	$26.00
079-003-043-000	SAMMULI ROBERT A & JAMIE L	721 SPINDALE DR	Modesto CA 95357	$26.00
079-003-044-000	GARCIA ERIKA YAZMIN	717 SPINDALE DR	Modesto CA 95357	$26.00
079-003-045-000	REYES ROGELIO GONZALEZ	713 SPINDALE DR	Modesto CA 95357	$26.00
079-003-046-000	BOWMAN ANDREW	709 SPINDALE DR	Modesto CA 95357	$26.00
079-003-047-000	SINGH RAWNIK & LAL RANJITA	3617 BERESFORD DR	Modesto CA 95357	$26.00
079-003-048-000	COULIBALY LLC	720 MILBANK DR	Modesto CA 95357	$26.00
079-003-049-000	MOODY DIANE K	724 MILBANK DR	Modesto CA 95357	$26.00
079-003-050-000	SWITZER LYNDELL TR	728 MILBANK DR	Modesto CA 95357	$26.00
079-003-051-000	KILGORE LINDA L	732 MILBANK DR	Modesto CA 95357	$26.00
079-003-052-000	MAXWELL VIRGINIA E	736 MILBANK DR	Modesto CA 95357	$26.00
079-003-053-000	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	Modesto CA 95357	$26.00
079-003-054-000	SPIEKER JANE R & DAVID M	744 MILBANK DR	Modesto CA 95357	$26.00
079-003-055-000	ALVEAR FELICITAS	748 MILBANK DR	Modesto CA 95357	$26.00
079-003-056-000	PAHL KAREN M ET AL	733 SPINDALE DR	Modesto CA 95357	$26.00
079-004-001-000	ESPARZA WILLIAM & ELSA	3709 WICHITA WAY	Modesto CA 95357	$26.00
079-004-002-000	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	Modesto CA 95357	$26.00
079-004-003-000	HAWIL ALFRED	3717 WICHITA WAY	Modesto CA 95357	$26.00
079-004-004-000	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	Modesto CA 95357	$26.00
079-004-005-000	PAPPAS MICHAEL & NANCY CARDENAS	3725 WICHITA WAY	Modesto CA 95357	$26.00
079-004-006-000	MANLULU NOEL M & MANLULU MARIVIC F	3729 WICHITA WAY	Modesto CA 95357	$26.00
079-004-007-000	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	Modesto CA 95357	$26.00
079-004-008-000	VALDES RENE D ET AL	3801 WICHITA WAY	Modesto CA 95357	$26.00
079-004-009-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3805 WICHITA WAY	Modesto CA 95357	$26.00
079-004-010-000	DE ALBA RIGOBERTO SR & SANDRA L TRS	3809 WICHITA WAY	Modesto CA 95357	$26.00
079-004-011-000	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	Modesto CA 95357	$26.00
079-004-012-000	HECKLER LAWRENCE S TR	3817 WICHITA WAY	Modesto CA 95357	$26.00
079-004-013-000	ROMERO EDUARDO ANTONIO ELIAS	3821 WICHITA WAY	Modesto CA 95357	$26.00
079-004-014-000	CURTRIGHT BARBARA TR	3825 WICHITA WAY	Modesto CA 95357	$26.00
079-004-015-000	HAWIL MARCUS	3829 WICHITA WAY	Modesto CA 95354	$26.00
079-004-016-000	GETREU DANIEL L & GETREU PATRICIA E	3901 WICHITA WAY	Modesto CA 95354	$26.00
079-004-017-000	FUENTES MANUEL	3905 WICHITA WAY	Modesto CA 95357	$26.00
079-004-018-000	GONZALEZ CARRAZCO LUIS A & BUENDIA ANA L	3909 WICHITA WAY	Modesto CA 95357	$26.00
079-004-019-000	ALBERG DAVID A & PAMELA M TRS	3913 WICHITA WAY	Modesto CA 95354	$26.00
079-004-020-000	BOWMAN TERRI	3917 WICHITA WAY	Modesto CA 95357	$26.00
079-004-021-000	COX JULIE A	3921 WICHITA WAY	Modesto CA 95355	$26.00
079-004-022-000	TEJEDA SERGIO L & VALDEZ JUANA ROCIO QUINTANILLA	3925 WICHITA WAY	Modesto CA 95357	$26.00
079-004-023-000	MEZA HECTOR MEDINA	3929 WICHITA WAY	Modesto CA 95357	$26.00
079-004-024-000	MARTINEZ ARTHUR J & ELISA R	3933 WICHITA WAY	Modesto CA 95357	$26.00
079-004-025-000	GARDNER GEORGE & GARDNER DAWN	844 LARNED LN	Modesto CA 95357	$26.00
079-004-026-000	SAMUEL BENJAMIN & JANET Y	840 LARNED LN	Modesto CA 95357	$26.00
079-004-027-000	BARTON KEVIN A	836 LARNED LN	Modesto CA 95357	$26.00
079-004-028-000	SEN INDAR & SEN SURUJ M	832 LARNED LN	Modesto CA 95357	$26.00
079-004-029-000	VIGIL CELSO ET AL	828 LARNED LN	Modesto CA 95357	$26.00
079-004-030-000	MENDOZA GEORGINA	3925 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-031-000	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-032-000	BALANJI HELEN FARHAD ZADEH	3917 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-033-000	GLEN MAVIS J TR	3913 SHARPSBURG DR	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-004-034-000	SAN PEDRO SHIRLEY Q & GEORGE	3909 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-035-000	COGBURN LATISHA	3905 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-036-000	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-037-000	RAYA ARMANDO & ESPARZA JOAN	3821 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-038-000	BARNETT BRIENT K & ERIN	3817 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-039-000	MUNOZFERRER ISMAEL & GLORIA LETICIA	3813 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-040-000	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-041-000	VASQUEZ CODY R & BYIANCA	3805 SHARPSBURG DR	Modesto CA 95351	$26.00
079-004-042-000	SERNA MARLA ANN TR	3801 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-043-000	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-044-000	WOOD SHAWN & WOOD KRISTINA M	3717 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-045-000	HARO SAYRA YOSELYNE GUTIERREZ ET AL	3713 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-046-000	OROZCO RUDY JOSEPH & QUIRALTE-CASTANEDA MELISSA	3709 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-047-000	DIVIRD HEIDI N & JASON R	3705 SHARPSBURG DR	Modesto CA 95354	$26.00
079-004-048-000	PANG YIM PING & LI FELIX JING HUI	3701 SHARPSBURG DR	Modesto CA 09535	$26.00
079-004-049-000	EYRING MARION L TR	3712 WICHITA WAY	Modesto CA 95357	$26.00
079-004-050-000	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	Modesto CA 95357	$26.00
079-004-051-000	LEYVA RENE SR & CLAUDIA D	3720 WICHITA WAY	Modesto CA 95357	$26.00
079-004-052-000	DUMAS JAMES BRIAN SR & PAMELA LEE TRS	3724 WICHITA WAY	Modesto CA 95357	$26.00
079-004-053-000	MORENO ROSA MARIA	3728 WICHITA WAY	Modesto CA 95354	$26.00
079-004-054-000	GALVAN OLALDE DANIEL GIBRAN & DIAZ GALVAN LAURA EL	3732 WICHITA WAY	Modesto CA 95357	$26.00
079-004-055-000	CASTILLO RAFAEL	3800 WICHITA WAY	Modesto CA 95357	$26.00
079-004-056-000	SALVATION ARMY	3804 WICHITA WAY	Modesto CA 95357	$26.00
079-004-057-000	CLINE DAVID L & DEBRA N TRS	3808 WICHITA WAY	Modesto CA 95357	$26.00
079-004-058-000	FUGATE BRANDON ET AL TRS	3812 WICHITA WAY	Modesto CA 95357	$26.00
079-004-059-000	FLORES ROSANA P & JUANITO S JR	3816 WICHITA WAY	Modesto CA 95357	$26.00
079-004-060-000	CABEBE MARIA RIZALINA C TR	3820 WICHITA WAY	Modesto CA 95357	$26.00
079-004-061-000	MAYOL BIRGITT A TR ET AL	3824 WICHITA WAY	Modesto CA 95357	$26.00
079-004-062-000	BADILLO ALAN & ADELITA M	3828 WICHITA WAY	Modesto CA 95357	$26.00
079-004-063-000	VU DINH DUC	3900 WICHITA WAY	Modesto CA 95357	$26.00
079-004-064-000	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	Modesto CA 95357	$26.00
079-004-065-000	MANCINI JUDITH	3908 WICHITA WAY	Modesto CA 95357	$26.00
079-004-066-000	ISRAEL SAMMY S & SHERLY ESGUERRA	3912 WICHITA WAY	Modesto CA 95357	$26.00
079-004-067-000	ROJAS ROGELIO A	3916 WICHITA WAY	Modesto CA 95354	$26.00
079-004-068-000	OVIEDO IRMA L ET AL	3920 WICHITA WAY	Modesto CA 95357	$26.00
079-004-069-000	OCKEY LEOTA L TR	3924 WICHITA WAY	Modesto CA 95357	$26.00
079-005-001-000	SIMPSON STEVEN	732 SPINDALE DR	Modesto CA 95357	$26.00
079-005-002-000	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	Modesto CA 95357	$26.00
079-005-003-000	STAATS BAMBI MICHELLE ET AL	800 SALINA DR	Modesto CA 95357	$26.00
079-005-004-000	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	Modesto CA 95354	$26.00
079-005-005-000	URENA FIDEL & ELIA K	813 PARSONS CT	Modesto CA 95354	$26.00
079-005-006-000	CLEMENTS PANDORA A	809 PARSONS CT	Modesto CA 95357	$26.00
079-005-007-000	THOMPSON MELANIE	805 PARSONS CT	Modesto CA 95357	$26.00
079-005-008-000	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	Modesto CA 95357	$26.00
079-005-009-000	LEE EDMUND W TR	804 PARSONS CT	Modesto CA 95357	$26.00
079-005-010-000	GARCIA EDUARDO CAMPOS & ELIZABETH AGUARISTI TRS	808 PARSONS CT	Modesto CA 95351	$26.00
079-005-011-000	HINOJOS BRANDON & KRYSTAL R	812 PARSONS CT	Modesto CA 95357	$26.00
079-005-012-000	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-013-000	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-014-000	FAGUNDES ANTONIO L & HAIR JACQUELINE K TRS	809 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-015-000	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-016-000	ERWIN TERESA M	801 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-017-000	OWENS LARRY G & MARY Z TRS	800 LEAVENWORTH WAY	Modesto CA 95351	$26.00
079-005-018-000	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-019-000	BISHOFF PHYLLIS J TR	808 LEAVENWORTH WAY	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-005-020-000	GASPARYAN ARMEN ET AL	812 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-021-000	MARCELINO DAVID C & REBECCA N	816 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-022-000	GONZALES LOUIS R SR	3908 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-023-000	DAVISON WAYNE & JO	3912 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-024-000	HAWIL ALFRED	3916 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-025-000	DURHAM SANDY M	817 LARNED LN	Modesto CA 95357	$26.00
079-005-026-000	MCCARTHY JAMES & TAMRA	813 LARNED LN	Modesto CA 95357	$26.00
079-005-027-000	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	Modesto CA 95357	$26.00
079-005-028-000	VAN DIEMEN MICHAEL B & VAN DIEMEN LAURI L	805 LARNED LN	Modesto CA 95357	$26.00
079-005-029-000	LIGHT MARK T & WRIGHT LUCILA	3909 GOODLAND CT	Modesto CA 95357	$26.00
079-005-030-000	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	Modesto CA 95357	$26.00
079-005-031-000	BARKLEY JOSEPH E TR	3900 GOODLAND CT	Modesto CA 95357	$26.00
079-005-032-000	BROOKS CHARLES A & SUSAN D TRS	3904 GOODLAND CT	Modesto CA 95357	$26.00
079-005-033-000	GAMBOA BENITO & ANGELICA	3908 GOODLAND CT	Modesto CA 95357	$26.00
079-005-034-000	MORALES SHARON & LUIS	3912 GOODLAND CT	Modesto CA 95357	$26.00
079-005-035-000	YOUNGER ROGER COLEMAN & LAURA JEAN TRS	3916 GOODLAND CT	Modesto CA 95357	$26.00
079-005-036-000	COLE TINA M	3920 GOODLAND CT	Modesto CA 95357	$26.00
079-005-037-000	ALVARADO MARIA D	800 LARNED LN	Modesto CA 95357	$26.00
079-005-038-000	PALMERIN JOSE DE JESUS	804 LARNED LN	Modesto CA 95357	$26.00
079-005-039-000	NUNEZ OMAR AYON	808 LARNED LN	Modesto CA 95357	$26.00
079-005-040-000	AZUETA ORLANDO & ALAVAREZ LAURA CISNEROS	812 LARNED LN	Modesto CA 95357	$26.00
079-005-041-000	CAMARENA JESUS D ET AL	816 LARNED LN	Modesto CA 95357	$26.00
079-005-042-000	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	Modesto CA 95357	$26.00
079-005-043-000	BROWN DANNY ARTHUR & CHRISTINA	824 LARNED LN	Modesto CA 95357	$26.00
079-006-001-000	SARETH JESSIE ET AL	737 WADDELL WAY	Modesto CA 95357	$26.00
079-006-002-000	NASSER MOHAMED	741 WADDELL WAY	Modesto CA 95357	$26.00
079-006-003-000	TORRES ANTHONY RENE JR ET AL	745 WADDELL WAY	Modesto CA 95357	$26.00
079-006-004-000	CHHIM LIM	749 WADDELL WAY	Modesto CA 95357	$26.00
079-006-005-000	FLORES J JESUS	753 WADDELL WAY	Modesto CA 95357	$26.00
079-006-006-000	SAMOW HALA	757 WADDELL WAY	Modesto CA 95357	$26.00
079-006-007-000	MICHAEL RAPHAEL ET AL	761 WADDELL WAY	Modesto CA 95357	$26.00
079-006-008-000	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	Modesto CA 95357	$26.00
079-006-010-000	JOHNSON GERALD L ET AL	752 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-011-000	FELICIANO LIORITA A & RUSEL C	748 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-012-000	WEBB LAQUITA	744 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-013-000	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-014-000	MC CRARY MARY JANE	736 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-015-000	CHAVEZ ALEJANDRO PACHECO	732 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-016-000	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-017-000	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-018-000	SANTOS LUZ MARIA	720 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-019-000	SANTOS LUZ	716 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-020-000	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-021-000	PERROTTI PATRICK ET AL TRS	708 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-022-000	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	Modesto CA 95355	$26.00
079-006-023-000	LOTKO ANN E	700 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-024-000	PEREZ JUAN & SILVIA P TRS	640 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-025-000	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-026-000	BANUELOS MARTHA E TR	705 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-027-000	ARROYO RAFAEL ARROYO & CHAVEZ GUADALUPE RAMIREZ	709 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-028-000	BENDERAS DAMARA	713 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-029-000	AGUIRRE ALICIA R	717 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-030-000	GOMEZ FRANCISCO J & PATRICIA	721 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-031-000	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-032-000	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-006-033-000	CARROLL EDWIN JOSEPH II & LEPE-CARROLL CONNIE LEA	733 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-034-000	AMBROSICH STEPHEN F TR	737 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-035-000	MOLINA GIOVANI & ORTEGA MARIA ESTHER TALAVERA	741 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-036-000	GALE MARK D II & DEBRA L TRS	745 CODINGTON WAY	Modesto CA 95354	$26.00
079-006-037-000	SILLEMON ANTHONY	749 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-038-000	GUZMAN JESUS A	744 CARRBORO LN	Modesto CA 95357	$26.00
079-006-039-000	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	Modesto CA 95357	$26.00
079-006-040-000	PATRICK ANTONIO	736 CARRBORO LN	Modesto CA 95357	$26.00
079-006-041-000	PALOMERA HECTOR MANUEL	732 CARRBORO LN	Modesto CA 95357	$26.00
079-006-042-000	WILLIAMS MARLON & NENA	728 CARRBORO LN	Modesto CA 95357	$26.00
079-006-043-000	DEBERRY GARY L & ALICE	724 CARRBORO LN	Modesto CA 95357	$26.00
079-006-044-000	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	Modesto CA 95357	$26.00
079-006-045-000	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	Modesto CA 95357	$26.00
079-006-046-000	ODISHO DAVID & ODISHO JULIET	712 CARRBORO LN	Modesto CA 95357	$26.00
079-006-047-000	LI ZHIHE & HUANG LIFEI	708 CARRBORO LN	Modesto CA 95357	$26.00
079-006-048-000	DAVID VIRGEEN	704 CARRBORO LN	Modesto CA 95357	$26.00
079-006-049-000	CONN HILARY A & GARY	700 CARRBORO LN	Modesto CA 95357	$26.00
079-007-001-000	CHOW MINH LU ET AL	729 WADDELL WAY	Modesto CA 95354	$26.00
079-007-002-000	JORGENSEN FRANK E & MIRIAM M TRS	725 WADDELL WAY	Modesto CA 95357	$26.00
079-007-003-000	GASPAR JENNIFER L	721 WADDELL WAY	Modesto CA 95357	$26.00
079-007-004-000	PENALOSA FABIAN HERNANDEZ	717 WADDELL WAY	Modesto CA 95357	$26.00
079-007-005-000	L & D RENTALS LLC	713 WADDELL WAY	Modesto CA 95357	$26.00
079-007-006-000	GUTIERREZ DIEGO	709 WADDELL WAY	Modesto CA 95357	$26.00
079-007-007-000	SHANDIL SHALESH & IRENE R	705 WADDELL WAY	Modesto CA 95357	$26.00
079-007-008-000	MC CLURE JODI PENIRIAN	701 WADDELL WAY	Modesto CA 95357	$26.00
079-007-009-000	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	Modesto CA 95357	$26.00
079-007-010-000	ZAMORA GUILLERMO	665 WADDELL WAY	Modesto CA 95357	$26.00
079-007-011-000	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	Modesto CA 95354	$26.00
079-007-012-000	L & D RENTALS LLC	657 WADDELL WAY	Modesto CA 95357	$26.00
079-007-013-000	BAINS KABAL S & JASBIR K	653 WADDELL WAY	Modesto CA 95357	$26.00
079-007-014-000	BAKER OUTIN MARLENE	649 WADDELL WAY	Modesto CA 95357	$26.00
079-007-015-000	MARSELLA BARBARA A	645 WADDELL WAY	Modesto CA 95357	$26.00
079-007-016-000	ROQUE DARWIN ET AL	641 WADDELL WAY	Modesto CA 95357	$26.00
079-007-017-000	RUIZ IGNACIO VASQUEZ ET AL	648 WADDELL WAY	Modesto CA 95357	$26.00
079-007-018-000	HANSON LARRY P & DORA	652 WADDELL WAY	Modesto CA 95357	$26.00
079-007-019-000	MENDEZ HILARIO	656 WADDELL WAY	Modesto CA 95350	$26.00
079-007-020-000	AMBRIZ MARIO G	721 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-021-000	SMITH SCOTT ROYAL TR	717 RIEDSVILLE CT	Modesto CA 95354	$26.00
079-007-022-000	ZAVALA JOHN & YVONNE	713 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-023-000	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-024-000	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-025-000	RIVERA RAMON ET AL	712 WADDELL WAY	Modesto CA 95357	$26.00
079-007-026-000	PALMERIN ERNESTO & MARIA	716 WADDELL WAY	Modesto CA 95357	$26.00
079-007-027-000	MOLES EDWARD A & DIAMOND SUSAN H TRS	720 WADDELL WAY	Modesto CA 95357	$26.00
079-007-028-000	SOTO ANABEL	724 WADDELL WAY	Modesto CA 95357	$26.00
079-007-029-000	TRIMBLE BRENDA E	728 WADDELL WAY	Modesto CA 95354	$26.00
079-007-030-000	POZZOULI JOHN L	732 WADDELL WAY	Modesto CA 95357	$26.00
079-007-031-000	SINGH SURUJ B & SINGH LACHMI BAI	736 WADDELL WAY	Modesto CA 95357	$26.00
079-007-032-000	DE LA TORRE CONRADO & ROSEMARY TRS	740 WADDELL WAY	Modesto CA 95357	$26.00
079-007-033-000	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	Modesto CA 95357	$26.00
079-007-034-000	PLACE GREGORY & SHERI L	733 CARRBORO LN	Modesto CA 95357	$26.00
079-007-035-000	MECIA MIGUEL A & ASPEN	729 CARRBORO LN	Modesto CA 95357	$26.00
079-007-036-000	ZUNIGA ANDRES PEREZ & GARCIA LIZETH L	725 CARRBORO LN	Modesto CA 95357	$26.00
079-007-037-000	CEJA BEATRICE	721 CARRBORO LN	Modesto CA 95357	$26.00
079-007-038-000	GONZALES ELBA CRISTINA	717 CARRBORO LN	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-007-039-000	HARRISON KAREN S	713 CARRBORO LN	Modesto CA 95357	$26.00
079-007-040-000	VILLALOVOS ART ROBERT & YOLANDA	709 CARRBORO LN	Modesto CA 95357	$26.00
079-007-041-000	HARPER MICHAEL P & LILLIE M	700 CHADBURN CT	Modesto CA 95357	$26.00
079-007-042-000	JACKSON JONATHAN & ADONA	704 CHADBURN CT	Modesto CA 95357	$26.00
079-007-043-000	DIAS JEREMIAH A ET AL	708 CHADBURN CT	Modesto CA 95357	$26.00
079-007-044-000	SAMRA GURDIP & PREET	712 CHADBURN CT	Modesto CA 95357	$26.00
079-007-045-000	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	Modesto CA 95357	$26.00
079-007-046-000	MEZA JACQUELINE M	720 CHADBURN CT	Modesto CA 95354	$26.00
079-007-047-000	TRUESDAIL SHELBY J	724 CHADBURN CT	Modesto CA 95357	$26.00
079-007-048-000	BAHI EILEEN	721 CHADBURN CT	Modesto CA 95354	$26.00
079-007-049-000	IBARRA JUANA	717 CHADBURN CT	Modesto CA 95357	$26.00
079-007-050-000	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	Modesto CA 95357	$26.00
079-007-051-000	ROJAS VICENTE ET AL	709 CHADBURN CT	Modesto CA 95357	$26.00
079-007-052-000	ESTRADA-GAMBOA RAMON	705 CHADBURN CT	Modesto CA 95355	$26.00
079-007-053-000	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-054-000	LUTZOW JOHN P	3721 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-055-000	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-056-000	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-057-000	DAVIS JAMES R & DAVIS LETECIA B	3709 CREEDMOOR AVE	Modesto CA 95354	$26.00
079-008-001-000	BUAYA DAVID TR	620 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-002-000	ALI SYED ARIF & ARIF SHAZIA	616 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-003-000	CONCHAS SANDRA H	612 N MC CLURE RD	Modesto CA 95356	$26.00
079-008-004-000	RENO FRED W	608 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-005-000	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-006-000	CHAND VIJAY V ET AL	600 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-007-000	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-008-000	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-009-000	MOUNDI HARINDER K & GURDIAL SINGH W	556 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-010-000	BORGES FRANK J	552 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-011-000	MILLER THOMAS H TR	548 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-012-000	PRASAD DHARMEND	544 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-013-000	MAHARAJ ARUNA & SANJAI S	540 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-014-000	TAGRE ABEL JOSE & TERRIE MARIE TRS	536 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-015-000	RODRIGUEZ ROBERTA L & GUILLEN OSCAR J	501 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-016-000	SABLOK SATISH KUMAR & RENUKA TRS	505 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-017-000	PEEK CHARLES & PEEK ADRIENNE	509 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-018-000	KINCHELOE KAREN TR	513 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-019-000	SHARMA UMA L	517 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-020-000	CARDOSO JOHN P	521 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-021-000	BATES SEAN & LAURA	525 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-022-000	ZERMENO RAUL R & MARIA LETICIA TRS	529 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-023-000	ZARAGOZA RICARDO	533 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-024-000	MONTGOMERY KENNITHA	601 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-025-000	JEET JERMY S	605 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-026-000	BROWER PROPERTIES 3 LLC	609 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-027-000	KUMAR PRANEEL	613 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-028-000	CV RESIDENTIAL LLC	617 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-029-000	PRAK DEBBIE & MANANQUIL DEXTER	3516 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-030-000	BROWN CAROL C TR	3520 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-031-000	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	Modesto CA 95354	$26.00
079-008-032-000	HARDY RICK L & LYNN P	3528 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-033-000	VEGA DANIEL	3532 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-034-000	CARRILLO OLIVIA ET AL	3536 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-035-000	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-036-000	MENDOZA RAFAEL ROSALES	3604 DRY CREEK DR	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-008-037-000	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-038-000	BROWN DALE LEE & VANESSA MARIE	3612 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-039-000	NEY GARY III	3616 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-040-000	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-041-000	SINGH SHALVIN V & SEN ADREEN JYOTISH	3624 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-042-000	MALLEY KATHERINE S	3628 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-043-000	KELLER ALFRED W	3632 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-044-000	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-045-000	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-046-000	STAMPS GENE A & GLORIA M	532 WILMONT LN	Modesto CA 95357	$26.00
079-008-047-000	JIMENEZ GERARDO	536 WILMONT LN	Modesto CA 95357	$26.00
079-008-048-000	MATULIS ERIC A	3633 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-049-000	CHIU JOSEPH CHI TSUN & LEE HELEN LAI TRS	3629 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-050-000	FARA AHMED & FARA MUFDHLA	3625 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-051-000	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-052-000	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-053-000	SINGH PREM	3613 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-054-000	WHITAKER SAUDIA F	3609 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-055-000	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-056-000	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-057-000	VELAZQUEZ MANUEL D JR & ELENA	3533 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-058-000	POSLANIEC COBY L	3529 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-059-000	SADA FRED & JACKIE H	3525 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-060-000	MEDINA ROBERTO LEON & MARIA DE LOS ANGELES TRS	3521 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-061-000	AVILA ELISEO G ET AL	3517 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-062-000	KAUR NAVDEEP & SINGH DALVIR	3513 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-003-000	MARTINEZ CRYSTAL TR	3629 ARDIA AVE	Modesto CA 95357	$26.00
079-009-004-000	POK NAVEEN & VEULVILAVONG AMMONE	3625 ARDIA AVE	Modesto CA 95353	$26.00
079-009-005-000	WRIGHT ROBERT T TR	3621 ARDIA AVE	Modesto CA 95357	$26.00
079-009-006-000	DALMAN NINON M	3617 ARDIA AVE	Modesto CA 95357	$26.00
079-009-007-000	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	Modesto CA 95357	$26.00
079-009-008-000	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	Modesto CA 95357	$26.00
079-009-009-000	CICCONE LEANN	3605 ARDIA AVE	Modesto CA 95357	$26.00
079-009-010-000	CAMBA JOSEPH	3601 ARDIA AVE	Modesto CA 95357	$26.00
079-009-011-000	NAIRN DENNIS & REBECCA	3533 ARDIA AVE	Modesto CA 95357	$26.00
079-009-012-000	MONDRAGON LUIS JR	3529 ARDIA AVE	Modesto CA 95357	$26.00
079-009-013-000	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	Modesto CA 95357	$26.00
079-009-014-000	THANDI H S & S K	3521 ARDIA AVE	Modesto CA 95357	$26.00
079-009-015-000	RAMOS FERNANDO A & MONSELLE TESSA JANINE	3517 ARDIA AVE	Modesto CA 95357	$26.00
079-009-016-000	MARTINEZ TONY R JR	3513 ARDIA AVE	Modesto CA 95357	$26.00
079-009-017-000	FIGUEROA JASMINE E	3512 BALFOUR LN	Modesto CA 95357	$26.00
079-009-018-000	GREWAL JASKIRAN	3516 BALFOUR LN	Modesto CA 95357	$26.00
079-009-019-000	OGDEN ROBERT C & DEBORAH A TRS	3520 BALFOUR LN	Modesto CA 95357	$26.00
079-009-020-000	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	Modesto CA 95357	$26.00
079-009-021-000	TOBON LAURO I CORTES & CORTES MARY CARMEN	3528 BALFOUR LN	Modesto CA 95357	$26.00
079-009-022-000	COLLS LUIS R TR	3600 BALFOUR LN	Modesto CA 95357	$26.00
079-009-023-000	MANRIQUEZ UBALDO & DORA	3604 BALFOUR LN	Modesto CA 95357	$26.00
079-009-024-000	AMEREL CLEVE & ROSA	3608 BALFOUR LN	Modesto CA 95357	$26.00
079-009-025-000	JOHNSON SOUNITA ET AL	3612 BALFOUR LN	Modesto CA 95354	$26.00
079-009-026-000	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	Modesto CA 95357	$26.00
079-009-027-000	LEE DAVID S & HU YANTING	3620 BALFOUR LN	Modesto CA 95357	$26.00
079-009-028-000	GONZALEZ ALFONSO CHAVEZ & RAMPONI-CHAVEZ JUDY	3624 BALFOUR LN	Modesto CA 95357	$26.00
079-009-029-000	SANCHEZ HUGO & ZENAIDA	3628 BALFOUR LN	Modesto CA 95357	$26.00
079-009-030-000	TOMLINSON MARK S & TOMLINSON JENNIFER D	3632 BALFOUR LN	Modesto CA 95357	$26.00
079-009-031-000	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-009-032-000	CERVANTES JUAN MANUEL OCEGUERA & CASILLAS ROCIO ME	516 WILMONT LN	Modesto CA 95357	$26.00
079-009-033-000	KHOURY TANIA SALIBA	520 WILMONT LN	Modesto CA 95351	$26.00
079-009-034-000	BARRY MAGED	524 WILMONT LN	Modesto CA 95355	$26.00
079-009-035-000	BIZZINI KELLY A	528 WILMONT LN	Modesto CA 95357	$26.00
079-009-036-000	MARTINEZ PEDRO & HERNANDEZ APRIL	3628 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-037-000	RAMIREZ JESUS ET AL	3624 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-038-000	CERDA CENDEJAS GONZALO ET AL	3620 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-039-000	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-040-000	CASTRO MARIA	3612 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-041-000	VIZCARRA JOSE A	3608 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-042-000	FERREZ LIDIA E ET AL	3604 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-043-000	ZAYA SAMIA	3600 HIGHMORE LN	Modesto CA 95354	$26.00
079-009-044-000	CHIU CHARLES	3528 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-045-000	FORBES DEENA M ET AL	3524 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-046-000	LITTMANN PETER & TAMARA	3520 HIGHMORE LN	Modesto CA 95355	$26.00
079-009-047-000	MANI LOGESH & SADHANA	3516 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-048-000	KUMAR KAMIL ET AL	3512 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-049-000	ESQUIVEL DIANA ACEVES DE	3513 BALFOUR LN	Modesto CA 95357	$26.00
079-009-050-000	PRECIADO CINDY	3517 BALFOUR LN	Modesto CA 95357	$26.00
079-009-051-000	KUMAR AMAR	3521 BALFOUR LN	Modesto CA 95357	$26.00
079-009-052-000	PETERSON KAREN TR	3525 BALFOUR LN	Modesto CA 95357	$26.00
079-009-053-000	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	Modesto CA 95357	$26.00
079-009-054-000	OSHANA DOONA H	3533 BALFOUR LN	Modesto CA 95357	$26.00
079-009-055-000	VERSOLA KENNETH O ET AL TRS	3601 BALFOUR LN	Modesto CA 95357	$26.00
079-009-056-000	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	Modesto CA 95354	$26.00
079-009-057-000	VALADEZ JENISSA	3609 BALFOUR LN	Modesto CA 95357	$26.00
079-009-058-000	HEDRICK KENNETH L & HEDRICK MARGIE	3613 BALFOUR LN	Modesto CA 95357	$26.00
079-009-059-000	WASPE LAWRENCE E MD	3617 BALFOUR LN	Modesto CA 95357	$26.00
079-009-060-000	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	Modesto CA 95357	$26.00
079-009-061-000	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	Modesto CA 95357	$26.00
079-009-062-000	DAVIS RODGER & STACY	3633 ARDIA AVE	Modesto CA 95357	$26.00
079-010-001-000	HORLICK LUPE CASTILLO ET AL	609 WADDELL WAY	Modesto CA 95357	$26.00
079-010-002-000	ORTEGA ANGEL GABRIEL	613 WADDELL WAY	Modesto CA 95357	$26.00
079-010-003-000	TAYLOR DAVID & CHRISTINE	617 WADDELL WAY	Modesto CA 95357	$26.00
079-010-004-000	LEWIS LA VONA L TR	621 WADDELL WAY	Modesto CA 95357	$26.00
079-010-005-000	JOHAL TAJINDER & KAUR GURPREET	625 WADDELL WAY	Modesto CA 95357	$26.00
079-010-006-000	BROWER PROPERTIES 2 LLC	629 WADDELL WAY	Modesto CA 95351	$26.00
079-010-007-000	BELLIDO RAUL & MERCEDES	633 WADDELL WAY	Modesto CA 95357	$26.00
079-010-008-000	OLVERA JOSE A	637 WADDELL WAY	Modesto CA 95357	$26.00
079-010-009-000	PRASAD BINESARI & SATYA W	3700 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-010-000	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-011-000	TRIO DONNA M	3708 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-012-000	PRASAD RAKESH	3712 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-013-000	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-014-000	STOCKAND MIMI M	3720 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-015-000	ANDRADE ALEX V ET AL	3724 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-016-000	GONZALES JOSEPH R	3728 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-017-000	NELSON RONALD J	3732 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-018-000	GARIBAY GABRIELA & VICTOR ALVAREZ	3736 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-019-000	CHIANG STANLEY & EMILY	3800 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-020-000	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-021-000	SALDANA BENJAMIN	3808 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-022-000	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	Modesto CA 95355	$26.00
079-010-023-000	XIAOKUN ZHI	3816 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-024-000	STEWART ALLAN HENRY ET AL TRS	3900 CREEDMOOR AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-010-025-000	JAMES GLORIA R	3904 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-026-000	RIVERA PAUL C & CARMEN	3908 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-027-000	KUMAR ABINESH	3912 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-028-000	NAMO ALEN	3916 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-029-000	DYRCZ JEFFREY LEE TR	636 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-030-000	BATTH GURMEET & MANJIT	632 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-031-000	LYND RICHARD CARROLL	628 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-032-000	BOWERS MARY P TR	624 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-033-000	OROZCO VINCENT A & SABRINA E	620 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-034-000	KING VERONICA	3925 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-035-000	HALE DENNA MICHAEL ET AL TRS	3921 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-036-000	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-037-000	GALLEGOS ELIDIA	3913 DILLINGHAM AVE	Modesto CA 9535	$26.00
079-010-038-000	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-039-000	MARIGMEN VALERIANO M	3905 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-040-000	VHAN SUNILA TR	3901 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-041-000	PERA ADRIAN C	3825 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-042-000	BRESHEARS DONALD K	3821 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-043-000	DELGADO MIGUEL	3817 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-044-000	JESUS MANUEL A & MARY L TRS	3813 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-045-000	GUZMAN ALEJANDRA ROBLES	3809 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-046-000	MAYA JUAN PABLO BEJARANO	3805 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-047-000	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-010-048-000	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-049-000	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-050-000	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-051-000	KUMAR ASHOK	3713 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-052-000	MADRIGAL ROBERT	3709 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-053-000	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-054-000	JIAO HUIYING TR	3701 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-001-000	MOUNBUA CHANH ET AL	3700 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-011-002-000	VARGAS EDWARD J & RACHELLE DEE TRS	3704 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-003-000	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-004-000	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-005-000	BAIJAN GEORGE & YOUNAN MARIAM	3716 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-006-000	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-007-000	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-008-000	ALVES JASON L	3800 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-009-000	WONG SHERRE L TR	3804 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-010-000	COLIN JOSE LUIS FLORES & REMIGIO MARTHA MARISOL MA	3808 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-011-000	KINGSLEY BRANDON K & AMBER N	3812 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-012-000	STILLWELL VINCE & ESCOBAR EVELYN	3816 DILLINGHAM AVE	Modesto CA 95351	$26.00
079-011-013-000	THOMPSON JAMES ROBERT JR	3820 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-014-000	CABRALES ALEJANDRO	3824 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-015-000	MARTINHO THERESA SILVA TR	3900 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-016-000	CONTRERAS JAVIER	3904 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-017-000	CABRERA MELINDA S	3908 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-018-000	VASQUEZ ROSA	3912 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-019-000	BAXTER RACHEL	3916 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-020-000	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-021-000	SAENGSOURY TONY & SAENGSOURY MARY	3924 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-022-000	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-023-000	TODD BRIAN EDWARD & TRISHA ANN	612 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-024-000	REGALADO JUAN	608 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-025-000	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-011-026-000	MORALES STACIE A	600 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-027-000	BAUTISTA IRENE TR	3925 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-028-000	MUSQUEZ MACARIO F & LISA M	3921 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-029-000	DOMINGUEZ NATALIA M ET AL	3917 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-030-000	MCKAY JAMES ALLEN & MARY LOU TRS	3913 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-031-000	FERNANDEZ ELMA ET AL	3909 ELLENBORO AVE	Modesto CA 95351	$26.00
079-011-032-000	FANG SUSAN XIUYA	3905 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-033-000	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-034-000	LOVE JAMES H & LOVE BRENDA W	3825 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-035-000	LEVCHENKO LAURIE	3821 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-036-000	KIRKBRIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-037-000	GALLARDO CLAYTON LEON & VICTORIA SUSANNE	3813 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-038-000	PADILLA ROBERTO	3809 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-039-000	SPECK HALEY	3805 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-040-000	ZAMORA ROBERTO CARLOS LULE & REZA PATRICIA	3801 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-041-000	ALDAWOOD PETER SHLIMON & RIMA	3725 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-042-000	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-043-000	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-044-000	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	Modesto CA 95351	$26.00
079-011-045-000	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-046-000	BURCIU VASILE & TABITA	3705 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-047-000	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-001-000	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	Modesto CA 95357	$26.00
079-012-002-000	BETYAGHOUB VILHAM & LINDA	545 WADDELL WAY	Modesto CA 95357	$26.00
079-012-003-000	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	Modesto CA 95357	$26.00
079-012-004-000	KUWAMOTO LARRY & BETTY TRS	553 WADDELL WAY	Modesto CA 95357	$26.00
079-012-005-000	CHAND ATISH & REENA	557 WADDELL WAY	Modesto CA 95357	$26.00
079-012-006-000	PEERA ALBERTA	601 WADDELL WAY	Modesto CA 95357	$26.00
079-012-007-000	SUAREZ-MILLAN THANIA A	3700 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-008-000	MARENTES YESENIA	3704 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-009-000	MOORE MICHAEL	3708 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-010-000	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-011-000	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-012-000	SERRANO GUADALUPE & MARIA ELENA	3720 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-013-000	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-014-000	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-015-000	BARRIENTOS JAVIER & ARCADIA	3804 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-016-000	CORRAL SANDRA	3808 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-017-000	CHUANG TINA Y	3812 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-018-000	AGAS JANELYN R	3816 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-019-000	MADEROS KATHLEEN J	3820 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-020-000	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-021-000	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-022-000	BP 4 LLC	3904 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-023-000	SOLOMON JEAN M TR	3908 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-024-000	THOMAS DOUGLAS E & GLENDA J	3912 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-025-000	NAVARRETTE DANIEL & MONIQUE MARY	3916 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-026-000	BARCELO PATRICIA	3920 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-027-000	MATA JUAN W ETA L	3924 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-028-000	SALINAS ELIZABETH & ALBERT	556 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-029-000	AUSTIN BEVERLY	552 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-030-000	VALLADOLID RAMIRO & DE VALLADOLID MA CRUZ COBARRUB	548 CODINGTON WAY	Modesto CA 95350	$26.00
079-012-031-000	CHAIREZ MICHAEL	544 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-032-000	TAH 2016-1 BORROWER LLC	540 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-033-000	MC CLELLAN BRYCE	3925 GATESVILLE AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-012-034-000	WILDEMAN GALEN J	3921 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-035-000	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-036-000	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-037-000	ORNELAS GABRIEL M & KATLYN T	3909 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-038-000	TORRES VICTOR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-039-000	OLMOS GUADALUPE	3901 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-040-000	GRAVES LINDA M	3825 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-041-000	TUERS TERRY B & TUERS LENORE L	3821 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-042-000	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-043-000	ORNELAS RUI & ELISANGELA	3813 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-044-000	BUSH CHARLES F & BUSH DONNA L	3809 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-045-000	PENA JOSEPH	3805 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-046-000	ODISHO CATHERINE ET AL	3801 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-047-000	SHEPHERD NORMAN E & LISA N	3725 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-048-000	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-049-000	RUSSELL GARRICK	3717 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-050-000	JENSEN STEVEN H & TONJA R	3713 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-051-000	PATEL JAGUBHAI & PATEL GANGABEN	3709 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-052-000	NELSON LESTER J & NELSON CRESENCIA	3705 GATESVILLE AVE	Modesto CA 95326	$26.00
079-012-053-000	MUTOZA CRAIG J	3701 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-001-000	HERNANDEZ ELI U ET AL	521 WADDELL WAY	Modesto CA 95357	$26.00
079-013-002-000	VARGAS EDWARD J & RACHELLE DEE TRS	525 WADDELL WAY	Modesto CA 95357	$26.00
079-013-003-000	ROCHA JAMES JOHN TRS ET AL	529 WADDELL WAY	Modesto CA 95354	$26.00
079-013-004-000	VANDERHEIDEN ROBIN	533 WADDELL WAY	Modesto CA 95357	$26.00
079-013-005-000	CORREA ARMANDO M JR & IRMA A	537 WADDELL WAY	Modesto CA 95356	$26.00
079-013-006-000	RIVERA GRISELDA	3700 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-007-000	BATEMAN WALTER	3704 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-008-000	GOUVEIA JOHN E & TERRE L TRS	3708 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-009-000	REYES RENE ET AL	3712 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-010-000	LE CANH & TIEU MY HA	3716 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-011-000	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-012-000	MARTINEZ MA DEL REFUGIO MORA	3724 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-013-000	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-014-000	LONN JASON ASHLEY & ROCHELLE JOAN	3804 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-015-000	GOLIB VILMA	3808 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-016-000	PARKINSON MARK & DIANE	3812 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-017-000	BROWN WILLIAM K & SHAMIRAN A	3816 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-018-000	OXFORD DAVID C JR	3820 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-019-000	TAPIA YER YANG ET AL	3824 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-020-000	PHILLIPS AUDREY M	3900 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-021-000	ELLIOTT CRAIG	3904 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-022-000	WADE THAREN SCOTT II	3908 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-023-000	GUARDADO ARIEL	3912 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-024-000	JOLLIFF GARTH E & COEY-JOLLIFF KATHERINE A TRS	3916 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-025-000	BAXTER RACHEL A	3920 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-026-000	YIP AARON K & ELISE H	3924 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-027-000	FARIAS ROBERTO F & ELIZABETH	536 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-028-000	MORENO EDUARDO MARTINEZ	532 CODINGTON WAY	Modesto CA 95350	$26.00
079-013-029-000	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-030-000	OCHOA SANJUANA	524 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-031-000	MIRANDA SERGIO & SANDRA C	520 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-032-000	DELACRUZ JENNIFER ROBYN	3925 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-033-000	LE NHI UYEN	3921 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-034-000	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-035-000	GUZMAN JONATHAN	3913 LAURENBURG AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-013-036-000	HENDERSON DAVID DUANE TR	3909 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-037-000	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-038-000	JOSEPHSON JOSEPH CLAYTON	3901 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-039-000	MELENDEZ MARIA & WALKER DANIEL	3825 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-040-000	TREVINO TONY & GERALDINE	3821 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-041-000	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-042-000	PINAL RAMIRO ET AL	3813 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-043-000	AQUINO J GABRIEL MENDOZA & MENDOZA NIEVES	3809 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-044-000	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-045-000	ALVARADO ALFONSO F	3801 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-046-000	DUNN JAY ALAN TR	3725 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-047-000	WATKINS WALLY T & LAUREN A	3721 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-048-000	CHAND VIJAY ET AL	3717 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-049-000	SABINIANO MARLON N ET AL	3713 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-050-000	FREY SHERYL LYNN	3709 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-051-000	GARDUNO IRINEO ET AL	3705 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-052-000	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-001-000	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	Modesto CA 95357	$26.00
079-014-002-000	CABAGNOT DOLORES R & FLYNN G	501 WADDELL WAY	Modesto CA 95357	$26.00
079-014-003-000	CRUZ ZANDHER LYN ET AL	505 WADDELL WAY	Modesto CA 95357	$26.00
079-014-004-000	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	Modesto CA 95357	$26.00
079-014-005-000	NOUN SAMNANG	513 WADDELL WAY	Modesto CA 95357	$26.00
079-014-006-000	SANCHEZ JOSE L & MADRIGAL ALICIA	517 WADDELL WAY	Modesto CA 95357	$26.00
079-014-007-000	AUSTIN CATHERINE ANN TR	3700 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-008-000	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-009-000	MILTON JEANNIE	3708 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-010-000	CASTRO GREGORY ALAN & BARBARA LYNN TRS	3712 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-011-000	DIXON GARY W TR	3716 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-012-000	AMES ADELE TR	3720 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-013-000	WARNER JO ANNE	3724 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-014-000	GARCIA THERESA L	3800 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-015-000	BERGHORST REBECCA L ET AL	3804 LAURENBURG AVE	Modesto CA 95354	$26.00
079-014-016-000	GLOVER KEITH R & MENDOZA ARACELI CORRAL	3808 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-017-000	DHIR ASHIKA ET AL	3812 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-018-000	RIVERA DAYSI M	3816 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-019-000	HUYNH NGOCDUNG THI ET AL	3820 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-020-000	CASTANEDA JOSE J & MARGARET	3824 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-021-000	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-022-000	SEUGA HOWLAND P	3904 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-023-000	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-024-000	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-025-000	OAKLEY CHRISTOPHER PERRY & JACQUELINE	3916 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-026-000	TRAN TRUYEN THANH & NGUYEN HUNG P	3920 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-027-000	THOMPSON JAMIE ROBERTA	3924 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-028-000	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-029-000	PRASAD SURESH & PRASAD MUNI L	512 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-030-000	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-031-000	NUON SOPHEAP & OUM SAVANARA	504 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-032-000	ROCHA ROBERTO T	500 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-033-000	ATWOOD BOBBY D	3925 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-034-000	BEST JERROLIN E	3921 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-035-000	GIOVANNONI CASEY L	3917 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-036-000	MALIK ROBERT	3913 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-037-000	VACA ANDRES SERVIN	3909 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-038-000	CHAU VINCENT	3905 WILKESBORO AVE	Modesto CA 95357	$26.00

Fee Parcel	Owner	Address	City State Zip	2021-22 Ast.
079-014-039-000	ROSAS CLAUDIA L & SAMUEL	3901 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-040-000	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-041-000	FAMA JOSELITO & FAMA DOROTEA	3821 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-042-000	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-043-000	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-044-000	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-045-000	JARAMILLO ARTURO	3805 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-046-000	ROGERS MEGAN ET AL	3801 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-047-000	BATTAN KRISHAN RAAJ	3725 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-048-000	BAINS SARVSATINDER & BELBINDER K	3721 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-049-000	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-050-000	POWLEY ANAMARIA	3713 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-051-000	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-052-000	WARD JODY LEE & CHEN QIAO	3705 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-053-000	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-001-000	COLLINS TOMMY S	440 WADDELL WAY	Modesto CA 95357	$26.00
079-016-002-000	BIRD BYRON M	3704 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-003-000	BARNES REECE WAYNE	3708 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-004-000	BIERMAN ALLEN	3712 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-005-000	PRASAD VIJAY	3716 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-006-000	GONZALEZ JOSE	3720 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-007-000	GONZALEZ JAIME J & SAUCEDA PERLA R	3800 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-008-000	KOHN RONALD & JUANITA I	3804 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-009-000	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	Modesto CA 95354	$26.00
079-016-010-000	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-011-000	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-012-000	CAMERON CHERYLE A	3820 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-013-000	TORRES LUIS BENITEZ	3824 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-014-000	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-015-000	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	Modesto CA 95354	$26.00
079-016-016-000	VILLASENOR RICARDO & ANA L RAMINEZ DE	3908 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-017-000	MANSOUR ALEN M	3912 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-018-000	EASTHAM GLENDA S	3916 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-019-000	GUZMAN HORACIO GARNICA & ALICIA BARBOSA	3920 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-020-000	SOLORIO SAMMY	3924 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-021-000	SINGH AJESH & AACHAL	440 CODINGTON WAY	Modesto CA 95357	$26.00
079-016-022-000	JOHNSON ALOMA J & VELTON JR	436 CODINGTON WAY	Modesto CA 95357	$26.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-130

RESOLUTION ACCEPTING FISCAL YEAR 2021-2022 ANNUAL ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION AND SETTING A PUBLIC HEARING ON JUNE 22, 2021 TO CONSIDER THE FISCAL YEAR 2021-22 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units Nos. 1 and 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Community Development Manager, the person designated by the Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, California Streets and Highways Code Section 22623 requires the Council to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the Council to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2021-2022 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions Nos. 7-10, Creekwood Meadows subdivision and Yosemite subdivision.

BE IT FURTHER RESOLVED that the Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2021-2022.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

   The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

   a. Street medians in Creekwood Drive
   b. Areas adjacent to the access control walls along Creekwood Drive
   c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto, and is more specifically located on the northeast corner of Yosemite Boulevard and North McClure Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.
4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 21
5. On Tuesday, the 22nd day of June, 2021, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the

proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.
7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-131

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #19)

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the "Resolution of Formation"), establish the City's Community Facilities District No. 2004-1 (Village One #2) (the "District"), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 ("Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled "Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)" and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the "Consolidated Boundary Map"), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12, 13, 14, 15, 16, 17, and 18, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, it is intended that the territory be annexed to Tax Zone #2.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto that the Council finds and orders the following:

1. The above recitals are true and correct.

2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled "Annexation Map No. 11 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled "Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, the map entitled "Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57, the map entitled "Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 98, the map entitled "Annexation Map No. 15 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at Page 52, the map entitled "Annexation Map No. 16 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 67, the map entitled "Annexation Map No. 17 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 87, and

the map entitled "Annexation Map No. 18 of the Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 6 of Maps of Assessment and Community Facilities Districts at page 5. The territory proposed to be annexed to the District (the "Territory") is described in **Exhibit A**, **attached** hereto.

3. The boundaries of the Territory are also shown on the maps thereof, entitled "Annexation Map No. 19 of Community Facilities District No. 2004-1 (Village One #2)", City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The maps shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

4. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

5. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.
6. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday May 25, 2021, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95354, such time being not less than 30 or more than 60 days following the adoption hereof. . Pursuant to the Governor's Executive Orders N29-20, which suspended certain requirements of the Brown Act, the public hearing may not be physically open to the public, and the public may be required to participate electronically. The notice for the public hearing will describe how the public can participate in the meeting.
7. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for

the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

8. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.
9. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.
10. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

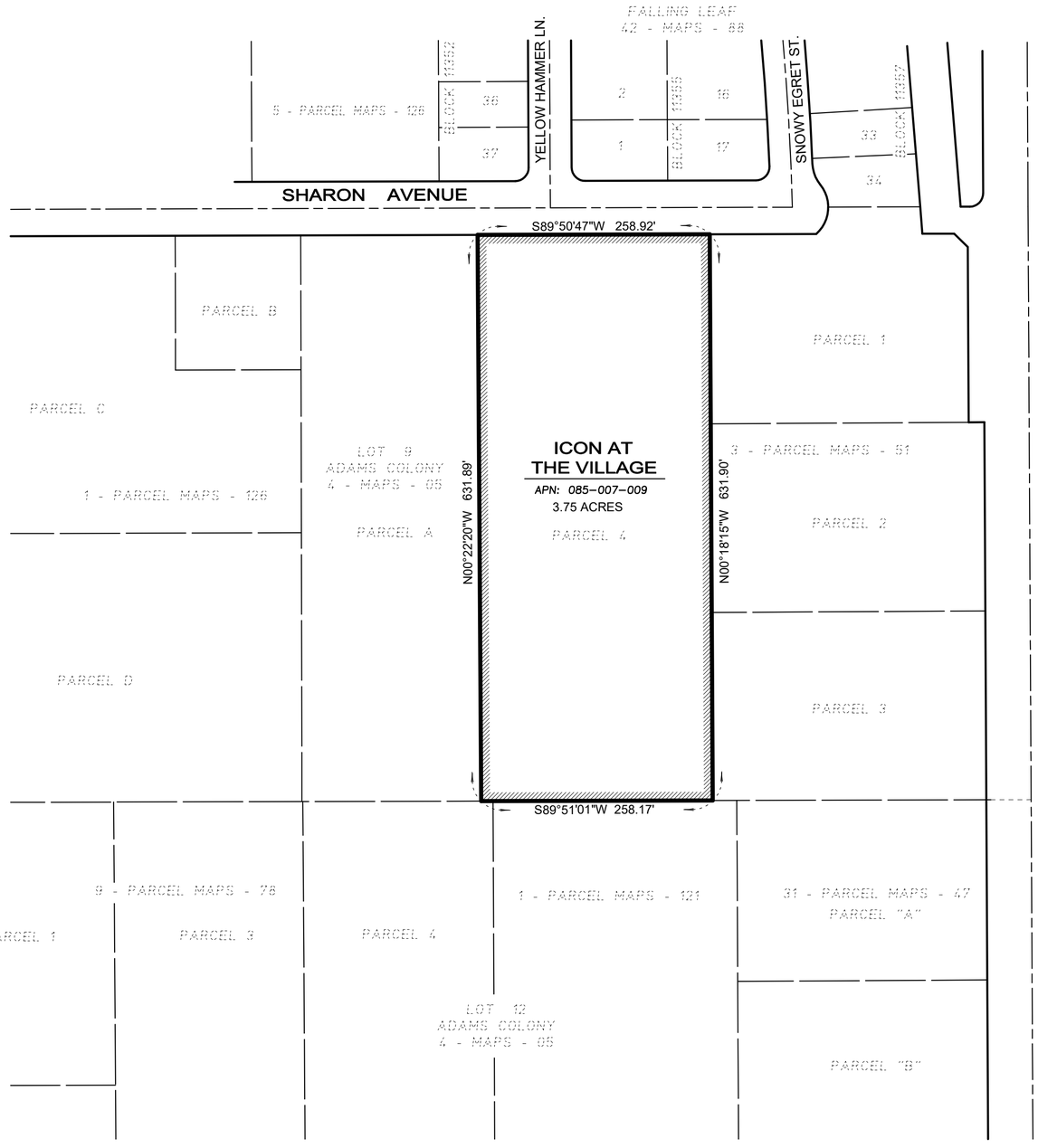
GRAPHIC SCALE

100 0 50 100 200 400

1" = 100'

ASSOCIATED ENGINEERING GROUP

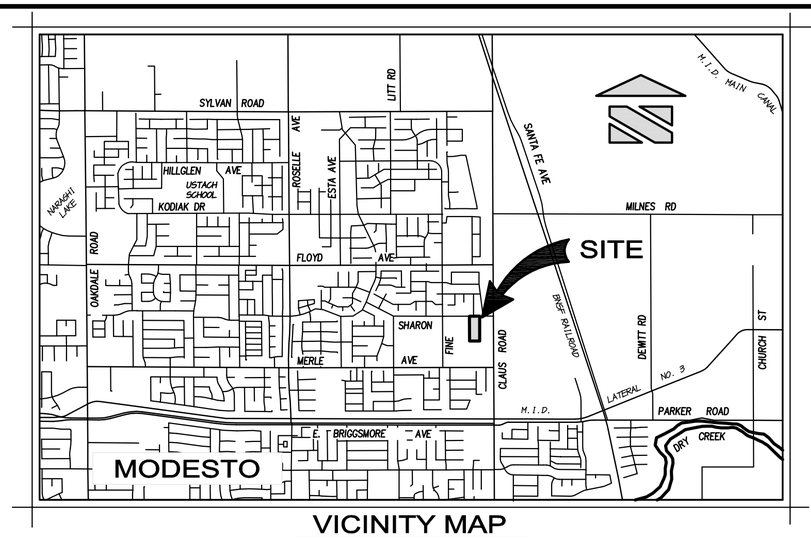
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com



NOTE: ORIGINAL DISTRICT BOUNDARY MAP RECORDED ON MARCH 16, 2004, LOCATED IN BOOK 3 OF ASSESSMENT MAPS, PAGE 85, STANISLAUS COUNTY RECORDS

LEGEND:

BOUNDARY OF PROPOSED ANNEXATION TO COMMUNITY FACILITES DISTRICT NO. 2004-01



VICINITY MAP

NO SCALE

ANNEXATION MAP NO. 19 OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE # 2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS _____ DAY _____, 2021.

STEPHANIE LOPEZ, CITY CLERK

BY: _____ _____
PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 19 TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON

THE ____ DAY OF _____, 2021, BY ITS RESOLUTION NO. 2021- _____.

STEPHANIE LOPEZ, CITY CLERK

BY: _____ _____
PRINT NAME

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THE CONSOLIDATION BOUNDARY MAP FOR WHICH WAS RECORDED ON NOVEMBER 23, 2005, IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 33, IN THE OFFICE OF THE COUNTY RECORDER, OF STANISLAUS COUNTY, STATE OF CALIFORNIA.

A MAP OF ANNEXATION NO. 11 TO THE DISTRICT WAS RECORDED ON FEBRUARY 9, 2006 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 36, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 12 TO THE DISTRICT WAS RECORDED ON APRIL 26, 2006 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 42, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 13 TO THE DISTRICT WAS RECORDED ON SEPTEMBER 8, 2006 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE57, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 14 TO THE DISTRICT WAS RECORDED ON MAY 29, 2008 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 98, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 15 TO THE DISTRICT WAS RECORDED ON NOVEMBER 4, 2016 IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 52, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 16 TO THE DISTRICT WAS RECORDED ON NOVEMBER 9, 2017 IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 67, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 17 TO THE DISTRICT WAS RECORDED ON JUNE 11 2019 IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 87, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 18 TO THE DISTRICT WAS RECORDED ON JUNE 10 2020 IN BOOK 6 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 5, IN THAT OFFICE.

STEPHANIE LOPEZ, CITY CLERK

BY: _____ _____
PRINT NAME

FILED THIS _____ DAY OF _____, 2021, AT THE HOUR OF _____ O'CLOCK _____.M.

IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S)_____

IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

DONNA LINDER, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____ _____
PRINT NAME

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-132

RESOLUTION ESTABLISHING THE CITY OF MODESTO CANNABIS PERMIT REVIEW COMMITTEE FOR NON-STOREFRONT AND NON-DELIVERY COMMERCIAL CANNABIS PERMITS AND APPOINTING THREE COMMITTEE MEMBERS

WHEREAS, on November 8, 2016, California voters approved Proposition 64, also known as the Adult Use of Marijuana Act ("AUMA"), legalizing recreational use of cannabis for adults 21 years of age and older; and

WHEREAS, the California Legislature passed Senate Bill 94 in June 2017, which was signed by the Governor and went into effect immediately, and which repealed the Medical Cannabis Regulation and Safety Act ("MCRSA"), and merged certain portions of that law with AUMA to create a more comprehensive regulatory structure for both medical and recreational cannabis; and

WHEREAS, the comprehensive regulatory system created by Senate Bill 94, intended to regulate all commercial cannabis uses, is called the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"); and

WHEREAS, the California Bureau of Cannabis Control has promulgated and adopted regulations ("BCC Regulations"), regarding commercial cannabis uses within the state; and

WHEREAS, the City of Modesto ("City") has adopted ordinances, regulating all commercial activities within the City; and

WHEREAS, the City previously utilized a Request for Proposals ("RFP") process to issue the City's storefront (dispensary) commercial cannabis permits; and

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2022-109

WHEREAS, the City by Ordinance No. 3720-C.S., adopted regulations pertaining specific to Commercial Cannabis Delivery Permits, and designated the City Manager as the issuer of Cannabis Delivery Permits within the City; and

WHEREAS, pursuant to Ordinance No. 3684-C.S, the City Council is authorized to establish a Cannabis Permit Review Committee; and

WHEREAS, the cannabis ad-hoc committee supports the City Council establish a Cannabis Permit Review Committee to review and approve of non-storefront and non-delivery commercial cannabis permits; and

WHEREAS, the City now wishes to establish the Cannabis Permit Review Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes the Cannabis Permit Review Committee for Non-Storefront and Non-Delivery Commercial Cannabis Permits ("Committee").

BE IT FURTHER RESOLVED that the Committee shall be:

1. A three (3) member standing committee of the City of Modesto;
2. Subject to state open meeting laws (Brown Act); and
3. Comprised solely of members of the City Council, and Committee members shall be appointed by the majority of the City Council.

BE IT FURTHER RESOLVED that Mayor Zwahlen, Council Member Kenoyer, and Council Member Madrigal shall be appointed to serve as Committee Members.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-133

RESOLUTION APPROVING THE UPDATES TO THE CITY'S DEBT MANAGEMENT POLICY

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted on April 28, 2020 the City of Modesto is required to periodically review and update its Debt Management Policy to address changes to the primary objectives related to the City's debt and financing related activities, and

WHEREAS, staff has identified the need to update the City's Debt Management Policy in order to continue to maintain cost-effective access to the capital markets through prudent yet flexible policies; moderate principal and debt service payments through effective planning and project cash management; achieve the lowest cost of borrowing; and achieve the highest practical credit ratings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the revised Debt Management Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future issuances of the City Debt, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-134

RESOLUTION APPROVING THE UPDATES TO THE CITY'S INVESTMENT POLICY

WHEREAS, pursuant to the City of Modesto Investment Policy, last adopted on April 28, 2020 the Investment Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends, and

WHEREAS, staff has identified the need to update the City's Investment Policy in order to continue to effectively invest funds in accordance with the principles of sound treasury management and applicable laws, and

WHEREAS, the City desires to adopt the Investment Policy, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the Investment Policy.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future investments of funds, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-135

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH UNITED SITE SERVICES, INC. OF MODESTO, CA FOR A PORTABLE AMERICANS WITH DISABILITY ACT (ADA) RESTROOM TRAILER TO INCREASE THE AMOUNT BY $91,210 FROM $274,440 TO A NEW TOTAL AMOUNT OF $365,360 OVER THE TERM OF THE AGREEMENT FOR UNITED SITE SERVICES AND SUN VALLEY PORTABLE RESTROOMS, INC., TURLOCK, CA AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto requires the use of portable toilet rental services on a regular basis across multiple City departments; and

WHEREAS, the uses range from temporary services for construction projects, special events such as Concerts in the Park and Earth Day, to regular monthly service at the Mary Grogan Soccer Complex; and

WHEREAS, the needs for these services include, but are not limited to compliance with health and safety codes for personnel, providing ADA accessible units on sites where ADA accessibility does not exist, and increasing the count of available units to meet the demand of high use facilities and locations; and

WHEREAS, on April 28, 2020, by Resolution 2020-194, Council approved the award of bid for portable toilet rental services to United Site Services, Inc. of Modesto, CA as the primary supplier for daily, weekly and monthly rentals and the secondary supplier for yearly rentals and to Sun Valley Portable Restrooms, Inc., Turlock, CA, for a two-year agreement with three one-year extension options for an estimated combined annual cost of $54,888 and a total combined cost not to exceed $274,440 over five years for both; and

WHEREAS, On August 4, 2020, the Dryden Golf Park Clubhouse was heavily damaged by a fire; and

WHEREAS, the City contacted Alliant, the property insurance company that insured the structure on behalf of the City, to establish a claim and to identify the next steps; the insurance company dispatched Belfor Property Restoration of Modesto, CA (Belfor) to secure the property; and

WHEREAS, the property requires reconstruction that is estimated to begin in September 2021; and

WHEREAS, the portable restroom unit was brought onsite by Belfor immediately after the fire, in order to reopen the golf course for play which has been in use since August of 2020, and contains a men's, women's and disabled restroom unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with United Site Services, Inc. of Modesto, CA for a portable Americans with Disability Act (ADA) restroom trailer to increase the amount by $91,210 from $274,440 to a new total amount of $365,360 over the term of the agreement for United Site Services and Sun Valley Portable Restrooms, Inc., Turlock, CA.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-136

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCAHSE OF FIVE (5) THREE-AXLE VACUUM TRUCKS TO MUNICIPAL MAINTENANCE EQUIPMENT, INC. SACRAMENTO, CA FOR A TOTAL NOT TO EXCEED $2,227,259 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Utilities Department require the replacement of five (5) Three-Axle Vacuum Trucks; and

WHEREAS, these vacuum trucks are used for cleaning out sewer systems and drains, they are also used in hydro-excavating activities to repair sub-terrain facilities; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on September 16, 2020 the Purchasing Division issued Request for Bids (RFB) 2021-09 for five (5) Three-Axle Vacuum Trucks on the City's website under commodity codes 07051-Trucks (Over One-Ton Capacity), 07053-Trucks with Specialized Bodies, and 98184-Water and Sewer Equipment; and

WHEREAS, eleven (11) companies chose to download the RFB document: and

WHEREAS, six (6) vendors chose to respond, there were no local bids received, one vendor was deemed non-responsive; and

WHEREAS, on November 24, 2020 bids were formally opened in the City Clerk's office and Municipal Maintenance Equipment, Sacramento, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for five (5) Three-Axle Vacuum Trucks to Municipal Maintenance Equipment, Sacramento, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of five (5) Three-Axle Vacuum Trucks to Municipal Maintenance Equipment, Sacramento, CA, for a total amount not to exceed $2,227,259.

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 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-137

RESOLUTION APPROVING THE EXTENSION OF TERMINATION DATES OF ELEVEN PURCHASING AGREEMENTS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED PURCHASE AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL

WHEREAS, City staff continues to review and monitor over 1,000 purchasing items and identify the best and most efficient way to procure the needs of the City, and

WHEREAS, to ensure that goods and services are available to effectively manage the operations of the City, the Purchasing Division is making every attempt to expedite the bidding process and making sure we have new agreements in place before the current agreements expire, and

WHEREAS, the Finance Department has implemented bi-monthly purchasing training to educate City Staff about the standards which govern the City's purchases, including the City's Charter, Municipal Code, implementation of Administrative Directive 7.5 Purchasing Policy, and updated Purchasing Purchase Manual, and

WHEREAS, the Finance Department continues to work with departments to address the on-going procurement needs of the City and strategizing the best solution to ensure a new agreement can be approved by the time the existing annual purchasing and consultant agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in **Attachment A** – Purchasing Agreement Extension Dates), and

WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreements with various vendors as **attached** and approves the term dates for the services stated herein.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue the identified Annual Purchasing Agreements terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A - Purchasing Agreement Extension Dates

No.	Description	Supplier	Agreement Amount	Vendor Invoices Paid or Pending Payment - 3/3/21	Amount Remaining on Agreement	Original Start Date	Current Term Date	Revised Term Date
1	ANNUAL AGREEMENT FOR SLURRY ROCK. RFB 1516-30. RESO 2016-190.	WEST COAST SAND AND GRAVEL INC.	$ 1,943,710	$ 865,137	$ 1,078,573	3-May-2016	2-May-21	31-Dec-21
2	ANNUAL AGREMENET FOR SLURRY OIL. RFB 1516-33. RESO 2016-231	VSS EMULTECH	$ 2,496,900	$ 1,399,133	$ 1,097,767	7-Jun-2016	6-Jun-21	31-Dec-21
3	ANNUAL AGREEMENT - ROADWAY CRACK SEALANT - RESO #2015-92 - RFB 1415-09	MAXWELL PRODUCTS	$ 687,295	$ 190,447	$ 496,848	24-Mar-2015	31-Jul-21	31-Dec-21
4	ANNUAL AGREEMENT- CEMENT CONCRETE- RESOLUTION 2016-300 - RFB 1516-35	ALLIED CONCRETE & SUPPLY CO.	$ 582,978	$ 307,063	$ 275,915	12-Jul-2016	11-Jul-21	31-Dec-21
5	ANNUAL AGREEMENT- PERSONAL PROTECTION EQUIPMENT- RESOLUTION 2016-226, RFB 1516-10	L N CURTIS & SONS	$ 592,500	$ 382,154	$ 225,159	7-Jun-16	6-Jun-21	31-Dec-21
6	ANNUAL AGREEMENT- PERSONAL PROTECTION EQUIPMENT- RESOLUTION 2016-226, RFB 1516-10	CASCADE FIRE EQUIPMENT	$ 55,000	$ 41,767	$ 23,153	7-Jun-16	6-Jun-21	31-Dec-21
7	ANNUAL AGREEMENT- PERSONAL PROTECTION EQUIPMENT- RESOLUTION 2016-226, RFB 1516-10	ZEN FIRE & SAFETY	$ 27,500	$ 9,150	$ 18,350	7-Jun-16	6-Jun-21	31-Dec-21
8	ANNUAL AGREEMENT- BADGER WATER METERS, AUTOMATED METER READERS, AND RELATED PARTS- RESO# 2016-235, RFB 1516-26 (REF ORIG AGREEMENT 99391)	BADGER METER	$ 4,093,668	$ 511,260	$ 1,579,770	7-Jun-16	6-Jun-21	31-Dec-21
9	ANNUAL AGREEMENT FOR WATER STORAGE TANK INSPECTIONS AND REPAIR SERVICES RESO#2016-87, RFB #1516-01	DRS MARINE	$ 575,190	$ 158,234	$ 416,956	08-May-16	07-May-21	30-Sep-21
10	ANNUAL AGREEMENT - SEWER ROOT CONTROL SERVICES - RESO#2016-151 and RESO#2018-45, RFB 1516-24	ROOT TAMERS	$ 362,614	$ 313,799	$ 48,815	12-Apr-16	11-Apr-21	30-Sep-21
11	ANNUAL AGREEMENT - DISCING AND FLAIL MOWING SERVICES - RESO #2015-63, RFB #1415-17 for Public Works.	SCOTO FARMING	$ 210,000	$ 173,900	$ 36,100	03-Mar-15	02-Sep-20	31-Oct-21

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-138

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR ON-CALL AFTER HOURS ANSWERING SERVICES TO HARTLEY AND ASSOCIATES, SANTA ROSA, CA, FOR AN ESTIMATED ANNUAL COST OF $39,600 AND A TOTAL COST NOT TO EXCEED $205,272 OVER FIVE (5) YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, this service will provide professional telephone answering services and support of City operations, activities and programs during non-working staff hours or as overflow during normal business hours to maintain continuous service to the public for multiple City departments; and

WHEREAS, on March 22, 2016, Council approved Resolution No. 2016-114 for the award of proposal and contract for the furnishing of on-call after hours answering services for the Utilities Department to Hartley and Associates, Santa Rosa, CA, for a five-year agreement with a total cost of $153,000; and

WHEREAS, on March 3, 2020, by Resolution No. 2020-120 Council approved an increase of $50,000 for a revised amount not to exceed $203,000 over five years and expand the agreement for use by all City departments; and

WHEREAS, on September 14, 2020, the Purchasing Division issued RFP 1920-73 for on-call after hours answering services under four (4) category codes; and

WHEREAS, on November 3, 2020, proposal were formally, publicly opened by City Clerk staff via Microsoft Teams livestream; and

WHEREAS, two companies chose to respond, neither of which were local vendors. Both companies provided responsive and responsible proposals; and

WHEREAS, proposals were evaluated by a committee of City staff from multiple departments based on criteria of references, experience, call center location, reporting/quality management, employee retention program/training and staffing, contingency planning and system back-up, and cost as shown in the RFP. Hartley and Associates was ranked highest by the evaluation committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for On-Call After Hours Answering Services to Hartley and Associates, Santa Rosa, CA, for an estimated annual cost of $39,600 and a total cost not to exceed $205,272 over five (5) years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-139

RESOLUTION APPROVING THE TEMINATION OF FURLOUGH DEDUCTIONS WITH CORRESPONDING TIME BANKS AND 3% CONTRIBUTIONS EFFECTIVE APRIL 12, 2021 THROUGH JUNE 7, 2021 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY TRANSACTIONS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION. FOR REPRESENTED UNITS, THIS WOULD OCCUR UPON CONCURRENCE WITH THE EXCLUSIVE REPRESENTATIVE THAT FURLOUGHS CEASE

WHEREAS, the City and bargaining units agreed to concessions which included a 96-hour furlough for Modesto Confidential & Management Association (MCMA), Modesto Police Officers Association (MPOA), and Modesto Police & Fire Non-Sworn (MPNSA), and an additional 3% employee contribution toward the City's annual PERS cost for Modesto City Fire Fighters Association (MCFFA), and

WHEREAS, Unrepresented employees have a "me too" clause with their union counterparts, and

WHEREAS, it was agreed that if a federal relief be received by the City, these concessions would be reviewed and ceased or reduced accordingly, and

WHEREAS, the City anticipates receiving federal relief funds through the American Rescue Plan Act.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto hereby approves the termination of furloughs with corresponding time banks for MCMA, MPOA, MPNSA, and associated Unrepresented employees and 3% for MCFFA employees and associated Unrepresented employees.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute necessary transactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-140

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 OPERATING BUDGET TO INCREASE VARIOUS BUDGETS ACROSS MULTIPLE FUNDS IN THE TOTAL AMOUNT OF $538,189 TO ACCOUNT FOR THE TERMINATION OF FURLOUGHS AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION (MCFFA) CONCESSIONS THAT WERE ENACTED AS PART OF THE FISCAL YEAR 2020-21 BUDGET ADOPTION

WHEREAS, a substantial shortfall was identified due to the COVID-19 pandemic resulting in lost revenue as part of the Fiscal Year 2020-21 budget adoption process, and

WHEREAS, to assist in closing this shortfall concession bargaining resulted in four of five bargaining units agreeing to concessions which included 96-hour furloughs for Modesto Confidential & Management Association (MCMA), Modesto Police Officers Association (MPOA), and Modesto Police & Fire Non-Sworn (MPNSA), and an additional 3% employee contribution toward the City's annual PERS cost for Modesto City Fire Fighters Association (MCFFA), and

WHEREAS, during concession bargaining the City and each union discussed the unclear pandemic environment and what the future may hold in terms of federal relief, and

WHEREAS, part of negotiations involved the City and unions agreeing that should the City receive federal relief to cover back lost revenues or should the City's revenues recover to pre-pandemic levels, furloughs would be "reviewed and ceased or reduced accordingly", and

WHEREAS, a similar statement exists within the MCFFA agreement in which it states "if any other City employee group which has agreed to concessions, salary

reductions, furloughs, postponed salary increases or any similar give back be reversed, the 3% shall immediately cease", and

WHEREAS, the American Rescue Plan act became law on March 11, 2021 and provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses and provides specific relief to local governments for recovery of lost revenue, and

WHEREAS, the City expects to receive funding in May for its first apportionment of the total estimated $47.3 million in funds from the American Rescue Plan which would be approximately half of the amount or $23.65 million.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 operating budget to increase various budgets across multiple funds in the total amount of $538,189 to account for the termination of furloughs and the Modesto City Fire Fighters Association (MCFFA) concessions that were enacted as part of the Fiscal Year 2020-21 Budget Adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-141

RESOLUTION APPROVING A COMMON USE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR PHASE 1 OF THE NORTH TRUNK PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on October 22, 2019 by Resolution No. 2019-483, Council approved the North Trunk Sewer Project, and

WHEREAS, the Project installed the Bangs Avenue segment of the North Trunk line, which extends along Bangs Avenue between Carver and Tully, and

WHEREAS, the City requested a Common Use Agreement (CUA) from the Modesto Irrigation District (MID) to facilitate the installation and extension of the North Trunk sewer line, and

WHEREAS, the City of Modesto and MID negotiated a Common Use Agreement to facilitate the construction of the North Trunk Sewer Project, and

WHEREAS, the CUA is necessary as the Project would cross a MID irrigation line, and

WHEREAS, MID consented to the City performing work prior to the CUA being executed to avoid delaying the construction schedule, and

WHEREAS, the North Trunk Project has been completed, staff is recommending approval and execution of the Common Use Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approves a Common Use Agreement with Modesto Irrigation District for Phase 1 of the North Trunk Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Common Use Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-142

RESOLUTION REJECTING ALL BIDS FOR THE FIRE STATION 5 KITCHEN REMODEL PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE, WITH AN AMENDED SCOPE OF WORK

WHEREAS, the bids were publicly opened on March 09, 2021, pursuant to City Charter Section 1307, and four bids were received, and

WHEREAS, all four bids received were above the engineer's estimate, with the percentages varying from 7.29% to 96.47% higher, and

WHEREAS, the first two lowest bidders were deemed non-responsive and the bids received by the other two bidders were above the engineer's estimate by more than 15%, 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., and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Formal Bid Procedures, the Council shall have the authority to accept or reject any or all bids. The rejection of all bids for the Fire Station 5 Kitchen Remodel Project conforms to Modesto Municipal Code 8-3.204, subsection (e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Fire Station 5 Kitchen Remodel Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to re-advertise the project for bids 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 13th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-143

RESOLUTION APPROVING THE APPOINTMENT OF GABRIELA GUERRINI TO THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS FOR A TWO-YEAR TERM RETROACTIVE TO JANUARY 1, 2021 THROUGH DECEMBER 31, 2022

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

WHEREAS, by Resolution No. 2019-201, Council's authority to appoint members to the Modesto Convention and Visitors Bureau Board of Directors was affirmed, and

WHERAS, on March 24, 2021, the Appointments Committee unanimously recommended the appointment of Gabriela Guerrini be forwarded to Council for approval, and

WHEREAS, the appointment will be for two years retroactive to January 1, 2021 through December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Gabriela Guerrini to the Modesto Convention and Visitors Bureau Board of Directors for a two-year term retroactive to January 1, 2021 through December 31, 2022.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Convention and Visitors Bureau, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-144

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SHUTE, MIHALY & WEINBERGER, LLP IN THE AMOUNT OF $200,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $245,000 FOR CONTINUED REPRESENTATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City and Stanislaus County, are each parties to an "Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste," with Covanta Stanislaus Inc, dated July 1, 2012; and

WHEREAS, the City and Stanislaus County engaged Shute, Mihaly & Weinberger, LLP to evaluate a dispute between the City and County (the "Communities") and Covanta Stanislaus, Inc., involving the waste-to-energy facility at the Fink Road landfill; and

WHEREAS, on October 8, 2020, the City entered into a Legal Services Agreement with Shute, Mihaly & Weinberger, LLP, in the amount of $45,000 for representation and assistance in the above dispute including litigation; and

WHEREAS, in March 2021, City and Stanislaus County entered into a Cost Sharing Agreement for pre-litigation and litigation activities for breach of Covanta Stanislaus, Inc. services agreement; and

WHEREAS, shared costs will be paid from the County's Waste-to-Energy Agency Fund, under the budget approved by the Solid Waste-to-Energy Executive Committee; and

WHEREAS, this amendment will increase the agreement budget for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Shute, Mihaly & Weinberger, LLP in the amount of $200,000, for a total agreement amount not to exceed $245,000 for continued representation as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this "**First Amendment**"), is made and entered into on 27th day of April 2021 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **SHUTE, MIHALY & WEINBERGER LLP** ("**Attorney**"), located at 396 Hayes Street, San Francisco, California 94102. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City regarding implementation and enforcement of the 2012 Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste ("**Covanta Agreement**") entered into by the City, Stanislaus County ("**County**"), and Covanta Stanislaus, Inc.; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $45,000 to $245,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Shute, Mihaly & Weinberger LLP, dated October 8th, 2020, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred forty-five thousand dollars ($245,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated October 8, 2020, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

_____
Jiles Smith, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
SHUTE, MIHALY & WEINBERGER LLP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-145

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP IN THE AMOUNT OF $200,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $595,000, FOR CONTINUED REPRESENTATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on February 2, 2019, the City entered into a standard Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $30,000 for representation in the *Perkins v. City of Modesto* police case; and

WHEREAS, on August 13, 2019, by Resolution No. 2019-366, Council approved a First Amendment to the Legal Services Agreement to include additional police matters in their scope of work and an increase in the agreement budget in the amount of $215,000, for a total not to exceed $245,000; and

WHEREAS, on September 8, 2020, by Resolution No. 2020-364, Council approved a Second Amendment to the Legal Services Agreement to increase the agreement budget in the amount of $150,000, for a total not to exceed $395,000; and

WHEREAS, the City Attorney's office has drafted a Third Amendment to the Legal Services agreement with Allen, Glaessner, Hazelwood & Werth, LLP for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of $200,000, for a total agreement amount not to exceed $595,000, as provided in **Exhibit A attached** hereto and

incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment to the Legal Services (this "**Third Amendment**"), is made and entered into on 27th day of April 2021 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP** ("**Attorney**"), located at 180 Montgomery Street, Suite 1200, San Francisco, California 94104. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide litigation, trial counsel, legal advice, representation and assistance to City in relation to *Perkins v. City of Modesto, et al*.; and

WHEREAS, on August 13, 2019, by Resolution No. 2019-366, Council approved a First Amendment to the Legal Services Agreement to include additional police matters in their scope of work and an increase in the agreement budget in the amount of $215,000; and

WHEREAS, on September 8, 2020, by Resolution No. 2020-364, Council approved a Second Amendment to the Legal Services Agreement to increase the agreement budget in the amount of $150,000, for a total not to exceed $395,000; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $395,000 to $595,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Allen, Glaessner, Hazelwood & Werth, LLP dated February 2, 2019, and amended by Resolution No. 2019-366 and 2020-364, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of five hundred ninety-five thousand dollars ($595,000)."

2. **Entire Agreement**. The parties to this Third Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated February 2,

2019, remain in full force and effect to the extent they are not in conflict with this Third Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Third Amendment. No alteration to the terms of this Third Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Third Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Third Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

_____
Jiles Smith, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-146

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH RENNE PUBLIC LAW GROUP IN THE AMOUNT OF $75,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $175,000 AND ADDING ADDITIONAL SERVICES RELATED TO ARBITRATIONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on September 8, 2020, by Resolution 2020-369, Council approved a Legal Services Agreement with Renne Public Law Group to provide legal advice, representation and assistance on matters involving personnel and administrative investigations, in the amount of $100,000; and

WHEREAS, the City has a need for arbitration services and would like to add these services to Renne Public Law Group's legal services agreement with an increase to the agreement budget in the amount of $75,000 to support these services, for a total agreement amount not to exceed $175,000; and

WHEREAS, this amendment will add arbitration services to the scope of work and increase the agreement budget for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Renne Public Law Group in the amount of $75,000, for a total agreement amount not to exceed $175,000 and adding additional services relating to arbitrations as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this "**First Amendment**"), is made and entered into on 27th day of April 2021 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **RENNE PUBLIC LAW GROUP** ("**Attorney**"), located at 350 Sansome Street, Floor 3, San Francisco, CA 94104. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance on matters involving personnel and administrative investigations; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $100,000 to $175,000, and expanding the Scope of Work to include additional services related to arbitrations.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Renne Public Law Group dated September 8, 2020, is amended as follows:

1. Section 1(a) of Paragraph 1, "Services," is amended to state as follows:

> "**Scope of Work:** Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services ("**Services**"):
>
> Conduct various types of investigative services, including but not limited to surveillance, investigative research, interviews, background investigations, undercover investigations, people locates, Internet & E-mail tracing, computer examinations as well as electronic surveillance countermeasures for Personnel and Administrative Investigations and provide services related to arbitrations.

2. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred and seventy-five thousand dollars ($175,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated September 8, 2020, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

_____
Jiles Smith, Risk Manager

[Signatures Continued on Next Page.]

ATTORNEY:
RENNE PUBLIC LAW GROUP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-147

RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT TO PROVIDE STATE HIGHWAY OPERATION AND PROTECTION PROGRAM (SHOPP) FUNDING IN THE AMOUNT OF $2,400,000 TO THE PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, on August 8, 2018, per Resolution 2018-315, Council approved a Cooperative Agreement with Caltrans for the Project, and

WHEREAS, the Cooperative Agreement sets forth the roles and responsibilities of the City and Caltrans with respect to the Project, and

WHEREAS, under the Cooperative Agreement, the City is responsible for establishing the scope of the Project, securing funding for the work, implementing the Plans, Specifications and Estimate (PS&E), right of way acquisition, and construction of the Project, and

WHEREAS, Caltrans provides quality management work and oversight for the Project, and

WHEREAS, On June 25, 2019, per Resolution 2019-298, Council approved Amendment #1 to the Cooperative Agreement, and

WHEREAS, On May 12, 2020, per Resolution 2020-221, Council approved Amendment #2 to the Cooperative Agreement, and

WHEREAS, in January, 2021 the City was notified by Caltrans that a new Cooperative Agreement was needed to separate out the State Highway Operation and Protection Program (SHOPP) funds from the original Cooperative Agreement, and

WHEREAS, this funding was previously approved for the stockpile encapsulation work that is currently included in the SR-132 project, and

WHEREAS, the Construction Capital of $2.4 million in SHOPP funds for the encapsulation of the barium stockpiles was approved by the California Transportation Commission (CTC) in 2019, and

WHEREAS, Caltrans requires that this funding be removed from the current Cooperative Agreement and inserted into a new Cooperative Agreement, and

WHEREAS, staff recommends that the City Council approve the new Cooperative Agreement as presented by Caltrans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway – Phase 1 Project to provide State Highway Operation and Protection Program (SHOPP) funding in the amount of $2,400,000 to the Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute that agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Zoslocki, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-148

RESOLUTION APPROVING AMENDMENT #3 TO THE COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT TO MODIFY THE FUNDING TABLE AND TO APPROVE PAYMENT OF $15,000 FOR PAVEMENT SKID TESTING TO BE PERFORMED BY CALTRANS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, the California Department of Transportation (Caltrans) required that the City of Modesto enter into the Cooperative Agreement prior to submitting a request for funding authorization to Caltrans; and

WHEREAS, the Cooperative Agreement sets forth the roles and responsibilities of the City and Caltrans with respect to the Project; and

WHEREAS, on August 8, 2018, per Resolution 2018-315, the City Council approved the Cooperative Agreement for the Project; and

WHEREAS, on June 25, 2019, per Resolution 2019-298, the City Council approved Amendment #1 to the Cooperative Agreement for the Project; and

WHEREAS, on May 12, 2020, per Resolution 2020-221, the City Council approved Amendment #2 to the Cooperative Agreement for the Project; and

WHEREAS, in February, 2021, City staff was notified by Caltrans that a third amendment to the Cooperative Agreement was needed to address the following issues:

1. Remove State Highway Operation and Protection Program (SHOPP) funds from the existing Cooperative Agreement as these funds will be included in a separate Cooperative Agreement with the City. The Funding Summary has been revised to reflect this change.

2. Modify the Funding Summary table and to the Spending Summary table to reflect the latest dollar amounts committed to this project.

3. Authorize reimbursement to Caltrans for pavement skid testing that will be performed by Caltrans and is anticipated to cost $15,000, and

WHEREAS, funding for the pavement skid testing is available in the project contingency currently available in CIP#101119, and

WHEREAS, the funding source for this item is Regional Measure L funds, and

WHEREAS, the Measure L funds were approved for this project via agreement with the Stanislaus Council of Governments (StanCOG) on September 24, 2019 per Resolution 2019-436.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Third Amendment to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway-Phase 1 Project to modify the funding table and to approve payment of $15,000 for Pavement Skid Testing to be performed by Caltrans.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-149

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SCENIC DRIVE PAVEMENT REHABILITATION PHASE I PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO GEORGE REED, INC. OF MODESTO, CALIFORNIA, IN THE AMOUNT OF $1,173,458 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Scenic Drive Pavement Rehabilitation Phase I project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Scenic Drive Pavement Rehabilitation Phase I project were publicly opened at 11:00 a.m. on March 30, 2021, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $1,173,458 received from George Reed, Inc. of Modesto, California be accepted as the lowest responsible and responsive bid and the contract be awarded to George Reed, 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 the formal bid procedures, and

WHEREAS, an award of $1,173,458 and agreement for construction for Community and Economic Development Department to use George Reed, Inc. of Modesto, California, conforms to the Modesto Municipal Code because the City

complied with the formal bid procedures and George Reed, Inc. of Modesto, California, was the lowest responsive bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Scenic Drive Pavement Rehabilitation Phase I project, accepts the bid of George Reed, Inc. of Modesto, California, in the amount of $1,173,458 and awards George Reed, Inc. the contract for the Scenic Drive Pavement Rehabilitation Phase I.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-150

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $117,345 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE SCENIC DRIVE PAVEMENT REHABILITATION PHASE I PROJECT

WHEREAS, Scenic Drive Pavement Rehabilitation Phase I bids were publicly opened on March 30, 2021, and George Reed, Inc. of Modesto, California, was the apparent low bidder with the amount of $1,173,458, and

WHEREAS, the contingency cost for the Scenic Drive Pavement Rehabilitation Phase I is estimated to be $117,345 (10% of the original contract price), an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 2019-326 on July 9, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of $117,345 (10% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-151

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101168 IN THE AMOUNT OF $187,000 AND INCREASING THE TRANSFER FROM THE MEASURE L – LOCAL ROAD TAX FUND TO FUND PAVEMENT REHABILITATION ON SCENIC DRIVE FROM LAKEWOOD AVENUE TO CLAUS ROAD AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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

WHEREAS, 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 proposed project will rehabilitation pavement on Scenic Drive from Lakewood Avenue to Claus Road and include improvements for roadway resurfacing and/or reconstruction, new signage and striping, pedestrian crossing improvements, and ADA ramp upgrades, and

WHEREAS, the project was advertised for bid on February 23, 2021 and were publicly opened on March 30, 2021, and

WHEREAS, additional funding is needed for the project related to the construction contract and sufficient funds are available in the Local Streets & Roads Measure L category, and

WHEREAS, the City Council shall consider amending the Capital Improvement Program (CIP) budget and increasing the transfer from Measure L Local Road Tax fund to Project #101168 in the amount of $187,000 to fully fund the project and encumber the

construction contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-2021 Capital Improvement Program (CIP) Budget in the amount of $187,000 for Project 101168 and increasing the transfer from the Measure L – Local Road Tax Fund to fund pavement rehabilitation on Scenic Drive from Lakewood Avenue to Claus Road.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-152

RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND ARCHWAY EAH II LP FOR THE ALLOCATION OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) ENTITLEMENT FUNDS IN THE AMOUNT OF $1,400,000, PLUS ACTIVITY DELIVERY COSTS IN AN AMOUNT NOT TO EXCEED $80,000 TO BE USED FOR THE DEVELOPMENT OF ARCHWAY COMMONS PHASE II AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS WITH SUCH CHANGES AS DETERMINED BY THE CITY ATTORNEY

WHEREAS, Archway Commons has been a collaboration effort between the City of Modesto and EAH Inc since 2009 for the development of 150-unit affordable housing complex for low-income families in Modesto, and

WHEREAS, the project site is located along Modesto's western edge and northwest of downtown Modesto; Lauralee Court is to the north, Archway Commons Place to the south, a railroad right-of-way parcel and North 9th Street to the south and southwest, Highway 99 to the west and a mix of light industrial and commercial uses along Carver Road to the east, and

WHEREAS, Archway Commons Phase I consisted of 76 affordable housing units and was completed in 2013. All Phase I units were fully leased and occupied after completion, and

WHEREAS, EAH and the City have been arduously working on developing the second phase of Archway Commons since the completion of Phase I, and

WHEREAS, the award of HOME funds is the last step in the HOME Program underwriting process which should allow construction commencement soon after, and

WHEREAS, Archway Commons Phase II will consist of nine, two-story wood framed buildings consistent with the Phase I design. As proposed, Phase II unit mix

includes (1) 1-BR/1-BA at 710 square feet, (52) 2-BR/1-BA each at 825 square feet, and (20) 3-BR/2-BA apartments each 1150 square feet. A full kitchen is provided in all units. All ground level units are compliant with the American Disabilities Act (ADA), and

WHEREAS, the total project cost for Archway Commons Phase II is approximately $36.2 million, and

WHEREAS, the project will require subsidy layering from multiple funding sources including but not limited to HOME Program funds, Low Income Housing Tax Credits, Affordable Housing Program, and State of California Affordable Housing and Sustainable Communities (AHSC) Program, and

WHEREAS, EAH is requesting a HOME Program loan from the City of Modesto in the amount of $1,400,000, and

WHEREAS, staff has conducted an underwriting analysis as required by HOME and has determined the project is eligible for a loan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a HOME Investment Partnerships Loan to Archway EAH II LP, a California Limited Partnership, in the amount of $1,400,000, plus activity delivery costs in an amount not to exceed $80,000 to be used for the development of Archway Commons Phase II.

BE IT FURTHER RESOLVED; authorizing the City Manager or his designee to take all actions and execute any documents and/or agreements related to the HOME Investment Partnerships Loan, with such changes approved by the City Attorney that are consistent with the resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-153

RESOLUTION AMENDING THE EXISTING FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO ALLOCATE HOME ENTITLEMENT FUNDS IN THE AMOUNT OF $1,400,000, PLUS ACTIVITY DELIVERY COSTS OF $80,000 FOR A TOTAL PROJECT BUDGET OF $1,480,000 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Archway Commons Phase II project will add 74 affordable housing units to the City's housing stock, and

WHEREAS, Archway Commons has been a collaboration effort between the City of Modesto and EAH Housing since 2009 for the development of 150-unit affordable housing complex for low-income families and seniors in Modesto, and

WHEREAS, Archway Commons Phase I consisted of 76 affordable housing units and was completed in 2013, and

WHEREAS, the total project cost for Archway Commons Phase II is approximately $30.4 million, requiring subsidy layering from multiple funding sources, EAH Housing Inc. is requesting a HOME Program loan from the City of Modesto in the amount of $1,400,000 to leverage approximately $29 million from State, private and other local funding sources.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2020-2021 Multi-Year Fund Budget to allocate HOME entitlement funds in the amount of $1,400,000 plus activity delivery costs of $80,000 for a total project budget of $1,480,000 to project 101184 Archway Commons II.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

BUDGET ADJUSTMENT FISCAL YEAR 2020-2021

City of Modesto		**Funds Reimbursed with HOME Entitlement Funds**			
Community & Economic Development Department		Archway Commons II - Federal			
Community Development Division		FUND 1170			
Project 101184		COST CENTER 14998			
		ACTIVITY	CURRENT	ADJUSTMENT	FINAL PROPOSED
Direct Loan - EN 2017	54720	1282	$ 183,160.00		$ 183,160.00
Direct Loan - EN 2018	54720	1282	$ 696,991.00		$ 696,991.00
Direct Loan - EN 2019	54720	1282	$ 300,000.00		$ 300,000.00
Direct Loan - EN 2020	54720	1282	$ -	$ 219,849.00	$ 219,849.00
Activity Delivery - Services City Forces Interfund	54500	1282	$ 80,000.00		$ 80,000.00
TOTAL Expenses			$ -	$ 219,849.00	$ 1,480,000.00
Intergov	42030		$ -	$ 1,480,000.00	$ 1,480,000.00
TOTAL Revenues			$ -	$ 1,480,000.00	$ 1,480,000.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-154

RESOLUTION ACCEPTING THE AFFORDABLE HOUSING & SUSTAINABLE COMMUNITIES (AHSC) LOAN AND GRANT AWARDS IN AN AGGREGATE AMOUNT OF $24,766,157 FOR THE ARCHWAY COMMONS PHASE II PROJECT APPROVING ENTERING INTO THE AHSC STANDARD AGREEMENTS WITH THE STATE OF CALIFORNIA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AHSC STANDARD AGREEMENTS AND ANY SUBSEQUENT AMENDMENTS OR MODIFICATIONS AS WELL AS ANY OTHER DOCUMENTS WHICH ARE RELATED TO THE PROGRAM OR THE AHSC LOAN AND GRANT AWARDS TO THE CITY AS THE STATE OF CALIFORNIA MAY DEEM APPROPRIATE

WHEREAS the State of California, the Strategic Growth Council (SGC), and the Department of Housing and Community Development (Department) issued a Notice of Funding Availability dated November 1, 2019 (NOFA), under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources code commencing with Section 75200, and

WHEREAS, the City of Modesto and EAH Inc. submitted a joint application for funding in February 2020 for the Archway Commons Phase II project, a 74-unit multifamily rental housing facility, and

WHEREAS the City of Modesto is an Eligible Applicant/Sponsor under the AHSC Program and was awarded an AHSC Program loan for the Archway Commons Phase II Project in an amount not to exceed $14,276,157 (“AHSC Loan”) and an AHSC Program grant in an amount not to exceed $10,490,000 (“AHSC Grant”) for an aggregate amount not to exceed $24,766,157 under the above described NOFA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to act in connection with the Department’s loan of AHSC funds to the City of Modesto pursuant to the above-mentioned NOFA in

an amount not to exceed $14,276,157.00 and the Department's grant of AHSC funds to the City of Modesto pursuant to the above-mentioned NOFA in an amount not to exceed $10,490,000.00.

RESOLVED FURTHER: The City of Modesto is hereby authorized and directed to incur an obligation for the AHSC Loan. That in connection with the AHSC Loan, the City of Modesto is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in the amount not to exceed $14,276,157.00 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of the above resolution, in order to evidence the AHSC Loan, the City of Modesto's obligations related thereto, and the Department's security therefore; including, but not limited to, a promissory note, a deed of trust and security agreement, a regulatory agreement, a development agreement and certain other documents required by the Department as security for, evidence of or pertaining to the AHSC Loan, and all amendments thereto (collectively, the "AHSC Loan Documents").

RESOLVED FURTHER: The City of Modesto is hereby authorized and directed to incur an obligation for the AHSC Grant. That in connection with the AHSC Grant, the City of Modesto is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in the amount not to exceed $10,490,000.00 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of the above resolution, in order to evidence the AHSC Grant, the City of Modesto's obligations related thereto, and the Department's security therefore; including, but not limited to, a disbursement agreement, a covenant and certain other documents required by the Department as security for, evidence of or pertaining to the

AHSC Grant, and all amendments thereto (collectively, the "AHSC Grant Documents").

RESOLVED FURTHER: That the Joseph P. Lopez, City Manager of the City of Modesto is hereby authorized to execute the AHSC Loan Documents and the AHSC Grant Documents, and any amendment or modifications thereto, on behalf of the City of Modesto.

RESOLVED FURTHER: That this resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-155

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND ARCHWAY EAH II LP REGARDING USE OF UNITS IN ARCHWAY COMMONS PHASE II FOR RAPID REHOUSING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS WITH SUCH CHANGES DETERMINED BY THE CITY ATTORNEY

WHEREAS, in October 2020 the City launched the Camp2Home Program whose goal is to implement a homeless action plan that reduces encampments in public spaces, ensures the provision of supportive services and identifies strategies for permanent housing, and

WHEREAS, part of the Camp2Home program strategy is a partnership with the Downtown Streets team a local non-profit service provider which provides job training to individuals experiencing homelessness, and

WHEREAS, those enrolled in the program will have an opportunity to receive job training in certain City departments over the course of a year, expanding their resumes and gaining hands-on job experience, and

WHEREAS, after graduation, these individuals will have an opportunity to be hired for full-time work at a number of local businesses with ongoing case management and will be assisted in finding permanent housing, and

WHEREAS, the Archway Commons Phase II project will consist of 73 affordable rental units; however, in accordance with HOME Program requirements, and

WHEREAS, 7 units will be reserved for graduates of the Downtown Streets Team's job training/housing readiness program, and

WHEREAS, Community Housing and Shelter Services (CHSS), a local housing service provider, will provide 12 months of rental assistance for these tenants, along with case management and supportive services to ensure they meet the Camp2Home program goal of setting up this clientele for success via job training and attaining independent sustainable housing, and

WHEREAS, this partnership will be put into effect via a Memorandum of Understanding (MOU) between the City of Modesto and Archway EAH II LP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the City of Modesto and Archway EAH II LP, a California Limited Partnership, regarding use of units in Archway Commons Phase II for Rapid Rehousing.

BE IT FURTHER RESOLVED; that the City Manager or his designee is authorized to take all actions and execute any documents and/or agreements related to the Memorandum of Understanding, with such changes approved by the City Attorney that are consistent with the resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-156

RESOLUTION AUTHORIZING THE GRANT AGREEMENT WITH THE GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT (GO-BIZ) AND AUTHORIZING THE CITY MANAGER TO EXECUTE BY ELECTRONIC SIGNATURE ON BEHALF OF THE CITY OF MODESTO, THE GRANT AGREEMENT, INCLUDING ANY EXTENSIONS OR AMENDMENTS THEREOF AND ANY SUBSEQUENT GRANT AGREEMENT WITHIN THE GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT IN RELATION THERETO

WHEREAS, the members of the California Legislature have recognized the need for cannabis equity grant funding; and

WHEREAS, funding has been provided to the Governor's Office of Business and Economic Development to provide grant funds to local governments pursuant to AB 97 (Stats. 2019, Ch. 40); and

WHEREAS, the City Council of the City of Modesto supports the development of a local equity program; and

WHEREAS, the City Council of the City of Modesto has determined that it will use grant funds from the Governor's Office of Business and Economic Development to conduct a cannabis equity assessment and/or assist the development of a local equity program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto authorizes the grant agreement with the Governor's Office of Business and Economic Development (Go-Biz).

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute by electronic signature on behalf of The City of Modesto the grant agreement with the Governor's Office of Business and Economic Development, including any extensions or

amendments thereof and any subsequent grant agreement with the Governor's Office of Business and Economic Development in relation thereto.

IT IS AGREED that any liability arising out of the performance of this grant agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The Governor's Office of Business and Economic Development and the State of California disclaim responsibility for any such liability.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-157

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH ELAVON INC., FOR MERCHANT SERVICES BY $189,863 FROM $2,325,047 TO A NEW TOTAL AMOUNT OF $2,514,910; AND EXTENDING THE TERM OF THE AGREEMENT FROM MAY 31, 2021 TO MAY 31, 2022; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto currently uses a merchant services provider, Elavon, Inc., to process credit and debit card payments for various services and purchases; such as, utilities, building permits, parking citations, taxes, parking passes and Parks and Recreation classes, and

WHEREAS, on April 28, 2015 by Resolution 2015-126, Council approved the procurement of merchant services by "assessing the terms" of a competitively bid, State of California, Department of General Services (DSG) Merchant Service Agreement (MSA) with Elavon Inc., Atlanta, GA at an anticipated annual cost of $396,851 and over five years of $1,984,255, through a two-year agreement with three one-year extensions, and

WHEREAS, on April 23, 2019 by Resolution 2019-184, Council approved the first amendment to the State of California, Department of General Services (DSG) Merchant Service Agreement (MSA) with Elavon Inc., Atlanta, GA to increase the agreement amount by $340,792 from $1,984,255 to a new total amount of $2,325,047; and extending the term through a two-year agreement, and

WHEREAS, the term of the current agreement is due to expire May 31, 2021, and

WHEREAS, the City continues to have a need for a payment gateway for

merchant services for credit card, debit card, and e-check payments such as parking, transit, taxes, permits, event rentals and utility walk-in payments, and

WHEREAS, the City was able to find a cooperative purchasing agreement that it will be able to piggyback off of from the State of California, and

WHEREAS, this agreement, if extended, will allow the City to contract with Elavon, Inc. to be the payment gateway for merchant services while allowing the City to benefit from the volume pricing, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchase, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; However, exceptions to the formal bidding process are granted in MMC 8-3.202(d) which encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; Elavon meets the requirement under this MMC due to their recent, mutually agreed upon, continued term for up to 12 months beyond the MSA expiration date of May 31, 2021 with the State of California, Department of General Services (DGS) Master Services Agreement (MSA).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the agreement amount with Elavon Inc., Atlanta, GA for merchant services by $189,863 from $2,325,047 to a new total amount of $2,514,910; and extending the term of the agreement from May 31, 2021 to May 31, 2022.

BE IT FURTHER RESOLVED, the City Manager, or his designee, is authorized to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-158

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE AGREEMENT FOR FEDERAL BRAND AMMUNITION TO SAN DIEGO POLICE EQUIPMENT, SAN DIEGO, CA, FOR A ONE (1) YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS FOR AN ESTIMATED ANNUAL COST OF $150,000 AND A TOTAL AMOUNT OF $750,000 OVER FIVE (5) YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department (MPD) maintains an inventory of ammunition for issuance to sworn officers and for training purposes; and

WHEREAS, unfortunately due to the pandemic, manufacturers have seen a surge in sales which has created long lead-times and limited availability; and

WHEREAS, on October 26, 2020, the Purchasing Division issued RFB 2021-16 for Federal Brand Ammunition for both duty and training ammunition on the City's website under commodity code 68004-Ammunition; and

WHEREAS, nine (9) companies chose to download the RFB document, on November 24, 2020 bids were formally opened by the City Clerk via Microsoft Teams Livestream; and

WHEREAS, one (1) vendor chose to respond, which was not a local vendor; staff conducted an investigation to determine the limited response to the bid; and

WHEREAS, it was discovered that San Diego Police Equipment Co. is the only authorized distributor in California to sell the Federal brand ammunition; 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; and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and purchasing agreement for Federal brand ammunition to San Diego Police Equipment Co., San Diego, CA which conforms to the Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchasing agreement for Federal brand ammunition to San Diego Police Equipment Co., San Diego, CA, for a one (1) year agreement with four (4) one-year extension options for an estimated annual cost of $150,000 and a total amount of $750,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-159

RESOLUTION APPROVING THE FIRST AMENDMENT TO EXTENDING THE TERMINATION DATE WITH DU-ALL SAFETY, LLC. FOR THE FURNISHING OF SAFETY TRAINING AND CONSULTATION SERVICES THROUGH MAY 6, 2022, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, on May 7, 2019, by Resolution No. 2019-227, Council approved the award of proposal and contract for the furnishing of safety training and consultation services for the Human Resources Department to Du-All Safety, LLC, Fremont, CA, for one (1) year agreement with a one one-year extension option at the sole discretion of the City, with a scheduled termination date of May 7, 2021 based on the City exercising the remaining options for extension, and

WHEREAS, the current Council approved agreement is reaching its approved term expiration and the City recognizes the need to renew a full Request for Proposals (RFP) for safety training and consultation' services to establish a program that meets the needs of all departments based on state and federal regulations and best practice, and

WHEREAS, this amendment will authorize the necessary time to continue to provide safety training and consultation services without interruption until proposal and selection process is closed and completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment to the agreement with Du-All Safety, LLC., to continue providing safety training and consultation services to the City through May 6, 2022.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-160

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE PURCHASING AGREEMENT WITH DAN ELY BACKFLOW SERVICES, TURLOCK, CA. FOR BACKFLOW PREVENTION TESTING SERVICES BY $13,000 FOR THE LAST YEAR OF THE AGREEMENT, FROM A TOTAL AMOUNT OF $49,000 TO $62,000 FOR SERVICE LEVEL INCREASES AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the State of California Health and Safety Code requires annual testing of backflow prevention assemblies owned and operated by the City, and

WHEREAS, pursuant to Modesto Municipal Code 11-1.113 and California Health and Safety Codes 116800-116820, all backflow prevention assemblies are to be tested annually at the owner/water (City's) account holder's expense, and

WHEREAS, in 2016, services for the City were estimated not to exceed $10,000 annually, and

WHEREAS, in 2018, a purchasing agreement with Dan Ely Backflow Services, Turlock, CA was executed in an amount not to exceed $49,000 over five years, and

WHEREAS, the annual number of testings have been greater than originally estimated creating a shortfall in funding in the final year of the agreement, and

WHEREAS, staff is requesting the agreement be increased by $13,000 to provide sufficient funding for normal services and a contingency amount for one-time expenses for the remainder of the agreement, and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on November 13, 2021 and the City issues a formal Request for Bids for future services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreement with Dan Ely Backflow Services, Turlock, CA, for backflow prevention testing services, by $13,000 from $49,000 to $62,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021 - 161

RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. TO PROVIDE ENGINEERING, DESIGN, CONSTRUCTION AND PLANNING SERVICES FOR AIRPORT CAPITAL IMPROVEMENT PROJECTS FOR THE MODESTO CITY-COUNTY AIRPORT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City is eligible for Airport Capital Improvement Plan (ACIP) projects each year at Modesto City-County Airport (Airport), and

WHEREAS, skilled airport engineering, design, construction and inspection assistance will be required to move forward with potential projects, and

WHEREAS, on November 2, 2020, the Airport Division issued a Request for Qualifications (RFQ) 1415-07 for Airport Engineering and Construction Management Services, and

WHEREAS, on February 2, 2021, the City received bids, and two vendors chose to respond, and

WHEREAS, Kimley-Horn and Associates, Inc. (KHA) was selected as the most qualified and responsible consultant, and

WHEREAS, KHA has proposed an Agreement to provide engineering, design, construction and planning services for ACIP projects at Modesto City-County Airport.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five-year Agreement with Kimley-Horn Associates, Inc., to provide engineering, design, construction and planning services for ACIP projects at Modesto City-County Airport.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-162

RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY FOR PHASE 2 OF THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, DIRECTING THE COMMENCEMENT OF AN EMINENT DOMAIN PROCEEDING, AND AUTHORIZING THE MAKING OF A DEPOSIT OF PROBABLE COMPENSATION (4125 SISK ROAD, MODESTO, CA., 95356, APN: 135-029-022)

WHEREAS, the City is planning Phase 2 of the State Route 99/Pelandale Avenue Interchange Reconstruction Project ("Project"), which will complete the larger State Route 99/Pelandale Avenue Interchange Reconstruction Project, by increasing the capacity of the Caltrans drainage basin to comply with Caltrans standards, provide a new City drainage basin to comply with City standards, and complete the intersection of Pelandale Avenue and Sisk Road to comply with Caltrans standards for sidewalk, lane and shoulder widths and satisfy the Final Approved Project Report and Final Approved Traffic Operations Report dated December 12, 2012 and May 2009, respectively for the 2035 Design Year Scenario, and

WHEREAS, the purpose of the Project is to alleviate congestion and improve traffic safety and operations of State Route 99 and Pelandale Avenue, and

WHEREAS, the project has been designed to be consistent with the State Route 99 Transportation Concept Report and City of Modesto General Plan, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant for the entire Pelandale project and submitted to Caltrans for approval under the provisions of the California Environmental Quality Act (California

Public Resources Code, section 2100 *et seq.*, hereinafter referred to as "CEQA"). This document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 22, 2011, the Council adopted Resolution No. 2011-064 approving the "Cooperative Agreement," between the City of Modesto and Caltrans for the acquisition of right-of-way for the State Route 99/Pelandale Avenue Interchange Reconstruction Project. Thereafter, the City entered into a Cooperative Agreement with Caltrans dated June 9, 2011 (District Agreement 10-322), and

WHEREAS, pursuant to the Resolution and the Cooperative Agreement, the City was named as the Lead Agency for the preparation of Plans, Specifications, and Estimates and for the acquisition of right of way for State Highway and related local road purposes, and

WHEREAS, the State Route 99/Pelandale Avenue Interchange Reconstruction Project was originally planned to be a single-phase project. In late 2011 the City was informed that approximately $43.8 million in State Proposition 1B cost savings from completed construction projects throughout the State would likely be made available for the construction phase of this project. However, these Proposition 1B funds would come with very tight timeframes including a requirement to award the construction contract within six months of the funds being allocated by the California Transportation Commission (CTC), and

WHEREAS, to capitalize on the available Proposition 1B funds to fully fund the construction phase and meet the requirements of awarding a construction contract within six months of funding allocation, in early 2012 it was determined that the project could successfully be split into two phases for construction, with the majority of the interchange

to increase vehicular capacity going forward with some approved design exceptions from Caltrans, and then deferring the portion of the project on the Subject Property, which could be constructed at a later date, and

WHEREAS, on June 28, 2012 Caltrans approved Supplemental Project Report #2, separating the State Route 99/Pelandale Avenue Interchange Reconstruction Project into two phases. In Supplemental Project Report #2, Caltrans allowed the needed design exceptions to drainage basin requirements and certain lane widths with the requirement that the City would construct Phase 2 and complete the full interchange and bring the design exceptions up to standards at a later date, and

WHEREAS, on October 19, 2017, the California Transportation Commission (CTC) approved $4,336,000 of the State's Transportation Improvement Program (STIP) funds for the Project, and

WHEREAS, on March 12, 2019, the City Council adopted Resolution No. 2019-113 approving a Cooperative Agreement with Caltrans for the preparation of Plans, Specifications, and Estimate (PS&E) for the Project. The City Council also adopted Resolution No. 2019-114 approving a Cooperative Agreement with Caltrans for the Right of Way Phase for the Project, and

WHEREAS, on March 12, 2019, the City Council adopted Resolution No. 2019-115 accepting the STIP funds in the amount of $4,336,000 for the Project. The City Council also adopted Resolution No. 2019-116 Amending the Fiscal Year 2018-19 Capital Improvement Budget, Project #101063 in the amount of $4,336,000 for the Project upon receipt of Authorization to Proceed (E-76) from Caltrans, and

WHEREAS, on August 27, 2019 Caltrans issued the Authorization to Proceed (E-76) for the Right of Way phase of the Project, which allowed the City to begin work on the Right of Way phase of the Project, and

WHEREAS, the City is vested by law with the authority to acquire real property and exercise the power of eminent domain to acquire real property under the provisions and authority of and for the purposes and uses authorized by Article 1, Section 19 of the Constitution of the State of California, Government Code sections 37350.5, 37353, 39792, 40401, 40404, Streets & Highways Code sections 104, 113, 116, 130, 10102, and by the California Eminent Domain Law, Part 3, Title 7, of the Code of Civil Procedure, sections 1230.010 et seq., including but not limited to sections 1240.010, 1240.020, 1240.030, 1240.110, 1240.510 and 1240.610. Pursuant to Streets & Highways Code sections 104, 113, 116, and 130, the City is vested with the authority to acquire and condemn real property for state highway purposes, and

WHEREAS, pursuant to Streets & Highways Code Sections 114 and 130, the City and Caltrans have entered into a Cooperative Agreement for Acquisition of Right-of-Way, and

WHEREAS, the City seeks to acquire the fee simple interest in the entire real property located at 4125 Sisk Road, Modesto, CA 95356 (APN 135-029-022), as more particularly described in the legal description **attached** hereto as **Exhibit A**, and depicted in the record of survey map, **attached** hereto as **Exhibit B**, both incorporated herein by this reference and made a part hereof by this reference ("Subject Property"), for the construction of the Project, and

WHEREAS, the City and Caltrans have investigated and examined alternatives to the Project and has considered whether the Project is planned or located in a manner that is the most compatible with the greatest public good and the least private injury, and

WHEREAS, the Subject Property will be used to increase the capacity of the Caltrans drainage basin to comply with Caltrans standards, provide a new City drainage basin to comply with City standards, and complete the intersection of Pelandale Avenue and Sisk Road to comply with Caltrans standards for sidewalk, lane and shoulder widths, and

WHEREAS, on February 9, 2021, the City provided a written offer for the full appraised value of the Subject Property to the record owner, pursuant to the provisions of Government Code section 7267.2, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND AND DETERMINED as follows:

1. The Subject Property is being acquired for a public use, namely, to improve traffic safety and state highway purposes, and all uses necessary to carry out and make effective the principal purpose of the Project, and for all public purposes pursuant to the authority conferred upon the City to acquire property by eminent domain by Article 1, Section 19 of the Constitution of the State of California, Government

Code sections 37350.5, 37353, 39792, 40401, 40404, Streets & Highways Code sections 104, 113, 116, 130, 10102, and by the California Eminent Domain Law, Part 3, Title 7, of the Code of Civil Procedure, sections 1230.010 et seq., including but not limited to sections 1240.010, 1240.020, 1240.030, 1240.110, 1240.510 and 1240.610.

2. The public interest and necessity require Phase 2 of the SR99/Pelandale Avenue Interchange Reconstruction Project.
3. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
4. The Subject Property, in its entirety, described in the legal description **attached** hereto as **Exhibit A**, and depicted in the record of survey map, **attached** hereto as **Exhibit B**, is necessary for the Project.
5. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, and the City has complied with the provisions of Government Code Section 7267.2.
6. The requirements under the California Environmental Quality Act ("CEQA") have been satisfied.
7. The City has complied with the provisions of Code of Civil Procedure section 1245.235 by providing each person whose property is to be acquired by eminent domain and whose name and address appears on

the last equalized county assessment roll notice and a reasonable opportunity to appear and to be heard on the matters referred to in Code of Civil Procedure section 1240.030.

8. All the conditions and statutory requirements to exercise the power of eminent domain to acquire the Subject Property have been complied with by the City.
9. Insofar as any portion of the property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.
10. The City Attorney and/or his designee, is hereby authorized and empowered to acquire in the name of the City of Modesto by condemnation the property described and depicted in **Exhibits A** and **B** hereto; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such proceedings in the proper court as is necessary for such acquisition and to make such action as may be deemed advisable or necessary in connection therewith; and to deposit the probable amount of just compensation, based on an approved appraisal.

11. An order for prejudgment possession may be obtained in said condemnation proceeding and a warrant issued to the State Treasury Condemnation Fund, in the amount based on the approved appraisal, as a condition to the right of immediate possession and use the Subject Property for said public uses and purposes.

BE IT FURTHER RESOLVED, that the recitals contained hereinabove are true and correct, and all the findings and determinations made by the City Council pursuant to this Resolution are based upon substantial evidence in the entire record before the City Council, and are not based solely on the information provided in this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 135-029-022-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT A POINT ON THE NORTH LINE OF PELANDALE AVENUE (A COUNTY ROAD 40 FEET IN WIDTH), SAID POINT BEING 19.30 FEET NORTH AND 89.79 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 8 EAST, MOUNT DIABLO BASE AND MERIDIAN, SAID CORNER BEING MARKED BY A NAIL IN PAVEMENT AND HAVING COORDINATES Y=437,465.07 FEET AND X=1,835,888.72 FEET, THENCE SOUTH 0° 26' 57" EAST, 50.00 FEET; THENCE SOUTH 42° 26' 25" WEST 72.26 FEET; THENCE FROM A TANGENT THAT BEARS SOUTH 1° 12' 48" EAST, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 630 FEET, THROUGH AN ANGLE OF 17° 45' 45" AN ARC DISTANCE OF 195.31 FEET; THENCE NORTH 73° 27' 03" WEST 60.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE FROM A TANGENT THAT BEARS SOUTH 16° 32' 57" WEST, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 830 FEET, THROUGH AN ANGLE OF 16° 02' 32", AN ARC DISTANCE OF 232.39 FEET; THENCE NORTH 89° 29' 35" WEST, 56.31 FEET; THENCE FROM A TANGENT THAT BEARS NORTH 10° 38' 59" WEST, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,335 FEET, THROUGH AN ANGLE OF 8° 56' 48", AN ARC DISTANCE OF 208.46 FEET; THENCE NORTH 1° 42' 11" WEST, 184.55 FEET; THENCE NORTH 42° 38' 43" EAST, 60.43 FEET; THENCE NORTH 89° 33' 03" EAST, 60.00 FEET; THENCE SOUTH 26° 22' 43" EAST, 90.30 FEET; THENCE FROM A TANGENT THAT BEARS SOUTH 3° 33' 44" WEST, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 570 FEET, THROUGH AN ANGLE OF 12° 59' 17" AN ARC DISTANCE OF 129.21 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 8 EAST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A NORTHWESTERN CORNER OF THE PROPERTY CONVEYED TO LEONARD SORANNO, ET UX BY DEED RECORDED MAY 15, 1989, AS INSTRUMENT 035091, STANISLAUS COUNTY RECORDS, SAID POINT BEING ON THE SOUTHERN LINE OF PELANDALE AVENUE; THENCE ALONG THE NORTHERN LINE OF SAID SORANNO PROPERTY AND SAID SOUTHERN LINE OF PELANDALE AVENUE, SOUTH 89° 57' 57" EAST, 60.00 FEET, TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 89° 57' 57" EAST, 5.23 FEET; THENCE SOUTH 46° 22' 39" EAST, 20.68 FEET TO A POINT ON A NON-TANGENT CURVE FROM WHICH POINT A RADIAL LINE BEARS SOUTH 87° 12' 39" WEST; THENCE SOUTHERLY ALONG SAID NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 550.00 FEET, A CENTRAL ANGLE OF 2° 59' 21" AND AN ARC LENGTH OF 28.69 FEET, TO A POINT ON A NON-TANGENT LINE FROM WHICH POINT A RADIAL LINE BEARS NORTH 89° 48' 00" WEST; THENCE ALONG SAID NON-TANGENT LINE, NORTH 25° 53' 43" WEST, 47.75 FEET, TO THE POINT OF BEGINNING.

Non-Order Search
Doc: CASTAN:MROS 19-00042

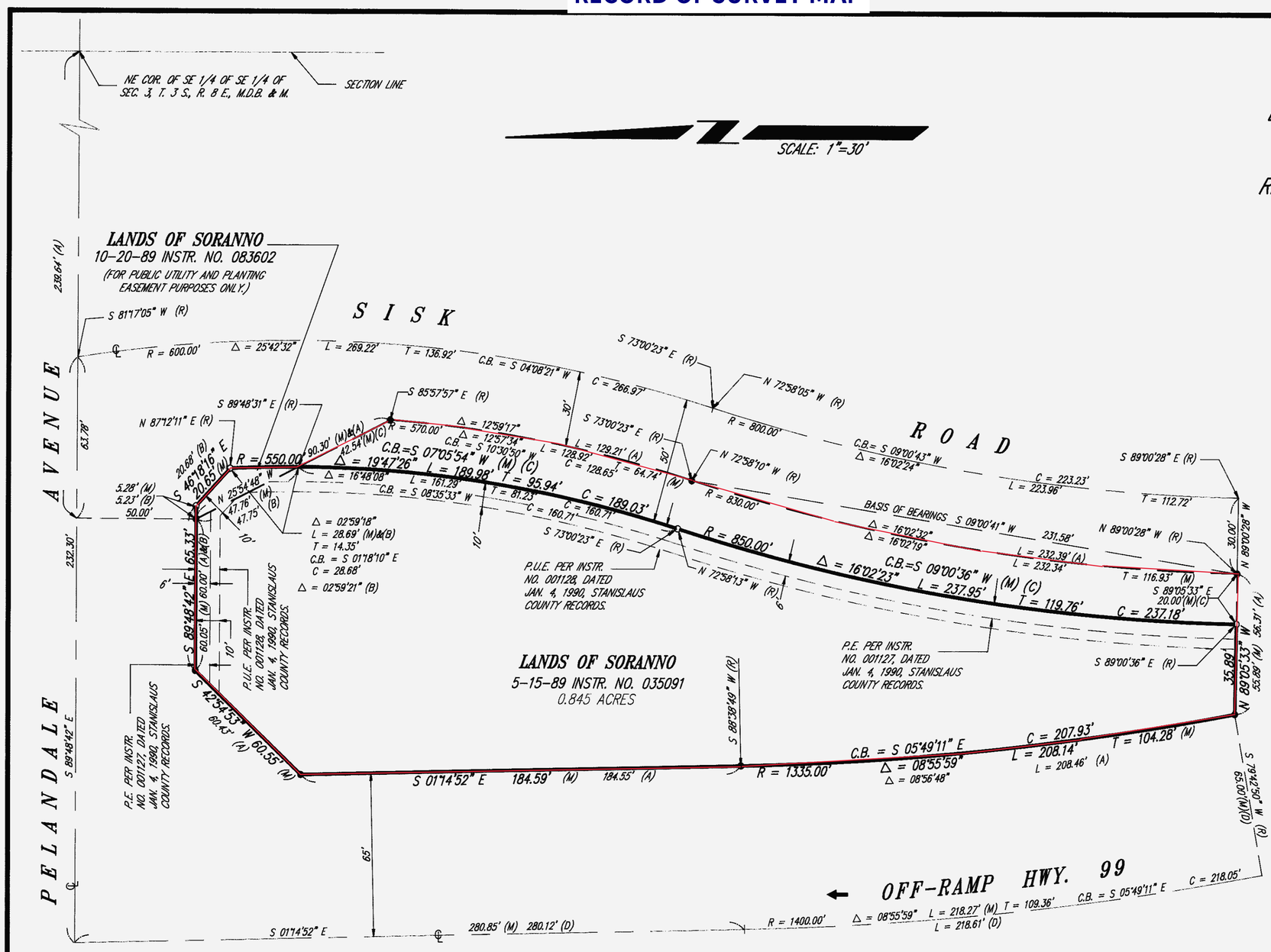
This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Page 1 of 1

Requested By: akarthik, Printed: 9/16/2020 2:29 PM

EXHIBIT "B"
RECORD OF SURVEY MAP

19-5-42



RECORD OF SURVEY

BEING THE 1.01 ACRE PARCEL SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 12 OF SURVEYS, PAGE 78, STANISLAUS COUNTY RECORDS AND LYING IN THE SOUTHEAST 1/4 OF SECTION 3, T. 3 S., R. 8 E., M.D.B. & M. CITY OF MODESTO, CALIFORNIA

SCALE: 1"=30' NOVEMBER, 1989

MID-VALLEY ENGINEERING
900 "H" STREET SUITE "G"
MODESTO, CALIFORNIA, 95354

SURVEYOR'S STATEMENT:

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyors Act at the request of Leonard Soranno, June, 1989.

Dated this 21st day of March, 1990.

JIMMY G. BATEMAN, L.S. 4685
License expires September 30, 1991.

LICENSED LAND SURVEYOR
JIMMY G. BATEMAN
No. 4685
STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT:

This map has been examined in accordance with Section 8766 of the Land Surveyor's Act.

Dated this 14 day of June, 1990
H.R. CALLAHAN, County Surveyor
By: _____ Deputy.

Exp. 3-31-93

LEGEND:

(M) Measured on this survey, All distances are measured unless noted otherwise.
(A) Record as per Instrument No. 035091 of Official Records dated May 15, 1989, Stanislaus County Records & Record of Survey filed in Book12 of Surveys, Page 78, Stanislaus County Records.
(B) Record as per Instrument No. 083602 of Official Records dated October 20, 1989, Stanilaus County Records.
(C) Record as per Instrument No. 001129 of Official Records dated January 4, 1990, Stanislaus County Records.
(D) Record as per State Highway Map, District 10, Route 99, Sheet 2 of 10, dated June 30, 1972.
(R) Radial Bearing
● Found 3/4" iron pipe, tagged R.E. 7336 per 12-S-78
○ Set 3/4" iron pipe, tagged L.S. 4685

BASIS OF BEARINGS:

The bearing of S 09°00'41" W for the chord bearing of the 830' radius curve on the easterly line of the 1.01 acre parcel as shown on the record of survey filed in Book 12 of Surveys at Page 78, Stanislaus County Records, was used as the basis of all bearings shown hereon.

RECORDER'S STATEMENT:

Filed this 28 day of June, 1990, at 1:30 o'clock P.M.
Book 19 of SURVEYS at Page 42, Stanislaus County Records,
at the request of JIMMY G. BATEMAN.

Instrument No. 56291
Fee 6.00 Paid

County Recorder
By: Pat Seidel Deputy.

JOB NO.: 60-675C

19-5-42.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-163

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF AN AERIAL TRUCK TO ALTEC INDUSTRIES INC., ELIZABETHTOWN, KY FOR A TOTAL COST NOT TO EXCEED $204,974 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department require the replacement of a One-Ton Truck with Aerial Bucket; and

WHEREAS, this vehicle is used to reach street lights, traffic lights and other facilities to make electrical repairs as needed; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on October 27, 2020 the Purchasing Division issued RFB 2021-26 for an Aerial Truck on the City's website under commodity codes 07053-Trucks with Specialized Bodies, 06505-Aerial Ladders and Towers and 54539-Lifts, Platforms, Telescoping and Laterally Powered; and

WHEREAS, four (4) companies chose to download the RFB document, two (2) companies chose to submit bids, there were no local bids received: and

WHEREAS, on December 1, 2020 bids were formally opened in the City Clerk's office and Altec Industries Inc., Elizabethtown, KY was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for an Aerial Truck to Altec Industries Inc., Elizabethtown, KY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of an Aerial Truck from Altec Industries Inc., Elizabethtown, KY for a total amount not to exceed $204,974.

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 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-164

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) ONE-TON TRUCKS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL COST NOT TO EXCEED $174,029 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department requires the replacement of three (3) one-ton trucks; and

WHEREAS, these vehicles are used to haul crews and equipment to various locations; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material equipment or contractual services to be formally bid; and

WHEREAS, on February 9, 2021 the Purchasing Division issued RFB 1920-61RB for three (3) One-Ton Trucks on the City's website under commodity codes 07051-Trucks (over One-Ton Capacity) and 07053-Trucks with Specialized Bodies; and

WHEREAS, fourteen (14) companies chose to download the RFB document, one (1) vendor submitted a bid, there was no local bids received: and

WHEREAS, staff conducted an internal review to determine the limited response to the bid, it was discovered that pricing for 2022 vehicles was not yet available and there is a limited number of computer chips for the engines which limited the production of 2021 vehicles; and

WHEREAS, on March 2, 2021 bids were formally opened in the City Clerk's office and Towne Ford, Redwood City, CA was the only responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for three (3) One-Ton Trucks to Towne Ford, Redwood City, CA.

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 Towne Ford, Redwood City, CA for a total amount not to exceed $174,029.

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 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-165

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) HALF-TON PICK-UP TRUCKS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL COST NOT TO EXCEED $85,347 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department requires the new additional of two (2) half-ton trucks; and

WHEREAS, these vehicles will be used to haul crews and equipment to homeless populations throughout the City; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 to be formally bid; and

WHEREAS, on February 9, 2021 the Purchasing Division issued RFB 2021-35 for two (2) Half-Ton Trucks on the City's website under commodity codes07048-Trucks (One-Ton and Less Capacity) and 07053-Trucks with Specialized Bodies; and

WHEREAS, eleven (11) companies chose to download the RFB document, one (1) vendor submitted a bid, there was no local bids received: and

WHEREAS, staff conducted an internal review to determine the limited response to the bid, it was discovered that pricing for 2022 vehicles was not yet available and there is a limited number of computer chips for the engines which limited the production of the 2021 vehicles; and

WHEREAS, on March 2, 2021 bids were formally opened in the City Clerk's office and Towne Ford, Redwood City, CA was the only responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for two (2) Half-Ton Trucks to Towne Ford, Redwood City, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two (2) Half-Ton Trucks from Towne Ford, Redwood City, CA for a total amount not to exceed $85,347.

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 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-166

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A BACKHOE LOADER TO PAPE MACHINERY, FRENCH CAMP, CA FOR A TOTAL COST NOT TO EXCEED $135,199 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Utilities Department require the replacement of a Backhoe Loader; and

WHEREAS, this vehicle is used daily for repairs, maintenance and new construction for potable water delivery system; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

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

WHEREAS, MMC 8-3.202(d) permits the Purchasing Manager to utilize the “piggyback” from a competitive bid process when the best cost savings interest of the City would be served; and

WHEREAS, on January 31, 2019 Sourcewell issued Request for Proposals #032119 for Heavy Construction Equipment with Related Accessories, Attachments and Supplies; and

WHEREAS, fifteen (15) companies chose to respond, on March 22, 2019 proposals were formally opened at the Sourcewell offices, nine (9) contracts were awarded; and

WHEREAS, City staff recommends the award of a Backhoe Loader to Pape Machinery, French Camp, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Backhoe Loader from Pape Machinery, French Camp, CA for a total amount not to exceed $135,199.

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 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-167

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH BADGER METER, INC. FOR THE PURCHASE OF BADGER WATER METERS, AUTOMATED METER READERS, AND RELATED PARTS FOR A (2) TWO-YEAR AGREEMENT WITH (3) THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $600,880 AND A TOTAL AMOUNT NOT TO EXCEED $3,059,022 OVER FIVE (5) YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, ABILITY TO ADD PARTS BASED ON THE DEPARTMENTS NEEDS, ENSURING THE TOTAL COST DOES NOT EXCEED THE AUTHORIZED AMOUNT, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City is in the process of installing water meters and automated meter reading equipment on all service connections within the City's service area, and

WHEREAS, the Water Services Division has contracted with Badger Meter, Inc. since 2006 for residential and industrial meters and automated meter reading equipment, and

WHEREAS, on June 7, 2016, by Resolution No. 2016-235, Council authorized the Sole Brand purchase of Badger Meter water meters, automated meter readers, and related parts to Badger Meter, Inc. (formerly National Meter and Automation, Inc.), for an amount not to exceed $3,646,665 over five years, and

WHERAS, on January 23, 2018, by Resolution No. 2018-44, Council amended the agreement for the purchase of additional water meters and parts for a new total amount not to exceed $4,100,327 over five years, and

WHEREAS, Badger meters are installed on nearly 75,000 of the service connections in Modesto and outlying systems, or over 97% of existing meters, and

WHEREAS, the current agreement for purchase of Badger meters and associated parts will expire in June 2021, and over the next two years, Water Services Division staff

expect to finalize meter installations in the City of Modesto water distribution system, and

WHEREAS, on December 8, 2020 by Resolution No. 2020-528, Council authorized the sole brand purchase and implementation of Badger Meter Brand BEACON AMA Software and associated hardware, which is proprietary and can only be used with Badger Meter brand water meters and automated readers, and

WHEREAS, seeking bids for an alternate water meter vendor would be cost-prohibitive in that it would require implementation of a distinct and separate meter program that would be incompatible with over 97% of the existing water meter system, and would require staff to simultaneously implement two different programs for repairs, installations, replacements, meter reading, software hosting, and data management, and

WHEREAS, Water Services Division staff will work with Engineering over the next several years to identify best options, and advanced technology for future meter management solutions, and

WHEREAS, Modesto Municipal Code Section 8-3.204 generally requires all purchases in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality. Here, Badger Meter is exempt from the formal bidding procedure in

accordance with Modesto Municipal Code 8-3.204(b) because they are the original manufacturer of the equipment and only vendor who is able to provide the meters, meter readers, and associated parts for 97% of the City's water system, and

WHEREAS, funds have been budgeted in the following Water Fund cost centers, 4100-45020-53150, 4100-45040-53150, 4100-45060-53150, and various Water Fund CIP's.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole brand agreement with Badger Meter, Inc., Santa Rosa, CA, for the purchase of Badger brand water meters, automated meter readers, and related parts for a (2) two-year agreement with (3) three one-year extension options, for an annual estimated cost of $600,880 and a total amount not to exceed $3,059,022 over five (5) years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-168

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2021 CAL FIRE RURAL FIRE CAPACITY PROGRAM GRANT, IN AN AMOUNT THAT WILL NOT EXCEED $40,000, WHICH INCLUDES A 50% LOCAL MATCH, FOR THE PROCUREMENT OF WILDLAND FIREFIGHTING EQUIPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

WHEREAS, the Cal Fire Rural Fire Capacity Program Grant provides funding to organize, train and equip fire departments in rural areas and rural communities to prevent and suppress fires; and

WHEREAS, the Modesto Fire Department intends to apply for the replacement of wildland firefighting equipment in order to replace aging and outdated wildland equipment that is no longer in service or does not meet current standards; and

WHEREAS, the grant amount will not exceed $40,000, which includes a 50% local match for the procurement of wildland firefighting equipment; and

WHEREAS, the Modesto Fire Department would fund the $20,000 match within its adopted budget; and

WHEREAS, without this grant, the Fire Department will bear the cost of the full $40,000 to replace equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of an application for the Fiscal Year 2021 Cal Fire Rural Fire Capacity Program Grant, in an amount that will not exceed $40,000, which includes a 50% local match, for the procurement of wildland firefighting equipment.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-169

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR ENGINEERING SERVICES FOR THE OPERATIONS GUIDANCE MODEL PROJECT IN THE AMOUNT OF $182,925 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $18,293 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL NOT TO EXCEED AMOUNT OF $201,218; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, wastewater operations staff has identified the need for a fully customizable simulation and optimization model that will assist in the management of complex wastewater infrastructure, treatment, conveyance, and distribution systems, and

WHEREAS, the development of an Operations Guidance Model will provide staff with an electronic simulation tool where variables can be inputted, and then computed, to predict the effects and impacts on the wastewater system as a whole, assist in identifying the sources of process interruptions, recommend operational changes in an effort to optimize overall efficiency and provide training opportunities for new staff, and

WHEREAS, the completed model will include the existing primary, secondary and tertiary treatment facilities and can be expanded to include facilities planned in the foreseeable future, 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, and

WHEREAS, based on their previous project experience staff is recommending approval of an agreement with Carollo Engineers, Inc. for engineering services for the Operations Guidance Model Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, Inc., of Walnut Creek, CA for Engineering Services for the Operations Guidance Model Project in the amount of $182,925, for the identified scope of services, plus $18,293 in additional services, if needed, for a total not to exceed amount of $201,218.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-170

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF $73,218 TO BE TRANSFERRED IN TO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FUND THE OPERATIONS GUIDANCE MODEL PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $73,218, in order to fully fund the Operations Guidance Model Project, and

WHEREAS, the Fiscal Year 2020-21 Multi-Year 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 2020-21 Multi-Year 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 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Multi-Year Program Project 101281 – WWTP Ops Guidance Program in the amount of $73,218 to cover staff time and consultant expenses associated with the project:

101281 - Ops Guidance Program

	Budget	Budget Adjustment	Revised Budget
AUC - EDA	$ 138,000.00	$ 73,218.00	$ 211,218.00

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-171

RESOLUTION APPROVING THE TRANSFER OF REAL PROPERTY (APN: 136-036-089) OF A WELL SITE IN SALIDA FROM STANISLAUS COUNTY TO THE CITY OF MODESTO PER QUIT-CLAIM DEED AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CERTIFICATE OF ACCEPTANCE

WHEREAS, the City of Modesto purchased the Del Este water system from Beard Industrial in 1995, and

WHEREAS, at the time of the sale the grant deed transferring the well site, known as Well 299, to the City of Modesto was inadvertently not recorded, and

WHEREAS, as a result of the grant deed not being recorded ownership of the Del Este water system well site reverted to Stanislaus County, and

WHEREAS, Stanislaus County has proposed to transfer ownership of the former Del Este water system well site to the City of Modesto at no cost to the City of Modesto via quit-claim deed, and

WHEREAS, it is necessary for the City of Modesto to certify acceptance of the deed to the real property by executing a certificate of acceptance and delivering the certificate of acceptance to Stanislaus County for recording.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approves the real property transferred from Stanislaus County to the City of Modesto known as APN 136-036-089 located in the community of Salida, CA per quit-claim deed.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-172

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH GROVER LANDSCAPE SERVICES, INC., MODESTO, CA, FOR LANDSCAPE SERVICES BY $3,457,775 FROM $9,584,472, TO A NEW TOTAL AMOUNT OF $13,042,247, AND EXTENDING THE TERM OF THE AGREEMENT FOR ONE YEAR FROM OCTOBER 24, 2021 TO OCTOBER 24, 2022; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT.

WHEREAS, on October 25, 2016, by Resolution No. 2016-436, Council awarded the bid and five-year agreement for Landscape Maintenance Services to Grover Landscape Services, Inc. for a total amount of $8,331,208, and

WHEREAS, on February 5, 2019, by Resolution No. 2019-46, Council approved the First Amendment to the Agreement increasing the amount by $1,253,264 to a new total amount of $9,584,472, for site changes, additional repairs and service level increases, and

WHEREAS, in January 2021, staff learned the Agreement was nearing the end of its funding with one year remaining, and

WHEREAS, the City wishes to extend the agreement for (1) additional year through October 24,2022 to allow enough time to prepare a Request for Proposals for Landscape Maintenance services, and

WHEREAS, staff is requesting to remove budget thresholds for service level increases, irrigation repairs and miscellaneous repairs and additional unanticipated repairs/extra work, and

WHEREAS, staff is requesting compensation for the Agreement to be increased by $3,457,775 to provide sufficient funding for landscape services through the extension of the agreement, and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on October 24, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the second amendment to the agreement with Grover Landscape Services, Inc., for landscape maintenance services, by $3,457,775 from $9,584,472 to $13,042,247 and extends the term of the agreement for one year from October 24, 2021 to October 24, 2022.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-173

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 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 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 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 11th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

EXHIBIT A

FISCAL YEAR 2020-21

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $128,780 is necessary to establish a transfer-in from Project 101254 – Transfer of NSP2 funds to CDBG to 1130-14010-61130-000000-01330 to transfer program income, which has been authorized by the US Department of Housing and Urban Development (HUD) to be used in accordance with the approved City CDBG Annual Action plan.

- A budget adjustment in the amount of $87,000 is necessary to establish a transfer from Fund 1160 – Housing Economic Development Fund to Fund 1155 – Revolving Loan Fund Program Income. The Division is looking to consolidate funds that share a similar funding source, and will be using Fund 1155 for funding all future projects.

- A budget adjustment in the amount of $187,735 is necessary to budget for the forgiveness of any Small Business Assistance (SBA) Loans that were issued during the prior fiscal year as part of the CDBG - CARES Act funding. Businesses that received an SBA loan agreed to meet specific guidelines for one year after the loan was issued to comply with the terms of the loan agreement. Once compliance is confirmed, these loans will be considered grants, and no repayment is necessary.

PARKS, RECREATION & NEIGHBORHOODS

- A budget adjustment is necessary in the amount of $450,000 to Project #101294 – Dryden Golf Course Rehabilitation revenue and expenditure budget to appropriate revenue received from the insurance provider related to the claim for the fire at the Dryden Course Clubhouse. These revenues will cover expenditures related to the renovations being completed at the clubhouse.

POLICE DEPARTMENT

- In FY 2017 there was a transfer out from General Fund to the Modesto Police Department Records Management System Upgrade project. The project has been completed and it came in under budget so a budget adjustment is necessary to reduce the consultant charges by $136,944 and establish a transfer out from the project back to General Fund.

PUBLIC WORKS

- A budget adjustment is necessary to fund 4510-Bus Fixed Route, project 101096-MAX Mobility Building to reduce Local Transportation Funds by $246,420 for project closure. This project will not be completed at this time.

- *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 20-21 for the activity through March 2021. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.

Fund	*Fund Name*	*Net Impact of Adjustments*
4109	Water Fleet Replacement Fund	$472,914
4219	Wastewater Fleet Replacement Fund	$95,980
4899	Solid Waste Fleet Replacement Fund	$106,277
	Total Transfer Outs	**$675,171**
5409	Transfer In – Fleet Management Fleet Replacement	$675,171
	Total Transfer Ins	**$675,171**

A budget adjustment is necessary to establish a transfer in the amount of $472,914 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Trk 25.9 W/Service Body and (1) Trk 33.0 W/Air Comp & Service Body.

A budget adjustment is necessary to establish a transfer in the amount of $95,980 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) FORKLIFT 5000 LB PROPANE and (1) Trk 17,500 GVWR Flatbed/Contractor.

A budget adjustment is necessary to establish a transfer in the amount of $106,277 from Solid Waste Fleet Replacement Fund 4899 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Trk 1 Ton Crew Cab w/ Flatbed and (1) Trk 1 Ton Stake Side Dump CC.

- A budget adjustment in the amount of $76,676 is necessary to fund 4510-Bus Fixed Route, project 101198-MADAR-CAD/AVL System to reduce Local Transportation Funds and appropriations. This project is prepared to be closed and all equipment has been purchased.

- A budget adjustment in the amount of $1,149,785 is necessary to fund 4540-MAX Operations, cost center 53244-Transit Maintenance to increase Federal Transit Administration and decrease Local Transportation Funds. The City of Modesto received CARES Act funding in the form of Operating Assistance which can fund fuel expenses.

- A budget adjustment in the amount of $124,651 is necessary to fund 4530-Transportation Center, cost center 53474-Transportation Center to increase Federal Transit Administration and reduce Local Transportation Funds. This increase will fund KBS Custodial Services invoices at the Transportation Center.

- A budget adjustment is necessary to recognize $57,162 for Federal Aviation Administration revenue in the Special Aviation Fund, Fund 4320, to the CRRSA Act – FAA Airport Non-Capital Project #101324, and reallocate to the projects discretionary expense tasks. Funding was recently awarded and accepted by the City from the FAA as part of the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act) to be expended on airport operations and maintenance costs.

- A budget adjustment in the amount of $84,286 is necessary to fund 4560-Bus Purchases, cost center 53430-Transit Bus Purchases to increase California Office of Emergency Services revenue to fund the AngelTrax video surveillance system installed in 17 newly purchased MADAR vans.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-174

RESOLUTION APPROVING AN ADDITIONAL $50,000 HOMEOWNER REHABILITATION LOAN FOR A TOTAL OF $135,107 HOMEOWNER REHABILITATION LOAN AND A $10,000 HOMEOWNER REHABILITATION GRANT, FOR EMILY DUNN FOR THE PROPERTY LOCATED AT 1541 W ORANGEBURG AVENUE, MODESTO, CA 95350 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, on November 4, 2020 the Modesto City Council approved an $85,107 Homeowner Rehabilitation Loan and a $10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, and

WHEREAS, on January 13, 2021 a Notice to Proceed was issued to Zack's Handyman & Construction for the project located at 1541 W. Orangeburg Ave began and during the course of the project it was determined that additional work to plumbing lines, roof pitch, and electrical would be needed in order to meet all Building Code and Health and Safety requirements, and

WHEREAS, this request is for approval of an additional $50,000 Homeowner Rehabilitation Loan, for Emily Dunn for the property located at 1541 W. Orangeburg Ave, Modesto CA 95350 to complete the necessary health and safety repairs, and

WHEREAS, the Homeowner Rehabilitation Program was created to assist with low-income homeowners in the needed rehabilitation and health and safety concerns of their property, and

WHEREAS, to ensure quality work, city staff assists with procurement of the contractor and oversight of the project and oversees the project to verify timelines and workmanship standards are adhered to, and

WHEREAS, the City only provides funding and project oversight; the homeowner goes into direct agreement with the contractor, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an additional $50,000 Homeowner Rehabilitation Loan for a total of $135,107.00 Homeowner Rehabilitation Loan and a $10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350.

BE IT FURTHER RESOLVED that authorizing the City Manager or his designee to execute the agreements in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that any agreements executed prior to the adoption of this Resolution that are consistent with the authority granted by this Resolution are hereby ratified and approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-175

RESOLUTION APPROVING A THIRD AMENDMENT INCREASING THE AGREEMENT WITH ALPHA ANALYTICAL LABORATORIES, DUBLIN, CA, FOR THE FURNISHING OF ANALYTICAL LABORATORY TESTING SERVICES IN THE AMOUNT OF $175,000, FOR A REVISED ANNUAL ESTIMATED AMOUNT NOT TO EXCEED $345,000, AND A TOTAL AMOUNT NOT TO EXCEED $1,025,000, OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City's Water Quality Control (WQC) Laboratory is tasked with ensuring that all analytical testing required by the California State Water Resource Control Board and Environmental Protection Agency is completed by California Environmental Laboratory Accreditation Program certified laboratories, and

WHEREAS, on June 5, 2018, by Resolution No. 2018-204, Council approved an agreement with Alpha Analytical Laboratories for testing services for the Utilities Department, Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed $170,000 and not to exceed $850,000 over five years, and

WHEREAS, on November 18, 2019, the first amendment to the Annual Agreement was made with Alpha Analytical Laboratories and the City for additional analytical laboratory tests, and

WHEREAS, on December 13, 2019, a second amendment to the Annual Agreement was made with Alpha Analytical Laboratories and the City for additional analytical laboratory tests, and

WHEREAS, in 2020, Operations performed a preliminary study to determine the cause of low UV Transmittance (UVT) values in the City's recycled wastewater

treatment that prevented discharging of recycled water thirty-nine (39) times since 2018, and

WHEREAS, a further study is required to monitor the daily and seasonal fluctuations of tannins and lignins at various points in the wastewater treatment plant's process every day for a year to determine the source of the tannins and lignins, where the reduction of tannins and lignins is happening in the treatment process, and potentially identify process control adjustments that can be made to treat tannins and lignins, and

WHEREAS, a third amendment to the Agreement made with Alpha Analytical Laboratories and the City is needed to increase the agreement by $175,000, for one year, for testing services for the Wastewater Division to support Wastewater Operations in their study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a third amendment to the agreement with Alpha Analytical Laboratories, Dublin, CA, for the furnishing of analytical laboratory testing services for an increase in the amount of $175,000, for a revised annual estimated amount of $345,000 for one year, and a total amount not to exceed $1,025,000, over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the third amendment in a form approved by the City Attorney

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-176

RESOLUTION ACCEPTING THE DESTRUCTION OF WELLS 2017 PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $699,434 TO ABUNDANT WATER WELLS INC., OF LEONA VALLEY, CALIFORNIA

WHEREAS, water production wells are taken out of service when they do not meet federal and state water quality standards, and

WHEREAS, the State Water Resources Control Board (SWRCB) requires that action be taken to remediate or destroy wells that are out of service for long periods of time to protect existing groundwater resources, and

WHEREAS, Wells No. 2, 14, 17, 18, 22, 37, 53, 100, 204, 278, 299, 306, 307, and 310 were taken out of service due to reported levels of various contaminants, including uranium, nitrates and arsenic, and

WHEREAS, due to age, construction methods and location, these wells were not suitable for rehabilitation as water production wells. Some of the wells may need to be replaced in the future, and

WHEREAS, this project destroyed the below-ground portion of the wells, with the exception of Wells 17, 22, 278, and 299 which were removed from the scope of work for various reasons such as converting the wells to landscape irrigation wells, and selectively removed existing above-ground facilities to enable future land uses, or future well replacement, and

WHEREAS, the project costs are partly reimbursable by the Proposition-1 Groundwater Grant Program, and

WHEREAS, on September 13, 2016, by Resolution No. 2016-364, Council authorized the submittal of an application to the SWRCB for the Proposition-1 groundwater quality funding program grants, and

WHEREAS, in July 2016, the Utilities Department submitted a pre-application to the SWRCB Division of Drinking Water (DDW) for the Destruction of Wells project for consideration of funding through the Groundwater Grant Program, and

WHEREAS, on November 18, 2016, staff submitted a final grant application for funding for destruction of fourteen inactive wells that were taken out of service due to various contaminants including uranium, nitrate and arsenic, and

WHEREAS, on March 30, 2017, the City received a Proposition-1 Groundwater Grant funding preliminary award of up to $943,985, and

WHEREAS, on December 5, 2017, by Resolution Nos. 2017-491 and 2017-492, Council approved accepting a preliminary award, entering into a funding agreement with the State Water Resources Control Board and authorizing and designating a representative for the Destruction of Water Supply Wells project, authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds, if awarded, and any amendments of changes thereto, as well as amending the fiscal year 2017-2018 Capital Improvement Program Budget to fully fund the Destruction of Wells 2017 project, and

WHEREAS, on June 24, 2019, SWRCB approved the destruction of eleven out of the fourteen wells to be funded by Proposition-1 Groundwater Grant funding. The wells approved for the funding are: Well No. 2, 14, 17, 18, 22, 37, 53, 100, 204, 307 and 310, and

WHEREAS, bids were advertised on October 29, 2019, and were publicly opened on November 26, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Abundant Water Wells Inc., of Leona Valley, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on January 28, 2020, by Resolution No. 2020-049, Council awarded a contract to Abundant Water Wells Inc., of Leona Valley, CA, for the construction of the Destruction of Wells 2017 project in the amount of $857,050 plus $128,558 for contingency (if needed) for a total amount not to exceed $985,608, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 17, 2020, and all contract work was completed by January 19, 2021, and

WHEREAS, during the course of construction, the City identified four wells to be removed from project and to be kept; Wells 278, 299, 17 and 22. Wells 278 and 299 were removed from project for continued monitoring and Wells 17 and 22 were removed from project to be converted to irrigation wells for City Parks, and

WHEREAS, the total project costs were $851,771 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,155,440 which included $985,608 for the construction contract and contingency with Abundant Water Wells 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. 2019-34 on July 9, 2019, established a contract change order authority of up to and not to exceed 10% ($85,705) of the original contract price. However, by Resolution No. 2020-050 on January 28, 2020, staff requested authorization to increase the contract change order authority up

to 15% ($128,558) due to unforeseen field conditions of well destruction that may require change in project scope. and

WHEREAS, there were eight change orders on this project with an overall decrease of $157,616, 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 Destruction of Wells 2017 project is hereby accepted as complete from contractor, Abundant Water Wells Inc., of Leona Valley, 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 $699,434.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-177

RESOLUTION ACCEPTING THE KANSAS AVENUE 12-INCH WATER MAIN UPGRADE PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $796,351 TO PLATINUM PIPELINE OF LIVERMORE, CALIFORNIA

WHEREAS, the Kansas Avenue 12-inch Water Main Upgrade project is located in an area identified in the City's Water Master Plan that required upgrading current, aging water infrastructure to meet fire flow requirements, and

WHEREAS, the project replaced and upgraded the existing undersized 6-inch water main with a new 12-inch City Standard water main, as well as the associated water valves, services, and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, most importantly the project provides water system improvements to meet current fire flow requirements to the Kansas House Development and surrounding businesses, and

WHEREAS, the project area is bounded by North Emerald Avenue on the west and Golden State Highway 99 on the east, and

WHEREAS, on September 10, 2019, Council, by Resolution No. 2019-406, awarded $2,500,000 of Community Development Block Grant (CDBG) to the Housing Authority of the County of Stanislaus (HACS) for the acquisition and rehabilitation of the existing hotel located at 722 Kansas Avenue, and

WHEREAS, during development of the Kansas House Development, it was determined that the fire hydrant would need to be installed near the southwest corner of the facility to meet fire hydrant spacing requirements. Extension of a new 8-Inch Water

Main and installation of a fire hydrant assembly was included as part of the additional scope of work performed by Platinum Pipeline, Inc., and

WHEREAS, the associated work for the on-site fire hydrant was wholly funded by CDBG, and

WHEREAS, bids were advertised on January 15, 2020, and were publicly opened on February 4, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Platinum Pipeline of Livermore, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on February 25, 2020, by Resolution No. 2020-106, Council awarded a contract to Platinum Pipeline of Livermore, CA, for the construction of the Kansas Avenue 12-Inch Water Main Upgrade project in the amount of $638,916, and

WHEREAS, also, on February 25, 2020, by Resolution No. 2020-108, an agreement was approved for Construction Management, Special Inspection and Material Testing Services with NV5 of Manteca, CA, in an amount not to exceed $95,031, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 15, 2020, and all contract work was completed by July 22, 2020, and

WHEREAS, the total project costs were $946,541 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,098,565 which included $915,199 for the construction contract and contingency with Platinum Pipeline, 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% ($63,892) of the original contract price, and

WHEREAS, the Director's Authority was increased at award on February 25, 2020, by Resolution No. 2020-107 to 20% not to exceed $127,783, and

WHEREAS, due to unforeseen conditions and added scope of work related to the on-site fire hydrant, the Director's Authority was increased on March 10, 2020, by Resolution No. 2020-131 to 43.24% not to exceed $276,283, and

WHEREAS, the funding for the increased amount was through CDBG, and

WHEREAS, there were seven change orders on this project with an overall increase of $157,435, 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 Kansas Avenue 12-Inch Water Main Upgrade project is hereby accepted as complete from contractor, Platinum Pipeline, Inc., of Livermore, 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 $796,351.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-178

RESOLUTION APPROVING THE CITY OF MODESTO PROGRAM YEAR 2021-2022 ANNUAL ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING RECEIVED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION OF THE PROGRAM YEAR 2021-2022 ANNUAL ACTION PLAN, AND AUTHORIZATION TO SUBMIT APPLICABLE DOCUMENTATION AND PROVIDE TECHNICAL ALTERATIONS, AS REQUIRED BY HUD, INCORPORATE COMMENTS RECEIVED PRIOR TO THE CLOSE OF THE PUBLIC COMMENT PERIOD, AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

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

WHEREAS, the City of Modesto's Program Year (PY) 2021-2022 Annual Action Plan represents the second (2^{nd}) plan of the City of Modesto's 2020-2024 Consolidated Plan, and

WHEREAS, the PY 2021-2022 AAP identifies the expected resources to be available and the projects to be funded during the program year to address community priority needs as identified in the Consolidated Plan, and

WHEREAS, CDBG funds support a range of eligible projects to benefit low and moderate income individuals, families, and neighborhoods, and

WHEREAS, CDBG funds must be allocated to eligible activities within the allowable project categories to support the goals and objectives identified within the Consolidated Plan to address community needs, and

WHEREAS, up to fifteen percent (15%) of the overall CDBG allocation for public service activities may be used to fund CDBG Public Services grants awarded to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, the ESG program supports essential services to homeless individuals and families through street outreach and engagement, rapid re-housing assistance, homeless prevention, homeless management information system support, and provision of vital services in emergency shelters, and

WHERES, the HOME program supports projects that purchase, construct, and/or rehabilitate affordable housing for rent or homeownership to low income individuals, and

WHEREAS, citizen participation is a key component of the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Program Year 2021-2022 Annual Action Plan, and

WHEREAS, a series of community meetings were held during the month of April 2021 to provide information about the City's HUD programs and discuss the PY 2021-2022 Annual Action Plan, and

WHEREAS, any comments obtained from the community meetings will be incorporated into the Program Year 2021-2022 Annual Action Plan, and

WHEREAS, in Program Year 2021-2022, the City will receive approximately $2.9 million from the three federal programs, and

WHEREAS, on April 29, 2021 the CH&CDC reviewed, approved and forwarded the proposed Program Year 2021-2022 Annual Action Plan to Council for review and approval, and

WHEREAS, in compliance with the Citizen Participation Plan requirements, a 30-day public period to review and comment on the draft documents opened April 7, 2021 and will close with a public hearing at the City Council meeting on May 11, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Program Year 2021-2022 Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute any related program agreements, contracts, or other documentation required for implementation of the Program Year 2021-2022 Annual Action Plan authorization.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to submit all applicable documentation and provide technical alterations, as required by HUD, and to incorporate comments received prior to the close of the public comment period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-179

RESOLUTION APPROVING THE ALLOCATION OF FUNDS OUTLINED IN THE PROGRAM YEAR 2021-2022 ANNUAL ACTION PLAN BUDGET TO REFLECT PROPOSAL SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the CDBG and HOME grant programs also generate program income and revolving loan fund income which further fund the grant programs and are to be used under similar rules and regulations as grant funding, and

WHERAS, HUD requires these amounts to be presented to the City Council each year in an Annual Action Plan (AAP), and

WHEREAS, the Program Year 2021-22 Annual Action Plan proposed budget submitted to the U.S. Department of Housing and Urban Development which is **attached** hereto as **Exhibit A**, and incorporated herein by reference, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, according to HUD rules and regulations, substantial amendments to an AAP must be presented to the City Council for approval, while unsubstantial amendments, remaining consistent with the AAP, can be made in IDIS by City staff, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, synchronization of the City's financial system and IDIS necessitates budget adjustments within the City's financial system, and

WHEREAS, budget adjustments are necessary to revise CDBG, HOME and ESG budgets included in the City of Modesto 2021-22 Annual Operating, Multi-Year and Capital Improvement Budgets, and

WHEREAS, budget amendments performed under the authority of this resolution will be presented to the Finance Committee and the Council as part of the existing Monthly Budget Adjustment Report process, and

WHEREAS, the authority of this resolution will not be used to satisfy any HUD rules or regulations requiring information to be presented to the City Council or the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of funds outlined in the Program Year 2021-2022 Annual Action Plan proposed budget which is **attached** hereto as **Exhibit A**, and incorporated herein by reference.

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 11th day of May, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

CITY OF MODESTO

FISCAL YEAR 2021-2022 CDBG, ESG, HOME PROJECT SUMMARY

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	
Project/Activity Name	**Program Year 2021 Amount**
Allocation	$ 1,861,885.00

EMERGENCY SOLUTIONS GRANT (ESG)	
Project/Activity Name	**Program Year 2021 Amount**
Allocation	$ 162,119.00

HOME Investment Partnerships Program (HOME)	
Project/Activity Name	**Program Year 2021 Amount**
Allocation	$ 940,800.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-180

RESOLUTION ACCEPTING THE RESIGNATION OF DAVID RODDICK FROM THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, David Roddick was appointed to serve as a member of the Board of Zoning Adjustment (BZA) on September 5, 2017, by City Council Resolution 2017-333, and

WHEREAS, David Roddick tendered his resignation from the BZA on April 13, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of David Roddick from the BZA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-181

RESOLUTION ACCEPTING THE RESIGNATION OF RHODA YARE FROM THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Rhoda Yare was appointed to serve as a member of the Board of Zoning Adjustment (BZA) on December 1, 2020, by City Council Resolution 2020-492, and

WHEREAS, Rhoda Yare tendered her resignation from the BZA on May 4, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Rhoda Yare from the BZA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-182

RESOLUTION ACCEPTING THE RESIGNATION OF JOSEPH CAHILL FROM THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Joseph Cahill was appointed to serve as a member of the Landmark Preservation Commission (LPC) on December 1, 2020, by City Council Resolution 2020-494, and

WHEREAS, Joseph Cahill tendered his resignation from the LPC, effective March 15, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Joseph Cahill from the LPC.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-183

RESOLUTION APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT WITH PROPERTY SPECIALISTS, INC. (DBA CPSI), NOW KNOWN AS INTERWEST CONSULTING GROUP, INC. FOR ADDITIONAL RIGHT OF WAY SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT IN THE AMOUNT OF $195,000, PLUS $19,500 FOR ADDITIONAL SERVICES (IF NEEDED), FROM $3,522,913 TO A NEW TOTAL AMOUNT OF $3,737,413, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE FOURTH AMENDMENT

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, on August 8, 2017, by Resolution No. 2017-314, the City Council approved an Agreement with Property Specialists, Inc., (dba CPSI) to perform right of way consultant services for the State Route 132 West Freeway/Expressway - Phase 1 Project (Project) in a total amount of $808,500, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-84, the City Council approved a First Amendment to the Agreement with Property Specialists, Inc., (dba CPSI) to increase the contract by $864,687, plus $86,500 for additional services, for a total contract amount of $1,759,687, and

WHEREAS, on November 27, 2018, by Resolution No. 2018-528, the City Council approved a Second Amendment to the Agreement with Property Specialists, Inc., (dba CPSI) to increase the contract by $1,356,773, plus $135,677 for additional services, for a total contract amount of $3,252,137, and

WHEREAS, on June 23, 2020, by Resolution No. 2020-260, Council approved the Third Amendment to the Agreement with Property Specialists, Inc. (dba CPSI), now

known as Interwest Consulting Group, Inc. to increase the contract by $246,160, plus $24,616 for additional services, for a total contract amount of $3,522,913, and

WHEREAS, as a result of on-going Project construction, additional work was identified that is required to support construction and complete activities that were deferred from the Environmental Document to construction, continued support of complex business relocation cases, and compliance matters requested by Caltrans for funds reimbursement, and

WHEREAS, as on March 10, 2021 the City of Modesto received a proposal from Interwest Consulting Group, Inc. to provide supplemental real estate services in support of closing out the final phase of the project, and

WHEREAS, these additional needs are described by task as follows:

1. Real Estate Project Management
2. Appraisal Services
3. Appraisal Review Services
4. Acquisition/Negotiation Services
5. Relocation Services
6. Environmental Services

WHEREAS, this Fourth Amendment request is needed to complete the activities previously authorized by Council and to close out the project right of way services contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fourth Amendment to the agreement with Property Specialists, Inc. (dba CPSI), now known as Interwest Consulting Group, Inc. for

additional right of way services for the State Route 132 West Freeway/Expressway - Phase 1 Project in the amount of $195,000, plus $19,500 for additional services (if needed), from $3,522,913 to a new total amount of $3,737,413.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-184

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT TO PROVIDE CITYWIDE OCCUPATIONAL MEDICINE SERVICES ON AN AS NEEDED BASIS WITH OCCU-MED, LTD. FOR AN ANNUAL ESTIMATED AMOUNT OF $135,000, AND LIFE EXTENSION CLINICS, INC., DBA LIFE SCAN WELLNESS CENTERS, FOR AN ANNUAL ESTIMATED AMOUNT OF $145,000, UNLESS ADDITIONAL REMUNERATION IS OTHERWISE APPROVED BY THE CITY MANAGER OR HIS DESIGNEE BASED ON THE NEEDS OF THE CITY SO LONG AS THE TOTAL COMBINED AMOUNT DOES NOT EXCEED $1,400,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on an annual basis the City provides over 650 medical exams to employees and applicants. These exams allow the City to properly evaluate and determine whether employees and applicants meet physical and work-related safety requirements, and that they can perform the essential functions of the job, and

WHEREAS, without an effective occupational medicine program, the City risks increased workers' compensation costs, regulatory fines, or claims of negligent hiring, and

WHEREAS, on May 15, 2015, by Resolution No. 2015-145, Council approved the award of proposal and contract for the furnishing of occupational medicine services to Occu-Med, LTD. for a term of five (5) years, and

WHEREAS, on December 8, 2020, by Resolution No. 2020-158, Council approved the extension of that agreement through June 30, 2021, and

WHEREAS, with the current agreement approaching the end of its term, the City Manager authorized the Purchasing Manager to issue a formal Request for Proposals (RFP) for the furnishing of occupational medicine services. The Purchasing Division issued RFP No. 1920-21 Occupational Medicine Services on June 19, 2020, and

WHEREAS, proposals were formally opened in the City Clerk's office. Fourteen (14) companies chose to download the document. Three (3) companies provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of City staff representing the Human Resources, Fire, Police, Public Works, and Utilities Departments evaluated and graded the proposals. All three proposers evaluated were invited to give oral presentations to the committee via teleconference, and

WHEREAS, based on being ranked highest in total evaluation criteria for their respective sections of the scope of work, the evaluation committee recommends the award of proposal for occupational medicine services to Occu-Med, LTD, Fresno, CA, and Life Scan Wellness Centers, Tampa, FL, for an estimated combined annual cost of $280,000, 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. The award of proposal and contract for occupational medicine services with Occu-Med, LTD, CA, and Lifescan Wellness Centers, Inc. conforms to the Modesto Municipal Code 8-3.203 because they had the highest-ranking score.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with Occu-Med, LLC., Fresno, CA for an annual estimated amount of $135,000, and Life Extension Clinics, Inc., DBA Life Scan Wellness Centers, Tampa, FL, for an annual estimated amount of $145,000, unless additional remuneration is otherwise approved by the City Manager or his designee based

on the needs of the City so long as the total combined amount does not exceed $1,400,000 over five years for citywide occupational medicine services.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-185

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE FURNISHING OF GENERAL LIABILITY CLAIMS ADMINSITRATION SERVICES TO GEORGE HILLS COMPANY, RANCHO CORDOVA, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $400,000 AND A TOTAL AMOUNT NOT TO EXCEED $2,000,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City currently administers general liability, property claims and loss recovery internally, and

WHEREAS, annually, the City processes, investigates and adjusts approximately 300 claims, and

WHEREAS, the practice of self-administering and adjusting third party liability claims has become increasingly unsustainable due to resource and staffing constraints, and

WHEREAS, during the Fall of 2019, a consulting firm was hired to do a full assessment of the Risk Division, analyzing current practices and advising on opportunities. The final report recommended a TPA as an industry best practice and opportunity for the General Liability program, and

WHEREAS, the Purchasing Division issued Request for Proposals (RFP) 1920-77 for General Liability Claims Third Party Administration, and

WHEREAS, proposals were formally opened in the City Clerk's office. Four (4) companies chose to respond. All four (4) companies responding provided a responsive and responsible proposal, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal for general liability third-party administration services including: processing, investigating, and adjusting claims, and subrogation of recoveries, to George Hills Company, Inc., Rancho Cordova, CA for an annual estimated cost of $400,000, and

WHEREAS, George Hills has over sixty years of experience serving California cities and counties as a third-party claims administrator. George Hills positions itself as a smaller, "boutique" TPA specializing in public agency clients with the flexibility to customize programs to their customer's needs. Their management team is stable and their average team member has over 25 years of experience in their respective fields. Likewise, their claims staff turnover is very low at 4.88% over the last three years, 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. The award of proposal and contract for general liability third-party administration services to George Hills Company, Rancho Cordova, CA, conforms to the Modesto Municipal Code 8-3.203 because they had the highest-ranking score.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for the furnishing of general liability claims administration services to George Hills Company, Rancho Cordova, California, for two (2) year agreement with three (3) one-year extension options, for an annual estimated cost of $400,000 and a total amount not to exceed $2,000,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-186

RESOLUTION APPROVING THE EXTENSION OF THE ABANDONED VEHICLE ABATEMENT PROGRAM FEE UNTIL APRIL 30, 2032

WHEREAS, the Stanislaus County Abandoned Vehicle Abatement (AVA) Service Authority was formed in 1991, and

WHEREAS, the AVA program is funded by a $1 service fee, and

WHEREAS, the AVA program has contributed substantially to our local quality of life by removing thousands of junked or abandoned vehicles from the territory of the nine cities and the County, and

WHEREAS, the AVA program fee is set to expire on April 30, 2022, and

WHEREAS, per California Vehicle Code Section 9250.7, the AVA program fee may be extended in increments of up to 10 years each if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee, and

WHEREAS, it is desirable to the City of Modesto to have the AVA program fee continue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the extension of the AVA program fee until April 30, 2032.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-187

RESOLUTION APPROVING A 20-YEAR LEASE WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE GROUND THAT THEIR AIR TRAFFIC CONTROL TOWER (ATCT) IS UPON AT THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto City-County Airport (Airport) is part of the Federal airport system and has a long-standing professional relationship with the Federal Aviation Administration (FAA), and

WHEREAS, the most recent agreement with the FAA was a 20-year contract with the airport providing the land that the Air Traffic Control Tower (ATCT) resides on at no cost, and

WHEREAS, in return the FAA provides their operational service to the community at no cost, and

WHEREAS, this 20-year lease extends the City's working relationship and the service provided to the community and ensures safer operations at the Airport.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 20-year lease with the FAA for the ground that their ATCT is upon.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-188

RESOLUTION AUTHORIZING PAYMENT TO STORER TRANSIT SYSTEMS IN THE AMOUNT OF $221,646 FOR A FIXED COST ADJUSTMENT FOR THE FISCAL YEAR 2019-2020 OPERATION OF MODESTO AREA DIAL-A-RIDE

WHEREAS, the City contracts with Storer Transit Systems (Storer) of Modesto to operate Modesto Area Dial-A-Ride (MADAR), a demand-response paratransit service that serves persons with disabilities and seniors, and

WHEREAS, the most recent agreement with Storer was effective May 13, 2014, following a competitive bidding process, and

WHEREAS, under the terms of the Agreement, Storer is paid at a fixed rate for each Vehicle Service Hour (VSH) it operates, and

WHEREAS, the contract states that if the number of billable VSHs is 10 percent or more different than 42,600 contracted hours during a given contract year the City will adjust the payment to Storer after the year expires to ensure Storer's fixed costs are covered, and

WHEREAS, due to the COVID-19 pandemic, ridership on MADAR plummeted and Storer only operated 35,299 VSH, and

WHEREAS, the fixed cost adjustment for FY 2019/20 was calculated by using the formula found in the agreement, and

WHEREAS, staff performed an analysis of the MADAR service and expenses for FY 2019/20 to ensure that the total costs, including the fixed cost adjustment, were within budgeted expectations and that program performance measures were being met even with the reduction in ridership, and

WHEREAS, according to the agreement, Storer is owed a fixed cost adjustment payment of $221,646.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes payment to Storer Transit Systems in the amount of $221,646 for a fixed cost adjustment for the Fiscal Year 2019-2020 operation of Modesto Area Dial-A-Ride.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-189

RESOLUTION APPROVING ANGLED PARKING ON J STREET FROM 9TH STREET TO 16TH STREET AND AUTHORIZING STAFF TO ISSUE A CHANGE ORDER ON THE 2016 PAVEMENT REHABILITATION PROJECT TO INSTALL THE STRIPING

WHEREAS, on September 22, 2020, the Modesto City Council discussed the configuration of J Street and several potential options that could be implemented to assist the downtown businesses by making J Street more pedestrian friendly and provide additional parking spaces and space for outdoor dining, and

WHEREAS, after a discussion, Council directed staff to move forward with Option 3 which required that the parallel parking areas would be removed and restriped to provide angled parking and space for outdoor dining along J Street between 14th Street and 10th Street, and

WHEREAS, additionally, signalized intersections at 10th, 11th and 12th Street were modified to all-way flash, essentially requiring vehicles to stop at all intersections between 13th St. and 10th St., and

WHEREAS, stop signs were added on J Street at the 12th Street intersection which previously only had stop signs on the 12th Street legs of the intersection, and

WHEREAS, beginning on September 24, 2020, the Public Works Department installed the temporary angle parking and the Community & Economic Development Department provided the engineering and layout, and

WHEREAS, this provided an opportunity for businesses to utilize the roadway for outdoor dining with the installation of temporary angle parking, and

WHEREAS, J Street is scheduled to be slurry sealed and restriped in the Spring/Summer of 2021 as part of the 2016 Pavement Rehabilitation Project (La Loma), and

WHEREAS, when the project originally went out to bid, the plans included a slurry seal of J Street as well as restriping. This was prior to the September 22, 2020 direction by City Council to modify the striping to provide for angled parking. Staff informed the Council at the September 22, 2020 meeting that if the temporary striping modification was successful and the Council wanted to make this change more permanently, they would have the opportunity to do so via a change order to the 2016 Pavement Rehabilitation Project, and

WHEREAS, Staff told Council at that time that we would return to Council in the spring of 2021 to discuss the effectiveness of the angled parking configuration and ask Council if they would like to make this modification permanent.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves retaining the angled parking on J Street between 10th Street and 14th Street.

BE IT FURTHER RESOLVED that staff is authorized to issue a change order for the 2016 Pavement Rehabilitation Project, STPL-5059(205), to install the striping after the slurry seal has been completed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-190

RESOLUTION CALLING A SPECIAL ELECTION FOR THE ANNEXATION OF ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, the City Council previously adopted Resolution No. 2004-199 on April 6, 2004 (the "Resolution of Formation") to form Community Facilities District No. 2004-1 (Village One #2) (the "District") pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") to pay for various infrastructure improvements as well as the maintenance of parks, parkways and open space, storm drainage basin and related facilities that serve the Village One area, and

WHEREAS, on December 14, 2004, pursuant to the Act, by Resolution No. 2004-681, Council approved the clarification of the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, on December 14, 2004, pursuant to the Act, by Resolution No. 2004-683, Council approved the creation of Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, the owners of certain properties identified herein previously submitted a petition to the City to annex such properties into the District, and

WHEREAS, on April 13, 2021, by Resolution 2021-131, Council adopted a Resolution of Intention to annex the properties into the District and authorize the levy of

the District special taxes within the territory proposed to be annexed (the "Annexed Territory") pursuant to the Act, and

WHEREAS, the Resolution of Intention scheduled a public hearing on the proposed annexation for May 25, 2001, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 19 of Community Facilities District No. 2004-1 (Village One #2) City of Modesto, County of Stanislaus, State of California" was recorded on April 16, 2021, in the Office of the County Recorder of the County of Stanislaus, in Book 6 of Maps of Assessment and Community Facilities Districts, at page 19, and

WHEREAS, the Annexed Territory will be annexed to and subject to the special taxes in Tax Zone #2, and

WHEREAS, at the time and date set for the hearing, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within

the Annexed Territory were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been filed with the City Clerk by the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election.

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

1. The foregoing recitals are true and correct.
2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were valid and in conformity with

the requirements of the Act. This determination shall be final and conclusive upon all persons.

3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit A**.

6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowner(s) of the Annexed Territory, and each such landowner shall have one vote for

each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

7. Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 25th day of May 2021. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.
8. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on May 25, 2021, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.
9. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.
10. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.
11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

13. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the "Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation, as clarified by the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Zoslocki, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

OFFICIAL BALLOT

BALLOT NO. 1

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

ANNEXATION NO. 19

SPECIAL TAX ELECTION

May 25, 2021

NUMBER OF VOTES ENTITLED TO BE CAST: 6
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2021-131, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 19)" adopted by the City Council of the City of Modesto on April 13, 2021, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES ☐

NO ☐

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 6 VOTES

EXHIBIT A

OFFICIAL BALLOT

BALLOT NO. 2

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

ANNEXATION NO. 19

SPECIAL TAX ELECTION

May 25, 2021

NUMBER OF VOTES ENTITLED TO BE CAST: 4
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2021-131, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 19)" adopted by the City Council of the City of Modesto on April 13, 2021, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES ☐

NO ☐

BALLOT NO. 2

THIS BALLOT HAS A VALUE OF 4 VOTES

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-191

RESOLUTION DECLARING THE RESULTS OF THE MAY 25, 2021 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2021-131 entitled "A Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes within the Territory Proposed to be Annexed (Annexation No. 19)", pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7, 8 and 9 of this Council's Resolution No. 2021-191, adopted on May 25, 2021, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for May 25, 2021, or as soon thereafter as practicable, relative to the foregoing; and

WHEREAS, on May 25, 2021, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is **attached**.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2021-131 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of

Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Escutia-Braaton, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CERTIFICATE OF CITY CLERK

I, STEPHANIE LOPEZ, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2021-_____, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 19) adopted on May 25, 2021, by the City Council of the City of Modesto, I did conduct the Special Tax Election on May 25, 2021, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2021-131, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 19)" adopted by the City Council of the City of Modesto on April 13, 2021, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES ☐

NO ☐

TOTAL VOTES CAST: YES ___ NO ___

_____
Stephanie Lopez
City Clerk of the City of Modesto

Dated: _____, 2021

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-192

RESOLUTION APPROVING THE APPLICATIONS OF NORCAL AMBULANCE AND SACRAMENTO VALLEY AMBULANCE AND ISSUING BOTH ENTITIES A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Norcal Ambulance and Sacramento Valley Ambulance have submitted applications to provide non-emergency medical transport services within the City of Modesto, and

WHEREAS, Norcal Ambulance and Sacramento Valley Ambulance have paid the required $1,000 filing fee and have provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed background investigations regarding Norcal Ambulance and Sacramento Valley Ambulance per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Nocal Ambulance and Sacramento Valley Ambulance to function as non-emergency medical transport service providers within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on May 25, 2021, at 5:30 p.m. at the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of permits to Norcal Ambulance and Sacramento Valley Ambulance for non-emergency medical transport service within the City of Modesto, and

WHEREAS, the City Council finds that Norcal Ambulance and Sacramento Valley Ambulance will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the applications of Norcal Ambulance and Sacramento Valley Ambulance and issues each entity a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-193

RESOLUTION COMBINING THE CITY MANAGER'S DRAFT BUDGET AND THE MAYOR'S FINAL BUDGET MODIFICATIONS INTO THE PROPOSED BUDGET FOR FISCAL YEAR 2021-22, AND NOTICING A PUBLIC HEARING TO BE HELD JUNE 22, 2021 FOR COUNCIL'S CONSIDERATION AND ADOPTION OF THE FISCAL YEAR 2021-22 PROPOSED BUDGET AND RELATED ACTIONS

WHEREAS, the Finance Committee heard the City Manager's Draft Budget on April 19th, April 20th, April 21st, and April 22nd through a series of Budget Workshops, and

WHEREAS, the Finance Committee approved the City Manager's Draft Budget with a 3-0 vote and approved the budget to be moved on to Council for final review and adoption, and

WHEREAS, the City's Charter, Article XIII §1303 and 1304 requires that the Mayor has the opportunity to make any final budget modifications to the City Manager's Draft Budget at least 30 days prior to the end of the fiscal year and adoption by City Council, and

WHEREAS, the Mayor has presented her modifications to the City Manager's Draft Budget to City Council and has presented no changes and recommended that the Draft Budget be moved forward to Council as the City of Modesto's Fiscal Year 2021-22 Proposed Budget for adoption consideration, and

WHEREAS, the City of Modesto's Fiscal Year 2021-22 Proposed Budget will be inclusive of the City Manager's Draft Budget and the Mayor's Final Budget Modifications and will be heard at a public hearing scheduled to be held on June 22, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the combination of the City Manager's Draft Budget as well as the Mayor's Final Budget Modifications into the City of Modesto's Fiscal Year 2021-22 Proposed Budget and that a public hearing will be held on June 22, 2021 for the adoption of the Fiscal Year 2021-22 Proposed Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-194

RESOLUTION APPROVING THE PANDEMIC RECOVERY STRATEGY, MODESTO FORWARD, AND THE ASSOCIATED SPENDING PLAN FOR THE AMERICAN RESCUE PLAN FUNDS; AND AUTHORIZING THE CITY MANAGER TO CARRY OUT THE NECESSARY STEPS TO IMPLEMENT THE STRATEGY AND SPENDING PLAN FOR THE FIRST ALLOCATION

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a public health emergency of international concern, and

WHEREAS, shortly after the first case in the United States was detected in the state of Washington, the first case in the state of California was confirmed, and

WHEREAS, the Downtown Streets Team (DST) program aims to end homelessness through workforce training, employment, and employer pipelines; and

WHEREAS, the DST program provides homeless and low-income people with volunteer opportunities for beautification projects and litter abatement around the community; and

WHEREAS, in early March 2020, the pandemic was declared a national emergency and Stanislaus County recorded the first two positive cases of COVID-19, and

WHEREAS, on March 18, 2020, the Modesto City Council declared a local health emergency in response to the rapid spread of virus, and

WHEREAS, in times of declared emergencies, the Local Health Emergency declaration enables the City to more effectively respond to the outbreak, potentially obtain reimbursement for the response, and ensure that City staff have the necessary tools at their disposal to keep the community safe, and

WHEREAS, since the adoption of the local health emergency, the City has implemented a variety of measures and programs to help slow the spread of COVID-19 and mitigate the associated impact of the pandemic, and

WHEREAS, the response has included safe transit opportunities available at no cost, open-air program for restaurants, business enforcement and monitoring programs, small business grants, adjustments/closures to city facilities, in-door shelter for at-risk homeless individuals, and telecommuting opportunities for employees, and

WHEREAS, the City also has directly supported the County with making testing centers and a vaccine clinic available that are directly managed and supported by City personnel, and

WHEREAS, the State and Federal government have also taken bold steps to support local governments with their response to the pandemic, including through the signing of the Coronavirus, Aid, Relief, and Economic Security (CARES) Act that made $30 million for the City for various programs, and

WHEREAS, in April 2021, President Biden signed into law the American Rescue Plan Act a $1.9 trillion emergency relief measure intended to provide relief to address the impact of COVID-19, and

WHEREAS, the American Rescue Plan Act is making available $45,897,056 to the City of Modesto to help address the local impact of COVID-19, and

WHEREAS, the Treasury Department has released interim guidance to-date and considers the following 6 categories as allowable uses: Public Health Response, Address Negative Economic Impact, Supporting Hardest-Hit Communities and Families,

Replacing Lost Public Sector Revenue, Investments in Water and Sewer Infrastructure, and Investments in Broadband, and

WHEREAS, this guidance has been identified as an interim ruling and the Treasury Department has confirmed that additional clarification will be made available in the coming weeks, and

WHEREAS, to arrive at the proposed expenditure plan, staff solicited priorities from the public and the Council at the three standing City Council Committees: Economic Development, Safety and Communities, and Finance, and

WHEREAS, the following themes have been collected from the various standing committees:

Economic Development Committee

1. Downtown Housing
2. Business support, retention, attraction, and expansion
3. Downtown Beautification
4. Revitalization of Public Spaces
5. Broadband Infrastructure

Governance and Service Delivery

1. COVID-19 Expenses/Response
2. Staffing levels for Critical Dept's
3. Deferred Maintenance
4. Program Improvements
5. Facility Upgrades
6. Revenue Loss

Quality of Life

1. Public health focus – mental health, homelessness, poverty
2. Police-community relations
3. Mental health support program
4. Homelessness
5. Blight and Forestry Program Enhancements
6. Support for Community Amenities: The Awesome Spot, and the Children's Museum

WHEREAS, with the themes that were identified at the various committees, staff consolidated them and reviewed whether they are eligible expenses based on the guidance that has been made available at this point by the Treasury Department, and

WHEREAS, With the themes that were identified at the various committees, staff consolidated them and reviewed whether they are eligible expenses based on the guidance that has been made available at this point by the Treasury Department

WHEREAS, the expenditure plan in **Attachment 2** (Modesto Forward Strategy) considers the interim guidance that was released on May 10, 2021 and connects the proposed expenditure with the eligible category and the strategic plan element and includes the amount being allocated in the initial allocation by the Treasury Department, and

WHEREAS, each of these expenditures vary in their scope and staff intends to periodically return to Council for consideration of the items that require the creation of a new program, the development of a public-private partnership, or the approval of an agreement, and

WHEREAS, the spending plan for the second allocation will be developed in the coming months and will be included in the FY 2022-2023 budget, and

WHEREAS, this item was considered by the Finance Committee during the budget workshops on Wednesday, March 21, 2021 and was approved to be forwarded to Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Pandemic Recovery Strategy, Modesto Forward, and the associated spending plan for the American Rescue Plan fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby authorizes the City Manager to carry out the necessary steps to implement the strategy and spending plan for the first allocation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO CALIFORNIA

Modesto Forward

City of Modesto – Pandemic Recovery Strategy

DRAFT

Joseph P. Lopez

City Manager

Message from the City Manager

The City of Modesto is the 18th largest city in the State of California and is a diverse community dedicated to preserving a great quality of life, improving economic vitality, and maintaining organizational excellence for 220,000 residents. This report is intended to provide an overview of the City's spending plan for the first tranche in relief funding from the American Rescue Plan in the amount of $22.9 million.

The second allocation is expected to be received in 12 months (May 2022) and will be used for additional programming during Fiscal Year 2022-2023 budget.

The key areas of focus for the Year 1 allocation include critical investments in the following areas:

- ***Quality of Life***
- ***Economic Vitality***
- ***Governance and Service Delivery***

I look forward to working with the Council and community to further these initiatives.

Sincerely,

Joseph P. Lopez
City Manager
City of Modesto

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- Background
- COVID Response from the City
- American Rescue Plan Act
- Themes from Council Committees
- Post Pandemic Initiatives
- Tentative Spending Plan

On March 18, 2020, the Modesto City Council declared a local health emergency in response to the rapid spread of the novel coronavirus, COVID-19. While the City of Modesto is not directly responsible for containing, contact tracing, or addressing COVID-19, the City has a critical role supporting the County of Stanislaus with public adherence to Public Health Orders, emergency planning and coordination, and the provision of essential services. This section provides an overview of the key events and response activities of the City of Modesto Emergency Operations Center that occurred between February 27, 2020 and March 2021.

On January 30, 2020, the World Health Organization declared the outbreak a “public health emergency of international concern” (PHEIC). First detected in the United States in January 2020, the COVID-19 virus quickly spread across the nation and was declared a global health emergency by the World Health Organization on January 30, 2020. Shortly after the first case in the United States was detected in the state of Washington, the first case in the state of California was confirmed. In early March 2020, the pandemic was declared a National Emergency and Stanislaus County recorded the first two positive cases of COVID-19. The COVID-19 pandemic in Modesto and Stanislaus County was exceptional in its scale, duration and response.

As of March 13, 2020, it has been reported that COVID-19 has spread to over 90 countries including many parts of the United States, including the city of Modesto. Based on the rapidly evolving information from the Stanislaus County Public Health Officer, the Governor of California, and the President of the United States, the City Manager declared a local emergency in response to this pandemic to help ensure the safety of residents and visitors.

The unprecedented nature of the pandemic challenged the City of Modesto to design and implement approaches to prevent the spread of the disease without the benefit of prior experience or use of traditional pandemic response plans. The City’s response was in coordination with the County of Stanislaus and was characterized by a concentrated focus on protecting residents through a multifaceted approach which included a reliance on local community partnerships, active engagement with the community through public information channels and innovative mitigation strategies tested for the first time. While the pandemic response efforts are ongoing, the City’s strategy and the lessons learned offer an opportunity to enhance future preparedness efforts which will serve as a local standard and act as a best-practice response model for the State of California.

Despite the County’s initial measures to prepare for and prevent the spread of the virus, COVID-19 cases continued to increase across the state and in Modesto throughout the duration of the incident period. Anticipating the need for an unprecedented response, the County Public Health Officer declared a local health emergency on March 11, 2020. Shortly after, the Modesto City Council declared a local health emergency within the City of Modesto on March 18, 2020. As cases continued to mount, the Governor of the State of California proclaimed a State of Emergency on March 18, 2020 and issued a statewide Stay-at-Home Order.

This action supported the County of Stanislaus and other jurisdictions to take extreme mitigation measures toward preventing the spread of COVID-19 in the community. Stanislaus County saw its first two COVID-19 cases on March 11, 2020 and the first death was recorded on April 10, 2020. While the virus continued to spread in the community, an isolated outbreak at a local skilled nursing facility caused a clear spike in positive cases and deaths to which the County rapidly responded.

On May 12, 2020, the Stanislaus County Public Health Officer and Board of Supervisors determined local health orders to be unnecessary based on the conditions in Stanislaus County and elected to defer to the order issued by the California Public Health Officer. The decision was made to rescind the Stanislaus County Public Health Order with a few exceptions. The Board of Supervisors resolved that no county resources would be expended to enforce State issued orders in unincorporated areas of the county.

In early May, the Governor's Office required cities and counties alike to follow the phased reopening plan in 4 stages, that include:

- Stage 1. Only essential businesses identified by the Federal government's previously identified essential sectors are permitted to operate
- Stage 2. Lower risk workplaces: Gradually reopen retail (curbside only), childcare, manufacturing, logistics
- Stage 2-1. Lower risk workplaces: Relax retail restrictions, adapt and reopen schools, offices, and limited hospitality and personal services.
- Stage 3. Higher risk workplaces: Adaptation and reopening of movie theaters, religious services, and personal and hospitality services
- Stage 4. End stay at home order: Reopen areas of highest risk such as concerts and conventions

On Friday, May 8, 2020, Governor Newsom announced that based on the progress with meeting the statewide metrics, the state moved into Stage 2. On May 20, 2020, the State approved Stanislaus County's attestation for variance to the state orders to expedite the safe reopening of the community and allowing the County to move into the latter part of Stage 2. At that time, the County had 685 COVID-19 positive cases. Since reopening further into Stage 2 on May 20th and into Stage 3 on June 12th, 1,404 confirmed cases have been reported (105% increase), including 35 deaths.

About a month later on July 1, the Governor announced that Stanislaus County (and 18 other counties) were ordered to close indoor operations of restaurants, wineries, cardrooms and other industries and shutter bars for a 3-week period due to the surge in COVID-19 positive cases. This order is intended to help alleviate the pressure of hospitals and reduce community transmission.

In July, the Governor's Office modified the 4-stage reopening plan to a 4-Tier Color System titled the Blueprint for a Safer Economy. This color-coded system ranks counties by the average daily number of new Covid-19 cases and the percentage of positive cases out of the total number of tests administered, both averaged over seven days; the colors included Purple – Widespread, Red – Substantial, Orange – Moderate, and Yellow – Minimal. The principal impact that this system has on the community is when businesses can reopen. But it also had a major impact on the ability of schools to reopen for in-person instruction. Until recently, if a county was in the purple tier, schools in that county could not open for in-person instruction for regular classes.

The subsequent activity required a closure of key industries from July 2020 through February 2021 because of the Purple Tier assignment. However, the State allowed for a brief reopening from mid-October through mid-November 2020 for meeting the requirements to move into the Red Tier.

On January 12, 2021 the County Emergency Operations Center requested support from the City of Modesto in the operation of a vaccination clinic at the Modesto Centre Plaza due to parking and physical distance issues that the County was experiencing at the Scenic Hospital. City staff in coordination with the County opened the Modesto Centre Plaza Vaccination Clinic (POD) 3 days later on January 15, 2021.

The City, in partnership with the County, has initiated a robust effort to make vaccines available to all individuals over the age of 16 who live or work in Stanislaus County – and this work continues.

Overall, the City's response to COVID-19 has been effective, offering free transit opportunities, small business grants, in-door shelter for at-risk homeless individuals, outdoor business operation program to promote physical distancing, education protocol for noncompliant businesses, and telecommuting opportunities for employees. The early detection, applied interventions, and mitigation strategies along with the City's coordination with local, state and federal partners were all essential to the initial success of the response by the City of Modesto.

American Rescue Plan Act

This report presents the Proposed strategy to support the local recovery from the pandemic, which includes an overview of the federal stimulus funding the City anticipates receiving in the coming weeks, and the three major focus areas in which this funding will be targeted—Quality of Life, Economic Vitality, and Governance and Service Delivery.

On January 20, 2021, President Biden announced a two-phased approach to address the public health and economic crises caused by the COVID-19 pandemic. The first phase, the American Rescue Plan, totals $1.9 trillion in relief funding. The second phase, the American Jobs Plan, is focused on long-term economic recovery from the detrimental impacts of COVID-19 through infrastructure investments and job creation.

The American Rescue Plan Act of 2021 includes $360 billion in relief for state and local governments. The legislation signed by President Biden will allocate $219.8 billion to states, Washington, D.C., tribes, and territories; $10 billion for capital projects to support work, education, and health monitoring; and, the remaining $130.2 billion would be evenly divided between counties based on population ($65.1 billion) and cities using a modified Community Development Block Grant formula ($65.1 billion).

The City is slated to receive $45.89 million in relief funding for purposes identified below, with the State of California expected to receive $26.2 billion. Funding will be allocated directly from the federal government to the City in two tranches: 50 percent ($22.94m) would be made available within 60 days after enactment – expected to be received by in the month of May. The remaining 50 percent ($22.94m) would be distributed 12 months after the initial allocation. The deadline to expend funds is December 31, 2024. The legislation provides broad guidance related to eligible use of funds, and staff expect additional regulatory clarification from the U.S. Treasury, similar to the process for the CARES Act funding. The allowable uses for the funding as identified by the guidance released to-date includes six broad categories:

1. Public Health Response
    a. Coronavirus State and Local Fiscal Recovery Funds provide resources to support the public health and safety response required due to the pandemic. Additionally, these funds also can support through services that address disparities in public health that have been exacerbated by the pandemic. The City is able to use this funding to address a broad range

of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources.

2. Address Negative Economic Impacts
    a. To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:
        i. Supporting small businesses, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
        ii. Speeding the recovery of the tourism, travel, and hospitality sectors, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support

3. Supporting the Hardest-Hit Communities and Families
    a. Support with investments in housing and neighborhoods, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
    b. Addressing educational disparities through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs.

4. Replacing Lost Public Sector Revenue
    a. Recipients may use these funds to replace lost revenue. The Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic.

5. Investments in Water and Sewer Infrastructure
    a. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change. Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

6. Investments in Broadband Infrastructure
    a. Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload.

This guidance has been identified as an interim ruling and the Treasury Department has confirmed that additional clarification will be made available in the coming weeks.

Themes from Council Committees

To prepare this strategy and to ensure it adequately captured the recovery strategies to help the community exit this extraordinary pandemic period, the City Manager's Office solicited priorities from the public and the City Council Standing Committees, including: Safety and Communities, Finance, and Economic Development Committees.

The key themes from each of the committees fall under the three key focus areas of the City's 5-year Strategic Plan:

Economic Vitality
Economic Development Committee

These initiatives are intended to improve the economic vitality of the community.

- Downtown Housing
- Business support, retention, attraction, and expansion
- Downtown Beautification
- Revitalization of Public Spaces
- Broadband Infrastructure

Governance and Service Delivery
Finance Committee

These initiatives are intended to improve the organization and service delivery for residents.

- COVID-19 Expenses/Response
- Staffing levels for Critical Dept's
- Deferred Maintenance
- Program Improvements
- Facility Upgrades
- Revenue Loss

Quality of Life
Safety and Communities

This portion of funding is intended to improve the quality of life for residents.

- Public health focus – mental health, homelessness, poverty
- Police-community relations
- Mental health support program
- Homelessness
- Blight and Forestry Program Enhancements
- Support for Community Amenities
    - The Awesome Spot
    - Children's Museum

Post Pandemic Initiatives

Economic Vitality

Program Goal	Allocation
Support for Community Amenities including the Children's Museum, Car Museum, and Awesome Spot Playground	$1,500,000
Implementation of a **business expansion, and retention program** that directly supports Modesto-based businesses – and encourages future investment in Modesto.	$1,000,000
Development of a **Downtown Housing Program** intended to help spur development.	$1,000,000
Revolving loan program designed to waive or defer water, sewer and stormwater fees.	$1,000,000
Tuolumne River – Economic Development Strategy intended to help improve the vitality of the River.	$750,000
Relief Across Downtown Card investment to help drive downtown foot traffic.	$708,500
Job / Career Training in a local emerging industry for residents whose employment was impacted by the Coronavirus.	$500,000
Support for Convention and Visitor's Bureau to aid the tourism industry.	$250,000
Expanded Wi-Fi downtown and available at community facilities to help bridge the digital divide.	$200,000
Funding to support the development of Enhanced Infrastructure Financing District to create a sustainable funding model for infrastructure needs across the City.	$200,000

Quality of Life

Program Goal	Allocation
Labor expenses from the **Coronavirus pandemic**	**$4,750,000**
Additional Support for **affordable housing and homeless programs**	**$1,000,000**
Mental Health Clinician Program – Partnership with Police Department and BHRS	**$800,000**
Support for **Blight Abatement programs**	**$750,000**
Support for **Downtown Beautification**	**$700,000**
Acquisition of **Emergency Medical Service equipment to support COVID response**	**$600,000**
Grants to neighborhood associations to support safe re-gathering	**$120,000**

Governance and Service Delivery

Program Goal	Allocation
Fire Station 1 Deferred Maintenance	**$2,000,000**
Forestry Program Enhancements to help address the backlog of deceased trees, mistletoe, stumps, etc.	**$1,850,000**
General Plan Update to help expedite the completion of the plan	**$700,000**
Discoverer Replacement to sustain the City's primary payroll record system	**$500,000**
Cybersecurity Mitigation to ensure the City is secure	**$490,000**
TSP Battery Back Up System Upgrade to support the organization during a power outage	**$250,000**
Address **deferred maintenance** at various parks and public facilities including ways to reduce water use	**$1,270,028**
Upgrade secure online service application **software for Utility billing**	**$60,000**

Tentative Spending Plan

Tentative Spending Plan

Dept.	Description	Allocation
	Economic Vitality	
CED	Small biz support with expansion and retention	$1,000,000
CED	Revolving loan fund for attraction of downtown development	$1,000,000
CED/ UTL	Revolving loan fund for water/sewer connection fees	$1,000,000
PRN/CED	Tuolumne River – Economic Development	$750,000
CED	Relief Across Downtown Card	$708,500
CED	Implementation of a workforce development program	$500,000
CMO	Support for Children's Museum	$500,000
CMO	Support for Awesome Spot Playground	$500,000
CMO	Support for Car Museum	$500,000
CMO	Support for Convention and Visitor's Bureau*	$250,000
IT	Expanded Wi-Fi downtown and available at community facilities	$200,000
CED	Funding to support the development of Enhanced Infrastructure Financing District	$200,000
	Quality of Life	
CMO	COVID-19 labor expenses	$4,750,000
CMO	Homeless Support Program	$1,000,000
CMO	Mental Health Clinician Program – Partnership with BHRS	$800,000
CMO	Blight Abatement*	$750,000
CED	Downtown Beautification	$700,000
Fire	Emergency Medical Service equipment	$600,000
CMO	Grants to neighborhoods	$120,000
	Governance and Service Delivery	
Fire	Fire Station 1 Deferred Maintenance	$2,000,000
PW	Forestry Program Enhancements*	$1,850,000
CED	General Plan Update	$700,000
IT	Discoverer Replacement	$500,000
IT	Cybersecurity Mitigation	$490,000
IT	TSP Battery Back Up System Upgrade	$250,000
PRN	Address deferred maintenance at various parks and public facilities	$1,270,028
UTL	Upgrade secure online service application software for Utility billing	$60,000
	TOTAL	**$22,948,528**

**Proposed funding for 2 years*

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-195

RESOLUTION AMENDING SECTION 4 OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, on October 2016, the Council, by Resolution No. 2016-425, adopted a Housing & Urban Development Policies & Procedures Manual (HUD Manual). This document consolidated all HUD-related Policies & Procedures into one document, and

WHEREAS, in order to align with current program guidelines and update older program policies, Section 4 (HOME Investment Partnerships Program), needed to be updated, and

WHEREAS, Home Investment Partnership Program Funds (HOME) funds are used for a variety of affordable housing activities, according to local housing needs, and

WHEREAS, over the last five years, the City has partnered with many local affordable housing developers to develop 130 affordable housing units, and

WHEREAS, HOME regulations require that the City only commit HOME funding for the construction of new housing if the recipient has secured all financing for the project, underwriting has been completed, and construction is scheduled to start within 12 months of the date the City commits funds, and

WHEREAS, HUD recently reviewed the City's 522 E. Granger project and determined that not all of the pre-commitment requirements were met when the City committed $235,338.85 in HOME funds for the project in September 2015, and

WHEREAS, in order to remedy this finding, HUD is requiring the City to repay that amount, and

WHEREAS, the City may comply with HUD's requirement by voluntarily reducing the amount of the City's HOME grant by $235,338.85, and

WHEREAS, the City is also updating its HOME Program Policies and Procedures to ensure future compliance with HUD Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Section 4 of the Housing and Urban Development Policies & Procedures Manual and approves a voluntary reduction of the City's HOME grant by $235,338.85.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-196

RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO ESTABLISH CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2021-1 (WOODGLEN) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN SAID COMMUNITY FACILITIES DISTRICT

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the State of California (the "Act") the City Council of the City of Modesto ("City") is authorized to establish a community facilities district and to act as the legislative body for a community facilities district; and

WHEREAS, the owners (collectively, the "Owner") of not less than 10 percent of the area of land depicted on the map of the proposed community facilities district referred to below on file with the City Clerk (the "Property"), has filed a written petition with the City to establish the City of Modesto Community Facilities No. 2021-1 (Woodglen) (the "Community Facilities District") in order to finance the cost of the facilities and services listed in **Appendix A** hereto (the "Facilities and Services"), as well as all costs associated with the creation of the Community Facilities District and administering the Community Facilities District (collectively, the "Incidental Expenses"); and

WHEREAS, the Owner has submitted to the City an application to form the Community Facilities District pursuant to the City's Policies & Procedures for the Formation, Annexation, and Administration of Communities Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982 (the "City's CFD Policies and Procedures"); and

WHEREAS, the Owner has submitted deposits required by the City for payment of City fees and costs incurred in conducting proceedings to create the Community Facilities District; and

WHEREAS, the petition submitted by the Owner complies with the requirements of Section 53319 of the Act and the City's CFD Policies and Procedures; and

WHEREAS, subject to the satisfaction of all applicable requirements of law, it is the intention of this City Council to finance the Incidental Expenses and to pay for the Facilities and Services through the formation of the Community Facilities District and the levy of both an annual and one-time special tax, provided that the levy of the special tax is approved at an election to be held within the boundaries of the Community Facilities District.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by reference

SECTION 2. The Community Facilities District is proposed to be established under the terms of the Act. It is further proposed that the boundaries of the Community Facilities District shall be as depicted on the map of the proposed Community Facilities District which is on file with the City Clerk. The City Clerk is hereby directed to sign the original map of the Community Facilities District and record it with all proper endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as required by Section 3111 of the Streets and Highways Code of the State of California.

SECTION 3. The name of the proposed Community Facilities District shall be "City of Modesto Community Facilities District No. 2021-1 (Woodglen)."

SECTION 4. The Facilities and Services proposed to be provided within the Community Facilities District are services or facilities, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide. This City Council hereby finds and determines that the descriptions of the Facilities and Services contained herein is sufficiently informative to allow taxpayers within the proposed Community Facilities District to understand what the funds of the Community Facilities District may be used to pay for. The Incidental Expenses expected to be incurred include the cost of forming the Community Facilities District and levying and collecting a special tax within the Community Facilities District.

SECTION 5. Except where funds are otherwise available, it is the intention of this City Council to levy annually in accordance with the procedures contained in the Act special taxes, secured by recordation of a continuing lien against all non-exempt real property in the Community Facilities District, sufficient to pay for the Incidental Expenses and the Facilities and Services. The rate, method of apportionment and manner of collection of the special tax are described in detail in **Appendix B attached** hereto and incorporated herein as though set forth at length (the "Rate and Method"). **Appendix B** allows each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel.

If special taxes of the Community Facilities District are levied against any parcel used for private residential purposes to pay for public facilities, (i) such tax shall not be levied or collected to pay for Facilities after the 2061-62 tax year and (ii) under no

circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than ten percent (10%).

This City Council hereby determines the Rate and Method to be reasonable. The special tax is apportioned to each parcel on the basis of its land use and area pursuant to Section 53325.3 of the Act; and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special tax, this City Council shall, on behalf of the Community Facilities District, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in the Rate and Method, to the extent necessary upon the remaining property within the Community Facilities District which is not delinquent or exempt in order to yield the special tax revenues required for the purposes described in this Section 5.

SECTION 6. A public hearing (the "Hearing") on the establishment of the Community Facilities District and the proposed Rate and Method shall be held at 5:30 p.m., or as soon thereafter as practicable, on July 6, 2021, in the Modesto City Council Chamber, 1010 Tenth Street, Modesto, California 95353. Should this City Council determine to form the Community Facilities District, a special election will be held to authorize the levy of the special tax in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portion thereof owned within the

Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 7. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed Community Facilities District, may appear and be heard.

SECTION 8. Each officer of the City who is or will be responsible for providing the Facilities and Services within the proposed Community Facilities District, if it is established, is hereby directed to study the proposed Community Facilities District and, at or before the time of the Hearing, file a report with this City Council containing a brief description of the Facilities and Services, as the case may be, which will in his or her opinion be required to meet adequately the needs of the proposed Community Facilities District and an estimate of the cost of providing those Facilities and Services and an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 9. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by this City Council, with or without interest.

SECTION 10. The Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication

shall be completed at least seven days prior to the date of the Hearing. The Clerk is further directed to mail a copy of the Notice to each of the landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

City of Modesto
Community Facilities District No. 2021-1
(Woodglen)

DESCRIPTION OF AUTHORIZED FACILITIES AND SERVICES

The types of Facilities and Services proposed to be financed by Community Facilities District No. 2021-1 (CFD) are as follows:

Authorized Facilities

The CFD shall be authorized to finance all or any part of the costs of acquisition, construction, and improvement of the following facilities (the "Facilities):

- Roundabout at the intersection of Bangs Avenue and Carver Road
- Traffic signal, left-turn pockets, and other, intersection improvements.

The Facilities shall include all hard and soft costs associated with the improvements, including the costs of acquisition of land and rights-of-way, the costs of design, engineering and planning, the costs of environmental or traffic studies, surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check, and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing. The CFD may also fund, and the special taxes may also be used to directly pay for, the purchase, construction, expansion, improvement or rehabilitation of any of the Facilities, and to reimburse the City or any third parties for advances made to purchase, construct, expand, improve or rehabilitate any of the Facilities.

Authorized Services

The services to be funded in whole or in part by the CFD include all direct and incidental costs related to providing the maintenance of public infrastructure within the area of the CFD, the future annexation area, and areas adjacent to or in the vicinity of such areas. More specifically, the services shall include, but not be limited to: maintenance, repair and replacement of parkways, tree pruning, landscaped medians, masonry walls, neighborhood pocket park, storm drainage basin facilities, including but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems. The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Services also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, or (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year, or (iii) administrative fees of

the City related to the Community Facilities District, including costs associated with preparing the annual special tax levy, or (iv) costs associated with legal services, advertising, legal notices, and mailings related to formation or administration of the Community Facilities District (collectively, the "Services").

The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Authorized services shall also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, and (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year.

The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of creation of the CFD and will not supplant services already available within that territory when the CFD was created.

Administrative Expenses

The administrative expenses to be funded by the CFD include the direct and indirect expenses incurred by the City in carrying out its duties with respect to the CFD including, but not limited to, the levy and collection of special taxes, fees and expenses of attorneys, any fees of the County of Stanislaus related to the CFD or the collection of special taxes, an allocable share of the salaries of the City staff related thereto, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City in any way related to the CFD.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(WOODGLEN)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2021-1 (Woodglen) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with an SFD Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other parcel map recorded at the County Recorder's Office.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to the CFD, including, but not limited to, levying and collecting Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative

Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating Parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Building Permit" means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

"Certificate of Occupancy" means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential or non-residential use.

"CFD" means the City of Modesto Community Facilities District No. 2021-1 (Woodglen).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property that are not Taxable Owners Association Property or Taxable Public Property for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

"Development Class" means, individually, Developed Property, Taxable Owners Association Property, and Taxable Public Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a Special Tax, levied and collected in full by the City prior to issuance of a Certificate of Occupancy on Taxable Property. Notwithstanding the foregoing, if the City determines that a building on a Parcel of Taxable Property has been occupied and no Certificate of Occupancy was issued for such building, the One-Time Facilities Special Tax for the Parcel shall be immediately due and payable.

"Other Property" means, in any Fiscal Year, all Parcels of Developed Property within the CFD that are not Single Family Property, as defined herein.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

"Owners Association Property" means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

"Proportionately" means, for each Development Class, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an SFD Unit, or an individual attached residential unit within a duplex, triplex, fourplex, townhome, or condominium structure. An Accessory Dwelling Unit that shares a Parcel with an SFD Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Single Family Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued for: (i) construction of an SFD Unit, or (ii) construction of a residential structure consisting of two or more Residential Units that share common walls, have separate Assessor's Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor's Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Residential Units are purchased and subsequently offered for rent by the owners of the Residential Units), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Special Tax Category" means one of the categories of land uses for which a Special Tax amount is set forth in Table 1 of Section C below.

"Taxable Owners Association Property" means, in any Fiscal Year, any Parcel of Owners Association Property that satisfies both of the following conditions: (i) based on reference to the Tentative Map, the Parcel was not anticipated to be Owners Association Property, as determined by the Administrator; and (ii) if the Parcel were to be exempt from the Annual Maintenance Special Tax because it is Owners Association Property, the City has determined that there would be a reduction in Annual Maintenance Special Tax revenues that would create a deficit in funding for Authorized Services.

"Taxable Property" means all of the Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section G below.

"Taxable Public Property" means, in any Fiscal Year, any Parcel of Public Property that satisfies both of the following conditions: (i) based on reference to the Tentative Map, the Parcel was not anticipated to be Public Property, as determined by the Administrator; and (ii) if the Parcel were to be exempt from the Annual Maintenance Special Tax because it is Public Property, the City has determined that there would be a reduction in Annual Maintenance Special Tax revenues that would create a deficit in funding for Authorized Services.

"Tentative Map" means the Woodglen Tentative Subdivision Map approved by the City Council pursuant to Resolution 2013-261, including any adjustments or amendments thereto.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property that are not Developed Property, Taxable Owners Association Property, or Taxable Public Property, as defined herein.

"Welfare Exemption Property" means, in any Fiscal Year, any Parcels in the CFD that have received a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ADMINISTRATION OF THE SPECIAL TAXES

Each Fiscal Year, the Administrator shall: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) for Developed Property, categorize each Parcel as Single Family Property or Other Property; (iii) for Other Property, determine the Acreage of each Parcel; and (iv) determine the Annual Maintenance Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Annual Maintenance Special Taxes for the property affected by recordation of the parcel map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Annual Maintenance Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property

The Maximum Special Taxes for a Parcel of Developed Property can be determined by reference to Table 1 below.

Table 1
Maximum Special Taxes
Developed Property

Special Tax Category	Maximum Annual Maintenance Special Tax Fiscal Year 2021-22 *	Maximum One-Time Special Tax Fiscal Year 2021-22 *
Single Family Property	$898 per Residential Unit	$990 per Residential Unit
Other Property	$9,714 per Acre	$10,709 per Acre

* Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

2. Taxable Owners Association Property and Taxable Public Property

The Maximum Annual Maintenance Special Tax for Taxable Owners Association Property and Taxable Public Property is $9,714 per Acre for Fiscal Year 2021-22, which amount shall increase on July 1, 2022, and each July 1 thereafter by the Escalation Factor. No One-Time Facilities Special Tax shall be levied on Taxable Owners Association Property or Taxable Public Property.

3. Undeveloped Property

No Special Taxes shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Escalation of Special Taxes

1a. One-Time Facilities Special Tax

Beginning July 1, 2022 and each July 1 thereafter, the Maximum One-Time Facilities Special Taxes identified in Table 1 above shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

1b. Annual Maintenance Special Tax

Beginning July 1, 2022 and each July 1 thereafter, the Maximum Annual Maintenance Special Taxes identified in Table 1, and the Maximum Annual Maintenance Special Tax assigned to each Parcel in the CFD, shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

2. Conversion of a Parcel of Public Property to Private Use

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, the Parcel shall be subject to the levy of Special Taxes. The Administrator shall determine the applicable Maximum Special Taxes for each such Parcel.

2. Expiration or Cancellation of Welfare Exemptions

If, in any Fiscal Year, a Parcel that had in prior Fiscal Years been categorized as Welfare Exemption Property no longer has a welfare exemption in place, the Parcel shall be subject to the levy of Special Taxes. The Administrator shall determine the applicable Maximum Special Taxes for each such Parcel.

E. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in the CFD and shall be collected as set forth in Section F below.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement to be collected in that Fiscal Year. The Annual Maintenance Special Tax shall then be levied according to the following steps:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Developed Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

F. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to issuance of a Certificate of Occupancy for any residential or non-residential structure within the CFD and shall be immediately delinquent if not so paid. Notwithstanding the foregoing, if the City determines that a building on a Parcel of Taxable Property has been occupied and no Certificate of Occupancy was issued for such building, the One-Time Facilities Special Tax for the Parcel shall be immediately due and payable to the City.

The Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected unless and until the City determines that the Annual

Maintenance Special Tax no longer needs to be levied to pay Authorized Services and all Administrative Expenses have been reimbursed.

G. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Taxes shall be levied in any Fiscal Year on the following:

(1) Public Property, except Taxable Public Property.

(2) Owners Association Property, except Taxable Owners Association Property.

(3) Welfare Exemption Property

(4) Parcels owned by a public utility for an unmanned facility.

(5) Parcels subject to an easement that precludes any other use on the Parcel.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this RMA that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-197

RESOLUTION APPROVING THE TRANSFER OF FUNDS REMAINING IN THE CONTINUUM OF CARE PLANNING GRANT TO STANISLAUS COUNTY IN THE AMOUNT OF $84,779 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, as the Collaborative Applicant, the City was responsible to collect and submit the required Continuum of Care application information for all projects the StanCSOC selects for funding, and

WHEREAS, as the Collaborative Applicant for a Continuum of Care, the City was eligible to apply for a Planning Grant to help offset costs incurred in this role, and

WHEREAS, the City was awarded $102,947 from the U.S. Department of Housing and Urban Development to support the Planning Grant on April 23, 2019, Resolution 2019-174, and

WHEREAS, on November 21, 2019 the Continuum of Care approved changing the collaborative applicant from the City of Modesto to Stanislaus County, and

WHEREAS, on June 22, 2020 the Collaborative Applicant was changed to Stanislaus County for the administration and oversight of the Homeless Management Information System (HMIS) for StanCSOC, and

WHEREAS, the City of Modesto, as Collaborative Applicant, incurred costs of $18,168for the oversight of the COC during the period of February 2, 2020 to June 21, 2020, and

WHEREAS, on August 3, 2020 the City, County, and HUD signed Amendment #1 to the Continuum of Care Grant Agreement which outlined that Planning Grant #

CA1080L9T101800 in the amount of $84,779 would be transferred to Stanislaus County, effective June 22, 2020, and

WHEREAS, the City drew the remaining funds of $84,779 on April 30, 2021 on behalf of Stanislaus County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves to the transfer of funds remaining in the Continuum of Care Planning Grant in the amount of $84,779 to Stanislaus County.

BE IT FURTHER RESOLVED by the Council of the City of Modesto 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 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-198

RESOLUTION APPROVING A BUDGET ADJUSTMENT TO THE FISCAL YEAR 2020-21 OPERATING BUDGET TO ACCOUNT FOR AN INCREASE IN REVENUES AND EXPENSES ASSOCIATED WITH THE PLANNING GRANT ON BEHALF OF STANISLAUS COUNTY AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto must adopt an operating budget annually, and

WHEREAS, on August 3, 2020 the City, County, and HUD signed Amendment #1 to the Continuum of Care Grant Agreement which outlined that Planning Grant # CA1080L9T101800 in the amount of $84,779 would be transferred to Stanislaus County, effective June 22, 2020, and

WHEREAS, due to COVID related delays, in order to meet timeliness and other requirements, the City completed the final draw of the Planning grant and receipted the remaining funds of $84,779 on April 30, 2021 on behalf of Stanislaus County, and

WHEREAS, due to an increase in revenues for Fiscal Year 2020-21, the Fiscal Year operating budget will need to increase by $84,779 and to cover the distribution to Stanislaus County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the budget adjustment to the Fiscal Year 2021-21 operating budget.

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 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-199

RESOLUTION APPROVING A FIRST AMENDMENT A FIRST AMENDMENT TO THE AFFORDABLE HOUSING & SUSTAINABLE COMMUNITIES (AHSC) IMPLEMENTATION AND COOPERATION AGREEMENT FOR ARCHWAY COMMONS PHASE II, AND AUTHORIZING THE CITY MANAGER OR HIS DESGINEE TO EXECUTE THE AGREEMENT

WHEREAS, the State of California, the Strategic Growth Council (SGC), and the Department of Housing and Community Development (Department) issued a Notice of Funding Availability dated November 1, 2019 (NOFA), under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources code commencing with Section 75200, and

WHEREAS, the City of Modesto and EAH Inc. submitted a joint application for funding in February 2020 for the Archway Commons Phase II project, a 74-unit multifamily rental housing facility, and

WHEREAS, the City of Modesto is an Eligible Applicant/Sponsor under the AHSC Program and was awarded an AHSC Program loan for the Archway Commons Phase II Project in an amount not to exceed $14,276,157 (“AHSC Loan”) and an AHSC Program grant in an amount not to exceed $10,490,000 (“AHSC Grant”) for an aggregate amount not to exceed $24,766,157 under the above described NOFA, and

WHEREAS, on April 27,2021, by Resolution Number 2021-154, Council approved the City and EAH previously entered into a cooperation agreement regarding the AHSC Award, and EAH is required to indemnify the City if EAH fails to satisfy the requirements of the AHSC Loan, and

WHEREAS, the Cooperation Agreement, which was approved by Council December 4, 2018, by Resolution Number 2018-544, did not include similar language

requiring the City to indemnify EAH from liability if the City failed to satisfy the requirements of the AHSC Grant, and

WHEREAS, EAH has requested, and the City has agreed, that the Cooperation Agreement be amended to provide for mutual indemnification by the parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Affordable Housing & Sustainable Communities (AHSC) Implementation and Cooperation Agreement for Archway Commons Phase II.

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 June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-200

RESOLUTION APPROVING THE APPOINTMENT OF COUNCIL MEMBER DAVID WRIGHT TO SERVE AS A NON-VOTING MEMBER ON THE BLIGHT ABATEMENT ADVISORY COMMITTEE, SUBJECT TO THE MAYOR'S ANNUAL COMMITTEE ASSIGNMENT PROCESS.

WHEREAS, in December 2019, by Resolution 2019-555, the City Council approved the Blight Abatement Strategy, and

WHEREAS, to ensure that these efforts are sustained, a component of the strategy included the formation of a Blight Abatement Advisory Committee (BAAC) comprised of public and private partners with a mission to promote public engagement concerning blight abatement in the city and to make recommendations to the City regarding program improvements, potential funding opportunities, and support with increasing volunteerism, and

WHEREAS, the BAAC shall act in an advisory capacity to the City Council and the City Manager in all matters pertaining to blight and blight abatement efforts, and

WHEREAS, furthermore, this committee will champion the initiation and coordination of volunteer groups and donations to support the effort, and

WHEREAS, the Mayor also has the authority to appoint a member of the Council as a non-voting member to the Blight Abatement Advisory Committee, and

WHEREAS, the purpose of this appointment is intended to provide a liaison between the Committee and the Council, and to help streamline communication between the committee and the Council, and

WHEREAS, the Mayor has selected Council Member David Wright as the appointment that is subject to Council approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Council Member David Wright to serve as a non-voting member on the Blight Abatement Advisory Committee, subject to the Mayor's annual committee assignment process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-201

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF TEN (10) 2022 FORD POLICE INTERCEPTORS TO NAPA FORD, NAPA, CA BY $2,320 FROM $406,977 FOR A NEW TOTAL AMOUNT NOT TO EXCEED $409,297, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO AMEND THE PURCHASE ORDER

WHEREAS, on October 27, 2020 the Purchasing Division issued Request for Bid (RFB) 2021-22 for three (3) Ford Police Responder Pick-Up Trucks and ten (10) Ford Police Interceptors SUV on the City's website; and

WHEREAS, two (2) companies downloaded the RFB document, one (1) vendor chose to respond and bid for the ten (10) Ford Police Interceptors; and

WHEREAS, on February 23, 2021 Council approved Resolution 2021-064 to Napa Ford for a total not to exceed $406,977; and

WHEREAS, on March 3, 2021 the Purchasing Division issued Purchase Order No. 197630 to Napa Ford; and

WHEREAS, on March 5, 2021 the vendor informed Purchasing they could no longer hold the bid price because the production of the 2021 Ford Interceptors are no longer available and 2022 Ford Interceptors would need to be ordered; and

WHEREAS, on Mary 11, 2021 Napa Ford provided the increased pricing of $232 including tax per vehicle for a total increased amount of $2,320 for the ten (10) vehicles; 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 ten (10) 2022 Ford Police Interceptors to Napa Ford, Napa, CA which conforms to the Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increased amount of $2,320 for the ten (10) Ford Police Interceptors increasing the Purchase Order amount to not exceed $409,297.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to update 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 June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-202

RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL (FORMERLY NATIONAL JOINT POWERS ASSOCIATION) WITH VOLVO CONSTRUCTION EQUIPMENT, CORONA, CA, FOR THREE (3) TRAILER MOUNTED AIR COMPRESSORS FOR AN AMOUNT NOT TO EXCEED $90,669, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, on November 10, 2020, the Purchasing Division issued Request for Bid (RFB) 2021-05 for two (2) trailer mounted air compressors; and

WHEREAS, on December 8, 2020, bids were formally opened in the City Clerk's office, six (6) companies chose to submit a bid; and

WHEREAS, after reviewing the bids received and specification exceptions listed from vendors, it was determined that staff needed to amend the specifications based on further review identified after the bid event; and

WHEREAS, on April 6, 2021, Council approved Resolution 2021-104 to reject bids for RFB 2021-104; and

WHEREAS, Purchasing originally intended to issue a rebid with the updated specifications and an additional similar unit that was approved by the City Manager on October 22, 2020 from the Fleet Replacement List, however, after researching the unit specification it was discovered that a Sourcewell contract with Volvo was available; and

WHEREAS, on March 1, 2019, Sourcewell issued Request for Proposals (RFP) #041719 for Portable Construction Equipment with Related Accessories and Attachment on the Sourcewell website, the New York State Contract Report website and the Onvia website; and

WHEREAS, eleven proposals were received and based on the Sourcewell Proposal Review Committee and the criteria outlines in the RFP, six contracts were awarded for Portable Construction Equipment; 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. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the competitive bidding process from Sourcewell (formerly National Joint Powers Association) with Volvo Construction Equipment, Corona, CA, for three (3) trailer mounted air compressors for an amount not to exceed $90,669.

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 June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-203

RESOLUTION APPROVING THE DONATION OF CANINE HUDSON FROM THOR'S HOPE FOUNDATION, FOR USE AS A FACILITY DOG FOR THE CITY OF MODESTO FIRE DEPARTMENT, FOR AN ESTIMATED INITIAL COST OF $287, AND AN ESTIMATED ANNUAL COST OF $3,337

WHEREAS, the Modesto Fire Department is in need of a facility dog to improve the health and wellness of our firefighters; and

WHEREAS, there's a growing need for mental health support for first responders, as the number of firefighter suicides nationwide has surpassed the number of line-of-duty deaths; and

WHEREAS, last year alone, firefighters from the Modesto Fire Department responded to a combined 33,198 calls for service; and

WHEREAS, Thor's Hope Foundation, in partnership with Performance K-9 Training, Inc., has offered to donate Canine Hudson to the Modesto Fire Department to use as a facility dog; and

WHEREAS, Hudson was specially bred and selected to complete intense specialized training to support firefighters in various settings and situations; and

WHEREAS, the average cost of a facility dog of this caliber is $10,000 but would be gifted to the department; and

WHEREAS, the estimated initial cost for Hudson is $287, and estimated annual cost is $3,337, with costs already budgeted through the Department's behavioral health program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the donation of Canine Hudson from Thor's Hope Foundation, for

use as a facility dog for the City of Modesto Fire Department, for an estimated initial cost of $287, and an estimated annual cost of $3,337.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-204

RESOLUTION AUTHORIZING A PAYMENT IN THE AMOUNT OF $150,052 TO BELFOR PROPERTY RESTORATION, MODESTO, CA FOR THE DRYDEN GOLF CLUBHOUSE FIRE RENOVATION; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PAYMENT

WHEREAS, on August 4, 2020, the Dryden Golf Clubhouse was heavily damaged by a fire, and

WHEREAS, on September 22, 2020, by Resolution 2020-400, Council authorized a payment of $100,000 to Belfor Property Restoration (Belfor) for the Dryden Golf Clubhouse Fire Renovation; and amended the Fiscal Year 2020-2021 Capital Improvement Program Budget in the amount of $100,000 to establish a new capital project for the renovation of the Dryden Golf Clubhouse, and

WHEREAS, at the beginning of the clubhouse renovation project, the City's insurance adjuster and the City agreed the City's property insurance firm, Alliant Insurance Services, Inc., would be responsible to pay all services related to the claim after the deductible had been paid, and

WHEREAS, after several months, the City and the City's insurance adjuster discussed the efficiencies of the City paying invoices directly and the Alliant providing reimbursement payments for expenses directly to the City, and

WHEREAS, there are three outstanding invoices from Belfor totaling $150,052 for services rendered in November and December 2020 and February 2021 for final abatement services, emergency services and a temporary water line, and

WHEREAS, Alliant, has remitted payment to the City for these invoices, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a payment in the amount of $150,052 to Belfor Property Restoration, Modesto, CA for the Dryden Golf Clubhouse Fire Renovation.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-205

RESOLUTION ACCEPTING THE COFFEE ROAD PAVEMENT REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $2,805,738 TO UNITED PAVEMENT MAINTENANCE, INC., OF HUGHSON, CALIFORNIA

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

WHEREAS, on October 4, 2016, Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission (Citizens' Commission) consisting of (11) members appointed by the Council, and

WHEREAS, on December 12, 2017, by Resolution No. 2017-505, Council approved a Measure L Master Funding Agreement between the Stanislaus Council of Governments and the City of Modesto, and

WHEREAS, the City's estimated annual share of Measure L local funds is approximately $8.9 million, allocated to three categories: $6.87 million annually for Local Streets and Roads which is to be used exclusively for repair and maintenance of City streets; $1.37 million annual for Traffic Management which is to be used to upgrade intersections, widen roads, signalize intersections, install traffic calming devices, etc.; and $687,000 annually for Bike and Pedestrian improvements which is to be used for local connectivity between communities, local schools, trails and recreational facilities, and

WHEREAS, on February 7, 2019, the Citizens' Commission approved a list of projects for Fiscal Year 2019-2020, which included the Coffee Road Pavement Rehabilitation Project Phase I (Project), and

WHEREAS, this Project was included in the Fiscal Year 2019-2020 Capital Improvement Program (CIP) which was presented to the Finance Committee at workshops held on April 29, April 30, and May 2, 2019 and at a joint Planning Commission/Finance Committee meeting held on May 20, 2019, and

WHEREAS, the CIP projects and budget were approved on June 25, 2019, by Resolution No. 2019-304, and

WHEREAS, the project work completed pavement rehabilitation on Coffee Road from Norwegian Avenue to Sylvan Avenue, rehabilitation of pavement on Coffee Road from Mable Avenue to Claratina, including the roundabout at the Coffee-Claratina intersection, and a paving extension on Claratina Avenue between Coffee Road and the Hetch Hetchy right of way, and

WHEREAS, project improvements also included new signage and striping and Americans with Disabilities Act upgrades, and

WHEREAS, bids were advertised on February 6, 2020, and were publicly opened on March 10, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and United Pavement Maintenance, Inc. of Hughson, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on April 14, 2020, by Resolution No. 2020-161 Council awarded a contract to United Pavement Maintenance, Inc., of Hughson, CA, for the construction of the Coffee Road Pavement Rehabilitation project in the amount of $2,630,349, and by

Resolution No. 2020-162, Council increased the Director's authority to approve change orders from 8% to 10% contingency not to exceed $263,035 for a total amount of $2,893,384, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 8, 2020, and all contract work was completed by November 10, 2020, and

WHEREAS, the total project costs were $3,288,565 which included design, construction, and construction administration costs. The total project amount originally budgeted was $4,200,000 which included $3,693,384 for the construction contract and contingency with United Pavement Maintenance, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 8% ($210,428) of the original contract price. However, staff requested to increase the contract change order authority to 10% ($263,035), and

WHEREAS, there were two change orders on this project with an overall increase of $175,389, 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 Coffee Road Pavement Maintenance project is hereby accepted as complete from contractor, United Pavement Maintenance, Inc. of Hughson, 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 $2,805,738.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-206

RESOLUTION ACCEPTING THE TULLY ROAD PAVEMENT REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,633,621 TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA

WHEREAS, in November 2016, the voters of Stanislaus County approved the countywide, 25-year, half- percent sales tax increase known as Measure L, 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 Tully Road Pavement Rehabilitation project repaired deteriorated pavement on Tully Road from Yale Avenue to Briggsmore Avenue, the street segments received an asphalt grind and overlay, ADA ramp improvements were made at signalized intersections, and the street was restriped to allow for enhanced bicycle lanes for safety, and

WHEREAS, bids were advertised on November 20, 2019, and were publicly opened on December 17, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and DSS Company dba Knife River Construction, of Stockton, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on January 28, 2020, by Resolution No. 2020-030, Council awarded a contract to DSS Company dba Knife River Construction, of Stockton, CA, for the construction of the Tully Road Pavement Rehabilitation project in the amount of $1,664,791, and by Resolution No. 2020-031, Council increased the Director's authority

to approve change orders from 8% to 10% contingency not to exceed $166,479 for a total amount of $1,831,270, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of May 4, 2020, and all contract work was completed by September 11, 2020, and

WHEREAS, the total project costs were $2,108,762 which included design, construction, and construction administration costs. The total project amount originally budgeted was $2,500,000 which included $1,836,522 for the construction contract and contingency with DSS Company dba Knife River 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 up to and not to exceed 8% ($133,184) of the original contract price; however, staff requested authorization to increase the contract change order authority up to and not to exceed 10% ($166,479) due to possible issues with pavement fabric that was installed in 1987, and

WHEREAS, there were five change orders on this project with an overall decrease of $31,170, 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 Tully Road Pavement Rehabilitation project is hereby accepted as complete from contractor, DSS Company dba Knife River Construction, of Stockton, 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 $1,633,621.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-207

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, SACRAMENTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE YOSEMITE TRANSMISSION MAIN PROJECT IN THE AMOUNT OF $1,186,648 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $118,665 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL NOT TO EXCEED AMOUNT OF $1,305,313, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's water system consists of providing supply from approximately 60 active wells and treated surface water purchased from the Modesto Irrigation District (MID), and

WHEREAS, though MID is able to supply up to 60 million gallons of capacity of water to the City's distribution system, additional improvements were identified by the City in 2008 to assist with providing added capacity to South Modesto, and

WHEREAS, improvements included a number of new transmission mains that will provide increased flexibility to the City's water distribution system allowing treated water to reach areas of the City which are currently served by wells, and

WHEREAS, the Yosemite Transmission Main is one of the proposed designated mains, and

WHEREAS, the 3-mile pipeline will connect to an existing 24-inch water main in the City's east area and will assist in serving water customers in the south and downtown sections of the City, boosting water pressures and increasing system reliability for the southwest area of the City, and

WHEREAS, on April 1, 2008, by Resolution No. 2008-183, Council approved a design services agreement with HDR Engineering, to prepare a preliminary design report

(PDR) that included the Yosemite Transmission Main and other identified projects already completed by the City of Modesto, and

WHEREAS, on December 9, 2008 by Resolution No. 2008-673, Council accepted the PDR for the Yosemite Transmission Main project as complete, 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, and

WHEREAS, on January 22, 2021, staff received and distributed three (3) proposals to a selection committee consisting of Utilities engineering and operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined Carollo Engineers, Sacramento, CA to be the most qualified and responsive.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, Sacramento, CA for Engineering Design Services for the Yosemite Transmission Main Project in the amount of $1,186,648, for the identified scope of services, plus $118,665 in additional services, if needed, for a total not to exceed amount of $1,305,313.

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 June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-208

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,348,790 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FUND THE YOSEMITE TRANSMISSION MAIN PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,348,790, in order to fund the Yosemite Transmission Main Project, and

WHEREAS, the Fiscal Year 2020-21 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 Capital Improvement Program Budget in the amount of $1,348,790 to be transferred into the project from Water Fund Reserves.

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 1st day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-209

RESOLUTION ACCEPTING AN UPDATE ON THE PROPOSED RENAMING OF THE KING-KENNEDY MEMORIAL CENTER AND APPROVING THE CULTURE COMMISSION'S RECOMMENDATION TO PERMANETELY RECOGNIZE THE MELLIS FAMILY WITH THE NAMING OF THE PAVILION TO THE MELLIS FAMILY PAVILION AND THE INSTALLMENT OF A MELLIS FAMILY HISTORICAL PLAQUE TO BE LOCATED ADJACENT TO THE PAVILION

WHEREAS, the Culture Commission advises Council on matters pertaining to art, literature, music, historical properties, and other cultural activities in the City, and

WHEREAS, City Council Policy No. 6.005 authorizes the Culture Commission to submit names for parks not located adjacent to schools, and

WHEREAS, Mellis Park was established in 1959 at 601 Franklin Street, and was formerly a veteran's housing sight and Franklin-California Park, and

WHEREAS, in 1964, the park was renamed Mellis Park in honor of Dan Mellis, a former City Councilmember and business leader, and George Mellis, a Stanislaus County Superior Court Judge, and

WHEREAS, in 1969, the King-Kennedy Memorial Center was constructed adjacent to Mellis Park and named in honor of the late Dr. Martin Luther King, Jr. and Robert F. Kennedy, and

WHEREAS, the King-Kennedy Memorial Center is owned by the City, operated by the West Modesto Community Collaborative, and used by the King-Kennedy Memorial Center Board of Directors for meetings and community events, and

WHEREAS, in 2018, Sebastian Jones asked the Culture Commission to consider changing the name of Mellis Park and the King-Kennedy Memorial Center to Dr. Martin Luther King, Jr. Park and Center, and

WHEREAS, the Culture Commission reviewed and discussed the matter over the past two years, and

WHEREAS, in November 2020, Sebastian Jones submitted a formal request to the Culture Commission requesting the renaming of Mellis Park to Dr. Martin Luther King, Jr. Park and the King-Kennedy Memorial Center to the Dr. Martin Luther King, Jr. Center, and

WHEREAS, on January 6, 2021, the Culture Commission voted unanimously to recommend renaming Mellis Park to Dr. Martin Luther King, Jr. Park, and recognizing the Mellis family in a permanent way by means of a bronze plaque, statue, or the renaming of another park, be forwarded to Council for approval, and

WHEREAS, on January 26, 2021, by Resolution 2021-025 Council approved the renaming of Mellis Park to Dr. Martin Luther King, Jr. Park and to permanently recognize the Mellis family, and

WHEREAS, on February 3, 2021, the Culture Commission unanimously voted to retain the King-Kennedy Memorial Center name, and

WHEREAS, on May 5, 2021, the Culture Commission unanimously agreed to recommend the naming of the newly renovated pavilion in the park to the "Mellis Family Pavilion" within Dr. Martin Luther King, Jr. Park and the installment of an historical plaque near the Mellis Family Pavilion to memorialize the Mellis family's contributions to Modesto, and

WHEREAS, the cost for new pavilion signage and historical plaque is estimated at $15,000, and is budgeted in non-capital project # 101332.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves accepting an update on the proposed renaming of the King-Kennedy Memorial Center and the Culture Commission's recommendation to permanently recognize the Mellis family with the naming of the pavilion to the Mellis Family Pavilion and the installment of a Mellis family historical plaque to be located adjacent to the pavilion.

BE IT FURTHER RESOLVED that it hereby approves permanent recognition of the Mellis family with the naming of the Mellis Family Pavilion and the installment of a Mellis Family historical plaque within Dr. Martin Luther King, Jr. Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 2021, by Councilmember Wright, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-210

RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 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 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

EXHIBIT A

FISCAL YEAR 2020-21

INFORMATION TECHNOLOGY DEPARTMENT

- A budget adjustment is necessary in the amount of $194,000 in the Information Technology Department in Fund 5230 to the Repair and Maintenance Services (53100) account in cost center 17510 (Business Applications/Development Services). The appropriation is coming from IT Fund reserves and is necessary to make a payment on the first year of maintenance for the CentralSquare Permitting system that was recently implemented for the Community and Economic Department. The second and third years of maintenance are budgeted in future IT internal service fund allocations.

POLICE DEPARTMENT

- A budget adjustment in the amount of $196,799 is needed to recognize additional State Supplemental Law Enforcement Services Fund (SLESF) revenue received for the 2021 SLESF project (101284) and program offsetting expense in the same amount. These funds will be used for police overtime, training, technology and equipment to fulfill the purpose of the funding which is “provide for additional resources for local law enforcement and to benefit front line law enforcement services”.

PUBLIC WORKS

- A budget adjustment is needed in the amount of $500,000 to fund 4510-Bus Fixed Route Fund, project 101134-BMF-CNG Upgrade to reduce LTF revenues and appropriations for project closure. There were no expenditures to this project. When ready to complete, this will be funded by the newly-formed transit JPA, Stanislaus Regional Transit Authority.

- A budget adjustment is necessary to fund 4510-Bus Fixed Route, project 100982-MAX ITS Equipment Purchase. The adjustment will amend revenues and appropriations for the project closure. The adjustment will be as follows:

Account/Appropriation	Current Budget	Adjustment	Final Budget
42013-FTA	$ 110,000.00	$(110,000.00)	$ -
42107-LTF	$ 37,149.00	$ 29,425.00	$ 66,574.00
42193-PTMISEA	$ 73,140.00	$ (1,009.00)	$ 72,131.00
42117-Prop 1B-Capital	$ 508,227.00	$ (557.00)	$507,670.00
42423-Escalon	$ 63,000.00	$ (307.00)	$ 62,693.00
Appr Unit C	$ -	$ 1,288.00	$ 1,288.00
Equip Acquisition	$ 671,255.00	$ (22,076.00)	$649,179.00
Other Cost CIP	$ 67,373.00	$ (8,794.00)	$ 58,579.00

- A budget adjustment is necessary to transfer funds in the amount of $2,097,232 from Fund 4540 (Bus Fixed Route MAX Operations Fund) in the Transit Division of Public Works to various Internal Service Funds (ISFs) in order to fund the charges for these

services. The ISFs that are listed below are ones that are calculated two years in arrears and because of this and the Transit Divisions movement that is anticipated towards a standalone joint powers authority, these charges can be recouped with existing transit funds in order to pay for expenditures already incurred but not yet billed through the ISF models. Below is a chart that shows that distribution of the funds to the various ISFs for services already rendered to the Transit Division and that would have been recouped in FY 2021-22 and FY 2022-23:

Internal Service Fund	Fund	Amount
Building Services ISF	5800	$ 492,428
Cost Allocation ISF	0100	$ 629,432
Liability Insurance ISF	5330	$ 97,530
Mail Services ISF	5120	$ 5,138
Information and Technology - Operations ISF	5230	$ 269,462
PERS - Unfunded Accrued Liability	5510	$ 554,630
Workers Compensation ISF	5320	$ 48,612
Totals		**$2,097,232**

This adjustment will increase the transfer out in Fund 4540 (Bus Fixed Route MAX Operations Fund) by $2,097,232 and the Transfers In in the funds stated in the chart above by the amounts noted. The adjustment will also increase the revenues in Fund 4540 by the amount of $2,097,232 to increase Local Transportation Fund revenues to account for the Transfers Out expenditures.

- A budget adjustment in the amount of $2,307,705 to fund 4540-Bus Fixed Route MAX Operations is necessary to increase Local Transportation Funds and decrease State Transit Assistance for the operations of MAX to change the funding source for operations for Fiscal Year 2020-21 to Local Transportation Funds.

UTILITIES

- A budget adjustment is necessary in the amount of $5,840,000 from the Wastewater Fund (4210) to the JM Pike Park Cross Connection Removal project (101313) housed in the Wastewater Grants Fund (4280). The project was funded for $15,840,000 of expenses and $10,000,000 in grant revenue on the 4/6/21 by resolution number 2021-120 so the transfer balances the project.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-211

RESOLUTION ADOPTING THE CANNABIS BUSINESS ACTIVITY DESCRIPTION TO PROPERLY CATEGORIZE THE CANNABIS TAX ON THE PRIMARY ACTIVITY AND TO AMEND THE CANNABIS TAX RATES EFFECTIVE JULY 1, 2021; INCLUDING AMENDING MICROBUSINESS TO MICROBUSINESS (RETAIL) AT EIGHT PERCENT (8%), MICROBUSINESS (MANUFACTURING-WHOLESALE) AT FOUR PERCENT (4%), AND MICROBUSINESS (CULTIVATION-WHOLESALE) AT TWO AND A HALF PERCENT (2.5%); AMENDING THE CULTIVATION CATEGORY BY TYPE TO CULTIVATION (NURSERY) AT ONE PERCENT (1%) AND CULTIVATION (INDOOR ONLY) AT TWO AND A HALF PERCENT (2.5%); REDUCE THE DISTRIBUTION TAX RATE TO TWO AND A HALF PERCENT (2.5%); AND REDUCE THE TESTING LABS TAX RATE TO ONE AND A HALF PERCENT (1.5%)

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses similar to that previously approved for medicinal cannabis businesses, and

WHEREAS, in November 2017, the City Council placed before the voters a ballot measure, “Measure T,” allowing the City Council to implement an excise tax of up to ten percent (10%) on cannabis businesses within the City of Modesto; the voters approved Measure T, with eighty-two and a half percent (82.5%) voting in favor of it, and

WHEREAS, on June 27, 2017, Ordinance No. 3672-C.S. pursuant to section 8-2.1108 of the Modesto Municipal Code, established that City Council may, in its discretion, at any time by resolution, implement a lower tax rate for all cannabis businesses or establish differing tax rates for different categories of cannabis businesses, as defined in such resolution, subject to the maximum rate of ten percent (10%) of gross receipt; and the City Council may, by resolution, also increase any such

tax rate from time to time, not to exceed the maximum tax rate of ten percent (10%) of gross receipts, and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria; these regulations permit up to 10 cannabis retailers and established that wholesale cannabis businesses, such as manufacturing, distribution, and cultivation (indoor) are permitted, and

WHEREAS, on December 4, 2018, under Resolution No. 2018-537, City Council imposed the Cannabis Business Tax, pursuant to Section 8-2.1108 of the Modesto Municipal Code, at rates ranging from two and a half percent (2.5%) to eight percent (8%) of gross receipts on those engaged in commercial cannabis business within the City depending on the business type, and

WHEREAS, City staff worked with its Cannabis Tax consultant HdL Companies, and the City Attorney to review the existing tax rate structure to incorporate the current industry prevailing rates based on the type of activity each business operation conducts with the goal to impose competitive tax rates that allow Modesto cannabis businesses to be sustainable, competitive, and to thrive in the marketplace, and

WHEREAS, in order to capture the primary business activities for Microbusiness and to amend the tax rate related to each activity, Microbusiness will be categorized as Microbusiness (Retail) and will be updated and taxed at eight percent (8%) of gross receipts; taxing Microbusinesses at eight percent (8%) will match the rate at which other cannabis retail businesses are being taxed; and Microbusiness

(Manufacturing) activities sold at wholesale will be taxed at four percent (4%) of gross receipts, and

WHEREAS, the Distribution tax rate currently set at six percent (6%) will be reduced to two and a half percent (2.5%) as this is critical since distributors do not have the same profit margins as other plant touching businesses, and

WHEREAS, Cultivation tax rate is currently set at two and a half percent (2.5%); however, HdL recommends the City modify the Cultivation tax rate to a tiered tax rate to align the profit margins related to each business activity; therefore, it is recommended that Cultivation be categorized as Cultivation (Indoor Only) at two and a half percent (2.5%) of gross receipts and Cultivation (Nursery) at one percent (1%) of gross receipts, and

WHEREAS, the testing Lab tax rate is currently set at two and a half percent (2.5%); however, HdL recommends to lower the tax rate to one and half percent (1.5%) of gross receipts based on market data to align with the margins for this business activity, and

WHEREAS, the recommended tax changes will be effective July 1, 2021 and will have minimal impact on current revenues as the tax rate for Distribution will impact one out-of-town business who currently reports minimal taxes to the City; the Cultivation (Nursery) tax rate will impact one permitted business that is expected to generate revenue in late spring of 2021 and the tax rates for Microbusinesses will become effective prior to the permitted Microbusinesses start date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The foregoing recitals are true and correct and are hereby incorporated by reference.
2. Pursuant to Section 8-2.1108 of the Modesto Municipal Code, the Cannabis Business Tax is hereby imposed at rates ranging from 1% to 8% of all gross receipts of those engaged in cannabis business within the City of Modesto, as follows:

Cannabis Business Type	Tax Rate
Retail (Storefront and Delivery)	8%
Microbusiness (Retail)	8%
Microbusiness (Manufacturing-Wholesale)	4%
Microbusiness (Cultivation-Wholesale)	2.5%
Distribution	2.5%
Manufacturing	4%
Testing Labs	1.5%
Cultivation (Indoor Only)	2.5%
Cultivation (Nursery)	1%

3. This Resolution shall become effective July 1, 2021 upon passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-212

RESOLUTION APPROVING THE AWARD OF BID FOR THE STANDBY RENTAL AND/OR DELIVERY OF BY-PASS PUMPS DV-400C TO WESTERN OILFIELDS SUPPLY COMPANY DBA RAIN FOR RENT, BAKERSFIELD, CA, FOR AN AMOUNT NOT TO EXCEED $60,545, TO ENSURE THE CITY HAS THE NECESSARY EQUIPMENT TO MITIGATE ANY SERVICE DISRUPTIONS DURING PEAK CANNERY DISCHARGE SEASON AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, in January 2012, West Yost Associates completed a draft of the Cannery Segregation Line (CSL) and River Trunk Diversion Plan (Plan). The Plan consisting of several elements: 1) a risk assessment, which included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design of permanent diversion structures, and

WHEREAS, through the use of Closed-Circuit Television inspection and hydraulic analysis, it was determined that the risk of CSL failure is low, yet still a possibility, and

WHEREAS, staff developed a seasonal bypass pumping plan to be used until capital improvements for reliability of the sewer trunk system are complete, and

WHEREAS, to mitigate the risk of a service disruption caused by a catastrophic failure of the CSL, the Plan includes a Temporary Bypass Plan, and

WHEREAS, in the event of a CSL failure, the Bypass Plan could quickly restore service to CSL users, and

WHEREAS, the availability and location of the three large pumps used in the bypass can vary greatly and delay the implementation of a bypass by several weeks, and

WHEREAS, the City does not own pumps capable of performing the bypass operation and availability of the pumps is based on a first-come/first-serve basis, and

WHEREAS, the CSL season is also the peak period for underground construction, which increases the risk that equipment might not be available if needed, and

WHEREAS, not having this equipment on standby rental could potentially result in a sanitary sewer overflow from either the domestic or CSL sewer trunks; if that were to happen, the City would receive monetary penalties and civil liability enforcement actions from the State Water Resources Control Board, and

WHEREAS, on April 28, 2021, the Purchasing Division issued RFB 2021-61, By-Pass Pumps DV400C on the Planet Bids via the City's website under various commodity codes associated with rental and/or delivery of By-Pass Pumps DV400C, and

WHEREAS, on May 18, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream, Staff implemented a virtual bid opening in an effort to slow the spread of COVID-19, and

WHEREAS, two vendors chose to respond, none of which were local vendors, and

WHEREAS, based on providing the lowest responsive and responsible bid, staff recommends the award of bid for the standby rental and/or delivery of By-Pass Pumps DV400C to Western Oilfields Supply Company dba Rain for Rent, Bakersfield, CA, for an amount not to exceed $60,545, 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

WHEREAS, an award of bid for the standby rental and/or delivery of By-Pass Pumps DV400C to Western Oilfields Supply Company dba Rain for Rent, Bakersfield, CA, and conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Western Oilfields Supply Company dba Rain for Rent, Bakersfield, CA, 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 for the By-Pass Pumps DV-400C to Western Oilfields Supply Company dba Rain for Rent, Bakersfield, CA, for the standby rental and/or delivery of By-Pass Pumps DV400C, for an amount not to exceed $60,545, to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SÁNCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-213

RESOLUTION ACCEPTING THE EMPIRE SANITARY SEWER TRUNK PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $4,288,105 TO ROLFE CONSTRUCTION, INC., ATWATER, CA

WHEREAS, the City of Modesto provides sewer service to the community of Empire, and

WHEREAS, the Wastewater Collection System Master Plan listed the Empire Trunk as a high priority project because of its hydraulic deficiencies, and

WHEREAS, the Empire Trunk is known as a secondary trunk and conveys all flows from the Empire sewer system to the River Trunk, and

WHEREAS, the Empire Trunk currently was previously aligned on South McClure Boulevard and Yosemite Boulevard, and

WHEREAS, the improvements corrected the hydraulic deficiencies and provided better access for maintenance in Empire, and

WHEREAS, this project realigned the sewer trunk line along Garner Road with an 18-inch domestic trunk line, and

WHEREAS, the project also provided replacement of the existing 10-inch domestic sewer trunk line located on Yosemite Boulevard, A Street, and First Street with a 15-inch domestic trunk line, and

WHEREAS, the existing 6-inch sewer on South Avenue was also replaced with an 8-inch main and a new 12-inch sewer line was installed to provide service to the commercial occupants along Linley Ave, and

WHEREAS, bids were advertised on January 15, 2019, and were publicly opened on February 12, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction, Inc., Atwater, CA, was the lowest responsible bidder, and

WHEREAS, on April 2, 2019, by Resolution No. 2019-141, Council awarded a contract to Rolfe Construction, Inc., Atwater, CA, for the construction of the Empire Sanitary Sewer Trunk project in the amount of $3,866,093 plus $463,931 for contingency (if needed) for a total amount of $4,330,024, 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 June 23, 2020, and

WHEREAS, the total project costs were $5,101,269 which included design, construction, and construction administration costs. The total project amount originally budgeted was $7,642,229 which included $6,414,937 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% ($309,287) of the original contract price. However, staff requested authorization to increase the contract change order authority to 12% ($463,931) by Resolution No. 2019-142 on April 2, 2019, and

WHEREAS, there were ten change orders on this project with an overall increase of $422,012, 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 Empire Sanitary Sewer Trunk project is hereby accepted as complete from contractor, Rolfe Construction, Inc., Atwater, CA, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with County Recorder, releasing securities, and releasing payments totaling $4,288,105 to Rolfe Construction, Inc., Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-214

RESOLUTION ACCEPTING THE SPENCER AVENUE NEIGHBORHOOD STRENGTHEN & REPLACE WATER MAINS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,314,761 TO ROLFE CONSTRUCTION, INC., ATWATER, CA

WHEREAS, the Spencer Avenue Neighborhood was one of many prioritized areas in the City's water service area that required replacement of current, aging water infrastructure, and

WHEREAS, this project replaced and upgraded deficient water mains, associated water valves, services and fire hydrants increasing service reliability, flows, and pressures, and

WHEREAS, the project area is bounded by Spencer Avenue on the west, Martin Luther King Drive on the east, Truman Avenue on the north, and California Avenue on the south, and

WHEREAS, bids were advertised on December 18, 2019, and were publicly opened on January 14, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction, Inc., Atwater, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on February 11, 2020, by Resolution No. 2020-081, Council awarded a contract to Rolfe Construction, Inc., Atwater, CA, for the construction of the Spencer Avenue Neighborhood Strengthen & Replace Water Mains project in the amount of $1,275,618. By Resolution No. 2020-082, Council increased the Director's authority to approve change orders from 8% to 10% contingency not to exceed $127,562 for a total amount of $1,403,180, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of May 18, 2020, and all contract work was completed by November 24, 2020, and

WHEREAS, the total project costs were $1,484,441, which included design, construction, and construction administration costs. The total project amount originally budgeted was $2,080,000 which included $1,760,000 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 up to and not to exceed 8% ($102,049) of the original contract price. However, by Resolution No. 2020-082, staff received authorization to increase the contract change order authority to 10% ($127,562), and

WHEREAS, there were five change orders on this project with an overall increase of $39,143, 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 Spencer Avenue Neighborhood Strengthen & Replace Water Mains project is hereby accepted as complete from contractor, Rolfe Construction, Inc., Atwater, 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 $1,314,761.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-215

RESOLUTION REJECTING ALL BIDS FOR THE CODONI LIFT STATION FORCE MAIN REPLACEMENT PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE

WHEREAS, the bids were publicly opened on May 4, 2021, pursuant to City Charter Section 1307, and four bids were received, and

WHEREAS, one of the bids received was 16.46% below the engineer's estimate, and three of the bids received were above the engineer's estimate, with the percentages varying from 33% to 66.06% 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, due to the high discrepancy between the bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Codoni Lift Station Force Main Replacement Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-216

RESOLUTION APPROVING THE *FORWARD TOGETHER* WORKING GROUP AND LISTENING SESSION THEMES; AND DIRECTING STAFF TO CARRY OUT THE APPROPRIATE NEXT STEPS AND RETURN TO COUNCIL WITH RECOMMENDATIONS

WHEREAS, in policing, the importance of building trust is the foundation of a strong relationship between law enforcement and the community; and

WHEREAS, the death of George Floyd in May 2020 triggered protests in hundreds of cities across the United States and renewed the national discussion around police use of force, police-community relations, and reform; and

WHEREAS, recent events in the City added to the local conversation and intensified the demands for the City to address police use of force, police-community relations, and reform issues; and

WHEREAS, to reaffirm the City's commitment to maintaining and strengthening community trust, Mayor Sue Zwahlen announced the launch of a community engagement process to solicit feedback on police-community relations; and

WHEREAS, branded as *Forward Together*, the community engagement process will both educate and explore solutions that address the broad areas of expressed community concerns; and

WHEREAS, the formal launch of the *Forward Together* initiative was the Listening Session on May 22, 2021, where in a total of 43 individuals spoke during the Listening Session and the key themes (overarching areas of concern) that emerged were:

- **Accountability** – for police conduct, decisions and how they impact the Modesto community.

- **Policies and Practices** – that support safety, fairness and equity throughout the department and the community.

- **Alternate Response Models** – that ensure the right type of response and resources are applied to a situation.

WHEREAS, the *Forward Together* working group will be tasked with extensively reviewing and researching these themes to provide recommendations to Council in the next 6 to 12 months; and

WHEREAS, to arrive at the membership of the working group, staff solicited interest from stakeholder organizations in the community and asked that the organization provide a member that can commit the time and effort required for this very complex and important issue, based on the feedback from each organization; and

WHEREAS, additionally, it is recommended that the *Forward Together* working group be expanded, by receiving, reviewing and selecting 4 additional members from the community, the *Forward Together* working group will review these applications at their first meeting tentatively scheduled for July 20th and consider and approve the appointment to fill the 4 vacancies; and

WHEREAS, meetings of the full *Forward Together* working group will be open to the public, and may be held at various locations throughout the city to further engage the community in the process; and

WHEREAS, Staff assigned to this initiative will provide periodic updates to Council on *Forward Together's* progress, and will implement a communications strategy to ensure that the public is informed and has an opportunity to participate in the process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following *Forward Together* themes:

- **Accountability** – for police conduct, decisions and how they impact the Modesto community.

- **Policies and Practices** – that support safety, fairness and equity throughout the department and the community.

- **Alternate Response Models** – that ensure the right type of response and resources are applied to a situation.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby approves the *Forward Together* working group membership as follows:

Organization Name	Appointee
ACLU (American Civil Liberties Union of Northern California)	Thomas Helme
Black Student Union[1]	TBD
City Ministry Network	Wade Patton
CVPC (Central Valley Pride Center) MoPride	Zola Hayes
Downtown Modesto Partnership	Josh Bridegroom
El Concilio	Alvaro Ramirez
Golden Valley Health Center	Yamilet Valladolid
Hispanic Chamber of Commerce	Johnny Garcia
Latino Community Roundtable	Amanda Duran
Modesto Chamber of Commerce	Trish Christensen
Modesto City Schools	Tim Zearley
Modesto Clergy Council	Darius Crosby
Modesto Neighborhoods, Inc.	Brad Hawn
Modesto PD Internal Affairs	Aaron Tait
MPOA	Dan Starr
National Association for the Advancement of Colored People (NAACP)	Wendy Byrd
NAMI (National Alliance on Mental Illness) Stanislaus	Darlene Thomas
Stanislaus County Behavioral Health	Ruben Imperial
Stanislaus County District Attorney	Birgit Fladager
Stanislaus County Interfaith Council (SCIC)	Matthew Mason
Stanislaus County Public Defender	Laura Arnold
Stanislaus County Sheriff's Department	Jeff Dirkse
Stanislaus & Tuolumne Counties Central Labor Council	TBD
West Modesto Community Collaborative	Perfecto Munoz

BE IT FURTHER RESOLVED, that the Forward Together working group will review applications for 4 additional members from the community and consider and approve the appointments at an open meeting of the working group.

[1] To date staff has been unable to make contact, but efforts to do so continue.

BE IT FURTHER RESOLVED, if an appointee withdrawals from participation, or if a representative of a listed organization has not yet been selected, the listed organization can select a representative to fill the vacancy without additional Council action.

BE IT FURTHER RESOLVED, the *Forward Together* working group can include residents and non-residents of the City of Modesto.

BE IT FURTHER RESOLVED, that City staff is directed to carry out the appropriate next steps in proceeding with the *Forward Together* initiative and return to Council with recommendations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-217

RESOLUTION APPROVING THE ANNUAL RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE GARBAGE HAULERS, FOR AN INCREASE OF $0.79 PER MONTH FOR RESIDENTIAL SERVICES, AN INCREASE OF $6.56 PER CUBIC YARD FOR COMMERCIAL SERVICES, AND A DECREASE OF $14.78 PER PULL FOR INDUSTRIAL SERVICES TO BECOME EFFECTIVE JULY 1, 2021, AND RESCINDING RESOLUTION NO. 2020-533 FOR THE JANUARY 1, 2021 RATE ADJUSTMENT

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2022-276 AND 2022-277

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as per the Agreements with the City's garbage collection companies, and

WHEREAS, on December 8, 2020 by Resolution No. 2020-533, Council approved a mid-year rate adjustment to the Maximum Rate Schedule for Solid Waste Services to become effective January 1, 2021, and

WHEREAS, based on the current analysis conducted by staff utilizing the haulers FY 19/20 audited financial statements, and based on the cost structure of the lowest cost hauler, and

WHEREAS, the waste allocation for FY 19/20 was 53.66% residential, 21.07% commercial, and 25.27% industrial, and

WHEREAS, the changes in waste allocation reflect the actual amount of waste that came from each sector, and the residential allocation increased and the commercial and industrial allocations decreased slightly as compared to FY 18/19, and these percentage allocations were then utilized in applying fees accordingly, and

WHEREAS, to keep enterprise revenues in line with the increases in expenses each year, staff applied a Consumer Price Index (CPI) adjustment of 1.5% to the Recycling and Green Waste Diversion Program Fees, and

WHEREAS, the current maximum monthly rate for standard residential service is $36.66 per household per month, and

WHEREAS, based on the cost structure of the lowest cost hauler, the FY 19/20 audited financial statements, and the rate analysis conducted by staff, an $0.79 increase in the maximum residential rate is recommended for a new maximum residential rate of $37.45, to be effective July 1, 2021, and

WHEREAS, the current base maximum rate for commercial detachable container service is $47.53 for one-cubic yard picked up once weekly per month, and

WHEREAS, based on the cost structure of the lowest cost hauler, the FY 19/20 audited financial statements, and the rate analysis conducted by staff, a $6.56 increase in the base maximum commercial rate is recommended for a new maximum rate for

commercial detachable container service of $54.09 for one-cubic yard picked up once weekly per month, to be effective July 1, 2021, and

WHEREAS, the maximum rates for industrial drop boxes and roll-off compactors are set for the pickup charge and daily rental rate only, and

WHEREAS, the actual disposal charge is negotiated directly between the garbage collection company and the customer, and

WHEREAS, the current maximum rate per pick-up is $445.97, however, based on the cost structure of the lowest cost hauler utilizing the FY 19/20 audited financial statements and analysis conducted by staff, a $14.78 decrease in the maximum rate per pick-up is recommended for a new rate of $431.19 per pick-up, to be effective July 1, 2021, and

WHEREAS, the current AB 939 Green Waste Diversion fee is $17.96 and is recommended to be decreased by $0.86 to $17.10 per ton, to be effective July 1, 2021, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and

WHEREAS, the fiscal impact related to the proposed adjustments for residential, commercial and industrial garbage and recycling services will increase revenue to the Solid Waste Fund by $8,899.00, the General Fund by $151,665.00, and the Streets Fund by $74,701, and

WHEREAS, the Green Waste Fund revenue will increase by $123,325.00 however, this will partially offset $37,560 in expenses due to the increase in the Compost Tip Fee.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Services provided by the garbage haulers, as **attached** hereto as **Attachment A**, dated July 1, 2021, and incorporated herein by reference. Said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements and shall become effective July 1, 2021 and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that Resolution No. 2020-533 for the January 1, 2020 mid-year rate adjustment is hereby rescinded effective July 1, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Wright, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR GARBAGE SERVICE - JULY 1, 2021

STANDARD CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container for garbage and 1 container for organics waste recycling picked up once a week
- 2 bulky item collections per year by appointment
- City tree maintenance; collection & composting of green waste and forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for household hazardous waste

Base Rate	**$ 31.13**
Recycling Fee	$ 0.46
Green Waste Fee	$ 5.01
Carpenter Rd Landfill Fee	$ 0.70
Geer Rd Landfill Fee	$ 0.15
MAXIMUM MONTHLY RATE	**$ 37.45**

Additional Garbage Container - $ 13.00 each per month picked up once a week
Additional Organics Container - $8.00 each per month picked up once a week

*Containers must be placed in a location set forth in Section 5-5.111 of the MMC.

DETACHABLE CONTAINERS - Maximum Monthly Rate

Weekly rental for Detachable Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	**$ 41.53**
Recycling Fee	$ 0.63
Green Waste Fee	$ 10.18
Litter Abatement	$ 0.59
Carpenter Rd Landfill Fee	$ 0.95
Geer Rd Landfill Fee	$ 0.21
MAXIMUM RATE 1 CU YD	**$ 54.09**

Container Size	Regular Container Maximum Rates NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	$54.09	$108.18	$162.27	$216.36	$270.45	$324.54
2 CY	$108.18	$216.36	$324.54	$432.72	$540.90	$649.08
3 CY	$162.27	$324.54	$486.81	$649.08	$811.35	$973.62
4 CY	$216.36	$432.72	$649.08	$865.44	$1,081.80	$1,298.16
5 CY	$270.45	$540.90	$811.35	$1,081.80	$1,352.25	$1,622.70
6 CY	$324.54	$649.08	$973.62	$1,298.16	$1,622.70	$1,947.24

**<u>Residential and Commercial Fuel Component adjustments</u> - The fuel component is set annually as part of the base cost. It is reviewed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency and a fuel factor based on the haulers' audited financials at annual rate review each year.

<u>DROP BOX CONTAINERS – Maximum Rate Per Pick-Up</u>

Actual disposal charges are paid and negotiated directly between the customer and the garbage company. The garbage company will provide up to 40CY Drop Box containers for stated charges subject only to load limit of transfer vehicle.

An AB 939 Green Waste Diversion Fee of $17.10 per ton is added to the disposal charges.

Base Rate	**$ 375.16**
Recycling Fee	$ 19.71
Carpenter Rd Landfill Fee	$ 29.77
Geer Rd Landfill Fee	$ 6.55
MAXIMUM RATE PER PICK-UP	**$ 431.19**

<u>Rental Fees</u>

$0.85 per day up to 7-day maximum rental
$3.00 per day for boxes kept 7 or more days without servicing
$10.00 per day for boxes kept 21 or more days without servicing

COMPACTORS – Maximum Monthly Rate

Front Loader Compactors

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	$486.81	$973.62	$1,460.43	$1,947.24	$2,434.05	$2,920.86
4 CY	$649.08	$1,298.16	$1,947.24	$2,596.32	$3,245.40	$3,894.48
6 CY	$973.62	$1,947.24	$2,920.86	$3,894.48	$4,868.10	$5,841.72

Roll-Off Compactors

- 6CY to 40CY — $431.19 per pick-up
- Hospital waste compactors — $265.00 per pick-up
- Washing compactor — $30.00
- Disposal Charge — Actual charge to be paid by customer
- AB939 Green Waste Diversion Fee — $17.10 per ton

EXTRA PICKUPS

Standard containers or equivalent	$3.50 plus $2.30/container
Detachable containers	$12.00 plus $4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
$10.12	$11.00	$12.10	$15.40	$20.24	$25.08	$29.92

NOTATION: Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

PRINT

MODESTO CITYCOUNCIL
RESOLUTION NO. 2021-218

RESOLUTION INCREASING THE COMPOST FACILITY TIP FEE FOR MODESTO CUSTOMERS FROM $30.35 PER TON TO $38.00 PER TON, AND FOR GREEN WASTE DIVERSION FROM $16.90 PER TON TO $21.13 PER TON TO BECOME EFFECTIVE JULY 1, 2021, AND RESCINDING RESOLUTION NO. 2020-359 AND INCREASING THE TIP FEE FOR OUTSIDE MODESTO CUSTOMERS FROM $60.00 PER TON TO $75.00 PER TON, AMENDING THE PORTION OF RESOLUTION 2020-248 PERTAINING TO THE $60.00 TIP FEE

WHEREAS, the City of Modesto owns and operates a compost facility, Modesto Composting, located at the Wastewater Treatment Facility on Jennings Road, and

WHEREAS, composting is a critical component of the City's solid waste diversion programs, and without it the City would be unable to meet the AB 939 50% diversion rate, the AB 341 75% statewide diversion goal, the AB 1826 mandatory organics recycling mandate, or the SB 1383 all organics recycling legislation, and

WHEREAS, since the facility opened, it has processed more than 1,100,000 tons of materials and has saved ratepayers approximately $7,000,000 by keeping this material out of more costly disposal facilities, and

WHEREAS, on July 13, 2004, by Resolution No. 2004-367, Council authorized the creation of a separate Compost Enterprise Fund and established tip fees for materials received, and

WHEREAS, a combination of tip fees for residential and commercial green waste/organics, forestry/green waste, and revenues from the sale of the compost products is used to offset operations costs, and

WHEREAS, on August 12, 2008, by Resolution No. 2008-483, the City Council

set a tip fee of $20.35 per ton for green waste/organics and $6.50 per ton for City forestry/green waste and $18.71 for biosolids, andWHEREAS, on July 12, 2016, by Resolution No. 2016-308, Council set a new tip fee of $26.00 per ton for green waste/organics, and $15 per ton for City forestry/green waste, and

WHEREAS, in 2018, the City conducted a Solid Waste Rate Study and on June 12, 2018 by Resolution No. 2018-240, Council approved increasing the tip fees by the Consumer Price Index (CPI) annually, which increased the tip fee automatically in 2019 to $27.59 per ton for green waste/organics, and $15.36 per ton for City forestry/green waste, and

WHEREAS, the compost budget has not been sufficient to meet the needs of the facility and the costs to repair equipment, keep the infrastructure in permit compliance, and keep up with mandatory expenditures such as personnel, fleet, ISF charges, and regulatory requirements. Due to sales that had been declining, on September 1, 2020 by Resolution No. 2020-359, Council set a new tip fee of $30.35 per ton for green waste/organics, and $16.90 per ton for City forestry/green waste, and

WHEREAS, due to increasing state regulations that require the composting of organics, the compost facility continues to receive calls from outside the City of Modesto, and due to the limited capacity and the need to be selective, and surveys conducted that showed facilities in the surrounding areas to have an average tip fee of $45/ton to $90/ton, on June 2, 2020, by Resolution No. 2020-248, Council approved a $60.00 per ton tip fee plus annual CPI increase for all customers outside the City of Modesto, and

WHEREAS, the compost facility revenues are not predicted to meet the expenditures over the next five years and steady increases will be needed to continue

operations, and

WHEREAS, the facility receives a high level of contamination and the accumulation of plastics and non-compostable overs continues to rise, and

WHEREAS, Bertolotti Disposal has been hauling the plastics away at their own expense and the overs have been taken to the Fink Rd Landfill under a current City hauling agreement, and

WHEREAS, staff is proposing an increase to the Compost tip fees to $38.00 per ton for Modesto green waste/organics, and $21.13 for City forestry/green waste, and $75.00 per ton for outside Modesto customers to compensate Bertolotti Disposal for monthly plastics removal and to continue to fund the hauling of the non-compostable overs throughout the entire year to ensure the facility remains in permit compliance, and

WHEREAS, a public hearing of the City Council was held at 5:30 p.m. on June 8, 2021, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, during which this matter was discussed and at which time evidence, both oral and documentary, was received and heard by Council, and

WHEREAS, it was found and determined by Council that the tip fees at Modesto Composting should be revised as recommended.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the tip fees at Modesto Composting will be raised to $38.00 per ton for green waste/organics, and $21.13 per ton for City forestry/green waste, and $75.00 per ton for outside City of Modesto customers and shall become effective July 1, 2021 and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that Resolution No. 2020-359 is hereby rescinded

effective July 1, 2021, and the portion of Resolution No. 2020-248 pertaining to the $60.00 tip fee is hereby amended.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, by Councilmember Wright, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-219

RESOLUTION ADOPTING THE 2020 JOINT URBAN WATER MANAGEMENT PLAN AS REQUIRED BY THE STATE'S WATER CODE AND INSTRUCTING STAFF TO SUBMIT THE FINAL 2020 JOINT URBAN WATER MANAGEMENT PLAN TO DEPARTMENT OF WATER RESOURCES BY JULY 1, 2021

WHEREAS, under the Urban Water Management Planning Act (1983) per the State Water Code, the State Department of Water Resources (DWR) requires Urban Water Management Plans (UWMPs) to be updated and submitted every five years, and

WHEREAS, in addition to being a required water resource planning document, an UWMP is an important document for water supply and demand land use planning and is necessary for water purveyors to be eligible for state grants and loans, and

WHEREAS, per State Water Code (Division 6, Part 2.6, Chapter 2), water purveyors delivering more than 3,000 acre-feet of potable water per year or serving more than 3,000 customers with potable water must submit an UWMP to the State, and

WHEREAS, as a wholesale water supplier to the City of Modesto, the Modesto Irrigation District (MID) is also required to submit an UWMP because it provides potable water supply of more than 3,000 acre-feet or to more than 3,000 customers, and

WHEREAS, the City and MID have previously submitted joint UWMPs in 2000, 2005, and 2010 in order to simplify the required efforts and coordinate urban water needs more closely, and

WHEREAS, on September 1, 2020, by Resolution No. 2020-352, the City Council approved an Agreement with West Yost Associates to develop the 2020 Joint UWMP, and

WHEREAS, on September 1, 2020, by Resolution No. 2020-353 the City approved a Cost Sharing Agreement with MID for development of the 2020 Joint UWMP, and

WHEREAS, on February 22, 2011, by Resolution No. 2011-063, the City Council conducted a public hearing and adopted a Methodology Consumption Calculation determining 2015 and 2020 per-capita water use targets and associated per-capita water uses as required by the State's Water Code, and

WHEREAS, the City has achieved its 2015 and 2020 water use reduction targets by a significant margin, and

WHEREAS, in December 2020, the City notified stakeholders of initiation of the 2020 Joint UWMP and on May 24, 2020, released the Draft 2020 Joint UWMP for public review, and

WHEREAS, on June 8, 2021, the City has held a public hearing as required by the State to adopt the 2020 Joint UWMP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2020 Joint Urban Water Management Plan as required by the State's Water Code and instructs staff to submit the Final 2020 Joint Urban Water Management Plan to Department of Water Resources by July 1, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-220

RESOLUTION ADOPTING THE CITY OF MODESTO WATER SHORTAGE CONTINGENCY PLAN UPDATE AND INSTRUCTING STAFF TO SUBMIT AS PART OF THE FINAL 2020 JOINT URBAN WATER MANAGEMENT PLAN TO DEPARTMENT OF WATER RESOURCES BY JULY 1, 2021

WHEREAS, the City of Modesto has been implementing water conservation measures since the 1980's, and

WHEREAS, the City developed a Drought Contingency Plan in 2001 which has been updated from time to time with currently four supply reduction stages of up to fifty percent reduction with associated shortage response actions and has implemented this plan as necessary to address water supply shortages, and

WHEREAS, recent revisions in 2015 and 2016 to the Drought Contingency Plan in response to the severe 2011-2016 drought have been approved by City Council through Resolutions Nos. 2015-134, 2015-445, 2016-178, and 2016-395 to adapt the plan as necessary to changing conditions and plan implementation, and

WHEREAS, in October 2018 the California State Legislature enacted policy bills SB 606 and AB 1668 setting new requirements for water shortage contingency planning regarding long-term improvements in water conservation and drought planning to adapt to climate change with potentially longer and more intensive droughts in California, and

WHEREAS, the State's new guidelines for Water Shortage Contingency Plans (WSCP) include a six-stage water supply reduction format with a supply reduction exceeding fifty percent of normal water supplies, and

WHEREAS, the City has updated its Drought Contingency Plan to match the State's six-stage format and to include a sixth stage for supply reduction exceeding fifty

percent of normal water supplies and has renamed the document as Water Shortage Contingency Plan, and

WHEREAS, on September 1, 2020, by Resolution No. 2020-352, the City Council approved an Agreement with West Yost Associates to develop the 2020 Joint UWMP which includes a WSCP, and

WHEREAS, in December 2020, the City notified stakeholders of an update to the City's WSCP and on May 24, 2020, released the WSCP for public review, and

WHEREAS, it is recommended that Council adopt the WSCP as a separate resolution action from the UWMP adoption so the WSCP can be implemented as a dynamic and adaptive management tool with its own protocols and approval process to respond effectively to foreseen and unforeseen events as necessary and allow for updates outside of the UWMP preparation process, and

WHEREAS, on June 8, 2021, the City has held a public hearing as required by the State to adopt the WSCP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the City of Modesto Water Shortage Contingency Plan as required by the State's Water Code and instructs staff to submit the document as part of the Final 2020 Joint Urban Water Management Plan to Department of Water Resources by July 1, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-221

RESOLUTION ACCEPTING THE 2020 GENERAL PLAN ANNUAL PROGRESS REPORT AND AUTHORIZING STAFF TO SUBMIT IT TO THE STATE OF CALIFORNIA

WHEREAS, California Government Code Section 65400(a)(2) requires that local governments prepare an annual progress report regarding General Plan implementation, including matters related to meeting the applicable share of regional housing needs (California Government Code Section 65584), and

WHEREAS, Section 1104 of the City Charter specifies that appointed commissions shall report on their fiscal year activities to City Council on or before September 1 of each year, and

WHEREAS, said matter was scheduled for the regular City Council meeting of June 22, 2021, in the 10th Street Palace Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2020 General Plan Annual Progress Report.

BE IT FURTHER RESOLVED that the Clerk is hereby directed to submit the 2020 General Plan Annual Progress Report to the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-222

RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT OF FOR THE FISCAL YEAR 2021-2022 ANNUAL BUDGET

WHEREAS, Proposition IV of the California State Constitution requires the City to establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by state and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, City staff has been consistently using the change in population within the city limit of Modesto and change in California per capita personal income every year when calculating the appropriation limit, and

WHEREAS, the appropriation limit calculated for Fiscal Year 2021-22 is $521,839,217, and

WHEREAS, this calculation was made available for public viewing at least fifteen days prior to the Council meeting. A copy of **Schedule A** and the calculation detail is on file at the City of Modesto Finance Department.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the appropriation limit for fiscal year 2021-2022, including the price and population factors to be used in the calculation, is hereby established as shown on **Schedule A**, **attached** hereto, and made a part hereof.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is

hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

SCHEDULE A

FISCAL YEAR 2021-2022

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2020-21 Appropriation Limit		$491,651,797
Adjustment Factors		
Per Capita Personal Income Change	5.73%	
Population Change (Modesto)	0.39%	
Per Capita converted to a ratio	1.0573	
Population converted to a ratio	1.0039	
Calculation of factor for FY 2021-22	1.0614	
Adjustment		$30,187,420
FY 2021-2022 Appropriation Limit		$521,839,217

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-223

RESOLUTION APPROVING PAYMENT OF VARIOUS EQUIPMENT MAINTENANCE AGREEMENTS FOR FISCAL YEAR 2021-2022 WITH MULTIPLE EQUIPMENT MANUFACTURERS FOR ALL CITY DEPARTMENTS, FOR AN ANNUAL COST NOT TO EXCEED $534,029; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE EQUIPMENT MAINTENANCE AGREEMENTS ASSOCIATED WITH THE ITEMS IN EXHIBIT B – FISCAL YEAR 2021-2022 EQUIPMENT MAINTENANCE AGREEMENTS (MORE THAN $50,000)

WHEREAS, the City purchases office and operational equipment through the purchasing bidding process based on the requirements of the City of Modesto Municipal Code Title 8 Chapter 3, and

WHEREAS, as part of the bidding process for the office equipment, for purchases such as copiers, the City has frequently selected a local vendor to provide maintenance service due to the quick turnaround in service that can be provided with a local vendor compared to a vendor located outside of the Modesto area, and

WHEREAS, as part of preparation of the annual fiscal year budget, the annual costs for this maintenance service has been historically approved by Council through the annual budget adoption process, and

WHEREAS, the Finance Department and Information Technology Department will bring an item to Council every fiscal year to provide transparency for all maintenance agreements being utilized by City Departments; The Purchasing Division will continue to evaluate the cost-effective use of these maintenance agreements especially as the equipment ages over the depreciated life of the asset, and

WHEREAS, **Exhibit A** is an itemized list of the equipment maintenance agreements being utilized by City departments for agreements less than $50,000 under the City Manager's approval authority, and

WHEREAS, **Exhibit B** provides the itemized equipment maintenance agreements utilized by the City departments greater than $50,000 requiring authorization by City Council, and

WHEREAS, per MMC Section 8-3.204(c), the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in Modesto Municipal Code section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, per MMC 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the formal proposal procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, the purchase may be exempt from the formal bid process.

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Modesto that it hereby approves the payment for various equipment maintenance agreements for Fiscal Year 2021-2022 with multiple equipment manufacturers for all City Departments, as listed in the **attached Exhibits A** and **B**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the equipment maintenance agreements for an estimated annual cost of $534,029.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 21-22 Maintenance Cost	Funding Source
3SI SECURITY SYSTEMS	Investigatory Tool	$ 1,725	General Fund
ACTION TARGET, INC.	Target shooting system at the Tactical Training Center	$ 5,451	General Fund
AIR WEST FILTRATION / BENZ AIR	Station Facilities	$ 26,621	General Fund
AIRGAS	Life saving equipment	$ 1,331	General Fund
AMERICAN BARCODE AND RFID	Annual Services Agreement for Employee Badge and Barcode Machine	$ 1,257	General Fund
ARC	Plotter is used to print large size maps of job sites, etc	$ 908	Water Fund
ARC	Copier/Printer/Scanner	$ 2,739	Water Fund
ARC	Printing of Maps for Planning division	$ 2,795	General Fund
ASAP TECHNICAL SOLUTIONS	Copy documents for program use in camps, business, after school programs, etc.	$ 1,258	General Fund
WEST COAST DOOR AND GATE	Station facility	$ 41,141	General Fund
BMI IMAGING	Fujitsu scanner is used by Records to scan and store electronic records for storage.	$ 1,730	General Fund
BOSS BUSINESS SYSTEMS	Copier for Jennings WWTP - Training Center	$ 1,958	Wastewater Fund
SURTEC	Investigatory Tool	$ 3,520	General Fund
CAREDING	Department Copier/Printer/Scanner	$ 7,935	General Fund
CAREDING	Copier Maintenance	$ 4,653	Transit
CUMMINS	Currency Counter - detect counterfeit	$ 683	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 675	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 700	Water Fund
CUMMINS	Currency Counter - detect counterfeit	$ 675	Water Fund
TECA Data Safe Corporation (CYBER	Tape Library Backup/Utility Billing System	$ 4,631	Water Fund
DELTA WIRELESS	Radio Communications equipment	$ 36,301	General Fund
EXCEL FITNESS	Fitness equipment	$ 1,398	General Fund
FARO TECHNOLOGIES	Annual Calibration and Certification of 3-D Laser Scanner to Diagram traffic collisions and homicide scenes	$ 5,940	General Fund
FIRE SERVICE SPECIFICATION & SU	Life saving equipment	$ 4,193	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 21-22 Maintenance Cost	Funding Source
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, eliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells, olympic bars and weight machines.	$ 333	General Fund
HERITAGE-CRYSTAL CLEAN, LLC.	Parts cleaner for fire fighting equipment	$ 4,193	General Fund
MO-CAL OFFICE SOLUTIONS	Printer	$ 2,097	Wastewater Fund
KODAK ALARIS		$ 2,097	General Fund
LEHR/STOMMEL	Annual Maintenance for LPR systems	$ 39,931	General Fund
LUCAS BUSINESS SYSTEMS	Scan documents, limited color copy use	$ 559	General Fund
LUCAS BUSINESS SYSTEMS	Copier for Sutter WWTP - Building 3 - Maintenance	$ 550	Wastewater Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 559	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 4,193	Capital Improvement Fund
LUCAS BUSINESS SYSTEMS	Printer	$ 2,800	Building Services Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 182	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 2,807	Center Plaza
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	$ 330	General Fund
MANSCI INC.	Mansci Lab Equipment Extended Warrant	$ 7,260	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copy documents for City Manager, Council and Auditor's of	$ 4,950	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Jennings WWTP - Administration	$ 3,069	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 1 - Administration	$ 4,725	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 2,591	Capital Improvement Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	$ 2,591	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 21-22 Maintenance Cost	Funding Source
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner		
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 12,796	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 2,374	Green Waste Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	$ 1,616	Surface Transportation Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	$ 2,795	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	$ 2,795	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier Maintenance	$ 836	General Fund
MO-CAL OFFICE SOLUTIONS	Printing and making copies for in-house programs and public on an as needed basis	$ 7,000	General Fund
NEC CORPORATION OF AMERICA	Automated Fingerprint Identification System - fingerprinting	$ 10,015	General Fund
NEO POST	Mail Room Postage & Label Machine	$ 12,111	General Fund
OPEX	Envelope Opener - opens mixed sized envelopes	$ 560	Water Fund
PHYSIO CONTROL	Life saving equipment	$ 18,151	General Fund
PUENTES TECHNOLOGIES		$ 1,331	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 2 - Collections	$ 5,500	Wastewater Fund
RAY MORGAN CO.	Copier for Building Safety and Neighborhood Preservation	$ 3,102	General Fund
SCANNER ONE	Check Scanner - uploads to RemitPlus for Electronic check file to bank	$ 675	Water Fund
SCANTRON	Scantron Reader for Recruitment Tests	$ 837	General Fund
SMILE BUSINESS PRODUCTS INC	Day to day copy purposes, parts, labor, staples, maintenance and support ending 4/21/21-501 N Jefferson site	$ 1,585	General Fund
SSD SYSTEMS	Alarm service	$ 2,097	General Fund
VERTIV	Annual Maintenance for Battery Backup for MPD Servers	$ 4,500	General Fund
THE RADAR SHOP	Annual Calibration and Certification and repair of Radar and Lidar Guns for mitigating traffic safety.	$ 4,193	General Fund
SMILE BUSINESS PRODUCTS INC	Purchasing Copier	$ 990	General Fund
RAY MORGAN CO.	Copier for Customer Service - Finance	$ 1,184	Water Fund
OPEX	Mail Opener & sorter	$ 3,150	Water Fund
TRANE	MCP Fountain Maintenance - Annual	$ 3,784	Center Plaza
SMILE BUSINESS PRODUCTS INC	Day to day copy purposes, parts, labor, staples, maintenance and support ending 4/21/21-501 N Jefferson site	$ 1,585	General Fund
LUCAS BUSINESS SYSTEMS	Printing and making copies for in-house programs and public on an as needed basis	$ 798	General Fund
TRANE	MCP Fountain Maintenance - Annual	$ 3,784	Center Plaza
JORGENSEN	Sprinkler system monitoring and maintenance	$ 5,171	Parking Fund
BIC	Fire Alarm, Burglar Alarm @ 9th St Office	$ -	Parking Fund
ALARMCO	Monthly Burglar Alarm Monitoring, Laurel Warehouse	$ 770	Building Services Fund
RAY MORGAN CO.	Large Format Printer/Scanner	$ 4,194	Wastewater Fund
RAY MORGAN CO.	Copier is used to make copies	$ 550	Water Fund
EKC ENTERPRISES	Fire alarm and fire sprinklers	$ 3,850	Water Fund
RAY MORGAN CO.	Copier is used to make copies	$ 3,993	Water Fund
RAY MORGAN CO.	Copier for Sutter WWTP - Environmental Services	$ 3,408	Wastewater Fund

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 21-22 Maintenance Cost	Funding Source
SEAL ANALYTICAL	Seal Lab Equipment Service Contract	$ 8,631	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier is used to make copies, scan, fax	$ 6,236	Water Fund
CA REDING	Printing for day-to-day work activities	$ 2,437	General Fund
CA REDING	Printing for day-to-day work activities	$ 3,355	General Fund
LUCAS BUSINESS SYSTEMS	Copier for day-to-day	$ 660	Surface Transportation Fund
		$ 402,431	

Vendor/Contractor Name	Business Purpose of Equipment	Proposed - FY 21-22 Maintenance Cost	Funding Source
AMERICAN CHILLER CO.	Heating and Cooling of the Modesto Centre Plaza for its events and patrons	$ 75,000	Centre Plaza
ZOOM IMAGING	To print agendas for Council Meetings, and to make copies of various items.	$ 1,957	General Fund
ZOOM IMAGING	Accounting Copier	$ 930	General Fund
ZOOM IMAGING	Department Copier	$ 1,597	General Fund
ZOOM IMAGING	Department Copier	$ 932	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 3,300	Information Technology
ZOOM IMAGING	Copier, Fax, Scanner	$ 1,366	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 3,993	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 1,331	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 2,430	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 2,396	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 4,195	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 5,060	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 6,389	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	$ 6,389	General Fund
ZOOM IMAGING	Copier for day-to-day	$ 1,167	Transit Fund
ZOOM IMAGING	Copier for day-to-day	$ 967	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	$ 782	Surface Transportation Fund
ZOOM IMAGING	Copier for day-to-day	$ 1,001	Airport Fund
ZOOM IMAGING	Printer/Copier	$ 2,097	Capital Improvement Fund
ZOOM IMAGING	Printing and making copies for in-house programs and public on an as needed basis	$ 7,000	General Fund
ZOOM IMAGING	Copier for Sutter WWTP - Building 2 - Collections Crewleaders	$ 1,320	Wastewater Fund
		$ 131,598	

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-224

RESOLUTION AUTHORIZING THE ANNUAL PAYMENT TO BIND AND PURCHASE INSURANCE, THROUGH THE BROKER OF RECORD, TO SECURE INSURANCE POLICIES FOR EXCESS GENERAL LIABILITY, EXCESS WORKERS' COMPENSATION, PROPERTY, AND OTHER INSURANCES AS MAY BE DETERMINED NECESSARY BY THE CITY MANAGER, OR HIS DESIGNEE, INCLUDING CRIME, POLLUTION, CYBER LIABILITY, AND AIRPORT AND AIRCRAFT LIABILITY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City is self-insured for major risk programs, such as general liability, auto liability, workers' compensation, and property, and

WHEREAS, the City is a member of the Authority for California Cities Excess Liability (ACCEL), a risk-sharing self-insurance pool of California cities, and

WHEREAS, the City annually purchases various lines of insurance coverage to minimize the adverse effects of accidental losses and claims against the City, and

WHEREAS, the City appoints a broker of record to purchase insurance policies for the City and the City's insurance broker solicits proposals from various insurance companies for insurance coverage, and

WHEREAS, Modesto Municipal Code Section 8-3.204(d) provides an exception to the formal bidding process where the Purchasing Manager determines another process will result the lowest possible cost, and

WHEREAS, the professional solicitation services of the broker of record will ensure the City is receiving the appropriate insurance coverages at the lowest possible cost to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves authorizing the annual payment to bind and purchase

insurance, through the broker of record, to secure insurance policies for Excess General Liability, Excess Workers' Compensation, Property, and other insurances as may be determined necessary by the City Manager, or his designee, including Crime, Pollution, Cyber Liability, and Airport and Aircraft Liability.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-225

RESOLUTION AUTHORIZING CITY STAFF TO NEGOTIATE AND EXECUTE SETTLEMENTS FOR CLAIMS IN THE WORKERS' COMPENSATION AND GENERAL LIABILITY PROGRAMS NOT EXCEEDING $50,000

WHEREAS, Part 3 of Division 3.6 of Title 1 of the California Government Code (Sections 900 et seq) impose certain enumerated duties upon the City Council relating to claims for money and damages presented to the City, and

WHEREAS, California Government Code Section 935.4 permits a City Council by resolution to authorize a City employee to perform the functions of the City Council relating to such claims, and

WHEREAS, the processing and settlement of certain claims can most efficiently be considered a ministerial responsibility of the City Manager or his/her designee, and

WHEREAS, the City Council desires to codify the authority of the City Manager, City Attorney, Human Resources Director, and Risk Manager to accept, reject, negotiate, settle, and pay general liability and workers' compensation claims up to specified amounts as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Attorney, or their designees, are hereby authorized to negotiate and execute settlements for claims in the workers compensation and general liability programs not exceeding $50,000.

BE IT FURTHER RESOLVED that the City Human Resources Director is authorized to negotiate and settle general liability and workers' compensation claims not exceeding $25,000.

BE IT FURTHER RESOLVED that the City Risk Manager is authorized to negotiate and settle general liability and workers' compensation claims not exceeding $10,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-226

RESOLUTION APPROVING THE PAYMENT OF HARDWARE AND SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2021-2022 FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $5,566,945; AND TO AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ROUTINE RENEWAL AGREEMENTS ASSOCIATED WITH EXHIBIT B

WHEREAS, the City has an ongoing need for maintenance/support agreements for hardware and software assets utilized by the City of Modesto, and

WHEREAS, the expenditures for maintenance/support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the approval for payment of invoices presented for Fiscal Year 2021–2022 for an estimated annual cost not to exceed $5,566,945.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves payment for invoices for various hardware and software maintenance/support agreements from software companies for Fiscal Year 2021-2022 for an estimated annual cost not to exceed $5,566,945.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute routine renewal agreements over $50,000 for hardware and software maintenance support during Fiscal Year 2021-2022, as shown on the **attached Exhibit B**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit B - Hardware/Software Maintenance Support Agreements for Fiscal Year 2021-22 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
NeoGov	Electronic Recruitment and Onboarding System including Modules: Perform, Custom Employee Integration, Insight, and Onboard	NeoGov	Human Resources	0100	2019-317	154814	2/15/2021	2/14/2022	$ 75,671	Alger, Christina
CAD System Maintenance	21-22 CAD System Maintenance MPD share of 911 Communications Center - billed by Stanislaus County	Central Square Technologies (Formerly Tritech)	Police	0100	2019-317	N/A	4/30/2021	4/30/2022	$ 74,800	Smart, Jessica
Cellebrite Premium iPhone	Premum Annual License Renewal and Android devices cracking technology	Cellebrite	Police	0100	2019-317	195960	2/14/2021	2/13/2022	$ 88,000	Smart, Jessica
ESRI Enterprise Advantage Program (EEAP)	Annual subscription for techincal assistance and access to training for the geospatial dashboards - year 2	ESRI	Police	0100			3/1/2021	3/1/2022	$ 104,940	Smart, Jessica
GeoShield	GeoShield is a data integration and visualization platform, built on top of ESRI ArcGIS. GeoShield provides a map-based dashboard where Calls for Service, Records Management Incidents, Probationers, Police vehicle locations, cameras, and license plate readers are aggregated and displayed on an interactive map. GeoShield also contains full Crime Analysis tools that MPD is looking into replacing CrimeView with.	CyberTech	Police	0100	2019-317	180418	2/14/2020	2/13/2022	$ 77,000	Smart, Jessica
Inform RMS	Police Field Reporting and Records Management System. MPD's Records Management System Licensing	Central Square Technologies	Police	0100	2017-167	12231	11/1/2021	11/1/2022	$ 122,686	Smart, Jessica
Officer Safety Plan 7	Officer Safety Plan - Evidence.com licensing 4 year contract - Year 2	Axon Enterprise	Police	0100	2020-538	161785	12/18/2020	12/17/2021	$ 538,393	Gillespie, Brandon
E-Builder	e-Builder, Inc. Program Management Information System (Enterprise Capital Program license) unlimited licenses	e-Builder, Inc.	Utilities	1300	2019-317	164095	7/1/2021	6/30/2022	$ 103,714	DeBrito, Brandon
Automated Parking System	NowCare Premium Support Agreement Tech support for automated parking system software & hardware	Amano McGann Inc	Public Works	4000	2019-317	173179	4/1/2020	3/31/2023	$ 22,000	Crowley, Patrick
ESRI - Water	ESRI - GIS for new work order system (Lucity)	ESRI	Utilities	4100	2018-117	165677	8/17/2019	8/16/2022	$ 71,500	Echavarria, Melanie
Customer Information System	Naviline utility billing application. Naviline utility billing application includes Naviline Cash Receipts, Navline CIS, Naviline Land Management, Naviline Accounts Receivable, Naviline Mobile Service Orders, Naviline ICIS VR Credit Card interface, Naviline CIS Voice Response Interface, Naviline Document Management Services (DMS), Naviline CIS Work Orders, Fusion maintenance for online bill pay portal for AR and Utility Billing ($6,930)	CentralSquare (Formerly Superion)	Finance	4100 0100	2020-277	163267	7/1/2021	6/30/2022	$ 105,600	Martin, Jennifer
Linko Database Program	CROMEER Compliant Software	Linko Technology	Utilities	4210	020-516	194434	12/8/2020	12/7/2021	$ 92,989	Sinclair, Thomas
MAX Mobility Dispatching and Bus Tracking	"This software provides dispatching and real-time bus tracking for the MAX Mobility ADA partransit system. The program also includes the Ecolane app that is available to riders to track their bus "	Ecolane	Public Works	4520	2019-549		12/10/2019	6/30/2026	$ 53,558	Barth, Adam

Exhibit B - Hardware/Software Maintenance Support Agreements for Fiscal Year 2021-22 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
Modesto Area Express (MAX) Dispatching and Bus Tracking	This software provides dispatching and real-time bus tracking for the MAX fixed route system. The program also includes the following: 1. The myStop app that is available to the public to track their bus 2. The General Transit Feed Specficiation (GTFS), which enables the MAX system to be on several apps including Google Maps and Apple Maps. It includes both static and real-time GTFS feeds. 3. Public wi-fi 4. The cellular connection for the video surveillance system.	Avail Technologies	Public Works	4540	2018-36	92045	12/11/2007	1/31/2022	$ 132,000	Barth, Adam
Modesto Area Express video surveillance system	This system provides the on-board video surveillance system for the MAX and MAX Mobility fleet.	Angeltrax	Public Works	4540	2019-386		11/1/2019	10/31/2024	$ 17,380	Barth, Adam
Transit Route Planning Analysis		Remix Software	Public Works	4540	2019-317	170379	9/1/2017	10/31/2021	$ 60,500	Barth, Adam
Oracle E-Business Suite (COSMO)	City-wide ERP application for Finance and HR processes. Support# 4105695	Oracle	Information Technology	5230	2019-317	180213	6/1/2021	5/31/2022	$ 271,132	Christensen, DeAnna
ERP Project Costing	Support# 5163867	Oracle	Information Technology	5230	2019-317	181144	6/2/2021	6/1/2022	$ 6,521	Gwarggis, Susan
Oracle Financials #1	Support# 5729309	Oracle	Information Technology	5230	2019-317	164492	11/21/2020	11/20/2021	$ 4,992	Gwarggis, Susan
Oracle Financials #2	Support# 18679065	Oracle	Information Technology	5230	2019-317	165168	8/9/2020	8/8/2021	$ 12,543	Gwarggis, Susan
Oracle Human Resources #1	Support# 5109761	Oracle	Information Technology	5230	2019-317	181147	7/1/2021	6/30/2022	$ 8,629	Gwarggis, Susan
Oracle Human Resources #2	Support# 5896965	Oracle	Information Technology	5230	2019-317	181145	7/1/2021	6/30/2022	$ 8,134	Gwarggis, Susan
Oracle Human Resources #3	Support# 6853126	Oracle	Information Technology	5230	2019-317	161856	8/3/2020	8/2/2021	$ 7,667	Gwarggis, Susan
Oracle Supply Chain Management	Support# 5137117	Oracle	Information Technology	5230	2019-317	181146	7/1/2021	6/30/2022	$ 1,944	Gwarggis, Susan
Oracle Tuning Pack	Support# 5721756	Oracle	Information Technology	5230	2019-317	162446	11/16/2020	11/15/2021	$ 3,004	Gwarggis, Susan
Oracle Financials Expansion	True-up based upon the City's Annual Operating Budget	Oracle	Information Technology	5230			4/13/2021	4/12/2022	$ 21,435	Zacharia, Fabian
Oracle Database	Support# 2344161	Oracle	Information Technology	5230	2019-317	180219	6/1/2021	5/31/2022	$ 140,064	Dotson, James
TrakIt	Permitting software	Central Square Technologies	Information Technology	5230	2020-142		4/9/2021	4/8/2022	$ 224,070	Diaz, Oscar
CGI Advantage Performance Budgeting (PB)		CGI	Information Technology	5230	2019-317	176344	4/1/2021	3/31/2022	$ 112,200	Christensen, Stephan
Cisco SmartNet	Licensing, support and maintence for enterprise communication equipment	Telcion	Information Technology	5230			9/14/2021	9/13/2024	$ 275,000	Harless, Kevin
Compellent - SAN	SAN in server closet @ TSP	Dell	Information Technology	5230	2019-317	156369	4/20/2021	4/30/2022	$ 54,656	Chavez, Larry
Forcepoint Security Software	Triton AP-Web: 1200 seats total	MicroAge	Information Technology	5230	2018-396	129355	12/20/2020	12/19/2023	$ 22,352	Calbreath, Phil
Microsoft Enterprise Agreement	Microsoft 365, Windows	Microsoft	Information Technology	5230			5/1/2020	4/30/2023	$ 660,000	Harless, Kevin
NEC 9300 SW		DTC	Information Technology	5230		150135	12/11/2018	12/28/2023	$ 32,030	Villaire, Doug

Exhibit B - Hardware/Software Maintenance Support Agreements for Fiscal Year 2021-22 (Over $50,000)

Title	Description	Vendor Name	Department	Fund Number	Resolution Number	PO Number	Start Date of Current Maintenance Term	End Date of Current Maintenance Term	Annual Maintenance Cost	Point of Contact
Server M1000 Maintenance	Hardware Maintence support for Dell M1000 server platform	Dell	Information Technology	5230			6/1/2020	5/31/2022	$ 57,750	Harless, Kevin
VMWare	Virtual Server Software	Kovarus	Information Technology	5230	2019-317	15439	3/27/2022	3/26/2023	$ 52,800	Harless, Kevin
			Total						**$ 3,717,651**	

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-227

RESOLUTION APPROVING AN AGREEMENT WITH R3 CONSULTING GROUP, INC., ROSEVILLE, CA, FOR SB 1383 IMPLEMENTATION PLAN, FOR A TOTAL AMOUNT NOT TO EXCEED $65,240 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has two contracted exclusive franchise hauler agreements with Bertolotti Disposal and Gilton Solid Waste for residential, commercial, and industrial garbage and recycling services, and

WHEREAS, the City of Modesto owns and operates a 65-acre Compost Facility, located at 7001 Jennings Road, which processes 55,000 tons of organic material into approximately 20,000 tons of compost annually, and

WHEREAS, Governor Brown signed the Short-Lived Climate Pollution Reduction Act (Senate Bill [SB] 1383) into law in September 2016, which establishes methane emissions reduction targets statewide by reducing landfilling of organic waste and increasing edible food recovery through education, outreach, enforcement, collection methods, and procurement policies, and

WHEREAS, the California Department of Resources Recycling and Recovery (CalRecycle) will begin inspecting and issuing notices for noncompliance with SB 1383 in January 2022, and

WHEREAS, the Public Works Department requests the consulting services of a firm experienced in solid waste management, composting, and SB 1383 requirements for compliance to provide impartial recommendations on City programs and processes, and

WHEREAS, the Modesto Municipal Code 8-3.204 for professional services agreements allows for exemption from the formal bid procedures typically required of purchases in excess of $50,000, and

WHEREAS, Solid Waste staff solicited bids from four experienced, qualified, and reputable firms who have completed SB 1383 and compost recommendations to solid waste management offices previously and two companies chose to submit quotes, and

WHEREAS, based on providing the lowest responsive and responsible quote, City staff recommends the award of agreement for the creation of an SB 1383 implementation plan to R3 Consulting Group, Inc., Roseville, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with R3 Consulting Group, Inc. Roseville, CA for SB 1383 Implementation Plan, for a total amount not to exceed $65,240.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-228

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH E-BUILDER, INC., PLANTATION, FL, FOR A ONE-YEAR EXTENSION FOR CONSTRUCTION MANAGEMENT SOFTWARE IN AN AMOUNT NOT TO EXCEED $94,250 FOR SYSTEM MAINTENANCE, SUPPORT AND LICENSING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto has the need for e-Builder software as a solution to the City's requirement to digitally manage, track and report on various Capital Improvement Projects, and

WHEREAS, prior to e-Builder, the City's standard documentation management system consisted of one comprehensive paper file structure as the official file for archiving and audit purposes, and

WHEREAS, on April 5, 2016, by Resolution 2016-136, Council approved an agreement for $559,682 with e-Builder, Inc., Plantation, FL, to purchase and implement e-Builder software, and

WHEREAS, on February 13, 2018, by Resolution 2018-77, Council approved an amendment to the agreement with e-Builder, Inc., Plantation, FL, for the purchase and installation of a "Portfolio Level Funding" Cost Module to the City's construction management software, and

WHEREAS, the term of the original agreement is set to expire in July of 2021 and Staff is therefore requesting a one-year extension option to allow for continued use of the construction management software system, while a new procurement effort can be conducted to evaluate e-Builder and other potential construction management software systems.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the agreement with e-Builder, Inc., Plantation, FL, in the amount of $94,250, for a one-year extension for construction management software.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-229

RESOLUTION APPROVING THE GRANT OF AN ELECTRICAL EASEMENT TO TURLOCK IRRIGATION DISTRICT FOR FACILITIES ALONG JENNINGS ROAD AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE EASEMENT DOCUMENTS

WHEREAS, the City of Modesto awarded the Jennings WQC Entrance/Exit Improvements project known as CIP # 100648 on July 20, 2020 by Council Resolution No. 2020-300, and

WHEREAS, realignment of a portion of Jennings Road will be necessary to complete the project, and

WHEREAS, as a result of the realignment Turlock Irrigation District will need to relocate some of its electrical facilities, and

WHEREAS, in order to relocate affected electrical facilities Turlock Irrigation District has requested that the City of Modesto grant an electrical easement for said relocated facilities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approves the electrical easement depicted in the **attached** plat and more particularly described in the included legal description identified as **Exhibits A** and **B** respectively in the **attached Easement Agreement exhibit**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute documents necessary to grant said electrical easement to Turlock Irrigation District on behalf of the City of Modesto, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Recording Requested By and

When Recorded Mail to:

Turlock Irrigation District
Executive Secretary to the Board
333 East Canal Drive
P.O. Box 949
Turlock, CA 95381-0949

Exempt from Documentary Transfer Tax per R&T Code 11922
Exempt from SB 2 Fee per Government Code: 27388.1(a)(2)(D)

Sign:_____ A.P.N. 022-001-002

Print:_____ EA No. 2020-100

GRANT OF ELECTRICAL UTILITY EASEMENT

This Grant of Electrical Utility Easement (the "Grant of Easement") is entered into as of _____, 2021 by and between CITY OF MODESTO (hereinafter referred to as "Grantor"), and the TURLOCK IRRIGATION DISTRICT, a public entity (hereinafter referred to as "District"), with reference to the following facts:

RECITALS

A. WHEREAS Grantor is the owner of certain real property located on Jennings Road, City of Modesto, County of Stanislaus, State of California (the "Premises"); and

B. WHEREAS District is a California Irrigation District, organized pursuant to the Constitution of the State of California and Water Code §20500, et seq.; and

C. WHEREAS Grantor has requested that District construct, maintain and service an electric service line at the Premises. In accordance with Grantor's request, the Grantor desires to grant, and District desires to accept, an easement in gross in accordance with the following terms and conditions:

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained in this Grant of Easement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by the parties, Grantor and District hereby agree as follows:

AGREEMENT

1. INCORPORATION OF RECITALS AND EXHIBITS. The Recitals set forth above and the Exhibits attached to this Grant of Easement are each incorporated into the body of this Grant of Easement as if set forth in full.

2. GRANT OF EASEMENT. Grantor hereby grants to District a non-exclusive, perpetual, easement in gross for electrical utility purposes and incidents thereto in, over, along and across that certain real property in the City of Modesto, County of Stanislaus, State of California, described in Exhibit "A", and depicted on Exhibit "B" attached hereto and incorporated by reference (hereinafter referred to as the "Easement").

3. CHARACTER OF EASEMENT. The rights herein acquired by District include without limitation:

A. The right to construct, operate, use, inspect, maintain, patrol, repair, reconstruct, replace, relocate, enlarge, improve and remove, at any time and from time to time, high voltage electric line or lines, telecommunication facilities, towers, poles, conduit, wires and cables (including ground wires) and access thereto within, over, across and along the Easement, collectively referred to here as "Electric Facilities", for the delivery of electric energy and communication purposes, and all necessary and proper foundations, footings, crossarms, guys, transformers, anchors and other appliances and fixtures for use on or in connection with the Electric Facilities in order to construct, operate, use, inspect, maintain, patrol, repair, reconstruct, replace, relocate, enlarge, improve and remove Electric Facilities and related appliances and fixtures within, under, over, across and along the Easement.

B. The present and future right to clear the Easement of brush, timber, fire hazards, unauthorized structures and any other materials deemed by the District to interfere with the safe operation and maintenance of the Electric Facilities and access under, over, across and along the Easement. Any interference in violation of the Section 4 prohibitions shall be removed at Grantor's expense.

C. The right to mark the location of the Easement by suitable markers set in the ground; provided that said markers shall not be placed in any location which would unreasonably interfere with the use of the Easement by the Grantor.

D. The right to ingress and egress over and across the Premises as may be necessary or useful in order to inspect and maintain proper operation of the Electric Facilities via District Line Trucks, which require a lateral clearance of approximately 18 feet. The parties shall at all times endeavor to coordinate said ingress and egress such that Grantor's rights of use upon the Premises and District's rights of use in accordance with the Easement shall not unreasonably interfere with one another.

4. RESERVATIONS TO GRANTOR; PROHIBITIONS. Grantor reserves the right to use the area of the Easement for purposes which will not interfere with the District's full enjoyment of the rights acquired herein; provided that the Grantor shall not:

A. Erect or construct any building or other structure, which would interfere with District's use of the Easement; or impede District's access to the Easement. In the event Grantor constructs a fence or other similar barrier within, on or over the Easement, Grantor shall construct said fence or barrier in a manner which will not impede the District's right of access to the Electric Facilities.

B. If the Electric Facilities are overhead facilities, retain, plant or maintain any tree within the Easement that exceeds 15 feet in height. As to any type of Electric Facility, Grantor shall not retain, plant or maintain any tree or similar vegetation within 15 feet of the closest boundary of the Easement.

C. Deposit, or permit to be deposited, earth, rubbish, garbage, debris, or any other substance or material, whether combustible or noncombustible, within the Easement or so near thereto as to constitute, in the opinion of the District, a hazard to or interference with the safe operation and maintenance of the Electric Facilities and access under, over, across and along the Easement.

D. Grant any license or easement in, under, across, along or over the Easement without the prior written consent of the District, which consent shall not be unreasonably withheld.

5. TERM OF EASEMENT. This Grant of Easement shall be in perpetuity and shall inure to the benefit of and be binding upon the owner of the servient tenement and the District and their respective successors and assigns.

6. NOTICES. Any notice permitted or required under this Grant of Easement must be given in writing and delivered personally (including by any nationally recognized overnight service):

To Grantor: City of Modesto
1010 Tenth Street, Suite 4600, P.O. Box 642
Modesto, CA 95353

To District: Turlock Irrigation District
333 East Canal Drive
P.O. Box 949
Turlock, CA 95381-0949

Executed on this, the ____ day of _____, 20_____, at _____, California.

GRANTOR:

_____

Joseph P. Lopez, City Manager, City of Modesto

GRANTOR:

_____

Stephanie Lopez, City Clerk, City of Modesto

GRANTOR:

_____

Jose M. Sanchez, City Attorney, City of Modesto

(Insert Notary Acknowledgements As Required for Recordation)

EXHIBIT A
LEGAL DESCRIPTION
ELECTRICAL UTILITY EASEMENT

THE LAND HEREIN BELOW IS SITUATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Being a portion of the Northeast Quarter of Section 3, Township 5 South, Range 8 East, Mount Diablo Meridian, more particularly described as follows:

COMMENCING at the East Quarter Corner of said Section 3, said corner being at the intersection of Jennings Road with Zeering Road; thence along the west prolongation of Zeering Road, North 89°27'55" West, 20.00 feet to the West line of said Jennings Road; thence along said West line of Jennings Road, North 00°27'05" East, 515.31 feet to the **POINT OF BEGINNING**; thence leaving said West line of Jennings Road, North 89°32'55" West, 20.00 feet; thence running parallel with said West line of Jennings Road, North 00°27'05" East, 728.22 feet; thence North 61°48'15" West, 137.73 feet; thence North 00°29'02" East, 20.05 feet; thence South 89°30'58" East, 70.03 feet; thence South 00°29'02" West, 28.60 feet; thence South 61°48'15" East, 58.61 feet; thence running parallel with said West line of Jennings Road, North 00°27'05" East, 685.94 feet; thence South 89°32'55" East, 20.00 feet to said West line of Jennings Road; thence along said West line of Jennings Road, South 00°27'05" West, 1442.41 feet to the **POINT OF BEGINNING**.

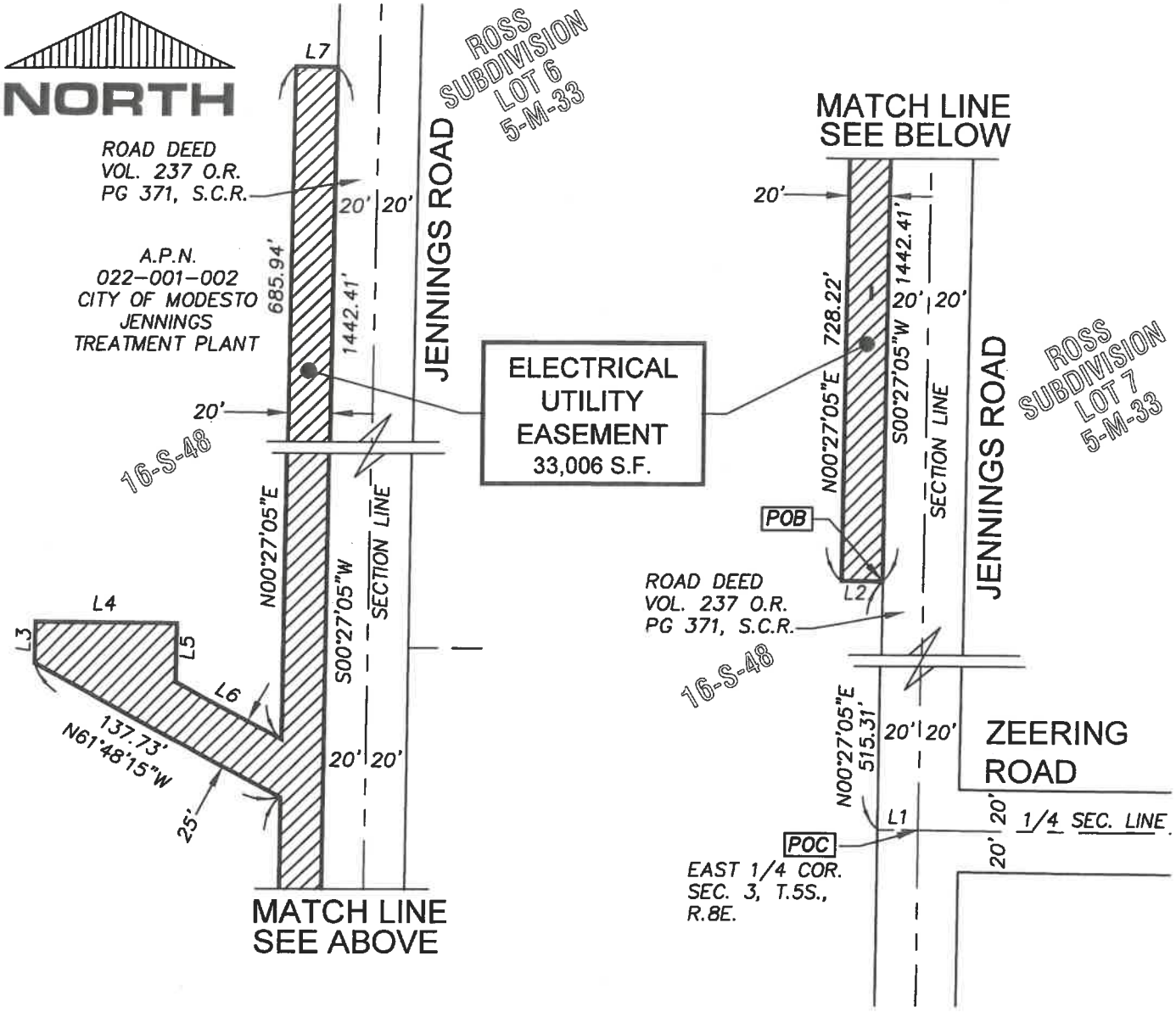
Containing 33,006 Square Feet, more or less.

All as shown on Exhibit B attached hereto and made a part hereof.

SUBJECT TO all easements and/or rights of way of record.

Daniel Haakma, PLS 9328

1/7/2021
Date



LEGEND

A.P.N.	ASSESSORS PARCEL NUMBER
COR.	CORNER
VOL.	VOLUME
PG.	PAGE
L1	SEE LINE TABLE
-M-	SUBDIVISON MAP
O.R.	OFFICIAL RECORDS
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
-S-	SURVEYS
S.C.R.	STANISLAUS COUNTY RECORDS
SEC.	SECTION
S.F.	SQUARE FEET
T.I.D.	TURLOCK IRRIGATION DISTRICT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°27'55"W	20.00'
L2	N89°32'55"W	20.00'
L3	N00°29'02"E	20.05'
L4	S89°30'58"E	70.03'
L5	S00°29'02"W	28.60'
L6	S61°48'15"E	58.61'
L7	S89°32'55"E	20.00'

PROFESSIONAL LAND SURVEYOR
DANIEL RAY HAAKMA
No. 9328
STATE OF CALIFORNIA

PREPARED BY: M.K.

DATE: 01/07/2021

SCALE: 1" = 80'

SHEET: ONE OF ONE

EXHIBIT B

PLAT TO ACCOMPANY
LEGAL DESCRIPTION
ELECTRICAL UTILITY EASEMENT

MODESTO CALIFORNIA

PROJECT: JENNINGS ROAD - APN 022-001-002

PROJECT NUMBER 100648

CERTIFICATE OF ACCEPTANCE

This is to certify that the interests in real property conveyed by the deed or grant dated _____, 20_____ to the Turlock Irrigation District, a governmental agency, is hereby accepted by the undersigned authorized representative on behalf of the Turlock Irrigation District pursuant to Turlock Irrigation District Rule Number (RL) 0340.001, and the District consents to recordation thereof by its duly authorized representative.

Turlock Irrigation District

By: _____ Date _____

Manjot S. Gill
Assistant General Manager
Electrical Engineering and Operations

EA No. 2020-100

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-230

RESOLUTION APPROVING A THIRD AMENDMENT TO THE PURCHASE AGREEMENT FOR SODIUM HYPOCHLORITE, SODIUM HYDROXIDE, AND CITRIC ACID FROM UNIVAR USA INC., SAN JOSE, CA, AND SULFURIC ACID AND PHOSPHORIC ACID FROM NORTHSTAR CHEMICAL, MODESTO, CA, TO INCREASE THE AMOUNT BY $49,915 FROM $259,782 TO A NEW TOTAL OF $309,697, AND EXTENDING THE TERM OF THE AGREEMENT FROM JUNE 13, 2021 TO DECEMBER 31, 2021 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Wastewater Services Division uses various chemicals that are necessary for the City's wastewater treatment process, and

WHEREAS, these chemicals are used for the cleaning of the membrane and ultra violet light systems at the City's Jennings Tertiary Treatment Plant and used to neutralize odors from the wastewater stream at the Sutter Treatment Plant, and

WHEREAS, on June 14, 2016, by Resolution No. 2016-249, Council approved a Purchase Agreement with Univar USA Inc. and Northstar Chemical for the purchase of sodium hypochlorite, citric acid, sodium hydroxide, sulfuric acid and phosphoric acid for an estimated annual cost of $34,134, and over five years of $170,070, and

WHEREAS, on March 3, 2020, by Resolution No 2020-121, Council approved an amendment to the Purchase Agreement with Univar USA Inc. and Northstar Chemical for the purchase of sodium hypochlorite, citric acid, sodium hydroxide, sulfuric acid and phosphoric acid increasing the annual costs from $34,134 to $52,845 for the balance of the two years remaining and a total agreement amount not to exceed from $170,070 to $208,091, and

WHEREAS, on January 12, 2021, by Resolution 2021-009, Council approved an amendment to the purchasing agreement with Univar USA Inc., San Jose, CA to increase funding for sodium hypochlorite by $89,712, and

WHEREAS, the previously amended total on the March 3, 2020, Resolution No. 2020-121, was not noted on the agenda report which resulted in an administrative error in calculation of the new agreement total which needs to be clarified, and

WHEREAS, the amount of the increase should have been noted as increasing from $208,091 to $297,803 but was incorrectly noted as increasing from $170,070 to $259,782; resulting in a difference of $38,021 that was not funded to the agreement, and

WHEREAS, staff is requesting the ratification of these funds ($38,021) which should have been funded from the January 12, 2021 agenda report, and additional funds in the amount of $11,894 due to an increase in costs for the sodium hypochlorite; for a total increase of $49,915 and a new agreement total of $309,697, and

WHEREAS, the current agreement with Univar USA Inc. and Northstar Chemical is set to expire on June 13, 2021; to ensure a competitive bid is processed by staff, the department is requesting the extension of the current agreement from June 13, 2021 to December 31, 2021 and ratification of $38,021 from Resolution 2021-009 and additional funds in the amount of $11,894 for cost increases.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchase agreement for sodium hypochlorite, sodium hydroxide, and citric acid from Univar USA Inc., San Jose, CA, and sulfuric acid and phosphoric acid from Northstar Chemical, Modesto, CA, by

$49,915 from $259,782 to $309,697, and extending the term of the agreement from June 13, 2021, to December 31, 2021.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-231

RESOLUTION ACCEPTING THE AMTRAK NORTH PARKING LOT EXPANSION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $401,978 TO HUDSON INSURANCE COMPANY OF SCOTTSDALE, ARIZONA

WHEREAS, the City proposed to expand the existing parking lot at the Modesto Amtrak Station to assist in increased ridership and use of the station, and

WHEREAS, expanding the number of parking spaces available assists with increased ridership and will optimize scheduling, and

WHEREAS, the San Joaquin Joint Power's Association (SJJPA) contracts with the San Joaquin Rail Services, which is a passenger rail service operated by Amtrak to provide rail service in the San Joaquin Valley and eastern parts of the Bay Area, and

WHEREAS, the San Joaquin Rail Service includes passenger train service through the Modesto Station and relies on land-side infrastructure, including the Amtrak station building, parking, and surrounding road infrastructure, and

WHEREAS, the SJJPA has proposed to improve existing rail service, creating new services from Fresno to Sacramento and Fresno to the Bay Area, and

WHEREAS, the City secured local transportation funding to expand the north portion of the Modesto Amtrak Station in hopes of increasing ridership with the new service in conjunction with increased ridership on Modesto Area Express, and

WHEREAS, on September 26, 2017, by Resolution No. 2017-367, Council approved an agreement with O'Dell Engineering, in an amount not to exceed $57,000, for Design Services for the Amtrak North Parking Lot Expansion project, and

WHEREAS, bids were advertised on September 5, 2018, and were publicly opened on October 2, 2018, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Garrett Thompson Construction, Inc., Modesto, California, was the lowest bidder, and

WHEREAS, on November 27, 2018, by Resolution No. 2018-526, Council awarded a contract to Garrett Thompson Construction, Inc., Modesto, CA, for the construction of the Amtrak North Parking Lot project in the amount of $441,190, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of February 19, 2019. The last working day for Garrett Thompson Inc., was on or about July 22, 2019, when the City terminated Thompson for failure to prosecute work in a timely manner, and

WHEREAS, a Takeover agreement was executed with the surety, Hudson Insurance Company, the City of Modesto, and McFadden Construction, Inc., who was the 2nd lowest bidder for the project, and

WHEREAS, the agreement covers the incomplete portion of work under the contract according to the Construction Documents and to close out the Contract for a remaining balance due of $405,424, and

WHEREAS, a new start date for McFadden Construction was issued for August 10, 2020. All contract work was completed November 2, 2020, and

WHEREAS, the total project costs were $673,843 which included design, construction, and construction administration costs. The total project amount originally budgeted was $700,445 which included $486,090 for the construction contract, 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% ($44,190) of the original contract price, and

WHEREAS, there were three change orders on this project with an overall decrease of $3,446, 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 Amtrak North Parking Lot Expansion project is hereby accepted as complete from surety, Hudson Insurance Company, of Scottsdale, AZ, 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 $401,978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-232

RESOLUTION ACCEPTING THE PELANDALE AVENUE PAVEMENT REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $2,154,212 TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA

WHEREAS, in November 2016, the voters of Stanislaus County approved the countywide, 25-year, half-percent sales tax increase known as Measure L, 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 Pelandale Avenue Pavement Rehabilitation Project, STPL-5059(220), repaired deteriorated pavement with an asphalt rubber chip seal and asphalt overlay on Pelandale Avenue from Sisk Road to Honey Creek Road, including Americans with Disability Act (ADA) improvements, sidewalk installation, and storm drainage improvements, and

WHEREAS, bids were advertised on December 17, 2019, and were publicly opened on January 21, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and DSS Company dba Knife River Construction, of Stockton, CA, was the lowest responsible and responsive bidder, and

WHEREAS, on February 25, 2020, by Resolution No. 2020-090, Council awarded a contract to DSS Company dba Knife River Construction, of Stockton, CA, for the construction of the Pelandale Avenue Pavement Rehabilitation project in the amount of $2,034,488, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of May 4, 2020, and all contract work was completed by October 7, 2020, and

WHEREAS, the total project costs were $2,626,514 which included design, construction, and construction administration costs. The total project amount originally budgeted was $2,757,493 which included $2,197,247 for the construction contract and contingency with DSS Company dba Knife River 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 up to and not to exceed 8% ($162,759) of the original contract price, and

WHEREAS, there were four change orders on this project with an overall increase of $119,724, 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 Pelandale Avenue Pavement Rehabilitation project is hereby accepted as complete from the contractor, DSS Company dba Knife River Construction., of Stockton, 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 $2,154,212.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-233

RESOLUTION REJECTING ALL BIDS FOR THE RIVER TRUNK REALIGNMENT GRAVITY SYSTEM PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bids were publicly opened on April 20, 2021, 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 were not disclosed during the virtual bid opening, and

WHEREAS, all five blind bids received were above the engineer's estimate, with the percentages varying from 21.36% to 47.40% greater, and

WHEREAS, it is 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 increase costs of pipe material.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the River Trunk Realignment Gravity System Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-234

RESOLUTION APPROVING THE ADOPTION OF THE FISCAL YEAR 2021-22 ANNUAL AND MULTI-YEAR OPERATING BUDGETS AND THE 2021-22 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF MODESTO AND THE RELATED INTER-FUND TRANSFERS

WHEREAS, pursuant to the Charter of the City of Modesto, the City Manager presented the preliminary Draft Operating Budget and Capital Improvement Program for Fiscal Year 2021-22 to the Finance Committee at workshops held on April 19th, April 20th, April 21st, and April 22nd, 2021, and

WHEREAS, the Finance Committee reviewed the preliminary Draft Operating and Multi-Year Operating Budgets and the Capital Improvement Program in a series of televised public workshops on April 19th, April 20th, April 21st, and April 22nd, 2021, and at a joint Planning Commission/Finance Committee meeting held on May 17, 2021, and

WHEREAS, the Finance Committee recommended the City Manager's preliminary Draft Operating and Multi-Year Budgets to the full City Council for consideration, and

WHEREAS, the Finance Committee recommended the proposed Capital Improvement Program budget to the full City Council for consideration, and

WHEREAS, in accordance with the City Charter, a duly noticed public hearing was scheduled on June 22, 2021 during which the City Council considered the recommendations of the Finance Committee relating to the preliminary Draft Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, prior to any discussion of the CIP budgets and prior to the final adoption, the City Council by separate motion considered each CIP project that could be

the source of a potential conflict of interest to one or more members of the City Council without the participation of those members, and

WHEREAS, the adoption of the Final Proposed Budget for FY 2021-22 includes the proposed Operating Budget, Multi-Year operating budget, Capital Improvement Program budget, approved adjustments, approved addendums, transfers in and out, adoption of budget controls and financial policies, and

WHEREAS, the effective date of the adopted budget for FY 2021-22 shall be July 1, 2021, and

WHEREAS, copies of the Final Proposed Operating and Multi-year budgets and the Capital Improvement Program have been and are available for inspection by the public at the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of the Final Proposed Operating Budget, Multi-Year Budget, and Capital Improvement Program Budget for Fiscal Year 2021-22 inclusive of the Mayor's Final Budget Modifications, adjustments, and addendums to be in effect July 1, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-235

RESOLUTION APPROVING THE BUDGET PRINCIPLES, POLICY ON WORKERS COMPENSATION AND EMPLOYEE BENEFITS FUNDS FOR FY 2021-22, AND THE OPERATING BUDGET POLICY AS OUTLINED IN THE FISCAL YEAR 2021-22 FINAL PROPOSED BUDGET

WHEREAS, each year the City Council's Finance Committee makes recommendations regarding the upcoming Fiscal Year Operating Budget and Capital Improvement Program and Budget Principles, and

WHEREAS, in the development of the FY 2021-22 Operating Budget, the Finance Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget, Policy on the Workers Compensation and Employee Benefits Funds for FY 2021-22, Budget Principles, and Operating Budget Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Proposed Budget, the Budget Principles, and Operating Budget Policy as shown in **Attachment 4** and **Exhibits 2** and **3**, which are incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget

A structurally balance budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2.U se of One-Time Resources

Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions

New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves

All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the contingency reserve amount, which is a flat $7 million, shall be maintained. Any use of the General Fund contingency reserve will require a majority vote of the Council.

5. Debt Issuance

Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation

Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects

Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8.F ees and Charges

The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.

9. Grants

Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of on-going programs.

10. General Plan

The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. Performance Measurement

All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.

CITY OF MODESTO
OPERATING BUDGET POLICY

INTRODUCTION

The purpose of this policy is to identify roles, responsibilities, and actions related to the preparation and monitoring of the City of Modesto's annual operating budget. The operating budget is adopted annually at the fund level by the City Council. The budget provides a detailed estimate of how much the City needs to spend in its fiscal year to meet its ongoing financial obligations and provide programs and services.

RESPONSIBILITIES

Per the City Charter (Section 1302.1 through 1304), each year:

The City Manager shall, on or before December 15 of each year, submit to the Mayor and to the Council a five (5) year economic forecast of expenditures and revenues for each City Department.

The Mayor shall, on or before January 15 of each year, prepare and deliver to the Council the Mayor's Proposed Budget Priorities and Direction for both the City's Capital Budget and for the City's Operating Budget.

The City Manager shall, on or before February 1 of each year, prepare and deliver to the Mayor and to the Council a Capital and Operating Mid-Year Budget Report for each City Department.

The Mayor shall, on or before February 15 of each year prepare and deliver to the Council the Mayor's Budget Message which shall include:

a) A statement of the fiscal priorities which the City should adopt for the ensuing fiscal year; and
b) Which City services, departments, offices or agencies the Mayor proposes to be expanded or reduced.

The Council shall hold a public hearing to consider the Final Mayor's Budget Message and to make any additions or revisions the Council deems advisable. Upon closing of the public hearing, the Council shall approve the Mayor's Budget Message as presented, or as revised.

By April 30 of each year, the City Manager shall send to Council a draft budget consisting of a careful estimate of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards, and commissions of the City, over which the City Manager has control during the next ensuing year. The City Manager shall also include in the draft budget an estimate of the amount of income/revenues that are to be included as part of the

draft budget. The draft budget shall accurately reflect the recommendations and priorities specified in the Final Mayor's Budget Message as adopted by the Council.

At least thirty (30) days prior to the new fiscal year, the Mayor shall prepare and deliver to the Council the Mayor's Final Budget Modifications of the draft budget. Following the receipt of the Mayor's Final Budget Modifications, the Council shall consider and review the draft budget as submitted by the City Manager together with the Mayor's Final Budget Modifications and make such revisions as the Council may deem advisable. The resulting document shall be deemed the "Proposed Budget."

After the creation of the "Proposed Budget" document, the Council shall determine the time for the holding of a public hearing upon the "Proposed Budget" and a notice shall be posted not less than ten (10) days prior to said hearing. This public hearing will be used by the Council to allow for interested persons desiring to be heard an opportunity to speak upon the "Proposed Budget."

At the conclusion of the public hearing, the Council shall further consider the "Proposed Budget" and make any revisions that it may deem advisable; and thereafter it shall adopt the budget with revisions, if any. Any revisions may add or increase programs or amounts or may delete or decrease programs or amounts except expenditures required by law or for debt service provided that no budget revision to the budget shall increase proposed expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.

The Mayor is responsible for preparing and delivering to the City Council the Mayor's Proposed Budget Priorities and Direction for capital and operating budgets, the Mayor's budget message, and final budget modifications.

The City Manager is responsible for preparing and delivering to the Mayor and Council a five-year forecast of expenditures and revenues, mid-year budget reports, and a draft budget.

The City Council is responsible for reviewing the proposed budget, holding a public hearing, revising the draft budget as needed, and approving the budget.

Under the Modesto Municipal Code (MMC) 2-3.401, the Finance Department is responsible for annually preparing and submitting to the City Manager a proposed preliminary budget prior to the beginning of the next succeeding fiscal year, and maintaining a system of budget control to ensure that monies are available and appropriated.

POLICY

Budget Development

1. It is the policy of the City of Modesto to prepare an annual budget using the accounting basis that is in conformance with generally accepted accounting principles (GAAP). To prepare the organization's budget, the Budget Manager shall gather proposed budget information from all Department directors (and others with budgetary responsibilities).
2. Budgets proposed and submitted by each department should be accompanied by a narrative explanation of the sources and uses of funds and explaining all material fluctuations in budgeted amounts from prior years. All requests for additional personnel shall include a narrative explaining the need for an increase in staff potential duties for the new

employee and expected salary. All requests for capital shall include a narrative explaining the reason for the need of the respective item.

3. After appropriate revisions and a compilation of all department budgets a draft of the organization-wide budget is prepared by the Budget Manager. The appropriated budget is prepared by:
   - Fund (e.g. General Fund)
   - Department (e.g. Police).
   - Division (e.g. Field Operations)
   - Revenue/Expense Account (e.g. Sales and Use Tax/Office Supplies)
4. The draft of the organization-wide budget, individual departments' budgets as well as the narratives, and multi-year project budgets are presented to the City Manager for discussion, revision, and initial approval. Each individual capital request is evaluated to determine whether the capital item is needed to clear a safety issue a legal requirement or to improve customer service. This process is separate from the creation and adoption of the City's Capital Improvement Program (CIP). The policy for the CIP adoption follows a different set of guidelines. All request for additional staff are reviewed for viability based on the economic condition of the City.
5. At a public hearing the Mayor submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them. The proposed budget is presented to City Council for discussion, revision and adoption.
6. Public hearings are conducted at City Hall to obtain citizen input. Prior to July 1, the budget is adopted by motion of the City Council.
7. It is the policy of the City of Modesto to adopt a final budget prior to July 1 of the new fiscal year. The purpose of adopting a final budget at this time is to allow adequate time for the Budget Division to input the budget into the accounting system and establish appropriate budget and reporting procedures to ensure proper classification of activities and comparison of budget versus actual once the year begins.
8. The City will prepare and annually refine written goals and policies to guide the preparation of financing, spending, and performance plans for the City budget. Proposed budgets will comply with the adopted budget polices and Council priorities.
9. Department and program managers will not exceed the Council-approved appropriations in any fund. The City Council may approve modifications to these appropriations throughout the year as warranted by revenue collections and activity demands.
10. Enterprise funds and other non-general fund operations should be self-supporting and should maintain reserve levels that are adequate to protect against fluctuations in revenue and expenditure levels. Activities that deviate from this requirement shall be identified for the City Council annually at the time of budget adoption. Exempt from this requirement are those funds that account solely for grant funds.
11. Interest shall be allocated quarterly to all funds based on their average monthly balances during each quarter.
12. Costs charged between funds such as force-account labor and other direct costs shall be charged on the basis of actual cost and not on the budgeted amount, unless a separate contract exists between the managers of the two programs allowing the use of the budgeted amount as the basis for the charge.
13. Appropriations for certain grants and on-going Capital Improvement Program projects that were authorized in previous years and that are not fully expended shall be deemed valid until revoked. Appropriations related to certain developer-funded expenditures may also be treated as multi-year appropriations.

<u>Inter-fund Transfers and Loans</u>

1. Ongoing operating program costs will not exceed the amount of ongoing revenue to finance those costs. Inter-fund loans will not be used as a funding mechanism to address ongoing gaps between revenues and costs. If a new program is added on an ongoing basis, an ongoing revenue source will be identified to fund the program costs. Any available carryover balance will only be used to offset one-time costs.
2. Unless direction is given at the time an inter-fund transfer is approved that the amount to be transferred between funds is not subject to adjustment based on a share of cost formula, all inter-fund transfers shall be based upon the sending fund's pro rata share of any project costs or other obligation that is the basis for the transfer. Therefore, a reconciliation of the share of costs allocable to the fund(s) from which resources are to be transferred shall be performed prior to the year-end closing of the city's financial records and shall become the basis for determining the actual amount of any resources to be transferred. It is the intent of this policy that any transfers designed to provide a subsidy to the operations of another fund shall not exceed the amount needed to provide sufficient resources to make revenues equal expenditures unless other direction is provided by the City Council.
3. All inter-fund transfers and their purpose shall be identified to the Council annually, at the time of the budget adoption.
4. All inter-fund transfers between a fund and Capital or Non-Capital project shall not lapse at the end of the fiscal year but instead shall remain active until the project is completed and the funding is no longer needed. Inter-fund transfers will be evaluated at each year-end and then the remaining funds will be re-appropriated in the new fiscal year as the inter-fund transfer continues on for the continuing project.
5. Loans between funds and loans to other component units of the city should be considered in light of a multi-year business plan that demonstrates a reasonable ability to repay the loan. All inter-fund loans and loans to component units, either existing or proposed, shall be identified for the City Council at the time of budget adoption. Generally, inter-fund loans and loans to component units shall be established with a repayment deadline that reflects the earliest feasible opportunity for repayment of the loan. Interest rates charged on the loan shall be based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding a payment date.
    a. Note that the terms and conditions for existing loans between the City and the former Redevelopment Agency are governed by one or more separate resolutions adopted at the time the loans were approved and are subject to the laws put into place by recent redevelopment dissolution legislation passed by the State of California.

<u>Reserves</u>

1. *General Fund Reserve:* The Council has adopted a policy that uses the Fund Balance Guidelines for the General Fund that has been established by the Government Finance Officers Association (GFOA). The Council has established the following policies pertaining to General Fund reserves:

    - The General Fund's minimum reserve requirement should be maintained at a level of no less than the average of two months of regular General Fund operating expenditures. The amount of General Fund reserves are to be calculated as the total of the Emergency Reserves category.
    - Any unassigned reserves/carryover in the General Fund at the end of a fiscal year will be distributed out based upon the following guidelines:
        - 1/3 of the unassigned reserves/carryover will be distributed to the Emergency Reserves category.

- 1/3 of the unassigned reserves/carryover will be used to fund pension obligations (i.e. pension trust funding, etc.)
- 1/3 of the unassigned reserves/carryover will be used to fund deferred maintenance.

2. *Fund Replacement Reserves:* In order to provide future resources for the replacement or repair of depreciable assets, each fund shall establish a list of depreciable assets, including useful lives and replacement costs that will determine the amount to be set-aside annually to allow the timely replacement or repair of these assets. Each program manager shall also establish a plan for funding the reserve and shall disclose the adequacy of the reserve level annually to the City Council as part of the annual budget adoption process.

Fund Balance Information Requirements

1. The requirements of GASB Statement No. 54 are intended to enhance the usefulness, including the understandability, of fund balance information, in the financial statements. The City will spend the most restricted dollars before less restricted, given equal eligibility, in the following order:
    - Non-Spendable - if funds become spendable (inventories, prepaid amounts)
    - Restricted (grants, bond proceeds)
    - Committed (capital acquisitions, pending projects)
    - Emergency Reserves (set aside funds in the General Fund that can only be appropriated through Council action)
    - Assigned (purchase orders, encumbrances)
    - Unassigned (residual fund balance after deducting the other fund balance categories)

Budget Adjustment Authority

1. Any adjustment that would appropriate any amount from the General Fund Emergency Reserves must receive Council approval to be appropriated. The authority to approve any other type of budget adjustment in the amount of $25,000 or less is delegated to the Budget Manager. The authority to approve any other type budget adjustment between $25,001 and $50,000 is delegated to the City Manager.
2. Authority for any budget adjustment over $50,000 is delegated to the parties shown below with the exception of appropriations from the General Fund Emergency Reserves:

    - City Council
        - Appropriation of undesignated reserves
        - Appropriation of new revenues
            - Does not include Developer Payments
        - Budgeting inter-fund transfers
            - Does not include adjustments to budgeted transfers where the intent is to subsidize an enterprise operation as shown in item (v) under the City Manager's budget adjustment authority
        - Creation of inter-fund loans
        - Creation of, or increase in, any multi-year appropriation except for the allocation of interest
        - Addition of permanent staff positions
        - Appropriation of payments for new indebtedness including operating leases
        - All other budgetary actions not delegated to another official

- City Manager
    - Adjust appropriations between departments within a fund
    - Change any capital equipment appropriation
    - Appropriate reserves, excluding General Fund Emergency Reserves, for litigation on a case-by-case basis
    - Adjustments to Inter-fund transfers intended to balance enterprise fund operations where the cumulative total of any adjustment does not increase the original City Council approved appropriation by more than $50,000
    - Appropriate Developer Payments not previously budgeted
    - Annexation Deposits
    - Special District Formation Deposits
    - Developer Deposits to be recognized as revenue

- Budget Manager
    - Appropriate unbudgeted grant interest
    - Revise the allocation of Internal Service Fund charges between departments, provided that the total allocated amount does not increase (any such changes to the allocation shall not result in an increase or decrease to the total amount of discretionary appropriations provided to the affected departments)
    - Changing any CIP line item appropriation
    - Revoke multi-year appropriations
    - Close Capital Improvement Program or Non-Capital projects
    - Make technical budget corrections to implement the intent of Council-approved actions and resolutions
    - Transfer fiscal appropriations between sub-funds of a single fund (except where this changes appropriation amounts for temporary agency labor and/or capital equipment purchases over $25,000)

- Department Director
    - Transfer appropriations within a department, within a single fund (excludes appropriations related to capital equipment, capital improvement program)
    - Acting as a designee of the City Manager, the Parks, Recreation, & Neighborhoods Director shall be authorized to appropriate private donations or grants made to the Fund Development Program of the Parks, Recreation, & Neighborhoods Department for specified purposes up to $25,000

<u>Monitoring Performance</u>

1. It is the policy of the City of Modesto to monitor its financial performance by comparing and analyzing actual results with budgeted results. This function shall be performed periodically by the Budget Manager.
2. Budgetary review
    - Budget-to-actual comparisons are made on a monthly basis by the Budget Division.
    - Budget-to-actual comparisons are presented for City Council review at mid-year and on an as needed basis.
    - Budget-to-actual comparisons are provided in the comprehensive annual financial report (CAFR) for each individual governmental fund, for which an appropriated annual budget has been adopted.

3. The City maintains an encumbrance accounting system of purchase orders and contracts as a means of accomplishing budgetary control. Purchase orders are reviewed to ensure that funds are available and that requests are properly authorized prior to being released to vendors.

Fiscal Year 2021-22
Proposed Policies

1. Approve the initiation of a rate reduction for all funds that make an annual payment into the Worker's Compensation Fund for Fiscal Year 2021-22 at the rate of 75 percent (25 percent rate reduction).

2. Approve the initiation of a rate reduction for all funds that make an annual payment into the Employee Benefits Fund for Fiscal Year 2021-22 at the rate of 75 percent (25 percent rate reduction).

MODESTO CALIFORNIA	**CITY OF MODESTO** **COUNCIL AGENDA REPORT**	**Budget Adoption**

Date: May 29, 2021

TO: Mayor and City Council

THROUGH: Joseph P. Lopez, City Manager

FROM: Christina Alger, Director of Human Resources
Stephan Christensen, Budget Manager

SUBJECT: Workers Compensation Rate Reduction

CONTACT: Stephan Christensen, Budget Manager, schristensen@modestogov.com, 209-577-5390

DESCRIPTION:
Consider providing policy direction regarding:

1. The initiation of a rate reduction for all funds that make an annual payment into the Worker's Compensation Fund for Fiscal Year 2021-22 at the rate of 75 percent (25 percent rate reduction).

(Funding Source: General Fund and Non-General Fund Impact)

FISCAL IMPACT:
For the 2021-22 fiscal year, the total workers' compensation premium assessment charge to all funds is recommended to be $5.17 million with the General Fund contributing approximately $4.21 million. A recent evaluation of the Workers Compensation Fund's reserve levels has resulted in the decision to initiate a rate reduction for fiscal year 2021-22 at the level of 25 percent. This rate reduction will equate to a lower funding level in workers compensation contributions from all funds in FY 2021-22. This action will result in a refunding to the General Fund of $1.40 million and a proportional savings to the non-general funds that pay premiums into the Workers' Compensation Fund in the amount of $320 thousand. The existing cash balances in the fund will be sufficient to continue payment of actual claim costs on an annual basis.

BACKGROUND:
The city self-assesses a charge to all programs with employees to cover the cost of providing workers compensation benefits. The amount charged to each program is based on a fixed percent of the total salaries paid and a factor assigned using the actual claims history of the program's employees. For the 2021-22 fiscal year, the total premium assessment to all funds is approximately $5.17 million. Though funding for the workers compensation fund will be at a lower

amount due to the initiation of a rate reduction in FY 2021-22, the fund will have sufficient reserves to cover the decrease in revenues.

Approved by:

Christina Alger, Director of Human Resources

Steve Christensen, Budget Manager

Joseph P. Lopez, City Manager

MODESTO CALIFORNIA	**CITY OF MODESTO** **COUNCIL AGENDA REPORT**	**Budget Adoption**

Date: May 29, 2021

TO: Mayor and City Council

THROUGH: Joseph P. Lopez, City Manager

FROM: Christina Alger, Director of Human Resources
Steve Christensen, Budget Manager

SUBJECT: Employee Benefits Fund Rate Reduction

CONTACT: Stephan Christensen, Budget Manager, schristensen@modestogov.com, 209-577-5390

DESCRIPTION:
Consider providing policy direction regarding:

2. The initiation of a rate reduction for all funds that make an annual payment into the Employee Benefits Fund for Fiscal Year 2021-22 at the rate of 75 percent (25 percent rate reduction).

(Funding Source: General Fund and Non-General Fund Impact)

FISCAL IMPACT:
For the 2021-22 fiscal year, the total employee benefits fund assessment charge to all funds is recommended to be $2.79 million with the General Fund contributing approximately $1.86 million. A recent evaluation of the Employee Benefits Fund's reserve levels has resulted in the decision to initiate a rate reduction for fiscal year 2021-22 at the level of 25 percent. This rate reduction will equate to a lower funding level in employee benefits fund contributions from all funds in FY 2021-22. This action will result in a refunding to the General Fund of $621 thousand and a proportional savings to the non-general funds that pay premiums into the Employee Benefits Fund in the amount of $310 thousand. The existing cash balances in the fund will be sufficient to continue payment of actual claim costs on an annual basis.

BACKGROUND:
A number of benefit costs run through the Employee Benefits Fund (EBF) as pure pass-through transactions. These pass-through costs such as deferred compensation, PERS and Medicare are not material to the fund liability and are not addressed in this item.

The most significant costs accounted for in the EBF are the (a) cash payments made to employees for their accumulated vacation, holiday, and CTO hours upon separation from

service and (b) cash payments and health benefits provided to employees upon retirement based upon their accumulated sick leave balances.

For the 2021-22 fiscal year, the total premium assessment to all funds is approximately $2.79 million. Though funding for the employee benefits fund will be at a lower amount due to the initiation of a rate reduction in FY 2021-22, the fund will have sufficient reserves to cover the decrease in revenues.

Approved by:

Christina Alger, Director of Human Resources

Steve Christensen, Budget Manager

Joseph P. Lopez, City Manager

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-236

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2021-22 AS ADOPTED IN THE OPERATING BUDGET.

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 30, 2020, as part of the Annual Budget of the City of Modesto for Fiscal Year 2020-21, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the pay period in which July 1, 2021 falls, (Pay Period beginning June 22, 2021), unless otherwise noted, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-22 Operating Budget for various departments as follows:

1. Freeze one (1) Associate Planner in the Planning Division (14410) of the Community and Economic Development Department.
2. Add one (1) Financial Analyst I/II in the Accounting Division (12110) of the Finance Department.

3. Add one (1) Stores Supervisor in the Central Stores Division (12530) of the Finance Department.
4. Add one (1) Senior Storeskeeper in the Central Stores Division (12530) of the Finance Department.
5. Add one (1) Senior Storeskeeper in the Central Stores - Jefferson Mark-up Division (12531) of the Finance Department.
6. Eliminate one (1) Financial Analyst II in the Accounting Division (12110) of the Finance Department.
7. Freeze one (1) Senior Fire Inspector in the Fire Prevention Division (18510) of the Modesto Fire Department.
8. Freeze one (1) Firefighter in the Suppression Division (18210) of the Modesto Fire Department.
9. Freeze one (1) Firefighter in the Fire Services for Oakdale Division (18212) of the Modesto Fire Department.
10. Reallocate one (1) Administrative Office Assistant III (Confidential) to one (1) Human Resources Assistant in the Employee Benefits Administration Division (17160) of the Human Resources Department, and reclassify the incumbent accordingly.
11. Freeze one (1) Cultural Services Program Manager in the Historical Properties Division (34110) of the Parks Recreation and Neighborhoods Department.
12. Reallocate one (1) Police Civilian Supervisor to one (1) Operations Supervisor in the Building Services Division (19490) of the Modesto Police Department, reclassify the underfilling incumbent accordingly.

13. Reallocate four (4) .50 Homeless Outreach Specialist to two (2) FTE Homeless Outreach Specialist in the HUD ESG Outreach Division (19205) of the Modesto Police Department.
14. Reallocate ten (10) Police Detective to ten (10) Police Officer in the Investigative Services Division (19220) of the Modesto Police Department.
15. Eliminate seven (7) .50 Police Cadet II in the Investigative Services Division (19220) of the Modesto Police Department.
16. Eliminate one (1) .50 Police Cadet II in the Field Operations Division (19320) of the Modesto Police Department.
17. Freeze three (3) Police Community Service Officer II in the Field Operations Division (19320) of the Modesto Police Department.
18. Freeze three (3) Police Support Specialist II in the Records and Support Division (19420) of the Modesto Police Department.
19. Eliminate one (1) Senior Administrative Office Assistant in the Administration Division (19110) of the Modesto Police Department.
20. Freeze one (1) Police Sergeant in the Field Operations Division (19320) of the Modesto Police Department.
21. Freeze two (2) Police Officer in the Investigative Services Division (19220) of the Modesto Police Department.
22. Freeze one (1) Police Captain in the Field Operations Division (19320) of the Modesto Police Department.
23. Add one (1) Heavy Equipment Mechanic in the Fleet Vehicle and Equipment Maintenance Division (53255) of the Public Works Department.

24. Add one (1) Engineering Assistant I/II in the Traffic Engineering Division (53510) of the Public Works Department.
25. Add one (1) Senior Equipment Operator in the Street Maintenance Division (53130) of the Public Works Department.
26. Add two (2) Equipment Operator I/II in the Street Maintenance Division (53130) of the Public Works Department.
27. Remove the limited term on two (2) Equipment Operator I/II in the Streets Maintenance Division (53130) of the Public Works Department.
28. Add one (1) Traffic Operations Technician in the Traffic Operations Division (53550) of the Public Works Department.
29. Reallocate seven (7) Electrician I/II – Traffic and Buildings to seven (7) Electrician – Traffic and Buildings in the Electrical Division (53540) of the Public Works Department, and reclassify the incumbents accordingly.
30. Eliminate one (1) Transit Manager in the Transit Services Division (53472) of the Public Works Department.
31. Eliminate two (2) Transit Analyst in the Transit Services Division (53472) of the Public Works Department.
32. Transfer one (1) Administrative Analyst II in the Transit Services Division (53472) to the City Services for StanRTA – Citywide Agreements and Temporary Staff Division (51019) of the Public Works Department.
33. Transfer one (1) Administrative Services Technician II in the Transit Services Division (53472) to the City Services for StanRTA – Citywide Agreements and Temporary Staff Division (51019) of the Public Works Department.

34. Eliminate one (1) Administrative Office Assistant III in the Transit Services Division (53472) of the Public Works Department.
35. Eliminate one (1) Maintenance Worker I in the Transit Services Division (53472) of the Public Works Department.
36. Eliminate one (1) Transit Analyst in the Transportation Dial-a-Ride Division (53473) of the Public Works Department.
37. Transfer one (1) Administrative Services Technician II in the Transit Services Division (53472) to the Fleet Vehicle and Equipment Maintenance Division (53255) of the Public Works Department.
38. Transfer one (1) Operations Supervisor in the Transit Maintenance Division (53244) to the City Services for StanRTA – Bus Maintenance Facility Division (53243) of the Public Works Department.
39. Transfer two (2) Heavy Equipment Mechanic Crewleader in the Transit Maintenance Division (53244) to the City Services for StanRTA – Bus Maintenance Facility Division (53243) of the Public Works Department.
40. Transfer eight (8) Heavy Equipment Mechanic II in the Transit Maintenance Division (53244) to the City Services for StanRTA – Bus Maintenance Facility Division (53243) of the Public Works Department.
41. Transfer four (4) Maintenance Worker I in the Transit Maintenance Division (53244) to the City Services for StanRTA – Bus Maintenance Facility Division (53243) of the Public Works Department.

42. Reallocate one (1) Maintenance Worker II to one (1) Utilities Services Worker III in the Water Service and Meter Division (45060) of the Utilities Department.
43. Reallocate one (1) Maintenance Worker II to one (1) Utilities Services Worker III in the Water Construction Division (45040) of the Utilities Department.
44. Eliminate one (1) Maintenance Worker II in the Water Quality Division (45055) of the Utilities Department.
45. Transfer and reallocate one (1) Administrative Services Technician II (Confidential) in the Construction Administration Division (42020) to one (1) Administrative Services Technician II in the Capital Improvement Services Division (42300) of the Utilities Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-237

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO AMEND THE ELECTRICIAN I/II – TRAFFIC AND BUILDINGS CLASSIFICATION TO REMOVE THE FLEXIBLE STAFFING; AND TO AMEND THE SALARY RANGES TO DELETE ELECTRICIAN I – TRAFFIC AND BUILDINGS

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2020-283 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to amend the Electrician I/II – Traffic and Buildings classification to remove the flexible staffing; and to amend the salary ranges to delete Electrician I – Traffic and Buildings.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which July 1, 2021 falls, (Pay Period beginning June 22, 2021).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-238

RESOLUTION AUTHORIZING THE CITY TO APPROVE AN EARLY RETIREMENT INCENTIVE PACKAGE TO ELIGIBLE EMPLOYEES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN IMPLEMENTATION DOCUMENTS

WHEREAS, the City continues to look for opportunities to reorganize and/or downsize, and

WHEREAS, in order to allow opportunities to create vacancies of tenured positions, the City desires to offer eligible employees an Early Retirement Incentive, and

Whereas, full-time regular employees in the miscellaneous, non-safety bargaining units of Modesto City Employees Association, Modesto Confidential Management Association and Modesto Police and Fire Non-Sworn Association who, as of July 5, 2021, are at least 50 years of age with at least five (5) years of regular service with the City and are eligible for retirement, are eligible for the Early Retirement Incentive Program, as authorized by the City Manager.

WHEREAS, 3 positions are determined eligible for this incentive. In addition, the cost for these incentives is $30,000 total while the anticipated savings is $89,777.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to approve the Retirement Incentive Program for these eligible employees upon retirement, as outlined in **Exhibit 4**, entitled, "City of Modesto Retirement Incentive Program."

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign implementation documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MEMORANDUM

DATE: May 5, 2021

TO: All Eligible Employees

FROM: Christina Alger, Director of Human Resources

RE: EARLY RETIREMENT INCENTIVE PLAN – Fiscal Year 2021/2022

PURPOSE

The City of Modesto is undertaking organizational reviews to optimize the efficiency of operational functions. The adoption of the Early Retirement Incentive Plan (ERIP) for qualified employees is a process that will assist the City in this goal. The following information outlines the description, purpose, and eligibility requirements.

POLICY

The ERIP is a one-time opportunity for eligible employees to apply for separation and enter retirement at an earlier date than might otherwise have been planned. ERIP participants will be required to sign a Separation Agreement that contains a release of all employment rights and claims, described later in this document. Following voluntary separation from the City of Modesto, ERIP participants will receive the benefits provided by this plan, which will either include a lump sum payment, or contribution to a Retiree Health Savings Account.

Participation in the ERIP is completely voluntary. Applicants may revoke their application at any time up to seven (7) days after signing the Separation Agreement. Eligible employees who decline to participate or who revoke an application to participate will not be treated any differently than any other similarly situated employee.

Applications for the ERIP will be accepted for a limited period of time, starting May 5, 2021, and ending at 5:00 p.m. on May 26, 2021.

Separations under the ERIP are to be effective on or before July 5, 2021, with a retirement date no later than July 6, 2021, except as allowed by circumstances described later in this document.

This Program is meant to achieve the following objectives:

1. Reduce salary and benefit costs.
2. Redirect positions to focus on priorities, changing needs or strategic objectives.
3. Achieve cost savings and organizational efficiencies.

Requests to participate in this Program will be reviewed on a case-by-case basis. The Program may not be open to all departments. Determinations of compliance with the conditions and requirements of this Program, and approval of any request made under this Program, are subject to the review and approval of the Department Director and City Manager.

Additional information, including the ERIP application form, a Separation Agreement, and Frequently Asked Questions can be obtained at the following website: https://www.modestogov.com/2549/Early-Retirement-Incentive-Program

ELIGIBILITY

Full-time regular employees in MCEA, MCMA, and MPNSA bargaining units at the City of Modesto are eligible to apply for the ERIP if, as of **July 5, 2021**, the employee is at least **50 or 52 years of age** with at least **five (5) years** of regular service with the City and eligible for retirement.

Employees must be in a Full-Time position having completed the Separation Program Application and have not submitted notice of resignation or retirement prior to the voluntary separation program offer.

Employees not eligible for this Program include:

1. Essential employees or positions identified within departments that are in critical or hard-to-fill positions, with critical knowledge or skills, or are needed to maintain minimum staffing levels;
2. Executive Management and Safety employees;
3. Probationary employees;
4. Limited-Term;
5. Part-Time employees;
6. Extra-Help/Seasonal employees;
7. Retired Annuitants;
8. Employees who have already provided written notice of separation or retirement;
9. Employees that are being involuntarily separated by the City.

This Program is not an entitlement or benefit, but rather is intended to supplement the range of budget management options available to the City. Applications will be evaluated on a case-by-case basis by their respective department to determine the impact and the ability to achieve long-term savings. Approval determination of an application will be conducted on a case-by-case basis.

SEPARATION DATE

To participate in the ERIP, an eligible employee who has applied for and received final approval to participate in the ERIP must sign a Separation Agreement that releases the City of Modesto from all employment rights and claims, and must agree to separate from the City of Modesto on one of the following dates:

1. **July 5, 2021**, is the intended separation date for most ERIP participants.
    i. **$10,000 incentive**
2. **September 13, 2021**, is an alternative separation date that ERIP participants may designate when it is clearly in the best interest of the City of Modesto.
    i. **$2,500 incentive**
3. **December 6, 2021**, is an alternative separation date that ERIP participants may designate when it is clearly in the best interest of the City of Modesto.
    i. **$1,000 incentive**

The above three separation dates are the only separation dates available under the ERIP. Under no circumstances will an ERIP separation date be extended beyond **December 6, 2021**. Regardless of separation date, the ERIP application must be submitted by 5:00 p.m. on May 26, 2021.

SEPARATION INCENTIVE BENEFIT OPTIONS

The City shall offer two (2) separation incentive benefit options from which the ERIP participant may elect:

1. Lump sum payment of $10,000, $2,500, or $1,000 based on separation date; or
2. Contribution to a Retirement Health Savings Account of $10,000, $2,500, or $1,000 based on separation date

The City shall either provide a lump sum payment to the ERIP participant or contribute the amount to a **Retirement Health Savings Account (RHS)** on behalf of the ERIP participant. The City will credit the applicable lump sum amount to the ERIP participant's direct deposit account or RHS during the month following the ERIP participant's separation date.

The ERIP participant can use the RHS account to reimburse medical expenses within the meaning of Section 213(d) of the Internal Revenue Code on behalf of the participant, his or her spouse, and his or her eligible dependents. Examples of medical expenses that qualify for RHS reimbursement:

- After-tax medical insurance premiums (COBRA and retiree premiums)
- Deductibles and copayments not covered by another medical plan
- Dental and vision care expenses not cover by another plan
- Eyeglasses
- Prescription drugs
- Preventive care
- Medicare Part B and D premiums

Additional details about this RHS feature are available at ICMA-RC and for a complete list of qualified medical expenses that qualify for reimbursement refer to IRS Publication 502, “Medical and Dental Expenses.”

The Internal Revenue Service (IRS) does not allow the use of RHS funds for expenses associated with a domestic partner, unless the partner qualifies as a dependent under IRS regulations.

The IRS does not allow RHS accounts to be transferred to any other individual, except in the event of the participant’s death. If the participant dies after separating from the City, but before the date that funds are used, the RHS account can be used by the participant’s spouse to reimburse medical expenses within the meaning of Section 213(d) of the Internal Revenue Code, as described above. If there is no spouse at the time of the participant’s death, the RHS account can be used by an IRS qualified dependent. (Changing the name on the RHS account to a spouse or dependent is not automatic, and the surviving spouse or dependent will need to contact the City’s RHS third party administrator to initiate the process.) If there is no spouse or dependent at the time of the participant’s death, any balance in the RHS account will be forfeited back to the City.

RHS accounts will be administered by ICMA-RC, 2635 N. First Street, San Jose, CA 95134.

All other applicable collectively bargained retirement benefits for which the ERIP participant is eligible shall be granted.

ERIP APPLICATION PROCEDURE

Eligible employees shall be provided a copy of this Plan, which includes a Separation Agreement, on or before **Wednesday, May 5, 2021**.

The application period for the ERIP begins on May 5, 2021 and ends on May 26, 2021. Applications submitted later than 5:00 p.m. on May 26, 2021, will not be considered.

To apply for the ERIP, an eligible employee must complete and submit an application form located at https://www.modestogov.com/2549/Early-Retirement-Incentive-Program . When the application form is submitted, the applicant is indicating a desire to voluntarily separate from the City of Modesto in exchange for one of the ERIP separation incentive benefits.

Applicants may revoke their application at any time up to seven (7) days after signing the Separation Agreement. To revoke or withdraw an ERIP application, the applicant may send a notice of revocation to the City Manager. On the eighth (8^{th}) day after signing the Separation Agreement, the ERIP application is irrevocable.

As indicated above, separations under the ERIP will be effective July 5, 2021 or earlier, with a retirement date of July 6, 2021, September 13 with a retirement date of September 14, or December 6 with a retirement date of December 7, except as otherwise provided under the Plan.

The City of Modesto would like to allow up to 20 employees to participate in the ERIP as possible. ERIP applications will be reviewed based on the following criteria:

1) How the employee's separation and the department's subsequent actions will meet City objectives including eliminating the position or achieving substantial savings to cover the cost of the separation

2) The position's funding source

Following a review period during the end of May 2021, applicants will be notified when their application has been approved. Upon approval, applicants will be provided a Separation Agreement to sign.

REQUIRED APPROVALS

The City's Human Resources Department will first review the ERIP application to confirm the employee's eligibility to participate. ERIP applications require the following approvals:

The Department Director reviews the application. If the Department Director approves the application, then he or she is responsible for providing a statement demonstrating how the ERIP separation will meet the above institutional objectives, including a statement explaining how any planned replacement will also meet those objectives.

Final approval of the ERIP application is required by the City Manager. Participation in the ERIP is not a right.

Council approval of the program will still be required. The package with full releases will be presented to Council on June 8th for final ratification.

SUBSEQUENT EMPLOYMENT

An ERIP participant cannot be reemployed by the City in a retired annuitant position for six (6) months following his or her separation date.

PAYMENTS MADE IN ERROR

Retirement Health Savings Account contributions made by mistake of fact or paid contrary to the terms of the ERIP plan shall be returned to the City by the separated employee.

REPRESENTATIONS CONTRARY TO THE ERIP

No employee, director, executive, or agent of the City has the authority to alter, vary or modify the terms of the ERIP, except by means of an authorized written amendment to the ERIP on file with the Director of Human Resources. No verbal or written representations contrary to the terms of the ERIP and any amendments shall be binding upon the City of Modesto.

AMENDMENT AND TERMINATION

The City reserves the right to amend or terminate the ERIP at any time. Notwithstanding the foregoing, no amendment of ERIP may reduce ERIP payments or other considerations once an ERIP Separation Agreement is fully executed.

NONDISCRIMINATION STATEMENT

The City of Modesto will not engage in discrimination against any person because of age, color, disability, ethnicity, gender, gender identity, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status, and will comply with all federal and state nondiscrimination, equal employment laws and regulation.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-239

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEE'S ASSOCIATION (MCEA) FOR THE TERM OF JULY 1, 2019 TO JUNE 30, 2023 TO ADD LEAVE BANK PURCHASE OPTION LANGUAGE; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto City Employee's Association (MCEA) for a term of July 1, 2019 through on June 30, 2023 was approved by Resolution No. 2019-504 on November 5, 2019, and

WHEREAS, representatives of the CITY and the MCEA have met and conferred in good faith and have reached agreement on leave bank purchase option language for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

The City and MCEA have agreed to implement 48 hours of optional leave bank to be taken off between July 1, 2021 and June 30, 2022, as follows:

1. The City and MCEA agree to allow employees of this bargaining unit to independently apply for the leave bank purchase option plan.
2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MCEA waiving any contractual rights by MCEA to enforce the Memorandum of Understanding.
3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours on pay period ending July 5, 2021. All members must exhaust the purchased leave bank no later than pay period ending June 20, 2022.
5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period ending July 5, 2021 through pay period ending May 23, 2022.
6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.
7. Overtime Exempt members of MCEA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.
8. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MCEA on a per pay period basis.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2019 through June 30, 2023 MOU between the CITY and MCEA shall continue.

WHEREAS, the Council considered this matter at its meeting of June 22, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto City Employee's Association as outlined in **Exhibit 5**, adding Leave Bank Purchase Option language which covers a term from July 1, 2019 through June 30, 2023, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Letter of Agreement
Between City of Modesto
and Modesto City Employees' Association (MCEA)
For the 2021-2022 Fiscal Year

The City of Modesto ("City") and Modesto City Employees Association ("MCEA") hereby enter into this Side Letter Agreement regarding the City's proposal to allow a leave bank purchase option to MCEA employees.

WHEREAS, during the 2019 labor negotiations between the City and the Modesto City Employees Association ("MCEA"), the City agreed to a Memorandum of Understanding for the period of March 9, 2019 through June 30, 2023.

NOW, THEREFORE, the parties hereby agree as follows:

1. The City and MCEA agree to allow employees of this bargaining unit to independently apply for the leave bank purchase option plan.

2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MCEA waiving any contractual rights by MCEA to enforce the Memorandum of Understanding.

3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours on pay period ending July 5, 2021. All members must exhaust the purchased leave bank no later than pay period ending June 20, 2022.

5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period ending July 5, 2021 through pay period ending May 23, 2022.

6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Overtime Exempt members of MCEA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.

7. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MCEA on a per pay period basis.

MCEA

Mehran Tahoori

Printed Name

Signature

5/19/21

Date

FOR THE CITY

Christina Alger

Printed Name

Signature

5/24/21

Date

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-240

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION (MCMA) FOR THE TERM OF JULY 1, 2019 TO JUNE 30, 2023 TO ADD LEAVE BANK PURCHASE OPTION LANGUAGE; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Confidential and Management Association (MCMA) for a term of July 1, 2019 through on June 30, 2023 was approved by Resolution No. 2019-530 on November 26, 2019, and

WHEREAS, representatives of the CITY and the MCMA have met and conferred in good faith and have reached agreement on leave bank purchase option language for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

The City and MCMA have agreed to implement 48 hours of optional leave bank to be taken off between July 1, 2021 and June 30, 2022, as follows:

1. The City and MCMA agree to allow employees of this bargaining unit to independently apply for the leave bank purchase option plan.
2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MCMA waiving any contractual rights by MCMA to enforce the Memorandum of Understanding.
3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours on pay period ending July 5, 2021. All members must exhaust the purchased leave bank no later than pay period ending June 20, 2022.
5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period ending July 5, 2021 through pay period ending May 23, 2022.
6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.
7. Overtime Exempt members of MCMA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.
8. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MCMA on a per pay period basis.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2019 through June 30, 2023 MOU between the CITY and MCMA shall continue.

WHEREAS, the Council considered this matter at its meeting of June 22, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Confidential and Management Association as outlined in **Exhibit 6**, adding furlough language which covers a term from July 1, 2019 through June 30, 2023, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Letter of Agreement
Between City of Modesto
and Modesto City Management Association (MCMA)
For the 2021-2022 Fiscal Year

The City of Modesto ("City") and Modesto City Management Association ("MCMA") hereby enter into this Side Letter Agreement regarding the City's proposal to allow a leave bank purchase option to MCMA employees.

WHEREAS, during the 2019 labor negotiations between the City and the Modesto City Management Association ("MCMA"), the City agreed to a Memorandum of Understanding for the period of March 9, 2019 through June 30, 2023.

NOW, THEREFORE, the parties hereby agree as follows:

1. The City and MCMA agree to allow employees of this bargaining unit to independently apply for the leave bank purchase option plan.

2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MCMA waiving any contractual rights by MCMA to enforce the Memorandum of Understanding.

3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours on pay period ending July 5, 2021. All members must exhaust the purchased leave bank no later than pay period ending June 20, 2022.

5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period ending July 5, 2021 through pay period ending May 23, 2022.

6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Overtime Exempt members of MCMA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.

7. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MCMA on a per pay period basis.

MCMA

Jessica Smart
Printed Name

Signature

05/19/2021
Date

FOR THE CITY

Christina Alger
Printed Name

Signature

5/24/21
Date

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-241

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE AND FIRE NON SWORN ASSOCIATION (MPNSA) FOR THE TERM OF JULY 1, 2019 TO JUNE 30, 2023 TO ADD LEAVE BANK PURCHASE OPTION LANGUAGE; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police and Fire Non Sworn Association (MPNSA) for a term of July 1, 2019 through on June 30, 2023 was approved by Resolution No. 2019-473 on October 22, 2019, and

WHEREAS, representatives of the CITY and the MPNSA have met and conferred in good faith and have reached agreement on leave bank purchase option language for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

The City and MPNSA have agreed to implement 48 hours of optional leave bank to be taken off between July 1, 2021 and June 30, 2022, as follows:

1. The City and MPNSA agree to allow employees of this bargaining unit to independently apply for the leave bank purchase option plan.
2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MPNSA waiving any contractual rights by MPNSA to enforce the Memorandum of Understanding.
3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours on pay period ending July 5, 2021. All members must exhaust the purchased leave bank no later than pay period ending June 20, 2022.
5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period ending July 5, 2021 through pay period ending May 23, 2022.
6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.
7. Overtime Exempt members of MPNSA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.
8. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MPNSA on a per pay period basis.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2019 through June 30, 2023 MOU between the CITY and MPNSA shall continue.

WHEREAS, the Council considered this matter at its meeting of June 22, 2021,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police and Fire Non Sworn Association (MPNSA) as outlined in **Exhibit 7**, adding Leave Bank Purchase Option language which covers a term from July 1, 2019 through June 30, 2023, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorn~~ey

Letter of Agreement
Between City of Modesto
and Modesto Police Non-Sworn Association (MPNSA)
For the 2021-2022 Fiscal Year

The City of Modesto ("City") and Modesto Police Non-Sworn Association ("MPNSA") hereby enter into this Side Letter Agreement regarding the City's proposal to allow a leave bank purchase option to MPNSA employees.

WHEREAS, during the 2019 labor negotiations between the City and the Modesto Police Non-Sworn Association ("MPNSA"), the City agreed to a Memorandum of Understanding for the period of March 9, 2019 through June 30, 2023.

NOW, THEREFORE, the parties hereby agree as follows:

1. The City and MPNSA agree to allow employees of this bargaining unit to independently agree to a leave bank purchase option plan.

2. The allowance is not to be viewed as a precedent or the establishment of a past practice or be construed in any way as MPNSA waiving any contractual rights by MPNSA to enforce the Memorandum of Understanding.

3. Employees may elect a leave bank purchase option of 48 hours.

4. The City shall create for each eligible member an additional leave bank of 48 hours on pay period ending July 5, 2021. All members must exhaust the purchased leave bank no later than pay period ending June 20, 2022.

5. Two (2) hours of pay will be deducted over 24 pay periods beginning pay period ending July 5, 2021 through pay period ending May 23, 2022.

6. Employees may elect to use leave bank purchase option hours in a minimum of two (2) hour increments.

7. Overtime Exempt members of MPNSA's bargaining unit shall record leave bank purchase option hours on their timesheets only at the time the leave bank purchase option hours are actually taken as time off. Overtime Exempt employees shall not work more than forty (40) hours during any workweek within which they take leave bank purchase option hours.

7. During this designated leave bank purchase option deduction period, the City will continue to report each employee's full base pay rate to CalPERS. All employees' deductions go to UAL payment by making additional direct payments (ADP). Record of the direct deposit to the UAL shall be provided with the other reports provided to MPNSA on a per pay period basis.

MPNSA

Christy Bennett
Printed Name

C Bennett
Signature

5/24/21
Date

FOR THE CITY

Christina Alger
Printed Name

Signature

5/24/21
Date

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-242

RESOLUTION APPROVING THE FISCAL YEAR 2021-22 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, on April 13, 2021, by Resolution No. 2021-129, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Annual Engineer's Report, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges as shown within the Annual Engineer's Report within City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2021-22, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2021-22 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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:

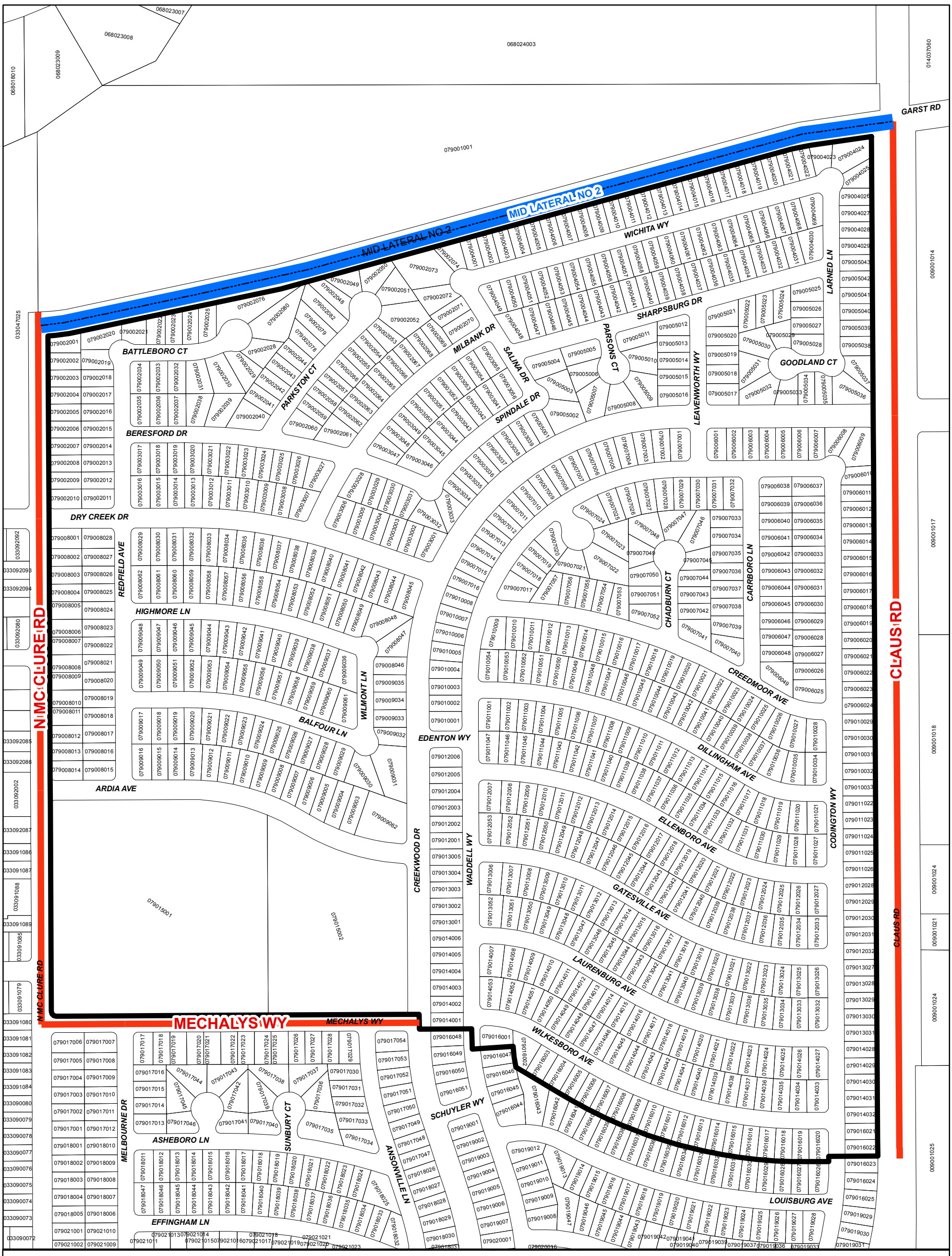
AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney



Assessment District Diagram

Landscape Maintenance Assessment District No. 1
(Dry Creek Meadows Subdivisions No. 1 - 6)

250 125 0 250

Feet

N

W E

S

Date: 1/15/2021

Document Path: K:\Projects\Maintenance\Mxd\landscape-d1-20210115.mxd

MODESTO
CALIFORNIA

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-243

RESOLUTION APPROVING THE FISCAL YEAR 2021-22 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

WHEREAS, on April 13, 2021, by Resolution No. 2021-130, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges, and

WHEREAS, on June 22, 2021 a public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges as specified in the approved

Engineer's Report within City of Modesto Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2021-22, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2021-22 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Kenoyer, 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:

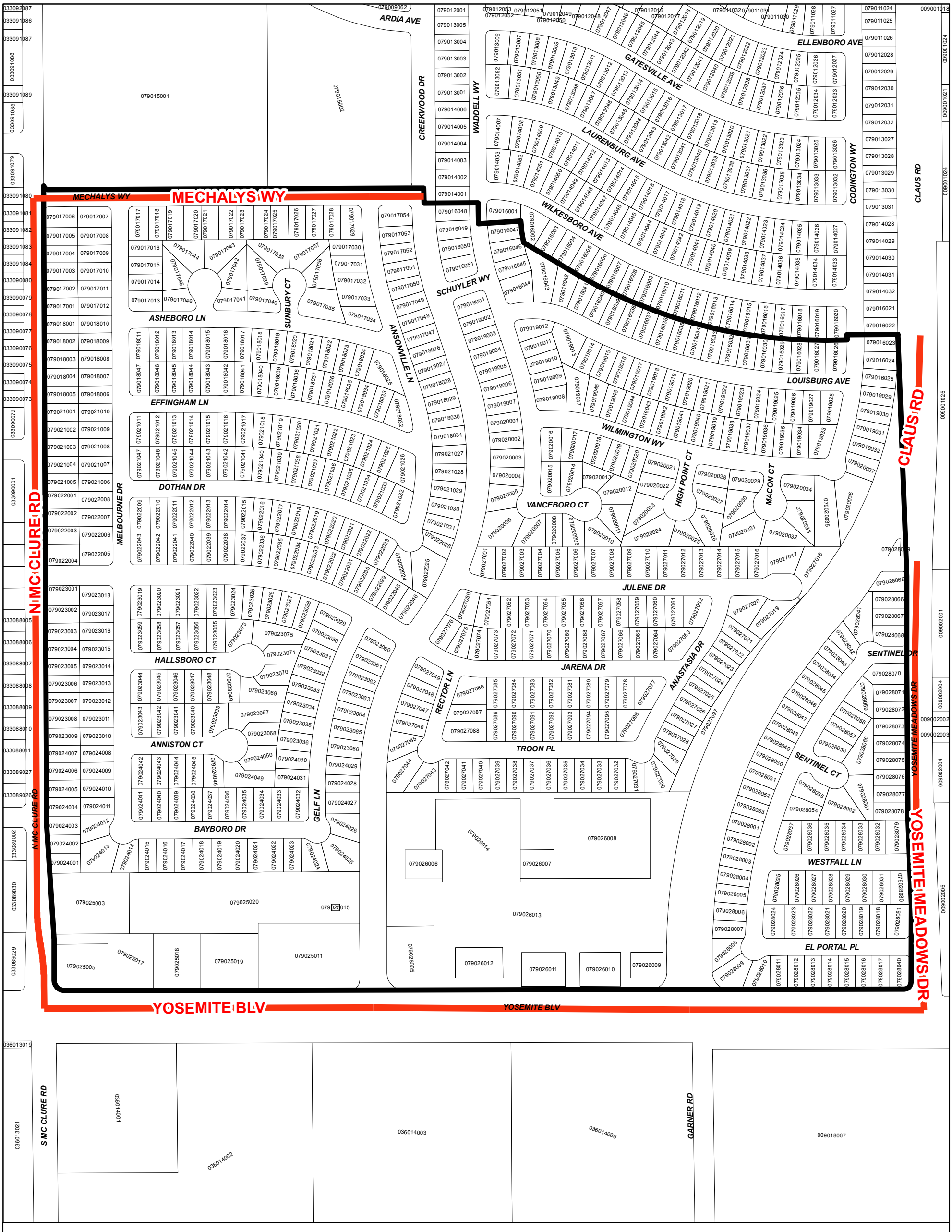
AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~



Assessment District Diagram

Landscape Maintenance Assessment District No. 2
(Dry Creek Meadows Subdivisions No. 7 - 10)
(Creekwood Meadows Subdivision)
(Yosemite Meadows Units No. 1 & 2)

250 125 0 250 Feet

Date: 1/15/2021

MODESTO CALIFORNIA

Document Path: K:\Projects\Maintenance\Mxd\landscape-d2-20210115.mxd

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-244

RESOLUTION APPROVING THE FISCAL YEAR 2021-22 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on April 13, 2021, by Resolution No. 2021-128, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of seventy-seven 200-watt high pressure sodium street lights in the Shackelford Landscape and Lighting District under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, a public hearing was held on June 22, 2021, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it orders the levy and collection of such charges as specified in the approved Engineer's Report within City of Modesto Shackelford Landscape and Lighting District for Fiscal Year 2021-22, and in each subsequent fiscal year in which the charges may

validly be levied; that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2021-22 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Assessment District Diagram
Shackelford Landscape and Lighting District
250 125 0 250
Feet
Date: 1/15/2021
MODESTO
CALIFORNIA
Document Path: K:\Projects\Maintenance\Mxd\landscape-Shackelford-20210115.mxd
PECOS AVE
HWY 99
N HWY 99 (OFF RAMP)
N HWY 99 (ON RAMP)
S 7TH ST
S 9TH ST
JANOPAUL AVE
MAIN ST
BOULDER AVE
CROWS LANDING RD
BOWIE AVE
SCHOOL AVE
RIO GRANDE AVE
PUEBLO AVE
EL PASO AVE
CROCKETT AVE
BROADWAY AVE
BAROZZI AVE
SANTA FE AVE
ALAMO AVE
RITA CT
LITA CT
TID LATERAL NO 1
E HATCH RD

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-245

RESOLUTION APPROVING THE PARKS, RECREATION AND NEIGHBORHOODS COST RECOVERY FEE POLICY, RECREATION FEE SCHEDULE, AND FACILITY FEE SCHEDULE EFFECTIVE JULY 1, 2021; AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND NEIGHBORHOODS, OR HIS/HER DESIGNEE, TO NEGOTIATE AND ESTABLISH RECREATION PROGRAM, FACILITY RENTAL, AND ADMINISTRATIVE FEES; AND RESCINDING RESOLUTIONS NOS. 2011-30, 2007-505, 2004-237, 2000-524, 96-166, 95-263, 95-264, 80-281, AND 78-705

WHEREAS, on June 19, 1978, by Resolution No. 78-705, Council established rates for the use of the swimming pools at Modesto High School, Downey High School, Beyer High School, Davis High School, and Modesto Junior College during the summer vacation seasons, and

WHEREAS, on March 25, 1980, by Resolution No. 80-281, Council amended Resolution No. 78-643 to revise fees and charges for Recreation Programs, and

WHEREAS, on June 6, 1995, by Resolution No. 95-263, Council amended Resolution 78-705 to accept the priorities and fees for use of aquatics facilities at the MJC, High School and Neighborhood pool sites and for co-sponsored programs, and

WHEREAS, on April 9, 1996, by Resolution No. 96-166, Council approved the Recreation Division activity fee structure and revenue generation policy, and

WHEREAS, on October 10, 2000, by Resolution No. 2000-524, Council amended Resolution No. 96-166 by revising the Parks and Recreation activity fees and revenue to include adaptive bowling at a rate of twenty-five (25%) percent of the cost of the service per each participant, and

WHEREAS, on April 27, 2004, by Resolution No. 2004-237, Council approved certain fees relating to the use of Tuolumne River Regional Park facilities managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, on August 14, 2007, by Resolution No. 2007-505, Council amended Resolution number 2004-167 and 98-237 to establish a new weekday non-profit rental rate of $1 per hour for senior citizen based organizations that achieve co-sponsorship status at the Modesto Senior Citizens Center and to limit the non-profit rate for other qualified users to weekdays only, and

WHEREAS, on January 25, 2011, by Resolution No. 2011-33, Council established building rental fee schedule for the Maddux Youth Center, and

WHEREAS, in 2018, the City retained a 3rd party consultant, NBS, to conduct an analysis of the department's fee structure and cost recovery, and provide recommendations to maximize revenue potential for its recreational programs and facilities, and

WHEREAS, City desires to adopt a comprehensive update of the Recreation Fee Schedule and establish an updated Cost Recovery Policy to maximize cost recovery opportunities while considering the financial burden on participants, aligning fee structures with market norms (where applicable), and weighing the overall community benefit of a program, and

WHEREAS, the Facility Fee Schedule will increase facility rental fees by 10% effective July 1, 2021, an additional 5% on July 1, 2022, a subsequent 5% effective July 1, 2023, and effective July 1, 2024, and every July 1st thereafter, by an annual inflator based on the annual percentage change in the Consumer Price Index – All Urban

Consumers – San Francisco Bay Area Region, measured on April 1 effective every July 1st thereafter based on the cost of living index, and

WHEREAS, said matter was considered at a public hearing by the City Council at its meeting on June 22, 2021, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, and via teleconference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cost Recover Fee Policy, **attached** hereto as **Exhibit A** and incorporated herein, and Recreation Fee Schedule, **attached** hereto as **Exhibit B** and incorporated herein. effective July 1, 2021.

BE IT FURTHER RESOLVED, that the City Council hereby approves the Facility Fee Schedule, **attached** hereto as **Exhibit C** and incorporated herein, with a 10% increase effective July 1, 2021, a 5% increase effective July 1, 2022, a subsequent 5% increase effective July 1, 2023, and effective July 1, 2024, and every July 1st thereafter, by an annual inflator based on the annual percentage change in the Consumer Price Index – All Urban Consumers – San Francisco Bay Area Region, measured on April 1.

BE IT FURTHER RESOLVED, the Director of Parks, Recreation & Neighborhoods, or his/her designee, is authorized to negotiate and establish department recreation programs, facility rental, and administrative fees.

BE IT FURTHER RESOLVED, Resolutions Nos. 2011-30, 2007-505, 2004-237, 2000-524, 96-166, 95-263, 95-264, 80-281, & 78-705 are hereby rescinded by this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Ricci
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

CITY OF MODESTO
PARKS, RECREATION
& NEIGHBORHOODS

PARKS RECREATION & NEIGHBORHOODS
COST RECOVERY FEE POLICY

Updated: 8/19
RESO XX-XXX

PURPOSE

Parks, Recreation & Neighborhoods Department (PRND) has implemented a fee policy with the intent of maximizing cost recovery opportunities while minimizing the financial burden on our participants through keeping the fee structure in-line with market norms (where applicable) and weighing the overall public benefit of a program. PRND has recognized that a strong cost recovery model is an integral piece of building sustainability for programming for the long term benefit of the community.

POLICY

With the intent of establishing a fee structure that is flexible and transparent PRND will evaluate its fee schedule on an annual basis. This will include the potential for fee increases as deemed necessary or appropriate by PRND to maintain the below target fee recovery goals. PRND will also conduct a full fee review process to be brought forth for Council review every 5 years commencing in FY19/20 with the adoption of this policy. The Parks, Recreation, & Neighborhoods Department Director, or their designee, will have full authority to adjust and set fees for programs and facilities within the outlined framework as adopted by Council Resolution 2019-XX.

Recreation Program Fees:

When determining the maximum value of a Program Fee the fee may not exceed the cost of providing the service. The cost of service will be calculated as follows:

Cost of Service = [(AxB)+C+D+E+F] **Formula provided by Programs and Facilities Fee Study, NBS, Dated 7/1/19*

A = Estimated time for city staff to implement the individual program
B = Applicable hour rates (fully burdened) for staff working the program
C = Cost incurred for any outside service provider for program
D = Costs incurred for materials & supplies for program
E = Prevailing facility rental use fees for use of City of Modesto facilities
F = Costs incurred to rent/use non-City facilities

Recreation Program Fees are subject to a number of considerations including, but not limited to, existing city policies, departmental revenue objectives, economic goals, community values, market conditions, overall public benefit, and level of demand.

Table 1: General Cost Recovery Methodology

Category	Thresholds	Example
High Private Benefit	90-100% Fee Recovery	Private Swim Lessons
Mostly Private Benefit	70-90% Fee Recovery	Adult Softball
Equal Private/Public Benefit	50-70% Fee Recovery	Lifeguard Training Classes
Mostly Public Benefit	20-50% Fee Recovery	Learn to Swim Programs
High Community Benefit	0-20% Fee Recovery	Jr. Giants

Based on these factors PRND has outlined the following service categories and fee recovery goals. These goals will be evaluated annually and adjusted if deemed necessary.

- **Adaptive Programming:** These programs are designed to serve members of the community with special needs.
    - Target fee recovery goal of 4%
- **Lifestyle Programming:** These programs serve personal interests and enrichment but do not target special populations or meet an overall community need.
    - Target fee recovery goal of 75%
- **Aquatic Programming:** These programs meet an important community need, enhancing public safety by teaching participants how to swim as well as offering opportunities for safe and cool play on hot summer days.
    - Target fee recovery goal of 25%
- **Senior Programming:** These programs are targeted at the senior population and provide opportunities for healthy aging and active engagement.
    - Target fee recovery goal of 10%.
- **Contract Classes:** These are programs offered through revenue sharing agreements with 3rd parties where the City receives 30% of the gross revenue and 75% of gross revenue goes to the contractor.
    - Target recovery goal of 90% of City expenses
- **Drop-In Community Benefit & At Risk Programming:** These programs provide an overall community benefit or target at-risk populations. These programs typically are free to the public or have a minimal participation fee.
    - Target fee recovery goal of 0%.
- **Affiliate & Sponsor Programming:** These are programs where the fees are set by a 3rd party contract and the City does not have direct influence on setting fees or cost recovery thresholds. Due to the variable nature of these programs there is not a set fee recovery threshold.
    - No target fee recovery

Rental Facility Fees:

As a Charter City, Modesto's rental fees are not dictated by cost analysis or cost recovery. Facility rental fees will be set primarily on market feasibility and at the very least will cover all direct costs associated with the rental and services provided as part of the rental (example: line and drag fees tied to a softball field rental). All facility rental fees will be set at the discretion of the Director or their designee and reevaluated annually including an inflator based on the cost of living index.

As a general rule, the City of Modesto PRND should consider comparable facility rental rates for jurisdictions such as Manteca, Turlock, Tracy, Riverbank, Ceres, and Stockton.

Administrative Fees:

PRND will charge administrative fees to recoup direct costs for the Customer Service Unit that fall outside the standard operations of booking facilities or registering clients for programs. These fees shall not exceed the direct cost of carrying out the administrative function. Examples include, but are not limited to, withdrawal, transfer, and cancellation fees.

EXHIBIT B

RECREATION PROGRAM FEE SCHEDULE

Category & Program	Current Fee Per Participant	Proposed Fee Update
Adaptive Courses		
Adaptive Bowling	$44.00	$46.00
Lifestyle Programming		
Adult Softball - Comp	$540 comp (per team)	$550.00
Adult Softball - Rec	$465 rec (per team)	$475.00
Belly Dance	$44.00	$45.00
Diving - Advanced	$50.00	$50.00
Diving - Beginner	$50.00	$50.00
Line Dance	$48.00	$50.00
Mat Pilates	$30.00	$50.00
Performance Dance Classes	$50 ($6.25 per day)	$52.00 (6.25 per day)
Private Swim Lessons (1-on-1)	$110.00	$160.00
Splash Parties	$120 per 2-hours	$220.00
Trips and Excursions	Variable	Variable
Aquatic Courses		
Aqua & Splash Camps (Summer)	$80.00	$90.00
Jr. Lifeguard (Summer)	$70.00	$70.00
Learn to Swim Courses (All Group)	$35.00	$40.00
Lifeguard Classes	$0.00	$225.00
Lifeguard Classes w/ Title 22	$300.00	$300.00
Senior/Disabled Swim	$1.25 per drop in session	$2.00
Water Exercise	$60 Session ($6 per class)	$60.00
Senior Courses (ages 50+)		
Zumba Gold Nights	$50.00	$50.00
Contract Classes		
All Good Drivers - Driver's Ed	$40.00	$40.00
California Art League - Art	$75/$85/$175	$75/$85/$175
Kidz Love Soccer - Soccer	$104 ($11.50 per day)	$104.00
Tennis - Advanced	$50.00	$50.00
Tennis - Beginners	$35.00	$35.00
Yahi Bowmen - Archery	$30.00	$30.00
Drop-In Community Benefit & At-Risk Programming		
Adaptive Basketball	FREE	FREE
Family Movie Nights	FREE	FREE
Friday Night Out	$2 For Social x2 events	$2 For Social x2 events
Line Dance Party	$1.00	$1.00
Maddux - Expanded Learning	FREE	FREE
Maddux - Fitness Programming	FREE	FREE
NCAMP - Expanded Learning	FREE	FREE
NCAMP - Kids Time	FREE	FREE
NCAMP - REACH	FREE	FREE
NCAMP - Summer Day Camps	FREE	FREE
Pickleball	FREE	FREE
Summer Recreational Swim	$1/$1.25/$2.00	$2.00

Category & Program	Current Fee Per Participant	Proposed Fee Update
Zumba Gold Party	$1.00	$1.00
Affiliate & Sponsor Programs		
Argentine Tango	FREE	FREE
CSI Camp w/ MPD	$40.00	$40.00
Jr. Giants	FREE	FREE
Modified Aerobics	$1 Donation	$1 Donation
Scarlet Sparklers (Red Hat Society)	$10 annual dues	$10 annual dues
Senior Meals Program	FREE	FREE
Senior Strength Training	$1 Donation	$1 Donation
T'ai Chi for Arthritis	FREE	FREE
Yoga for Arthritis	FREE	FREE
Additional Fees		
Course Withdrawal Fee	$0.00	$8.00
Course Transfer Fee	$0.00	$7.00

Total FY 18/19 Facility Rental Revenue: $529,943 **Projected Revenue Increase: ▲ $53,028 ▲ $29,165 ▲ $30,624**

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
BUILDING FACILITIES				
Boy Scout Clubhouse - Full Fee				
Entire Facility 4hrs	$178.00	$196.00	$206.00	$216.00
Deposit - Building & Key (4hrs)	$125.00	$138.00	$145.00	$152.00
Entire Facility 9hrs	$286.00	$315.00	$331.00	$348.00
Deposit - Building & Key (9hrs)	$168.00	$185.00	$194.00	$204.00
All Day 14hrs (8am - 10pm)	$394.00	$433.00	$455.00	$478.00
Deposit - Building & Key (All Day 8am - 10pm)	$222.00	$244.00	$256.00	$269.00
Boy Scout Clubhouse - Non-Profit Fee				
Entire Facility 4hrs (M-Th)	$89.00	$98.00	$103.00	$108.00
Deposit - Building & Key (4hrs)	$125.00	$138.00	$145.00	$152.00
Entire Facility 9hrs (M-Th)	$143.00	$157.00	$165.00	$173.00
Deposit - Building & Key (9hrs)	$125.00	$138.00	$145.00	$152.00
All Day 14hrs (8am - 10pm) (M-Th)	$197.00	$217.00	$228.00	$239.00
Deposit - Building & Key (All Day 8am - 10pm)	$125.00	$138.00	$145.00	$152.00
Maddux Youth Center - Full Fee				
Entire Facility 2hr	$205.00	$226.00	$237.00	$249.00
Entire Facility 4hr	$339.00	$373.00	$392.00	$412.00
Entire Facility Each Additional Hour	$69.00	$76.00	$80.00	$84.00
Gymnasium 2hr	$176.00	$194.00	$204.00	$214.00
Gymnasium 4hr	$282.00	$310.00	$326.00	$342.00
Gymnasium Each Additional Hour	$54.00	$59.00	$62.00	$65.00
Multi-Purpose Room 2hr	$146.00	$161.00	$169.00	$177.00
Multi-Purpose Room 4hr	$222.00	$244.00	$256.00	$269.00
Multi-Purpose Room Each Additional Hour	$40.00	$44.00	$46.00	$48.00
Game Room 2hr	$114.00	$125.00	$131.00	$138.00
Game Room 4hr	$157.00	$173.00	$182.00	$191.00
Game Room Each Additional Hour	$23.00	$25.00	$26.00	$27.00
Reading Room 2hr	$59.00	$65.00	$68.00	$71.00
Reading Room 4hr	$97.00	$107.00	$112.00	$118.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Reading Room Each Additional Hour	$21.00	$23.00	$24.00	$25.00
Computer Room 2hr	$58.00	$64.00	$67.00	$70.00
Computer Room 4hr	$95.00	$105.00	$110.00	$116.00
Computer Room Each Additional Hour	$20.00	$22.00	$23.00	$24.00
Maddux Youth Center - Non-Profit Fee				
Entire Facility 2hr (M-Th)	$102.50	$113.00	$119.00	$125.00
Entire Facility 4hr (M-Th)	$169.50	$186.00	$195.00	$205.00
Entire Facility Each Additional Hour	$34.50	$38.00	$40.00	$42.00
Gymnasium 2hr (M-Th)	$88.00	$97.00	$102.00	$107.00
Gymnasium 4hr (M-Th)	$141.00	$155.00	$163.00	$171.00
Gymnasium Each Additional Hour	$27.00	$30.00	$32.00	$34.00
Multi-Purpose Room 2hr (M-Th)	$73.00	$80.00	$84.00	$88.00
Multi-Purpose Room 4hr (M-Th)	$111.00	$122.00	$128.00	$134.00
Multi-Purpose Room Each Additional Hour	$20.00	$22.00	$23.00	$24.00
Game Room 2hr (M-Th)	$57.00	$63.00	$66.00	$69.00
Game Room 4hr (M-Th)	$78.50	$86.00	$90.00	$95.00
Game Room Each Additional Hour	$11.50	$13.00	$14.00	$15.00
Reading Room 2hr (M-Th)	$29.50	$32.00	$34.00	$36.00
Reading Room 4hr (M-Th)	$48.50	$53.00	$56.00	$59.00
Reading Room Each Additional Hour	$10.50	$12.00	$13.00	$14.00
Computer Room 2hr (M-Th)	$29.00	$32.00	$34.00	$36.00
Computer Room 4hr (M-Th)	$47.50	$52.00	$55.00	$58.00
Computer Room Each Additional Hour	$10.00	$11.00	$12.00	$13.00
King-Kennedy Memorial Center - Full Fee				
Entire Facility 5hrs - Staffed	$334.00	$367.00	$385.00	$404.00
Entire Facility Each Additional Hour	$19.00	$21.00	$22.00	$23.00
Room A Classroom 2hrs - Staffed	$82.00	$90.00	$95.00	$100.00
Room A Classroom Each Additional Hour	$19.00	$21.00	$22.00	$23.00
Auditorium & Kitchen 5hrs - Staffed	$279.00	$307.00	$322.00	$338.00
Auditorium & Kitchen Each Additional Hour	$19.00	$21.00	$22.00	$23.00
Auditorium 4hrs - Staffed	$164.00	$180.00	$189.00	$198.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Auditorium 4hrs Each Additional Hour	$19.00	$21.00	$22.00	$23.00
Kitchen 4hrs - Staffed	$239.00	$263.00	$276.00	$290.00
Kitchen 4hrs Each Additional Hour	$19.00	$21.00	$22.00	$23.00
Additional Staffing Fee 7pm to Midnight	$16.00	$18.00	$19.00	$20.00
TV/VCR/DVD	$28.00	$31.00	$33.00	$35.00
Sound System & Microphones	$28.00	$31.00	$33.00	$35.00
Facility Set-up Fee	$23.00	$25.00	$26.00	$27.00
King-Kennedy Memorial Center - Non-Profit Fee				
Entire Facility 5hrs - Staffed (M-Th)	$167.00	$184.00	$193.00	$203.00
Entire Facility Each Additional Hour	$9.50	$10.00	$11.00	$12.00
Room A Classroom 2hrs - Staffed (M-Th)	$41.00	$45.00	$47.00	$49.00
Room A Classroom Each Additional Hour	$9.50	$10.00	$11.00	$12.00
Auditorium & Kitchen 5hrs - Staffed (M-Th)	$140.00	$154.00	$162.00	$170.00
Auditorium & Kitchen Each Additional Hour	$9.50	$10.00	$11.00	$12.00
Auditorium 4hrs - Staffed (M-Th)	$82.00	$90.00	$95.00	$100.00
Auditorium 4hrs Each Additional Hour	$19.00	$21.00	$22.00	$23.00
Kitchen 4hrs - Staffed (M-Th)	$120.00	$132.00	$139.00	$146.00
Kitchen 4hrs Each Additional Hour	$9.50	$10.00	$11.00	$12.00
Additional Staffing Fee 7pm to Midnight (M-Th)	$16.00	$18.00	$19.00	$20.00
TV/VCR/DVD (M-Th)	$14.00	$15.00	$16.00	$17.00
Sound System & Microphones (M-Th)	$14.00	$15.00	$16.00	$17.00
Facility Set-up Fee (M-Th)	$11.00	$12.00	$13.00	$14.00
Senior Citizens Center - Full Fee				
Entire Facility 4hrs - Staffed	$485.00	$534.00	$561.00	$589.00
Entire Facility Each Additional Hour	$28.00	$31.00	$33.00	$35.00
Entire Facility 4hrs - Unstaffed	$339.00	$373.00	$392.00	$412.00
Entire Facility Each Additional Hour	$16.00	$18.00	$19.00	$20.00
Auditorium 4hrs - Staffed	$290.00	$319.00	$335.00	$352.00
Auditorium Each Additional Hour	$28.00	$31.00	$33.00	$35.00
Auditorium 4hrs - Unstaffed	$146.00	$161.00	$169.00	$177.00
Auditorium Each Additional Hour	$16.00	$18.00	$19.00	$20.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Large Dining Room 4hrs - Staffed	$159.00	$175.00	$184.00	$193.00
Large Dining Room Each Additional Hour	$28.00	$31.00	$33.00	$35.00
Large Dining Room 4hrs - Unstaffed	$97.00	$107.00	$112.00	$118.00
Large Dining Room Each Additional Hour	$16.00	$18.00	$19.00	$20.00
Small Dining Room - Staffed	$123.00	$135.00	$142.00	$149.00
Small Dining Room Each Additional Hour	$28.00	$31.00	$33.00	$35.00
Small Dining Room - Unstaffed	$59.00	$65.00	$68.00	$71.00
Small Dining Room Each Additional Hour	$16.00	$18.00	$19.00	$20.00
Kitchen 4hrs - Staffed	$106.00	$117.00	$123.00	$129.00
Kitchen Each Additional Hour	$28.00	$31.00	$33.00	$35.00
Kitchen 4hrs - Unstaffed	$41.00	$45.00	$47.00	$49.00
Kitchen Each Additional Hour	$16.00	$18.00	$19.00	$20.00
Senior Citizens Center - Non-Profit Fee				
Entire Facility 4hrs - Staffed	$243.00	$267.00	$280.00	$294.00
Entire Facility Each Additional Hour	$14.00	$15.00	$16.00	$17.00
Entire Facility 4hrs - Unstaffed	$169.00	$186.00	$195.00	$205.00
Entire Facility Each Additional Hour	$8.00	$9.00	$9.00	$9.00
Auditorium 4hrs - Staffed	$145.00	$160.00	$168.00	$176.00
Auditorium Each Additional Hour	$14.00	$15.00	$16.00	$17.00
Auditorium 4hrs - Unstaffed	$73.00	$80.00	$84.00	$88.00
Auditorium Each Additional Hour	$8.00	$9.00	$9.00	$9.00
Large Dining Room 4hrs - Staffed	$80.00	$88.00	$92.00	$97.00
Large Dining Room Each Additional Hour	$14.00	$15.00	$16.00	$17.00
Large Dining Room 4hrs - Unstaffed	$48.00	$53.00	$56.00	$59.00
Large Dining Room Each Additional Hour	$8.00	$9.00	$9.00	$9.00
Small Dining Room - Staffed	$61.00	$67.00	$70.00	$74.00
Small Dining Room Each Additional Hour	$14.00	$15.00	$16.00	$17.00
Small Dining Room - Unstaffed	$29.00	$32.00	$34.00	$36.00
Small Dining Room Each Additional Hour	$8.00	$9.00	$9.00	$9.00
Kitchen 4hrs - Staffed	$53.00	$58.00	$61.00	$64.00
Kitchen Each Additional Hour	$14.00	$15.00	$16.00	$17.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Kitchen 4hrs - Unstaffed	$20.00	$22.00	$23.00	$24.00
Kitchen Each Additional Hour	$8.00	$9.00	$9.00	$9.00
American Legion Hall - Full Fee				
Entire Facility All Day	$1,210.00	$1,331.00	$1,398.00	$1,468.00
Deposit - Damage and Key (All Day Rental)	$630.00	$693.00	$728.00	$764.00
Entire Facility 4hrs W/ Night Before Setup 5pm to 9pm	$624.00	$686.00	$720.00	$756.00
Deposit - Damage and Key (4hrs)	$337.00	$371.00	$390.00	$410.00
American Legion Hall - Non-Profit Fee				
Non-Profit - Entire Facility All Day (M - Th)	$605.00	$666.00	$699.00	$734.00
Mancini Bowl - Full Fee				
Entire Facility 4hrs	$386.00	$425.00	$446.00	$468.00
Entire Facility Each Additional Hour	$96.50	$106.00	$111.00	$117.00
Use of Breaker Box (All Day)	$32.00	$35.00	$37.00	$39.00
Use of Pigtail & Breaker Box (All Day)	$96.00	$106.00	$111.00	$117.00
Mancini Bowl - Non-Profit Fee				
Entire Facility 4hrs (M-Th)	$193.00	$212.00	$223.00	$234.00
Entire Facility Each Additional Hour	$48.25	$53.00	$56.00	$59.00
Use of Breaker Box (All Day) (M-Th)	$16.00	$18.00	$19.00	$20.00
Use of Pigtail & Breaker Box (All Day) (M-Th)	$48.00	$53.00	$56.00	$59.00
Horseshoe Pits - Full Fee				
Per Park (All Day)	$31.00	$34.00	$36.00	$38.00
Per Park Per Tournament	$231.00	$254.00	$267.00	$280.00
Horseshoe Pits - Non-Profit Fee				
Per Park (All Day) (M-Th)	$15.50	$17.00	$18.00	$19.00
Per Park Per Tournament (M-Th)	$115.50	$127.00	$133.00	$140.00
Miscellaneous Rental Fees				
Administrative Fee	$25.00	$28.00	$29.00	$30.00
Alcohol Permit Fee - Individual	$10.00	$11.00	$12.00	$13.00
Alcohol Permit Fee - Team/Group	$25.00	$28.00	$29.00	$30.00
Awning / Canopy (All Day)	$375.00	$413.00	$434.00	$456.00
BBQ Trailer - All Day	$145.00	$160.00	$168.00	$176.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Damage/Cleaning Deposit = 1/2 the Total Rent	Variable	Variable	Variable	Variable
Filming Permit per 2hrs	$132.00	$145.00	$152.00	$160.00
Insurance Processing Fee	$20.00	$22.00	$23.00	$24.00
Miscellaneous Park Site	$20/Day	$20/hour	$20/hour	$20/hour
Overflow Parking Per Car	$5.00	$6.00	$6.00	$6.00
Second Use Cleaning Fee	$85.00	$94.00	$99.00	$104.00
Special Event Vending Permit 1 Day	$0.00	$100.00	$100.00	$100.00
Stage W/ Top (All Day)	$1,879.00	$2,067.00	$2,170.00	$2,279.00
Stage W/O Top (All Day)	$576.08	$634.00	$666.00	$699.00
TRRP Overflow Parking Preparation	$75.00	$83.00	$87.00	$91.00
Vending Permits - All Day	$66.00	$73.00	$77.00	$81.00
Volleyball or Softball Equipment Bag	$17.00	$19.00	$20.00	$21.00
Group Picnic Areas; Unstaffed				
Beard Brook Park - Fee				
Picnic Area - South Section (Near Softball Field) (All Day)	$82.00	$90.00	$95.00	$100.00
Beard Brook Park - Non-Profit Fee				
Picnic Area - South Section (Near Softball Field) (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Beyer Park - Full Fee				
Picnic Area - Red (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Blue (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Blue Area)	$25.00	$28.00	$29.00	$30.00
Beyer Park - Non-Profit Fee				
Picnic Area - Red (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Blue (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Blue Area)	$25.00	$28.00	$29.00	$30.00
Davis Park - Full Fee				
Picnic Area - Red (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Picnic Area - Blue (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Blue Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Green (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Green Area)	$25.00	$28.00	$29.00	$30.00
Davis Park - Non-Profit Fee				
Picnic Area - Red (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Blue (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Blue Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Green (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Green Area)	$25.00	$28.00	$29.00	$30.00
Downey Park - Full Fee				
Picnic Area - Red (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Blue (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Blue Area)	$25.00	$28.00	$29.00	$30.00
Downey Park - Non-Profit Fee				
Picnic Area - Red (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Blue (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Blue Area)	$25.00	$28.00	$29.00	$30.00
East La Loma Park - Full Fee				
Picnic Area - (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit	$25.00	$28.00	$29.00	$30.00
East La Loma Park - Non-Profit Fee				
Picnic Area - (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit	$25.00	$28.00	$29.00	$30.00
Graceada Park - Full Fee				
Picnic Area - Yellow (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Blue (All Day)	$82.00	$90.00	$95.00	$100.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Graceada Park - Non-Profit Fee				
Picnic Area - Yellow (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Picnic Area - Blue (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit (Red Area)	$25.00	$28.00	$29.00	$30.00
Mancini Park - Full Fee				
Picnic Area - (All Day)	$82.00	$90.00	$95.00	$100.00
Mancini Park - Non-Profit Fee				
Picnic Area - (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Mellis Park - Full Fee				
Picnic Area - (All Day)	$82.00	$90.00	$95.00	$100.00
Electrical Access - Refundable Key Deposit	$25.00	$28.00	$29.00	$30.00
Mellis Park - Non-Profit Fee				
Picnic Area - (All Day) (M-Th)	$41.00	$45.00	$47.00	$49.00
Electrical Access - Refundable Key Deposit	$25.00	$28.00	$29.00	$30.00
Tuolumne River Regional Park (TRRP) - Full Fee				
Picnic Area "A" - Blue	$82.00	$90.00	$95.00	$100.00
Picnic Area "A" - Yellow	$82.00	$90.00	$95.00	$100.00
Picnic Area "A" - Red	$82.00	$90.00	$95.00	$100.00
Picnic Area "B" - Blue	$82.00	$90.00	$95.00	$100.00
Picnic Area "B" - Yellow	$82.00	$90.00	$95.00	$100.00
Picnic Area "B" - Red	$82.00	$90.00	$95.00	$100.00
Picnic Area "B" - Green	$82.00	$90.00	$95.00	$100.00
Tuolumne River Regional Park (TRRP) - Non-Profit Fee				
Picnic Area "A" - Blue (M-Th)	$41.00	$45.00	$47.00	$49.00
Picnic Area "A" - Yellow (M-Th)	$41.00	$45.00	$47.00	$49.00
Picnic Area "A" - Red (M-Th)	$41.00	$45.00	$47.00	$49.00
Picnic Area "B" - Blue (M-Th)	$41.00	$45.00	$47.00	$49.00
Picnic Area "B" - Yellow (M-Th)	$41.00	$45.00	$47.00	$49.00
Picnic Area "B" - Red (M-Th)	$41.00	$45.00	$47.00	$49.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Picnic Area "B" - Green (M-Th)	$41.00	$45.00	$47.00	$49.00
Sports Fields, Trails, & Courts				
Field Services				
Lights for Ball Fields 1st Hour	$30.00	$30.00	$30.00	$30.00
Lights Each Additional 1/2 Hour	$15.00	n/a	n/a	n/a
Lights for Courts Per Hour	$5.00	$30.00	$30.00	$30.00
Line & Drag (8am-5pm)	$35.00	$54.00	$54.00	$54.00
Line & Drag After Hours	$55.00	$63.00	$63.00	$63.00
Scoreboard	$26.00	$26.00	$26.00	$26.00
Trail Use Fee	$0.00	$90.00	$92.00	$94.00
Beard Brook				
Softball Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Bellenita				
Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Beyer				
Softball Field "A" (North) Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Softball Field "B" (South) Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Tennis Courts Per 2hrs	$31.00	$34.00	$36.00	$38.00
Davis				
Softball Field "1" Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Hardball Field "2" Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Tennis Courts Per 2hrs	$31.00	$34.00	$36.00	$38.00
Downey				
Hardball Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Soccer FieldPer Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Tennis Courts Per 2hrs	$31.00	$34.00	$36.00	$38.00
East La Loma				
Tennis Courts Per 2hrs	$31.00	$34.00	$36.00	$38.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Enslen				
Softball Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Fairway				
Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Graceada				
Tennis Courts Per 2hrs	$31.00	$34.00	$36.00	$38.00
Brewer's Rose				
Youth Baseball Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Softball Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Soccer FieldPer Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Mancini				
Soccer Field "East" Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Soccer Field "West" Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Mellis				
Softball Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Perkins				
Youth Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Pike				
Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Orchard				
Youth Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Riverside				
Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Robertson Rd				
Youth Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Standiford				
Youth Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00
Thurman				
Soccer Field Per Hour (2hr Min.)	$11.50	$13.00	$14.00	$15.00

PRN FACILITY FEE SCHEDULE

Fee Description	Current Fee	PROPOSED INCREASES (Rounded) 7/1/2021 10.0%	FY22/23 5.0%	FY23/24 5.0%
Community Wide Special Events Staffing & Vehicle Costs				
Staffing				
Park Operations Staff - Weekday	Variable	$40.00	$40.00	$40.00
Park Operations Staff - Evening/Weekend	Variable	$60.00	$60.00	$60.00
Recreation/Event Staff - Weekday	Variable	$17.00	$17.00	$17.00
Recreation/Event Staff - Evening/Weekend	Variable	$25.00	$25.00	$25.00
Miscellaneous				
Gondola Low Profile Dump	$140.00	$140.00	$140.00	$140.00
Garbage Bins 1 1/2 Yard	$101.00	$101.00	$101.00	$101.00
Extra Trash Cans	$5.00	$5.00	$5.00	$5.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-246

RESOLUTION APPROVING AN AGREEMENT WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE FLEET MAINTENANCE SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, the City's Fleet Services Division will continue maintaining the fleet of vehicles for the transit system, and

WHEREAS, this includes the Modesto Area Express (MAX) fixed route fleet, the Modesto Area Dial-A-Ride (MADAR) paratransit fleet and the Stanislaus Regional Transit (StaRT) fleet, and

WHEREAS, the City and Authority have worked to develop an agreement that provides the same level of service at a cost per labor hour that fully compensates the City for providing maintenance services. The cost per labor hour is $102.07. Outside services,

parts and fuel will be invoiced to the Authority at cost. In addition, the City has a fixed monthly fee of $18,017.16 for management of the service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Stanislaus Regional Transit Authority to provide fleet maintenance services.

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 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-247

RESOLUTION APPROVING AN AGREEMENT WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE FACILITY MAINTENANCE SERVICES FOR THE TRANSPORTATION CENTER AND AMTRAK STATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, the City's Building Services Division will continue maintaining the City owned Transportation Center and Amtrak Station for the transit system, and

WHEREAS, the City and Authority have worked to develop an agreement that provides the same level of service at a cost per labor hour that fully compensates the City for providing maintenance services. The cost per labor hour is $117.89. Outside services and parts will be invoiced to the Authority at cost as described in the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Stanislaus Regional Transit Authority to provide facility maintenance services at the Transportation Center and Amtrak Station.

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 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-248

RESOLUTION APPROVING A LEASE AGREEMENT WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE THE BUS MAINTENANCE FACILITY BUILDINGS AND PROPERTY FOR TRANSIT PURPOSES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE LEASE AGREEMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority (Authority), and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, the Bus Maintenance Facility used for transit services will continue to be owned by the City, and

WHEREAS, the Authority will provide the funds to maintain it in the maintenance agreement. However, this lease agreement is required to allow the Authority to use this facility to continue providing transit services. Since the Bus Maintenance Facility was constructed and maintained used Federal Transit Administration (FTA) funds, the FTA requires a clear line of responsibility for the control and use of the facility. This lease continues the exclusive use of this facility for transit purposes but allows the City to own it.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease agreement with the Stanislaus Regional Transit Authority to lease a portion of the Bus Maintenance Facility to be used exclusively for transit purposes.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-249

RESOLUTION APPROVING A LEASE AGREEMENT WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE THE TRANSPORTATION CENTER FOR TRANSIT PURPOSES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE LEASE AGREEMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority (Authority), and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, the Transportation Center used for transit services will continue to be owned by the City, and

WHEREAS, the Authority will provide the funds to maintain it in the maintenance agreement. However, this lease agreement is required to allow the Authority to use these facilities to continue providing transit services. Since the Transportation Center was constructed and maintained used Federal Transit Administration (FTA) funds, the FTA requires a clear line of responsibility for the control and use of those facilities. This lease continues the exclusive use of this facility for transit purposes but allows the City to own it.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease agreement with the Stanislaus Regional Transit Authority to lease the Transportation Center to be used exclusively for transit purposes.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-250

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE GRANT MANAGEMENT SERVICES AND TRANSFER TRANSIT RELATED ASSETS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE MEMORANDUM OF UNDERSTANDING AND TAKE ACTION TO TRANSFER ASSETS

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, the transition of transit services from the City to the Authority requires a Memorandum of Understanding (MOU) to clearly define responsibilities and transfer of assets on July 1, 2021, and

WHEREAS, this MOU provides end of fiscal year reporting. At the end of each fiscal year, certain reporting functions take place to the State of California and Federal Transit Administration. With the transferring of the transit staff from the City to the Authority, the Authority would have the technical expertise in providing this function.

This MOU provides the authorization to the Authority to act on the City's behalf for these reporting functions, and

WHEREAS, this MOU provides grant management functions. Certain state and federal grants for transit services will be managed by the Authority on behalf of the City. Some grants will be closed and reopened by the Authority. Two grants that are funding on-going projects will stay with the City until complete. These projects are the parts room expansion at the Bus Maintenance Facility and the Renovation of the Transportation Center, and

WHEREAS, this MOU transfers all rolling stock (vehicles), equipment and bus stops. All rolling stock (vehicles), equipment and bus stops will be transferred to the Authority to use in transit services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with the Stanislaus Regional Transit Authority to provide grant management services and transfer transit related assets.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to sign the Memorandum of Understanding, in a form approved by the City Attorney, and take action to transfer assets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-251

RESOLUTION APPROVING AN AGREEMENT WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE FARE MEDIA SALES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, currently, fare media (MAX passes and tickets) are sold at the Transit Center customer service counter and from the Tenth Street Place City cashiering office on the 2nd floor, and

WHEREAS, this agreement will continue that practice for one year, and

WHEREAS, the revenue to the City for these services will be $26,208/year plus $2,736/year in credit card transaction fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Stanislaus Regional Transit Authority to provide fare media sales.

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 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-252

RESOLUTION APPROVING AN ASSIGNMENT OF AGREEMENTS TO THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE VARIOUS TRANSIT RELATED FUNCTIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT ASSIGNMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, there are many agreements that the City currently for transit services that will be assigned to the Authority to continue, and

WHEREAS, as these agreements approach expiration, the Authority will conduct a review of the service and possibly conduct a procurement process to continue services, and

WHEREAS, there are some Citywide agreements that the transit division uses that will not be assigned to the Authority. The Authority will be conducting a review and possible procurement process to obtain these services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Assignment of Agreements to the Stanislaus Regional Transit Authority to provide various transit related functions.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-253

RESOLUTION APPROVING AGREEMENTS WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE PERSONNEL SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENTS

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, there are two transit division employees that expressed their desire to retire in August 2021, and

WHEREAS, with their intent to retire so quickly after the start of the Authority, the City will retain those employees. This agreement allows these employees to work for the Authority in this short period of two months, and

WHEREAS, one transit related employee decided to retain employment with the City. This agreement allows that employee to work for the Authority until the Authority hires someone to fill that role.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves agreements with the Stanislaus Regional Transit Authority to provide personnel services.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-254

RESOLUTION APPROVING AMENDMENT #1 TO THE AGREEMENT WITH THE STANISLAUS COUNCIL OF GOVERNMENTS FOR THE REDISTRIBUTION OF MEASURE L FUNDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT AMENDMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), several agreements must be put in place to assign responsibility, provide services and lease facilities between the City and the Authority, and

WHEREAS, as part of the Measure L Master Agreement between the City and the Stanislaus Council of Governments (StanCOG), there is an allocation of funding for transit services, and

WHEREAS, since the City will no longer be operating transit services on July 1, 2021, the funding for transit services in Measure L will be transferred to the Authority, and

WHEREAS, this amendment to the master agreement removes the transit allocation of Measure L funds from the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amendment #1 to the agreement with StanCOG for the redistribution of Measure L funds.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-255

RESOLUTION APPROVING AN MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS REGIONAL TRANSIT AUTHORITY TO PROVIDE PARKING SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE MEMORANDUM OF UNDERSTANDING

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, as part of the transition and implementation process to form the Stanislaus Regional Transit Authority (Authority), parking services are needed for employees, and

WHEREAS, these employees will be at the 11th Street parking garage, and

WHEREAS, the revenue to the City for these services will be the standard rate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with the Stanislaus Regional Transit Authority to provide parking services.

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 22nd day of June, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-256

RESOLUTION ACCEPTING THE RESIGNATION OF MARK FREITAS FROM THE CITY OF MODESTO CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, the Citizens' Transportation Sales Tax Commission was established to provide oversight of the collection and spending of tax revenue from any local transportation sales tax; and

WHEREAS, on September 5, 2017, by Resolution No. 2017-331, Mark Freitas was appointed to the City of Modesto Citizens' Transportation Sales Tax Commission; and

WHEREAS, for personal reasons, Mark Freitas is no longer able to serve on the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto it hereby accepts the resignation of Mark Freitas from the City of Modesto Citizens' Transportation Sales Tax Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City~~ Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-257

RESOLUTION AMENDING FISCAL YEAR 2020-2021 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 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2020-21

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $415,000 is necessary to establish the transfer out from Fund 1410 – Measure L – Local Streets and Roads Category to Project 100942 – Paradise Road Improvements, Fund 3160 – Capital Grants – Streets CIP Projects and allocate the amount to the projects discretionary expense budget. There is additional revenue available from the Measure L Local Streets and Road category that will be used on this project as additional construction expenses are anticipated. This was approved at the Citizen's Transportation Sales Tax Commission meeting on December 3, 2020.

- A budget adjustment in the amount of $50,000 is necessary to establish the expense budget for the Go-Biz Cannabis Equity project (101328). This project is an award from the Governor's Office of Business and Economic Development (Go-Biz) to conduct a cannabis equity assessment and develop a potential cannabis equity program. This item was approved by Council on 4/27/2021 via resolution 2021-156, however the approval lacked a fiscal resolution to amend the budget.

- A budget adjustment is necessary to transfer $296,502 from Fund 1420 – Surface Transportation/Measure L-SB1 MOE fund to various projects to satisfy the Fiscal Year 2020-2021 Maintenance of Effort for Measure L. The following projects will have a transfer in from Fund 1420 and have the funds allocated to the projects discretionary expense accounts:

Project Number	***Project Name***	***Net Impact of Adjustments***
100806	2016 Pavement Rehabilitation Project	$208,125
100966	Pelandale from Sisk to Dale Road	$88,377
	Total Transfer Ins to Projects	**$296,502**
	Transfer Out from Fund 1420	$296,502
	Total Transfer Outs to Projects	**$296,502**

HUMAN RESOURCES

- A budget adjustment in the amount of $250,000 is needed in the Dental Fund (5350) to budget additional Claim Payments. The Dental Fund is self-insured and during Fiscal Year 2019-20, saw a declined in Claim Payments due to the impacts of COVID-19. During this time frame, employees weren't visiting the dentist office and put off dental procedures, resulting in $300,000 savings in Claim Payments. In Fiscal Year 2020-21, employees are resuming their dental visits and receiving previously delayed dental procedures.

PUBLIC WORKS

- A budget adjustment is needed to fund 4510-Bus Fixed Route, project 101096-MAX Mobility Building to reduce revenues and appropriations for project closure. A prior adjustment was approved; however, it did not encompass the entire budget. The adjustment will go as follows:

Revenue/Appropriation	Adjustment	Remaining Budget
LTF Capital Related	-$29,154	$0.32
Construction Admin	$881	$0.5
EDA	-$276,454	$0.84

- A budget adjustment is necessary to recognize $63,000 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants – Streets CIP Fund 3160, to the Scenic Drive Signal Coordination Project #101323 and reallocate funding to the project discretionary expense tasks as approved by Caltrans which authorized funding on June 2, 2021.

UTILITIES

- A budget adjustment in the amount of $700,000 is needed in the Water Fund (4100) to budget PCE Litigation expenses. At end of the fiscal year, all PCE Litigation expenditures will be moved to the PCE Mitigation Fund (4112). The PCE Mitigation Fund (4112) is not funded by rate payers and the $700,000 budget increase will have zero impact on rate payers.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-258

RESOLUTION AUTHORIZING THE CLASIFICATION OF CURRENT CASH-ON-HAND FUNDS BASED ON THE DEFINITION THAT DISTINGUISHES PETTY CASH VS CHANGE FUNDS

WHEREAS, on September 1, 2017, Finance incorporated Petty Cash and Change Fund policies as part of the Cash-On-Hand Administrative Directive 7.3 – Cash Handling Policy, and

WHEREAS, per the Petty Cash Policy and Change Fund Policy the integrity of the Petty Cash and Change Funds is the responsibility of the Director of Finance and under the control of the Accounting Manager, and

WHEREAS, Petty Cash and Change Funds must be tracked in separate account numbers in the City's Financial System, and

WHEREAS, Finance Staff has reviewed the nature of all cash-on-hand funds and determined that from the total cash-on-hand balance $26,060, $11,000 meet the Petty Cash definition and $15,060 meet the Change Fund definition, and

WHEREAS, Finance staff would like to proceed with recording Petty Cash and Change Funds on separate accounts, as per the City's Petty Cash and Change Fund requirements and seek approval from council to authorize the classification of cash-on-hand funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the classification of current cash-on-hand change funds as follows; Petty Cash $11,000 and Change Funds $15,060.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-259

RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO APPROVE UP TO $35,000 OF CASH-ON-HAND CHANGE FUNDS AND PETTY CASH FUNDS

WHEREAS, the City has a cash-on-hand account which includes cash drawers for making change for customers who make cash payments in City departments, for making change in the City's various parking garages, for use in police investigative services, and petty cash drawers for reimbursements to employees making small miscellaneous business expenses, and

WHEREAS, on October 2, 2012 the City Council adopted a motion to approve an increase giving the Director of Finance the authority to approve cash-on-hand accounts up to a cumulative amount of $25,000, and

WHEREAS, on May 9, 2014 the City Manager approved a Memorandum authorizing the Director of Finance to establish a Change Fund for the Finance Department in the amount of $10,000, and

WHEREAS, currently the total cumulative balance in the cash-on-hand accounts, Petty Cash and Change Funds is $26,060, and

WHEREAS, the City staff would like to ensure responses in a timely manner for future requests related to the cash-on-hand account and seeks to increase the Cumulative Maximum authorized limit under the Director of Finance up to $35,000 which would allow the flexibility to approve Change Fund and Petty Cash Fund requests from departments citywide.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Finance to approve a cumulative total up to $35,000 of cash-on-hand change funds.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-260

RESOLUTION APPROVING A PURCHASE ORDER WITH KOVARUS INC., SACRAMENTO, CA, BY UTILIZING THE COMPETITIVE BIDDING PROCESS WITH THE STATE OF CALIFORNIA, FOR VIRTUAL COMPUTER SERVER EQUPMENT REPLACEMNTS, SOFTWARE, LICENSING AND SUPPORT SERVICES FOR A FIVE-YEAR TERM, FOR A TOTAL AMOUNT NOT TO EXCEED $705,376, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Information Technology (IT) department supports and maintain--s over 150 virtual servers within the technology datacenters; and

WHEREAS, the virtual computer servers host mission critical systems and software applications, and are vital to the organization's operations as they provide both internal and external customers; and

WHEREAS, the State of California, Department of General Services issued Request for Proposal #0000006328 for Enterprise Technology (Data Center Equipment), proposals were formally opened on July 19, 2019; and

WHEREAS, eighteen companies were awarded State Contracts, Contract No. 1-19-70-19D-2 was awarded to Kovarus, Inc., Sacramento, CA for Dell products; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest cost commensurate with the desired quality: and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, staff recommends approving a purchase order with Kovarus Inc., Sacramento, CA, by utilizing the competitive bidding process with the State of California, for virtual computer server equipment, replacements, software, licensing and support services for a five-year agreement by issuing a purchase order for the total amount of $705,376.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a purchase order with Kovarus Inc., Sacramento, CA for a five-year term for a total amount not to exceed $705,376.

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 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-261

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) FORD POLICE INTERCEPTOR SUV'S TO TOWNE FORD, REDWOOD CITY, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $123,418, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department requires the replacement of three (3) Ford Police Interceptor SUV's; and

WHEREAS, these vehicles are used in daily law enforcement activities city wide; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on March 2, 2021 the Purchasing Division issued RFB 2021-36 for three (3) Ford Police Interceptor SUV's on the City's website under commodity code 07000-Automtive Vehicles; and

WHEREAS, eight (8) companies chose to download the RFB document, and three (3) vendors chose to submit a bid, there were no local bids received; and

WHEREAS, on March 30, 2021 bids were formally opened in the City Clerk's office and Towne Ford, Redwood City, CA was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for three (3) Ford Police Interceptor SUV's to Towne Ford, Redwood City, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of three (3) Ford Police Interceptor SUVs to Towne Ford, Redwood City, CA for a total amount not to exceed $123,418.

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 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-262

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF ONE (1) ONE-TON TRUCK TO TOWNE FORD, REDWOOD CITY, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $92,314, AND FOUR (4) ONE-TON TRUCKS TO NAPA FORD, NAPA, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $188,429, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Utilities and Parks, Recreation and Neighborhoods (PRN) Departments require the replacement of one-ton trucks; and

WHEREAS, these vehicles are used in daily maintenance of the parks, water and storm water systems throughout the City of Modesto; and

WHEREAS, Modesto Municipal Section 8-3.203 requires the purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on March 2, 2021 the Purchasing Division issued RFB 2021-47 for seven (7) one-ton trucks on the City's website under commodity codes 07051-Trucks (Over One-Ton Capacity) and 07053-Trucks with Specialized Bodies; and

WHEREAS, twenty-two companies chose to download the RFB document, and three (3) vendors chose to submit a bid, there were no local bids received; and

WHEREAS, the RFB was originally posted for seven (7) one-ton trucks, however, five (5) will be4 awarded because it was discovered that two (2) vehicles had been included in error; specification sheets were sent in duplicate by mistake; and

WHEREAS, on April 6, 2021 bids were formally opened in the City Clerk's office and two vendors provided the lowest responsive and responsible bids; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for Specification A to Town Ford, Redwood City, CA and Specification C, D, E, and F to Napa Ford, Napa, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of one (1) one-ton truck to Towne Ford, Redwood City, CA for a total amount not to exceed $92,314 and the purchase of (4) one-ton trucks to Napa Ford, Napa, CA for a total amount not to exceed $188,429.

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 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-263

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A CHLORINE TRUCK TO INTERSTATE TRUCK CENTER, STOCKTON, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $192,601, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Utilities Department require the new addition of a chlorine truck; and

WHEREAS, this vehicle will be used to maintain and chlorinate the water wells within the City of Modesto that supply potable water to the residents and businesses in the City; and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on March 10, 2021, the Purchasing Division issued RFB 2021-49 for a chlorine truck on the City's website under commodity codes 07051-Trucks (Over One-Ton Capacity), 07053-Trucks with Specialized Bodies, 83034-Galvanized sheet iron and steel tanks, and 83064-Steel tanks; and

WHEREAS, twelve companies chose to download the RFB document, one (1) vendor chose to submit a bid, there was no local bid received; and

WHEREAS, on April 13, 2021 bids were formally opened in the City Clerk's office and Interstate Truck Center, Stockton, CA, was the only responsive and responsible bidder; and

WHEREAS, based on providing the only responsive and responsible bid which conforms to the Modesto Municipal Code, Section 8-3.203 City staff recommends the award of bid for a chlorine truck to Interstate Truck Center, Stockton, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a chlorine truck to Interstate Truck Center, Stockton, CA for a total amount not to exceed $192,601.

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 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-264

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A ¾ TON TRUCK TO TRACY FORD, TRACY, CA, FOR A TOTAL AMOUNT NOT TO EXCEED $35,766, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department, Airport Operations Division require the replacement of a ¾ ton truck; and

WHEREAS, this vehicle is used for daily operations at the Modesto Airport; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on April 15, 2021, the Purchasing Division issued RFB 2021-52 for a ¾ ton truck on the City's website under commodity codes 07048-Trucks (One-Ton and Less Capacity) and 07053-Trucks with Specialized Bodies; and

WHEREAS, seven (7) companies chose to download the RFB document, and four (4) vendors chose to submit a bid, there were no local bids received; and

WHEREAS, on May 11, 2021, bids were formally opened in the City Clerk's office and Tracy Ford, Tracy, CA, the lowest responsive and responsible bid; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for a ¾ ton truck to Tracy Ford, Tracy, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a ¾ ton truck to Tracy Ford, Tracy, CA, for a total amount not to exceed $35,766.

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 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-265

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH HACH, LOVELAND, CO, FOR FIELD SERVICES FOR A ONE (1) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $27,922 AND A TOTAL AMOUNT NOT TO EXCEED $86,305 OVER THREE (3) YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department, Wastewater Treatment Plants have installed various Hach instruments throughout its facilities; and

WHEREAS, by having Hach perform the calibration and routine maintenance, the warranties for these instruments stay in effect and Hach will replace those instruments that fail due to manufacturer defects; and

WHEREAS, services provided by Hach are crucial to the reliability of critical process control and compliance instrument; and

WHEREAS, since the construction and commissioning of Phase 2 of the City's tertiary treatment facility, meters needing regular service have increased from nine to twenty-seven; and

WHEREAS, this agreement will also ensure dependable service and warranty compliance for these units; and

WHEREAS, on June 26, 2018, by Resolution 2018-264, Council approved annual agreement with Hach, agreement number 141817, in the amount of $236,254, for the purchasing of meters and field services and expired on 6/30/21; and

WHEREAS, Modesto Municipal Code Section 8-3.204 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's

formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Additionally, Hach, Loveland, CO should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) since they are the original equipment manufacture and the only vendor that is able to service the equipment. Therefore, this purchase qualifies for exemption from the formal biding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source agreement with Hach, Loveland, CO, for field services for a one (1) year agreement with two (2) one-year extension options, for an estimated annual amount of $27,922 and a total amount not to exceed $86,305 over three (3) years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

*Correction - Typo

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-266

RESOLUTION APPROVING THE AWARD OF BID FOR THE FURNISHING OF SEWER ROOT CONTROL SERVICES FOR THE UTILITIES DEPARTMENT, WASTEWATER DIVISON, TO DUKES ROOT CONTROL, INC., SYRACUSE, NY, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $65,879, AND A TOTAL AMOUNT NOT TO EXCEED $329,395 OVER FIVE (5) YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department, Wastewater Division is requesting a Sewer Root Control Service to control root intrusion in the sewer pipes; and

WHEREAS, on April 12, 2016, by Resolution No. 2016-151, Council authorized the award of bid for the furnishing of Sewer Root Control Services for the Utilities Department, Wastewater Services Division, to Root Tamers, Inc., Brookings, OR for a two (2) year agreement with three (3) one-year extension options, for an estimated annual cost of $32,523, and over five (5) years of $162,615; and

WHEREAS, on January 23, 2018, by Resolution No. 2018-45, Council authorized an increase of $50,000 per year to the Purchasing Agreement with Root Tamers, Inc., Brookings, OR, for the furnishing of Sewer Root Control Services for an agreement total not to exceed $362,615, over the five-year term of the agreement; and

WHEREAS, on April 13, 2021, by Resolution No. 2021-137, Council authorized an extension of termination dates of eleven Purchasing Agreements as defined under Attachment A; approving termination dates for the services stated; and

WHEREAS, on January 5, 2021, the Purchasing Division issued RFB 2021-32, Sewer Root Control Services, on Planet Bids via the City's website under four (4) commodity codes; and

WHEREAS, on February 23, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) companies chose to respond, none of which were local vendors; and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of sewer root control services to Dukes Root Control, Inc., Syracuse, NY; 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 the award of bid and agreement for Sewer Root Control Services for the Utilities Department, Wastewater Division to Dukes Root Control, Inc., Syracuse, NY, conforms to this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for the furnishing of Sewer Root Control Services for the Utilities Department, Wastewater Division, to Dukes Root Control, Inc., Syracuse, NY, for a two (2) year agreement with three (3) one-year extension options, for an estimated annual amount of $65,879, and a total amount not to exceed $329,395 over five (5) years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-267

RESOLUTION APPROVING AN AGREEMENT WITH THE MODESTO POLICE CANINE ASSOCIATION FOR THE DONATION AND TRANSFER OF CANINE BANE, TO THE CITY OF MODESTO FOR USE AS A POLICE CANINE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department has utilized working canines to assist officers with searches, apprehension of suspects, and to educate the public with canine demos for decades, and

WHEREAS, over the last few years, the department has had six working canines and since July 2018, the department has retired two of the six canines due to age, health, or inability to perform at an acceptable level, and

WHEREAS, one of the two canines has been replaced; however, the department is still in need of one dog to maintain the canine unit at full capacity, and

WHEREAS, the Modesto Police Canine Association received a private donation for Bane, a Malinois from Top Dog K-9, Modesto, CA, for $10,000, with the intent to donate him to the Modesto Police Department once he was certified, and

WHEREAS, Bane was certified on June 29, 2020, and the Modesto Police Canine Association would like to donate Bane to the City, for use as a police canine, and

WHEREAS, the City will assume all liability for risk and dangers relating to City's ownership of Bane, and

WHEREAS, Bane is a donation to the Modesto Police Department, there is no fiscal impact to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with the Modesto Police Canine Association for the donation and transfer of canine Bane for use as a police canine.

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 6th day of July, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-268

RESOLUTION DECLARING FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2021-1 (WOODGLEN), CONDITIONALLY AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN AND CONDITIONALLY ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

WHEREAS, on February 9, 2021 pursuant to a petition filed by Redrock Ranch, LLC, a California Limited Partnership, (the "Petitioner") this City Council adopted Resolution No. 2021-196 (the "Resolution of Intention") stating its intention to form City of Modesto Community Facilities District No. 2021-1 (Woodglen) (the "Community Facilities District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, setting forth a description of the proposed boundaries of the Community Facilities District, the services to be financed by the Community Facilities District, the rate and method of apportionment of special tax proposed to be levied within the Community Facilities District, and setting a public hearing to consider this matter, on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing on July 6, 2021; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District and authorize the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolutions; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District and the levy of special taxes and were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and the proposed special taxes to be levied within the Community Facilities District was not precluded by a majority protest of the type described in Government Code Section 53324, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District and the levy of the special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in **Attachment A** hereto and (ii) the establishment of an appropriations limit for the Community Facilities District.

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

1. The above recitals are true and correct.

2. A community facilities district designated "City of Modesto Community Facilities District No. 2021-1 (Woodglen)" is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

3. The boundaries of the Community Facilities District and the proposed future annexation areas to the Community Facilities District are established as shown on the map designated "Boundary Map of Proposed City of Modesto Community Facilities District No. 2021-1 (Woodglen)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 6, at Page 23, as Instrument No. 2021-0055698.

4. The facilities and services authorized to be paid for by the Community Facilities District are those set forth in Appendix A to the Resolution of Intention (the "Facilities and Services").

5. It is the intention of the City Council, subject to the approval of the qualified electors of the Community Facilities District, to levy the proposed special

taxes at the rates set forth in **Attachment A** hereto on all non-exempt property within the Community Facilities District sufficient to pay for (i) the Facilities, (ii) the Services, and (iii) the other costs including forming the Community Facilities District and administering the levy and collection of the special tax and all other administrative costs related to the special tax levy. The City expects to incur, and in certain cases has already incurred, incidental expenses in connection with the creation of the Community Facilities District, the levying and collecting of the annual facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The rate and method of apportionment of special tax is described in detail on **Attachment A** hereto and incorporated herein by this reference, and the City Council hereby finds that **Attachment A** contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property. Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence

of delinquency or default by the owner of any other parcel or parcels within the Communities Facilities District.

a. The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in **Attachment A**, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the rate and method of apportionment of special tax **attached** hereto as **Attachment A**.

7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

9. Written protests against the establishment of the Community Facilities District have not been filed by one-half or more registered voters within the boundaries of the Community Facilities District or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

10. Subject to voter approval required by the Act, the annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established at $1,000,000.

11. An election will be called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The City Clerk shall conduct the election.

12. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing

regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection. This City Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Escutia-Braaton, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2021-1
(WOODGLEN)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2021-1 (Woodglen) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Accessory Unit" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with an SFD Unit.

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other parcel map recorded at the County Recorder's Office.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to the CFD, including, but not limited to, levying and collecting Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative

Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating Parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"Building Permit" means a permit that allows for vertical construction of a building or buildings, which shall not include a separate permit issued for construction of the foundation thereof.

"Certificate of Occupancy" means the first certificate, including any temporary certificate of occupancy, issued by the City to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential or non-residential use.

"CFD" means the City of Modesto Community Facilities District No. 2021-1 (Woodglen).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property that are not Taxable Owners Association Property or Taxable Public Property for which a Building Permit was issued prior to June 30 of the preceding Fiscal Year.

"Development Class" means, individually, Developed Property, Taxable Owners Association Property, and Taxable Public Property.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of Residential Units without further subdivision of the lots.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"**Maximum Annual Maintenance Special Tax"** means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D.

"**Maximum One-Time Facilities Special Tax"** means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a Special Tax, levied and collected in full by the City prior to issuance of a Certificate of Occupancy on Taxable Property. Notwithstanding the foregoing, if the City determines that a building on a Parcel of Taxable Property has been occupied and no Certificate of Occupancy was issued for such building, the One-Time Facilities Special Tax for the Parcel shall be immediately due and payable.

"Other Property" means, in any Fiscal Year, all Parcels of Developed Property within the CFD that are not Single Family Property, as defined herein.

"Owners Association" means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

"Owners Association Property" means any property within the boundaries of the CFD that is owned in fee or through easement by the Owners Association, not including any such property that is located directly under a residential structure.

"Proportionately" means, for each Development Class, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all parcels assigned to the Development Class.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Unit" means an SFD Unit, or an individual attached residential unit within a duplex, triplex, fourplex, townhome, or condominium structure. An Accessory Dwelling Unit that shares a Parcel with an SFD Unit shall not be considered a separate Residential Unit for purposes of this RMA.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"SFD Unit" means a residential dwelling unit that does not share a common wall with another residential dwelling unit.

"Single Family Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued for: (i) construction of an SFD Unit, or (ii) construction of a residential structure consisting of two or more Residential Units that share common walls, have separate Assessor's Parcel numbers assigned to them (except for a duplex unit, which may share an Assessor's Parcel with another duplex unit), and may be purchased by individual homebuyers (which shall still be the case even if the Residential Units are purchased and subsequently offered for rent by the owners of the Residential Units), including such residential structures that meet the statutory definition of a condominium contained in Civil Code Section 1351.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Special Tax Category" means one of the categories of land uses for which a Special Tax amount is set forth in Table 1 of Section C below.

"Taxable Owners Association Property" means, in any Fiscal Year, any Parcel of Owners Association Property that satisfies both of the following conditions: (i) based on reference to the Tentative Map, the Parcel was not anticipated to be Owners Association Property, as determined by the Administrator; and (ii) if the Parcel were to be exempt from the Annual Maintenance Special Tax because it is Owners Association Property, the City has determined that there would be a reduction in Annual Maintenance Special Tax revenues that would create a deficit in funding for Authorized Services.

"Taxable Property" means all of the Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section G below.

"Taxable Public Property" means, in any Fiscal Year, any Parcel of Public Property that satisfies both of the following conditions: (i) based on reference to the Tentative Map, the Parcel was not anticipated to be Public Property, as determined by the Administrator; and (ii) if the Parcel were to be exempt from the Annual Maintenance Special Tax because it is Public Property, the City has determined that there would be a reduction in Annual Maintenance Special Tax revenues that would create a deficit in funding for Authorized Services.

"Tentative Map" means the Woodglen Tentative Subdivision Map approved by the City Council pursuant to Resolution 2013-261, including any adjustments or amendments thereto.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property that are not Developed Property, Taxable Owners Association Property, or Taxable Public Property, as defined herein.

"Welfare Exemption Property" means, in any Fiscal Year, any Parcels in the CFD that have received a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code and for which such welfare exemption is still in place.

B. DATA FOR ADMINISTRATION OF THE SPECIAL TAXES

Each Fiscal Year, the Administrator shall: (i) assign each Parcel of Taxable Property to the appropriate Development Class; (ii) for Developed Property, categorize each Parcel as Single Family Property or Other Property; (iii) for Other Property, determine the Acreage of each Parcel; and (iv) determine the Annual Maintenance Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels is in a different Development Class than other Parcels created by the subdivision, the Administrator shall calculate the Annual Maintenance Special Taxes for the property affected by recordation of the parcel map by determining the Special Taxes that apply separately to the property within each Development Class, then applying the sum of the individual Annual Maintenance Special Taxes to the Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property

The Maximum Special Taxes for a Parcel of Developed Property can be determined by reference to Table 1 below.

Table 1
Maximum Special Taxes
Developed Property

Special Tax Category	Maximum Annual Maintenance Special Tax Fiscal Year 2021-22 *	Maximum One-Time Special Tax Fiscal Year 2021-22 *
Single Family Property	$898 per Residential Unit	$990 per Residential Unit
Other Property	$9,714 per Acre	$10,709 per Acre

* Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

2. Taxable Owners Association Property and Taxable Public Property

The Maximum Annual Maintenance Special Tax for Taxable Owners Association Property and Taxable Public Property is $9,714 per Acre for Fiscal Year 2021-22, which amount shall increase on July 1, 2022, and each July 1 thereafter by the Escalation Factor. No One-Time Facilities Special Tax shall be levied on Taxable Owners Association Property or Taxable Public Property.

3. Undeveloped Property

No Special Taxes shall be levied in any Fiscal Year on Parcels of Undeveloped Property.

D. CHANGES TO THE MAXIMUM SPECIAL TAXES

1. Escalation of Special Taxes

1a. One-Time Facilities Special Tax

Beginning July 1, 2022 and each July 1 thereafter, the Maximum One-Time Facilities Special Taxes identified in Table 1 above shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

1b. Annual Maintenance Special Tax

Beginning July 1, 2022 and each July 1 thereafter, the Maximum Annual Maintenance Special Taxes identified in Table 1, and the Maximum Annual Maintenance Special Tax assigned to each Parcel in the CFD, shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

2. Conversion of a Parcel of Public Property to Private Use

If, in any Fiscal Year, a Parcel of Public Property is converted to private use, the Parcel shall be subject to the levy of Special Taxes. The Administrator shall determine the applicable Maximum Special Taxes for each such Parcel.

2. Expiration or Cancellation of Welfare Exemptions

If, in any Fiscal Year, a Parcel that had in prior Fiscal Years been categorized as Welfare Exemption Property no longer has a welfare exemption in place, the Parcel shall be subject to the levy of Special Taxes. The Administrator shall determine the applicable Maximum Special Taxes for each such Parcel.

E. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in the CFD and shall be collected as set forth in Section F below.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement to be collected in that Fiscal Year. The Annual Maintenance Special Tax shall then be levied according to the following steps:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Developed Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Owners Association Property, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Owners Association Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

Step 3: If additional revenue is needed after Step 2, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Taxable Public Property until the amount levied is equal to the Annual Maintenance Special Tax Requirement.

F. MANNER OF COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to issuance of a Certificate of Occupancy for any residential or non-residential structure within the CFD and shall be immediately delinquent if not so paid. Notwithstanding the foregoing, if the City determines that a building on a Parcel of Taxable Property has been occupied and no Certificate of Occupancy was issued for such building, the One-Time Facilities Special Tax for the Parcel shall be immediately due and payable to the City.

The Annual Maintenance Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected unless and until the City determines that the Annual

Maintenance Special Tax no longer needs to be levied to pay Authorized Services and all Administrative Expenses have been reimbursed.

G. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Taxes shall be levied in any Fiscal Year on the following:

(1) Public Property, except Taxable Public Property.

(2) Owners Association Property, except Taxable Owners Association Property.

(3) Welfare Exemption Property

(4) Parcels owned by a public utility for an unmanned facility.

(5) Parcels subject to an easement that precludes any other use on the Parcel.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this RMA that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-269

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2021-1 (WOODGLEN)

WHEREAS, on this date, this City Council adopted a resolution entitled " Resolution Declaring Formation of City of Modesto Community Facilities District No. 2021-1 (Woodglen), and Conditionally authorizing the Levy of Special Taxes Therein and Conditionally Establishing an Annual Appropriations Limit" (the "Resolution of Formation"), which established the City of Modesto Community Facilities District No. 2021-1 (Woodglen) (the "Community Facilities District"), authorized the levy of special taxes therein, and established an annual appropriations limit, and

WHEREAS, pursuant to the provisions of said resolution, propositions to authorize the levy of special taxes within the Community Facilities District and to establish an appropriations limit of the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982, as amended (the "Act").

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2021-1 (Woodglen), hereby finds and determines as follows:

1. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and submitted to the qualified electors of the Community Facilities District as provided herein.

2. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

3. The date of the election shall be July 6, 2021, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on July 6, 2021; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

4. The form of the ballot for the election is **attached** hereto as **Attachment A** and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification

envelope for return of the ballot shall be enclosed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record, or the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

5. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on July 6, 2021, whether said ballots shall be personally delivered or received by mail.

6. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2021-1 (WOODGLEN)

CFD FORMATION

SPECIAL ELECTION

JULY 6, 2021

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelop to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on July 6, 2021, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95353.

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO." All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS:

Shall City of Modesto Community Facilities District No. 2021-1 (Woodglen) (the "Community Facilities District") be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of transportation and traffic improvements, all as further provided in the resolution of Council of the City of Modesto establishing the Community Facilities District (the "Resolution of Formation"), (ii) the costs of authorized services including, but not limited to, maintenance, repair and replacement of parkways, tree pruning, landscaped medians, masonry walls, neighborhood pocket park, storm drainage basin facilities, including but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems and to finance the incidental expenses associated therewith, all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the "Resolution of Formation"), (iii) the cost of related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, (iv) certain administrative expenses, and shall the annual appropriations limit of the Community Facilities District No. 2021-1 (Woodglen) be established in the amount of $1,000,000?

YES ☐

NO ☐

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-270

RESOLUTION DECLARING THE RESULTS OF THE JULY 6, 2021, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2021-1 (WOODGLEN)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2021-1 (Woodglen) (the "Community Facilities District"), called and duly held an election of the Community Facilities District pursuant to resolutions adopted by the City Council on July 6, 2021, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District and (b) the establishment of an appropriations limit for the Community Facilities District, and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is **attached** hereto as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2021-1 (Woodglen), hereby finds and determines as follows:

1. The above recitals are true and correct.

2. Two-thirds or more of the votes of the qualified electors of the Community Facilities District at the special election held on July 6, 2021 were cast in favor of the Proposition, and the Proposition carried. The

City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition.

3. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County a notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Wright, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2021-1 (Woodglen) (the "Community Facilities District"). With my concurrence, the election was conducted on July 6, 2021. On or prior to said date I had mailed or personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to July 6, 2021 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: __

NO: __

TOTAL NUMBER OF VOTES CAST: ____

Dated this 6th day of July, 2021.

_____

Stephanie Lopez,
City Clerk of the City of Modesto

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-271

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH PLACEWORKS OF SANTA ANA, CALIFORNIA, TO PREPARE THE COMPREHENSIVE GENERAL PLAN UPDATE 2050 AND ITS ENVIRONMENTAL IMPACT REPORT, IN THE AMOUNT OF $1,579,412 PLUS A TEN PERCENT (10%) CONTINGENCY OF $157,941, IF NEEDED, FOR A TOTAL NOT TO EXCEED $1,737,353 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on August 11, 2020, the Council of the City of Modesto authorized staff to prepare and post a Request for Proposals (RFP) for preparation of the comprehensive General Plan update 2050 and its environmental impact report (EIR), and

WHEREAS, on December 1, 2020, staff posted RFP No. 2021-19 with a response deadline of January 19, 2021, and

WHEREAS, two (2) responsive proposals were received on January 19, 2021, and

WHEREAS, an evaluation committee comprised of three (3) staff and four (4) representatives from community partner organizations reviewed the proposals and on May 3, 2021, interviewed the responsive consulting firm teams, and

WHEREAS, the evaluation committee determined PlaceWorks of Santa Ana, California, to be the most qualified consulting firm to prepare the comprehensive General Plan update 2050 and its EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a professional services agreement with PlaceWorks of Santa Ana, California, to prepare the comprehensive General Plan update 2050 and its EIR, in an amount not to exceed $1,737,353.

BE IT FURTHER RESOLVED that the City Manager 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 6th day of July, 2021, by Councilmember Zoslocki, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-272

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2021-22 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 8, 2021, as part of the Annual Budget of the City of Modesto for Fiscal Year 2021-22, and

WHEREAS, some allocations were frozen for FY 2021-22, and

WHEREAS, the Community and Economic Development Department is requesting to unfreeze one allocation to assist with the General Plan amendment, and

WHEREAS, position changes will be effective on the first day of the pay period following Council adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-22 Operating Budget as follows:

1. Unfreeze one (1) Associate Planner in the Planning Division (14410) of the Community and Economic Development Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Zoslocki, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-273

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 MULTI-YEAR BUDGET FOR NON-CAPITAL PROJECT #100838 (CED – MODESTO URBAN AREA GENERAL PLAN UPDATE) TO INCREASE TRANSFERS IN REVENUE TO THE PROJECT AND TRANSFER OUT FROM FUND 0100 (GENERAL FUND) BY $700,000, TO INCREASE THE GRANT REVENUE BUDGET FOR THE PROJECT TO ACCOUNT FOR THE REGIONAL EARLY ACTION PLAN (REAP) GRANT IN THE AMOUNT OF $577,284; TO INCREASE THE PROFESSIONAL SERVICES EXPENDITURE ACCOUNT IN THE PROJECT BY $1,277,284; AND TO INCREASE THE PLANNING DIVISION (COST CENTER 14410) FISCAL YEAR 2021-22 EXPENDITURE BUDGET BY $107,148 TO ACCOUNT FOR FIRST YEAR OF FUNDING FOR THE ASSOCIATE PLANNER POSITION THAT IS BEING UNFROZEN FOR FISCAL YEAR 2021-22

WHEREAS, the General Plan Update is a critical document that acts as a guidebook or "blueprint" for the City's future growth and development and needs to be updated, and

WHEREAS, the existing non-capital project, #100838 (CED – Modesto Area Urban General Plan Update) was provided with initial funding of $500,000 in Fiscal Year 2014, and

WHEREAS, additional funding and staff resources are needed to complete this critical update for the City's growth and development needs, and

WHEREAS, the City Council has approved setting aside funds in the amount of $700,000 from the American Rescue Plan Act which had its spending plan approved by Council at the May 25, 2021 Council Meeting via resolution 2021-194, and

WHEREAS, the City has been notified that it will receive Regional Early Action Plan (REAP) grant funding in the amount of $577,284 towards this project from the Stanislaus Council of Governments (StanCOG), and

WHERAS, transfers out of the General Fund (0100) and transfer in to the project

must be established as well as an increase in the grant revenue for the project to account for the REAP grant funds, and

WHEREAS, position allocation is being amended to unfreeze an Associate Planner position and the Planning Division Fiscal Year 2021-22 operating expenditure budget will need to be increased by $107,148 to account for salaries and benefits costs that will ultimately be reimbursed by the General Plan Update Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 Multi-Year Non-Capital Project #100838 to increase Transfers In to the Project and Transfers Out from the General Fund (0100) by $700,000, increase the grant revenue budget for project #100838 for the REAP grant in the amount of $577,284; increase the Professional Services expenditure account in project 100838 by the amount of $1,277,284; and to increase the Planning Division expenditure budget by $107,148 to account for the unfrozen Associate Planner position in Fiscal Year 2021-22.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 2021, by Councilmember Zoslocki, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-274

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR VINTAGE UNIT THREE SUBDIVISION, LOCATED NORTH OF THE VINTAGE FAIRE MALL, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, NRB Investments, LLC, a California limited liability company ("OWNER") and the developer, Modesto Roselle, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 10.4 acres being subdivided into 44 residential lots, 1 landscaping lot, and 1 remainder lot situated in the City of Modesto, known as the VINTAGE UNIT THREE SUBDIVISION ("SUBDIVISION"), and

WHEREAS, in correspondence dated August 24, 2020, Florsheim Homes requested that outstanding modifications to roundabout on Vintage Drive be deferred and accepted with Vintage Phase Three, and

WHEREAS, modifications were completed on the roundabout on Vintage Drive at Landmark Circle, and

WHEREAS, the City Engineer has verified that all required public improvements for the SUBDIVISION have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the public improvements, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA

ramps, streets (with the exception of two roundabouts on Vintage Drive), curbs and gutters, and street lights, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $1,108,895 for VINTAGE UNIT THREE SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $554,450 for VINTAGE UNIT THREE SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $110,890 for VINTAGE UNIT THREE SUBDIVISION, and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept the public improvements for the SUBDIVISION as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts public improvements for Vintage Unit 3 Subdivision, located north of the Vintage Fair Mall and authorizes the City Clerk to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-275

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR VINTAGE UNIT FOUR SUBDIVISION, LOCATED NORTH OF THE VINTAGE FAIRE MALL, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUARY PERIODS

WHEREAS, NRB Investments, LLC, a California limited liability company ("OWNER") and the developer, Modesto Roselle, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 3.60 acres being subdivided into 23 residential lots, and situated in the City of Modesto, known as the VINTAGE UNIT FOUR SUBDIVISION ("SUBDIVISION"), and

WHEREAS, the City Engineer has verified that all required public improvements for the SUBDIVISION have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, City crews will assume maintenance responsibilities upon acceptance of the public improvements for the SUBDIVISION, which includes the water main, sanitary sewer main, storm drainage facilities, landscape and irrigation, street trees, sidewalk and ADA ramps, streets, curbs and gutters, and street lights, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Bond in the amount of $465,841 for VINTAGE UNIT FOUR SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of $232,920 for VINTAGE UNIT FOUR SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $45,684 for VINTAGE UNIT FOUR SUBDIVISION, and

WHEREAS, the developer has requested that the improvements be accepted and the securities be released, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept the public improvements for the SUBDIVISION as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the public improvements for Vintage Unit 4 Subdivision, located north of the Vintage Faire Mall, and the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to release the securities upon expiration of statuary periods.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-276

RESOLUTION APPROVING THE FINAL MAP OF ICON AT THE ICON AT THE VILLAGE SUBDIVISION, APPROVING THE SUBDIVISION AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH THE OWNER/ DEVELOPER, SB BUILDERS, LLC, AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, SB Builders, LLC, a California Limited Liability Company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 3.75 acres, known as the ICON AT THE VILLAGE SUBDIVISION ("SUBDIVISION"), in the Village One specific plan and the precise plan area number 30, and

WHEREAS, a final development plan of said tract was approved by the Planning Commission of the City of Modesto on December 7, 2020, with conditions of approval as noted in Planning Commission resolution Number 2020-21, and

WHEREAS, following a public hearing and special election, on May 25, 2021 by resolution 2021-191, Council approved the annexation of additional territory including Icon at the Village to City of Modesto Community Facilities District No. 2004-1 (Village One #2), and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved final development plan, and

WHEREAS, the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities for improvements that have not been built, as set forth in Section 4-4.605 of the Modesto Municipal Code, and which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities will be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Map of the ICON AT THE VILLAGE Subdivision; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use.

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

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-277

RESOLUTION APPROVING THE FINAL MAP OF METRO AT THE VILLAGE SUBDIVISION, APPROVING THE SUBDIVISION AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH THE OWNER/ DEVELOPER, SB BUILDERS, LLC, AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, SB Builders, LLC, a California Limited Liability Company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 5.35 acres, known as the METRO AT THE VILLAGE SUBDIVISION ("SUBDIVISION"), in the Village One specific plan and the precise plan area number 20 subarea C, and

WHEREAS, a final development plan of said tract was approved by the Planning Commission of the City of Modesto on September 14, 2020, with conditions of approval as noted in Planning Commission resolution Number 2020-11, and

WHEREAS, following a public hearing and special election, on May 25, 2021 by resolution 2021-191, Council approved the annexation of additional territory including Metro at the Village to City of Modesto Community Facilities District No. 2004-1 (Village One #2), and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved final development plan, and

WHEREAS, the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER will furnished securities for improvements that have not been built, as set forth in Section 4-4.605 of the Modesto Municipal Code, and which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities will be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Map of the METRO AT THE VILLAGE Subdivision; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use.

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

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-278

RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENTS FOR OFFICE SUPPLIES AND FURNITURE TO STAPLES, STOCKTON, CA, OFFICE DEPOT, MODESTO, CA, AND WARDEN'S, MODESTO, CA FOR AN INCREASE IN THE ANNUAL ESTIMATED AMOUNT FROM $250,000 TO $300,000 AND A TOTAL REVISED COMBINED AMOUNT NOT TO EXCEED FROM $1,250,000 TO $1,400,000 OVER FIVE YEARS AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE THE AMENDMENTS

WHEREAS, the City has historically used Office Depot since 1993 primarily to order office supplies and breakroom supplies with very minimal restrictions or regulations on the types of supplies being purchased; and

WHEREAS, on June 11, 2019 under Resolution 2019-262, Council approved the purchasing agreements for office supplies with Staples, Modesto, CA, and Office Depot, Modesto, CA and office furniture with Warden's, Modesto, CA for a two-year agreement with three one-year extension options for an annual cost not to exceed $250,000 for a total combined amount of $1,250,000 over five years; and

WHEREAS, with the establishment of these agreements, the Purchasing Division attempted to estimate our future annual cost for these agreements based on the use of the one supplier with Office Depot but prior to these agreements in place, there was no spending history to validate these estimates; and

WHEREAS, with standardizing the use of office supplies and centralizing the purchase of office supplies with these vendors this has allowed us to better project our annual spending over time; and

WHEREAS, over these last years, there have been unanticipated purchases due to managing the mandatory closures, COVID-19 social distancing signage and barriers and COVID-19 PPE supplies for City employees; and

WHEREAS, the original agreements did not factor in anticipated pricing increases due to overall market changes; Even with price increases, these online marketplace and office supply vendors continue to be lowest vendors between 5-15%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreements for office supplies and furniture with Staples, Stockton, CA, Office Depot, Modesto, CA, and Warden's, Modesto, CA. for an increase in the annual estimated amount from $250,000 to $300,000 and a total revised combined amount not to exceed from $1,250,000 to $1,400,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-279

RESOLUTION APPROVING A SECOND AMENDMENT TO THE PURCHASING AGREEMENT WITH AMAZON BUSINESS FOR AN ONLINE MARKETPLACE FOR PRODUCTS TO INCREASE THE ANNUAL ESTIMATED AMOUNT BY $50,000 FOR A REVISED ANNUAL ESTIMATED AMOUNT FROM $125,000 TO $175,000, AND A TOTAL REVISED AMOUNT NOT TO EXCEED FROM $1,000,000 TO $1,300,000 OVER EIGHT YEARS AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, City employees have utilized Amazon for the purchase of products based on the significant competitive pricing it affords since 2011; and

WHEREAS, the convenience of online ordering, price savings and fast shipping has made Amazon Business a popular marketplace for City employees; Prior to establishing a City-wide Amazon Business account, City staff were purchasing individual Amazon Prime accounts or utilizing their personal accounts for City purchases; and

WHEREAS, on November 26, 2019 under Resolution 2019-518, Council approved a purchasing agreement with Amazon Business, by utilizing the competitively solicited and awarded contract in the OMNIA Partners portfolio for a two-year term with three two-year extension options, for an annual estimated cost not to exceed $75,000, and a total amount not to exceed $600,000 over eight year; and

WHEREAS, on October 27, 2020 , under Resolution 2020-439, Council approved an amendment to the purchasing agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as US Communities and National IPA) for an online marketplace for products by $50,000 annually, for a two-year agreement with three two-year extension options, for a revised

annual estimated cost of $125,000, and a total revised amount not to exceed $1,000,000 over eight years; and

WHEREAS, all City departments are required to comply with Administrative Directive 7.28 to standardize the purchase of office supplies, and the purchase practices across the organization for office supplies and furniture; and

WHEREAS, over these last years, there have been unanticipated purchases due to managing the mandatory closures, COVID-19 social distancing signage and barriers and COVID-19 PPE supplies for City employees; and

WHEREAS, the original agreement did not factor in anticipated pricing increases due to overall market changes; Even with price increases, these online marketplace and office supply vendors continue to be lowest vendors between 5-15%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second amendment to the purchasing agreement with Amazon Business for an online marketplace for products to increase the annual estimated amount by $50,000, for a revised annual estimated amount from $125,000 to $175,000, and a total revised amount not to exceed from $1,000,000 to $1,300,000 over eight years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-280

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH CCS FACILITY SERVICES, FRESNO, CA FOR CUSTODIAL SERVICES AND SUPPLIES FOR A ONE-TIME INCREASE OF $50,000 AND AN ANNUAL ESTIMATED COST INCREASE BY $13,000 FROM $667,298 TO $680,298 TO A REVISED TOTAL AMOUNT NOT TO EXCEED $5,122,080 OVER SEVEN YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

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 December 1, 2020 under Resolution 2020-496, Council approved the award of proposal and agreement for custodial services and supplies to CCS Facility Services, Fresno, CA for a five (5)-year agreement with two one (1)-year extension options, for an estimated cost of $667,298 and a total amount not to exceed $4,981,080 over seven years; and

WHEREAS, on January 12, 2021 the County Emergency Operations Center requested support from the City of Modesto in the operation of a vaccination clinic at the Modesto Centre Plaza; and

WHEREAS, in order to operate the MCP POD, the City was responsible for inoculation support, post-inoculation health screening, traffic/facility/parking management, while the County has the primary responsibility of the administration of the vaccines; and

WHEREAS, the City has incurred significant necessary expenses to ensure the smooth operation of the POD, including: personal protective equipment, cameras, traffic management equipment, security services and janitorial services and other type of expenses to operate; and

WHEREAS, in support of the mass vaccine center operations housed at the Modesto Centre Plaza facility with an anticipated daily occupant load of 3,000 individuals, the services required to manage this volume of people using the facility required increased normal custodial services for maintaining cleanliness and hygiene for public and staff restrooms, staff breakrooms, and floor care; and

WHEREAS, additional services have been utilized and are anticipated to continue to be required in response to positive case reports for City employees in order to properly disinfect facilities and safely reoccupy the facilities based on COVID-19 protocols.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the agreement amount with CCS Facility Services, Fresno, CA for custodial services and supplies for a one-time increase of $50,000 and an annual estimated cost increase by $13,000 from $667,298 to $680,298 to a revised total amount not to exceed $5,122,080 over seven years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-281

RESOLUTION APPROVING A THIRD AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH FIRST ALARM WELLNESS FOR COVID-19 MANAGEMENT SERVICES BY $50,000 FROM $150,000 FOR A REVISED TOTAL NOT TO EXCEED $200,000 AND TO EXTEND THE TERM OF THE AGREEMENT TO JUNE 23, 2023 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 15, 2018, the City entered into an agreement with First Alarm Wellness for services provided to the City of Modesto Fire Department to combat and mitigate the effects of first responder psychological trauma for a one-year agreement not to exceed $15,000; and

WHEREAS, the agreement was amended on May 6, 2019 to extend the agreement for an additional year through June 30, 2021 an increase the agreement by $30,000 for a total revised amount not to exceed $45,000; and

WHEREAS, on August 5, 2020 under Resolution 2020-322, Council approved a Second Amendment to utilize First Alarm Wellness to provide services citywide to assist the City with managing the COVID-19 public health crisis; and

WHEREAS, in addition to confidential counseling for public safety, services would include crisis management services and on-call services to support City departments when needed during the critical incident; this amendment extended the term of the agreement through June 30, 2022 and increased the amount by $105,000 from $45,000 for a total revised amount not to exceed $150,000; and

WHEREAS, on January 12, 2021 the County Emergency Operations Center requested support from the City of Modesto in the operation of a vaccination clinic at the Modesto Centre Plaza; and

WHEREAS, in order to operate the MCP POD, the City was responsible for inoculation support, post-inoculation health screening, traffic/facility/parking management, while the County has the primary responsibility of the administration of the vaccines; and

WHEREAS, all personnel who staffed the Modesto Centre Plaza Point of Distribution had access to First Alarm Wellness Services if they became exposed to a person seeking the vaccine who may have already been sick with COVID 19; and

WHEREAS, additional services have been utilized and are anticipated to continue to be required in response to positive case reports for City employees in order to properly disinfect facilities and safely reoccupy the facilities based on COVID-19 protocols.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment increasing the agreement amount with First Alarm Wellness for COVID-19 management services by $50,000 from $150,000, for a revised total not to exceed $200,000 and to extend the term of the Agreement to June 30, 2023.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-282

RESOLUTION APPROVING A LEASE AGREEMENT WITH THE STATE OF CALIFORNIA, STATE LANDS COMMISSION, FOR CONSTRUCTION, USE AND MAINTENANCE OF APPROXIMATELY 3,056 SQUARE FEET OF LAND IN THE TUOLUMNE RIVER ADJACENT TO THE PLANNED LOCATION OF THE NEECE DRIVE BOAT LAUNCH AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT

WHEREAS, in 1972, the City of Modesto (City), the City of Ceres, and Stanislaus County formed a Joint Powers Authority (JPA) to build and operate the Tuolumne River Regional Park (TRRP), and

WHEREAS, the TRRP JPA purchased land parcels along the Tuolumne River for the eventual development of the Tuolumne River Regional Park, and

WHEREAS, the City needs boating facilities for recreational and emergency river access, and

WHEREAS, on March 13, 2018, by Resolution No. 2018-125, Council accepted $780,000 in grant funds from the California Division of Boating and Waterways (DBW) Recreational Boating and Facilities with Public Access Grant Program to design and construct a public access non-motorized boat launch and river access facility on the Tuolumne River, and

WHEREAS, on February 26, 2019, by Resolution No. 2019-82, Council approved an agreement with O'Dell Engineering of Modesto to prepare the Construction Documentation (design) for the Neece Drive Non-Motorized Boat Launch and River Access Facility Project, and

WHEREAS, the during the design process, staff coordinated with the State of California - State Lands Commission (State) representatives who offered a 20-year lease agreement for approximately 3,056 square feet of river land to the City, and

WHEREAS, the lease of the land from the State, is required for the completion of the Neece Drive Non-Motorized Boat Launch and River Access Facility Project, and

WHEREAS, the initial lease term is 20 years, expiring June 28, 2041, and

WHEREAS, the 20-year lease coincides with the State of CA, Department of Boating and Waterways grant requirements, to maintain the boat launch improvements for 20 years, and

WHEREAS, two (2) years prior to the expiration of the land lease with the State of CA, State Lands Commission, staff will evaluate the condition of the boat launch and provide City Council a recommendation for future steps.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it approves a lease agreement with the State of California, State Lands Commission for construction, use and maintenance of approximately 3,056 square feet of land in the Tuolumne River adjacent to the planned location of the Neece Drive Boat Launch.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-283

RESOLUTION APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (AT&T), FOR A CO-LOCATED CELL TOWER LEASE AT USTACH PARK TOTALING 400 SQ. FT. AND ADJACENT TO THE EXISTING CELL TOWER AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers, and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services, and also provide annual revenue to the City of Modesto to maintain the City park system, and

WHEREAS, on July 8, 2014, by Resolution No. 2014-282, the City entered into a five-year Lease Agreement with Sacramento-Valley Limited Partnership DBA Verizon Wireless, to construct a cell tower in Ustach Park, and

WHEREAS, in November of 2020, New Cingular Wireless PCS, LLC (DBA AT&T) requested to co-locate services on the Verizon Wireless tower in Ustach Park, and

WHEREAS, negotiations for a new Lease Agreement with AT&T have been completed and the proposed Lease Agreement, which covers approximately 400 sq. ft. adjacent to the Verizon tower, complies with park development requirements, and

WHEREAS, the amendment includes the following terms:

1. Term: Five years, with an additional four (4) automatic renewed extensions of five (5) year renewal terms. The final contract expiration

term will be 25 years form the execution dated. This term aligns with the existing Verizon Wireless contract expiration date.

2. Rent: $1,600 per month with a 3% annual rent escalator on the anniversary of the lease.
3. Lease Area Expansion Option: If necessary, AT&T may exercise an option to expand their lease area by an additional 800 square feet at the current rate at the time of their request.
4. Security Camera: AT&T will pay the City of Modesto a one-time $10,000 Camera Fee to fund the purchase and installation of a park security camera. AT&T will provide the City free high-speed internet connection at the site for the camera to transmit video to the Modesto Police Department's Real Time Crime Center. AT&T will be clearly recognized with signage at the camera.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T), for a co-located cell tower lease at Ustach Park totaling 400 sq. ft. and adjacent to the existing cell tower.

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 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-284

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 OPERATING BUDGET AS OUTLINED IN ATTACHMENT A AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in order to recognize revenue generated by the Co-Location Site Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company (AT&T) at Ustach Park, and

WHEREAS, the Fiscal Year 2021-2022 Operating Budget must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-2022 Operating Budget as outlined in **Attachment 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 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A

Budget Adjustment for Ustach Park AT&T Cell Site Agreement

(General Fund -0100, Village One- Fund – 3200, Village One #2 – 3290)

Fund 0100 – General Fund

Operating Budget 32020 – Parks Planning and Development Division

Expense:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-32020-54500	Srvc City Frces Intrfnd	$2,953	$1,600	$4,553
	Total	**$2,953**	**$1,600**	**$4,553**

Revenue:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
0100-32020-46002	PPD - Admin	$50,000	$1,600	$51,600
	Total	**$50,000**	**$1,600**	**$51,600**

Total Fund 0100 Expense/Revenue Adjustments Increase/(Decrease)**:** **$1,600**

Fund 3200 – Village One CFD

Operating Budget 14702 – Village One CFD

Expense:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
3200-14702-53150	R&M Real Property	$2,500	$12,200	$14,700
	Total	**$2,500**	**$12,200**	**$14,700**

Revenue:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
3200-14702-46002	Lease of Land	$0	$12,200	$12,200
	Total	**$0**	**$12,200**	**$12,200**

Total Fund 3200 Expense/Revenue Adjustments Increase/(Decrease)**:** **$12,200**

Fund 3290 – Village One CFD #2

Operating Budget 14719 – Village One CFD #2

Expense:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
3290-14719-53150	R&M Real Property	$2,500	$12,200	$14,700
	Total	**$2,500**	**$12,200**	**14,700**

Revenue:

Account	Description	Starting Amount	Increase/ (Decrease)	Ending Total
3290-14719-46002	Lease of Land	$0	$12,200	$12,200
	Total	**$0**	**$12,200**	**$12,200**

Fund 3290 - Total Expense/Revenue Adjustments Increase/(Decrease)**:** **$12,200**

Grand total from all funds adjustments expense/revenues*:* $26,000

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-285

RESOLUTION APPROVING AN AGREEMENT WITH LDA PARTNERS, INC OF STOCKTON, CA FOR COMPLETION OF CONSTRUCTION DOCUMENTATION (DESIGN) SERVICES FOR THE DRYDEN CLUBHOUSE RENOVATION PROJECT IN THE AMOUNT OF $295,000, PLUS $29,500 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED $324,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THEAGREEMENT

WHEREAS, Dryden Park Municipal Golf Course is one of two city owned golf courses operated within the City of Modesto, and

WHEREAS, on August 4, 2020, the Dryden Clubhouse was significantly damaged in a structure fire leaving it in need of substantial renovation, and

WHEREAS, during the post-fire evaluation of the site, and in preparation for the renovation/reconstruction, staff has communicated with members of the golf community as well as the contractor responsible for the operations of the course (Kemper Sports), and

WHEREAS, the input of the community will be a valuable tool to assist in providing an updated, attractive and relevant clubhouse to the golf course, and

WHEREAS, staff evaluated the design of the previous structure and determined that the needs for a golf course clubhouse today, differ from the design selected for the building in the 1965, and

WHEREAS, there are several design elements that are intended to be added to the structure in the renovation/reconstruction that are considered “additional improvements” and will not be covered by the insurance replacement funding, but will instead be covered by the Golf Fund. Among the improvements are the addition of an outdoor deck area, expanded pro shop and expanded dining areas, and

WHEREAS, a Request For Proposals (RFP) for the project was issued on December 15, 2020, and proposals from 5 consultants were opened on January 12, 2021 pursuant to Administrative Directive 3.1, and

WHEREAS, all 5 firms were formally interviewed by a selection committee on February 2, 2021 and ranked by qualifications, and

WHEREAS, based on the results of the RFP, staff recommends approval of an agreement with LDA Partners, Inc., of Stockton, CA to complete the Construction Documentation for the Dryden Clubhouse Renovation Project in the amount of $295,000, and

WHEREAS, staff recommends a 10% additional services budget in the amount of $29,500 to allow for change orders due to unforeseen conditions, delays or expenses for an agreement total not to exceed $324,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement with LDA Partners, Inc of Stockton, CA for Completion of Construction documentation (design) services for the Dryden Clubhouse Renovation Project in the amount of $295,000, plus $29,500 for additional services, if needed, for an agreement total not to exceed $324,500.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-286

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 CAPITAL IMPROVEMENT PROGRAM BUDGET FOR PROJECT 101294 – DRYDEN GOLF COURSE FIRE RENOVATION PROJECT AS OUTLINED IN ATTACHMENT A AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in order to fund design, and design support during construction plus City staff support for the Dryden Golf Course Fire Renovation Project, and

WHEREAS, the Fiscal Year 2021-2022 Capital Improvement Program Budget for Project 101294 – Dryden Golf Course Fire Renovation Project must be amended as shown in **Attachment 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 2021-2022 Capital Improvement Program budget for Project 101294 – Dryden Golf Course Fire Renovation Project as outlined in **Attachment 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 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A

Budget Adjustment for Capital Project 101294 (Dryden Clubhouse Renovation)

Fund 4600 – Golf Fund

Capital Project 101294 – Dryden Clubhouse Renovation

Expense:

To:

Task	Starting Amount	Increase/ (Decrease)	Ending Total
Other Costs (OC)	$800,000	($263,500)	$536,500
Engineering/Design/Administration (EDA)	$0	$350,000	$350,000
Total	**$800,000**	**$86,500**	**$886,500**

Cost Center 34170 – Golf Improvements

FROM:

Task	Starting Amount	Increase/ (Decrease)	Ending Total
4600-34170-53300	$1,795,958.24	($43,250)	1,752,708.24
Total	$1,795,958.24	($43,250)	1,752,708.24

Capital Project 100862 – Golf Improvements

FROM:

Task	Starting Amount	Increase/ (Decrease)	Ending Total
100863 -PRN.Administration-APPR Unit C	$81,883	($43,250)	38,633
Total	$81,883	($43,250)	38,633

Total Net Revenue/Expense Increase/(Decrease): $0.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-287

RESOLUTION APPROVING AN AGREEMENT WITH TJKM, PLEASANTON, CA, FOR TRANSPORTATION ENGINEERING SERVICES FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR A COST NOT TO EXCEED $700,000 THE FIRST TWO YEARS, AND A TOTAL AMOUNT NOT TO EXCEED $1,300,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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 for transportation engineering services to assist the Traffic Engineering Division with capital improvement projects, and

WHEREAS, on February 4, 2021, staff posted the RFQ for transportation engineering on-call services, in which proposals were due February 18, 2021, and

WHEREAS, one City staff member and two outside public agency engineers rated each of the proposals based on various categories and objectives, and

WHEREAS, from the ratings of the seven proposals that were received, three were selected for interviews. Interviews were conducted on April 2nd, and

WHEREAS, from the ratings of the interviews, TJKM received the top score and staff negotiated billing rates, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with TJKM, Pleasanton, CA, for Transportation Engineering Services for a two-year agreement with three one-year extension options for a cost not to exceed $700,000 for the first two years, and a total amount not to exceed $1,300,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-288

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE REBID SUTTER SANITARY SEWER TRUNK REHABILITATION PROJECT, PHASE 1, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH MOZINGO CONSTRUCTION, OF OAKDALE, CA, IN THE AMOUNT OF $3,237,314 PLUS $388,478 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $3,625,792 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing Sutter Trunk does not provide adequate capacity to convey peak wet weather flows, exposing the City of Modesto to the risk of public health impacts and fines from sewer system overflows, and

WHEREAS, due to the size and cost of construction, the overall Sutter Trunk Rehabilitation Project has been phased and the proposed rehabilitation project, Rebid Sutter Sanitary Sewer Trunk Project, Phase 1, will replace the existing section crossing under Highway 99, and

WHEREAS, the project will install dual sewer trunk crossings under Highway 99 for redundancy, maintenance and bypassing flows when needed, and

WHEREAS, the project was originally advertised for bids on September 22, 2020 and bids were publicly opened on October 27, 2020, pursuant to City Charter Section 1307, and

WHEREAS, Staff determined that the five bids received were above the engineer's estimate, varying from 18.22% to 57.09% higher and that the bids may have been higher due to the complexity of work involving the Highway 99 underground crossing, and

WHEREAS, for this reason, staff recommended the rejection of all bids and re-advertising at a different date, which would allow staff to re-evaluate the construction costs, the Caltrans requirements and scope of work to identify any clarifications to the bid package and adjustments to the engineer's estimate and project budget, and

WHEREAS, on December 1, 2020 by Resolution 2020-502, Council rejected all bids for the Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 and authorized staff to re-advertise the project for bids at a future date with an amended estimate, and

WHEREAS, the specifications were prepared for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1, and

WHEREAS, the Project was re-advertised for bids on April 13, 2021, and

WHERAS, on May 18, 2021, bids were publicly opened, pursuant to City Charter Section 1307, six bids were received and Mozingo Construction, of Oakdale, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $3,237,314 received from Mozingo Construction, of Oakdale, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to Mozingo, of Oakdale, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 and accepts the bid of $3,237,314 plus $388,478 for contingency (if needed) for a total amount not to exceed $3,625,792 and award Mozingo Construction, of Oakdale, CA, the construction contract for the Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-289

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING, OF MODESTO, CA, FOR ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE REBID SUTTER SANITARY SEWER TRUNK REHABILITATION PROJECT, PHASE 1, IN THE AMOUNT OF $38,613 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $3,862 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A MAXIMUM TOTAL AMOUNT OF $42,475 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Sutter Trunk currently surcharges under existing peak wet weather flow (PWWF) conditions and is therefore hydraulically deficient, and

WHEREAS, the existing capacity of the Sutter Trunk is insufficient to convey existing and build-out PWWFs, and

WHEREAS, additionally, the section crossing under Highway 99 has experienced severe corrosion and presents a vulnerable point in the wastewater collection system, and

WHEREAS, to remedy the hydraulic deficiencies and the corrosion problems new PVC sewer trunk will be installed, adequately sized to provide the hydraulic capacity needed, and

WHEREAS, on September 26th, 2017 by Resolution No. 2017-371, Council approved an agreement with O'Dell Engineering for Final Design Services for the Sutter Trunk Rehabilitation Project, and

WHEREAS, considering the size and complexity of the project, and that O'Dell Engineering is the Engineer-of-Record for the project, Engineering Support During Construction will be needed from O'Dell Engineering to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, 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.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with O'Dell Engineering, Inc., for Engineering Support During Construction for The Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1, Project in the amount of $38,613, for the identified scope of services, plus $3,862 for additional services, if needed, for a total amount not to exceed $42,475.

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 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-290

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE REBID SUTTER SANITARY SEWER TRUNK REHABILITATION PROJECT, PHASE 1 FROM 8% ($258,985) TO 12% ($388,478) OF THE CONSTRUCTION CONTRACT PRICE OF $3,237,314 WITH MOZINGO CONSTRUCTION, OF OAKDALE, CA

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 budget of 8% for projects over $1 Million, and

WHEREAS, given the nature of this project being under Highway 99 in Caltrans right of way, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($258,985) of the contract amount of $3,237,314, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 12% ($388,478) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Rebid Sutter Sanitary Sewer Trunk Rehabilitation Project, Phase 1 from 8% ($258,985) to 12% ($388,478) of the construction contract price of $3,237,314 with Mozingo Construction, of Oakdale, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-291

RESOLUTION ACCEPTING THE UPGRADE TRAFFIC SIGNALS – 2013 CML-5059(185) PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $784,517 TO ST. FRANCIS ELECTRIC, LLC, OF SAN LEANDRO, CALIFORNIA

WHEREAS, in April 2010, the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to upgrade the traffic signals at the following four (4) intersections: 7th Street/G Street, 7th Street/H Street, 7th Street/I Street, and 9th Street/B Street in the City of Modesto, and

WHEREAS, work included installation of video detection cameras, pedestrian push buttons, and pedestrian indicators to comply with current Americans with Disabilities Act (ADA) standards, and

WHEREAS, on August 3, 2011, by Resolution No. 2011-321, Council approved a new Capital Improvement Program (CIP) project and accepted CMAQ grant funds in the amount of $77,000 for the Preliminary Engineering phase of this project, and

WHEREAS, on December 2, 2014, by Resolution No. 2014-511, Council amended the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget and accepted $577,750 in CMAQ funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, on May 12, 2015, by Resolution No. 2015-149, Council accepted an additional $210,101 in CMAQ funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved $175,000 of Measure L funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, bids were advertised on April 2, 2019, and were publicly opened on April 30, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and St. Francis Electric, LLC, of San Leandro, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on May 28, 2019, by Resolution No. 2019-243, Council awarded a contract to St. Francis Electric, LLC, of San Leandro, CA, for the construction of the Upgrade Traffic Signals – 2013 project in the amount of $736,450, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 24, 2019, and all contract work was completed by September 16, 2020, and

WHEREAS, the total project costs were $1,003,035 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,039,851 which included $826,827 for the construction contract and contingency with St. Francis Electric, LLC, and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of up to and not to exceed 10% ($73,645) of the original contract price, and

WHEREAS, there were five change orders on this project with an overall increase of $48,067, 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 Upgrade Traffic Signals – 2013 CML-5059(185) project is hereby accepted as complete from contractor, St. Francis Electric, LLC, of San Leandro, 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 $784,517.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-292

RESOLUTION APPROVING THE HOUSING PLAN-SB2 AGREEMENT TO EVALUATE AND EXPAND HOUSING OPPORTUNITIES WITH OPTICOS DESIGN, INC., OF BERKELEY, CA FOR A TOTAL AMOUNT OF $355,805 INCLUDING A $10,000 CONTINGENCY FOR A TOTAL AMOUNT NOT TO EXCEED $365,805, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEP TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto received $625,000 in grant funds to finance efforts to expand housing opportunities, and

WHEREAS, the City Manager authorized the Purchasing Division to issue a formal Request for Proposals (RFP) for Housing Plan-SB2, and

WHEREAS, on December 24, 2020 the Purchasing Division issued RFP 2021-22 for Housing Plan-SB2. Prospective proposers were notified online and via e-mail of the proposal opportunity, and

WHEREAS, thirty-Eight (38) companies chose to download the RFP document. On February 16, 2021, proposals were formally opened by the City Clerk, and

WHEREAS, two (2) vendors chose to respond, neither of which were local vendors. Responses were evaluated by a committee of City and County staff based on evaluation criteria detailed in the RFP document, and

WHEREAS, the committee members interviewed both candidates through a Microsoft Team Meeting on April 1, 2021, and

WHEREAS, based on being ranked highest in total point value, staff recommends award of proposal to Opticos Design, Inc, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Housing Plan SB-12 agreement to evaluate and expand

housing opportunities with Opticos Design, Inc., of Berkeley, CA for a total amount of $355,805 including a $10,000 contingency for a total amount not to exceed $365,805.

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 13th day of July, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-293

RESOLUTION APPROVING AN AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES BETWEEN THE CITY OF MODESTO AND THE CITY OF CERES FOR A FIVE-YEAR TERM, WITH A TWO-YEAR EXTENSION OPTION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Ceres ("Ceres") City Council authorized staff to explore contract for fire service agreements on March 8, 2021; and

WHEREAS, discussion began between Ceres and the City of Modesto ("COM") to provide the following services within Ceres' jurisdictional boundaries: fire protection, prevention, suppression services, and related services such as emergency medical services, emergency preparedness, mitigation of hazardous materials incidents, and special operations including, but not limited to, confined space rescue, technical rescue and water rescue; and

WHEREAS, the initial term of the Agreement will be for five years, from August 3, 2021 through June 30, 2026, with the option of a two-year extension; and

WHEREAS, Ceres will compensate COM for all services provided, pursuant to the terms and conditions of the Agreement; and

WHEREAS, in the event the Agreement is terminated, Ceres intends to offer employment to COM Fire Department personnel affected by such termination; and

WHEREAS, the Agreement will generate approximately $36,629,873 in new revenue to the General Fund, with total anticipated expenses at $36,379,873 and net revenue at $250,000, over the five-year term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement to provide fire protection services between the City of Modesto and the City of Ceres for a five-year term, with a two-year extension option.

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 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-294

RESOLUTION APPROVING THE SIDE LETTER TO THE MODESTO CITY FIRE FIREFIGHTERS ASSOCIATION MEMORANDUM OF UNDERSTANDING AS IT RELATES TO THE AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES BETWEEN THE CITY OF MODESTO AND CITY OF CERES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Fire Fighters Association (MCFFA) expires on June 30, 2022, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning vacation boards and minimum staffing, and

WHEREAS, the CITY and MCFFA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

ARTICLE 26, PROBATION, newly hired Ceres employees shall serve a twelve (12) month probationary period, employees currently on probation will be considered probationary employees for all rules and regulations regarding their probationary status. Further, probationary employees shall pass all testing and requirements of the Fire Department. Employees not on probation at the time of the agreement shall be entitled to the Firefighter Bill of Rights, and

ARTICLE 32, VACATION, SECTION (J) of the MOU is amended to provide the number of vacation shifts boards available per work shift shall be seven (7) with the

exception of all holidays listed in Article 30 where the available vacation boards shall be eight (8), and five (5) holiday boards, and

WHEREAS, this contract amendment shall become effective upon ratification by the MCFFA and adoption by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the side letter to the Modesto City Fire Firefighters Association Memorandum of Understanding as it relates to the Agreement to provide fire protection services between the City of Modesto and City of Ceres.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

Letter of Understanding

Between

City of Modesto

And

Modesto City Firefighters Association, IAFF Local 1289

The City of Modesto, hereby referred to as "City" and the Modesto City Firefighters Association, IAFF Local 1289, hereby referred to as "Union" execute this Letter of Understanding (LOU) on this ___ day of _____ 2021 regarding the City of Ceres (Ceres) Contract for Services Agreement (Agreement) with the City.

The City and the Union agree:

DRAFT

Article 18. MINIMUM STAFFING POLICY

1. Effective July 1, 2021, Article 18 Section A shall remain in full force and effect relative to Ceres Firefighters. The parties to this agreement understand that in addition to the current normal staffing, Ceres shall staff the Truck (Quint) with four personnel (4.0 staffing), in conjunction with the understanding noted in a and b below.

    a. Chief Officer Coverage. City shall ensure a qualified Shift Battalion Chief Officer or other Chief Officer, to be immediately available for response and management of emergency incidents as necessary to provide incident command and coordination functions within the jurisdictional boundaries of Ceres, including the authority to commit expenditure of Ceres funds (e.g., request for aircraft or specialized equipment or contractors) to mitigate an emergency incident.

    b. Staffing. City shall provide, on a twenty-four (24) hour, seven (7) day per week basis, one (1) three (3) member company at Station 15, one (1) three (3) member company at Station 16 and one (1) four (4) member company at Station 18. Additional qualified fire personnel may be assigned to the Station(s) as determined by the City Fire Chief or his/her designee to provide supplemental

Fire Services or staffing for special events, anticipated weather events, or operational capacity. Minimum staffing level for Ceres shall be three (3) members per Engine Company and four (4) members per Quint (Truck) Company.

2. The Union will not consider a reduction in the staffing models noted above.

Article 26. PROBATION

1. Newly hired Ceres employees shall serve a one (1) year probationary period.
2. Employees currently on probation will be considered probationary employees for all rules and regulations regarding their probationary status. Further, probationary employees shall pass all testing and requirements of the Fire Department.
3. Employees not on probation at the time of this agreement shall be entitled to the Firefighter Bill of Rights.

DRAFT

Article 32. VACATION

1. For the term of the contract of Fire Protection Services between City and Ceres, the number of vacation boards shall be seven (7) and (5) holiday boards.

2. For the “Special” or “City recognized” holiday, the vacation boards shall be increased by one.

_____ _____

For the City For the Union

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-295

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2021-22 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization; and

WHEREAS, classifications are being added to support a contract for fire services with the City Ceres; and

WHEREAS, position changes will be effective the pay period beginning August 3, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-22 Operating Budget for various departments as follows:

1. Create one (1) Division Chief, (3) Battalion Chiefs, nine (9) Fire Captains, nine (9) Fire Engineers, twelve (12) Firefighters, and one (1) Fire Inspector in the Modesto Fire Department Cost Center 18213.
2. Create one (1) Fire Captain assigned to the Stanislaus Fire Investigations Unit in the Modesto Fire Department Cost Center 18520.
3. Unfreeze one (1) Senior Fire Inspector in Modesto Fire Department Cost Center 18510.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-296

RESOLUTION APPROVING AN APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO CONFIRM THE CITY OF MODESTO'S FIRE SERVICE CONTRACT WITH THE CITY OF CERES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

WHEREAS, effective January 1, 2016, Government Code Section 56134 requires fire protection contracts or agreements for the exercise of new or extended fire protection services outside a public agency's jurisdictional boundaries to be reviewed by the Local Agency Formation Commission, and

WHEREAS, on July 13th, 2021, by Resolution 2021-XXX, the City Council approved an agreement to provide fire protection services between to the City of Modesto and the City of Ceres, and

WHEREAS, this Resolution of Application is proposed pursuant to Government Code Section 56134(c), and

WHEREAS, pursuant to Government Code Section 56134(e) and 56134(f), a plan for services and independent fiscal analysis shall be prepared and submitted with the application, and

WHEREAS, the application for review of a fire service contract is considered exempt from the California Environmental Quality Act under the General Rule, Section 15061(b)(3) as it can be seen with certainty that there will not be a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution approving application to the Local Agency

Formation Commission to confirm the City of Modesto's fire service contract with the City of Ceres.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-297

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 OPERATING BUDGET BY $5,691,573 IN REVENUES AND $5,645,740 IN EXPENSES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Ceres ("Ceres") City Council authorized staff to explore contract for fire service agreements on March 8, 2021; and

WHEREAS, discussion began between Ceres and the City of Modesto ("COM") to provide the following services within Ceres' jurisdictional boundaries: fire protection, prevention, suppression services, and related services such as emergency medical services, emergency preparedness, mitigation of hazardous materials incidents, and special operations including, but not limited to, confined space rescue, technical rescue and water rescue; and

WHEREAS, the initial term of the Agreement will be for five years, from August 3, 2021 through June 30, 2026, with the option of a two-year extension; and

WHEREAS, Ceres will compensate COM for all services provided, pursuant to the terms and conditions of the Agreement; and

WHEREAS, in the event the Agreement is terminated, Ceres intends to offer employment to COM Fire Department personnel affected by such termination; and

WHEREAS, the Agreement will generate approximately $36,629,873 in new revenue to the General Fund, with total anticipated expenses at $36,379,873 and net revenue at $250,000, over the five-year term; and

WHEREAS, certain budgetary adjustments are necessary to fund this action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 Operating Budget by $5,691,573 in revenues and $5,645,740 in expenses in Modesto Fire Department – Fire Services Cost Center (18213) in the General Fund to support this action.

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 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-298

RESOLUTION APPROVING THE AWARD OF BID FOR TREE REMOVAL SERVICES TO GROVER LANDSCAPE SERVICES INC. FOR A TOTAL AMOUNT NOT TO EXCEED $1,286,071 (INCLUDES 10% CONTINGENCY FUNDS) OVER A ONE-YEAR PERIOD WITH A ONE-YEAR EXTENSION OPTION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, the City of Modesto currently has an overall tree inventory of approximately 105,000, this includes park trees, and facilities, with a street tree inventory of approximately 81,000 trees, and

WHEREAS, current pruning cycle has increased to 9-11 years, the industry standard for a city like Modesto is a pruning cycle between five to seven years with work crews going through the neighborhoods on a block-by-block basis, ensuring that all trees are inspected and pruned if necessary, and

WHEREAS, limb and tree failure are a result of the following: extended pruning cycle, defects within the tree, storms, drought, past pruning practices no longer considered arboriculturally approved, disease and lack of young tree training, and

WHEREAS, currently, we have a backlog of approximately 957 trees that have been on the approved removal list for the past several years, and these trees, if not removed, could present a potential public hazard as they can potentially fall over or have limb breakage that can cause substantial property damage or injury to our citizens, and

WHEREAS, City Council approved $1.85M for Forestry Program Enhancements in FY 2021-22 as part of the Modesto Forward spending strategy by Resolution No. 2021-194, and

WHEREAS, on June 11, 2021, the City of Modesto Public Works Department sent out an informal Request for Quotation No. F-01-061021 to four vendors via email due to the exigent circumstances regarding the health and safety of our citizens, and

WHEREAS, on June 14, 2021, three responses were received with Grover Landscape Services Inc. having the most responsive and responsible quotation, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3-204(c) states that where the Purchasing Manager, in 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; an award of bid for tree removal services by Grover Landscape Services Inc., conforms to the Modesto Municipal Codes due to the exigent circumstances regarding the health and safety of our citizens.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for Tree Removal Services to Grover Landscape Services Inc. for a total amount not to exceed $1,286,071 (includes 10% contingency funds) over a one-year period with a one-year extension option.

BE IT FURTHER RESOLVED that the City Manager, or his designee, 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 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-299

RESOLUTION APPROVING FIVE LIMITED TERM EMPLOYEE POSITIONS FOR THE FORESTRY DIVISION TO ASSIST WITH REFORESTATION FOR AN ANNUAL ESTIMATED COST OF $448,974 AND $192,020 FOR MATERIALS FOR A TOTAL ANNUAL COST OF $640,994 AND A TOTAL AMOUNT NOT TO EXCEED $1,281,988 OVER TWO YEARS

WHEREAS, the City of Modesto currently has an overall tree inventory of approximately 105,000, this includes park trees, and facilities, with a street tree inventory of approximately 81,000 trees, and

WHEREAS, current pruning cycle has increased to 9-11 years, the industry standard for a city like Modesto is a pruning cycle between five and seven years with work crews going through the neighborhoods on a block-by-block basis, ensuring that all trees are inspected and pruned if necessary, and

WHEREAS, limb and tree failure are a result of the following: extended pruning cycle, defects within the tree, storms, drought, past pruning practices no longer considered arboriculturally approved, disease and lack of young tree training, and

WHEREAS, from 2018 through 2020, Forestry removed approximately 2,400 trees and 1,405 stumps, while only re-planting trees in limited numbers, and

WHEREAS, Forestry's mistletoe abatement program was also impacted and no longer funded resulting in mistletoe becoming a severe issue within the City of Modesto's tree canopy and resulting in approximately 30-40% of Modesto's urban forest being susceptible and infested with mistletoe, and

WHEREAS, Forestry currently has a backlog of 1,043 stumps pending removal which have the potential to cause safety risks (such as from tripping and property damage), and

WHEREAS, the addition of the Limited Term Employees will provide the ability to remove the 2,000 stumps, plant 2,000 trees, and remove mistletoe from 2,000 infested trees within the two-year term of this agreement, and

WHEREAS, City Council approved $1.85M for Forestry Program Enhancements in FY 2021-22 as part of the Modesto Forward spending strategy by Resolution No. 2021-194 and with this funding, the Forestry Division will be able to hire five Limited Term employees who will be able to assist in clearing up the backlog created by insufficient funding and staffing, and

WHEREAS, funding for the five Limited Term employees includes salaries and benefits for three Maintenance Worker I/II and two Tree Trimmer I/II and also includes material needed including but not limited to trees, materials, and disposal with no additional equipment will be purchased for this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves five Limited Term Employee Positions for the Forestry Division to assist with Reforestation for an annual estimated cost of $448,974 and $192,020 for materials for a total annual cost of $640,994 and a total amount not to exceed $1,281,988 over two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-300

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2021-22 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 22, 2021, as part of the Annual Budget of the City of Modesto for Fiscal Year 2021-22, and

WHEREAS, City Council approved $1.85M for Forestry Program Enhancements in FY 2021-22 as part of the Modesto Forward spending strategy by Resolution No. 2021-194 and with this funding, the Forestry Division will be able to hire five Limited Term employees who will be able to assist in clearing up the backlog created by insufficient funding and staffing, and

WHEREAS, the addition of the Limited Term Employees will provide the ability to remove the 2,000 stumps, plant 2,000 trees, and remove mistletoe from 2,000 infested trees within the two-year term of this agreement, and

WHEREAS, position changes will be effective the pay period in which July 13, 2021 falls, (Pay Period beginning July 6, 2021), unless otherwise noted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-22 Operating Budget for various departments as follows:

1. Add three Maintenance Worker I/II in the Community Forestry division (56040) of the Public Works Department.
2. Add two Tree Trimmer I/II in Community Forestry division (56040) of the Public Works Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-301

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 OPERATING BUDGET TO ESTABLISH TRANSFERS IN TO FUND 4892 (GREEN WASTE FUND) AND A TRANSFER OUT FROM FUND 0100 (GENERAL FUND) IN THE AMOUNT OF $1,850,000; AND TO INCREASE THE FORESTRY DIVISION (COST CENTER 56040) EXPENDITURE BUDGET BY $1,810,149 TO ACCOUNT FOR THE GROVER CONTRACT, LIMITED TERM EMPLOYEE POSITIONS AND MATERIALS

WHEREAS, the City of Modesto currently has an overall tree inventory of approximately 105,000, this includes park trees, and facilities, with a street tree inventory of approximately 81,000 trees, and

WHEREAS, current pruning cycle has increased to 9-11 years, the industry standard for a city like Modesto is a pruning cycle between five and seven years with work crews going through the neighborhoods on a block-by-block basis, ensuring that all trees are inspected and pruned if necessary, and

WHEREAS, limb and tree failure are a result of the following: extended pruning cycle, defects within the tree, storms, drought, past pruning practices no longer considered arboriculturally approved, disease and lack of young tree training, and

WHEREAS, from 2018 through 2020, Forestry removed approximately 2,400 trees and 1,405 stumps, while only re-planting trees in limited numbers, and

WHEREAS, Forestry's mistletoe abatement program was also impacted and no longer funded resulting in mistletoe becoming a severe issue within the City of Modesto's tree canopy and resulting in approximately 30-40% of Modesto's urban forest being susceptible and infested with mistletoe, and

WHEREAS, Forestry currently has a backlog of 1,043 stumps pending removal which have the potential to cause safety risks (such as from tripping and property

damage), and

WHEREAS, the addition of the Limited Term Employees will provide the ability to remove the 2,000 stumps, plant 2,000 trees, and remove mistletoe from 2,000 infested trees within the two-year term of this agreement, and

WHEREAS, City Council approved $1.85M for Forestry Program Enhancements in FY 2021-22 as part of the Modesto Forward spending strategy by Resolution No. 2021-194 and with this funding, the Forestry Division will be able to hire five Limited Term employees who will be able to assist in clearing up the backlog created by insufficient funding and staffing, and

WHEREAS, funding for the five Limited Term employees includes salaries and benefits for three Maintenance Worker I/II and two Tree Trimmer I/II in the amount of $448,974 and also includes $192,020 in material needed including but not limited to trees, materials, and disposal with no additional equipment will be purchased for this project, and

WHEREAS, funding for the Grover Landscape Services Inc. Contract without the contingency in the amount of $1,169,155 for a total first year funding of $1,810,149.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 Operating Budget to establish transfers in to Fund 4892 (Green Waste Fund) and a transfer out from Fund 0100 (General Fund) in the amount of $1,850,000; and to increase the Forestry Division (Cost Center 56040) expenditure budget by $1,810,149 to account for the Grover contract, limited term employee positions and materials.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-302

RESOLUTION APPOINTING HARRISON POWER TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION, 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, Commissioner Joseph Cahill's resigned from the LPC effective March, 15, 2021, leaving a vacancy on the Commission, and

WHEREAS, the Appointments Committee met on June 24, 2021, and recommended appointment of Harrison Power to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Harrison Power to the Modesto Landmark Preservation Commission, 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 4th day of August, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-303

RESOLUTION APPOINTING MARK NISKANEN TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT, 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, the Appointments Committee met on July 1, 2021, and recommended the appointment of Mark Niskanen to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Mark Niskanen to the Modesto Board of Zoning Adjustment, 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 4th day of August, 2021, 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, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-304

RESOLUTION ACCEPTING A STATE OF CALIFORNIA LOCAL EARLY ACTION PLANNING GRANT AWARD IN THE AMOUNT OF $500,000 FOR THE PURPOSE OF FUNDING VARIOUS HOUSING-RELATED PROJECTS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL AGREEMENTS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Local Early Action Planning (LEAP) grant program is a non-competitive, "over-the-counter" grant intended to promote housing production, and

WHEREAS, the City of Modesto is eligible to receive up to $500,000, based on its population (100,000-299,999), and

WHEREAS, City Council authorized the LEAP planning grant application by Resolution 2020-242 on June 2, 2020 for the full amount of $500,000, and

WHEREAS, there are three individual projects that staff intends to fund with the LEAP grant award; the projects are the Southwest Modesto Plan, Housing Element Update, and Transit-Oriented Development Plan, and

WHEREAS, the Southwest Modesto Plan project will have several components which include, public engagement, assessment of opportunity sites, and concept development plans, and

WHEREAS, the Housing Element is a required component of the General Plan that must be updated based on a schedule defined in State law, and

WHEREAS, the Transit-Oriented Development project will help implement the Downtown Master Plan, and

WHEREAS, the three projects will use the LEAP grant funds as follows: Southwest Modesto Plan, Housing Element Update, and Transit-Oriented Development Plan for a total of $500,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of the LEAP grant award in the amount of $500,000 for the purpose of funding various housing-related projects.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-305

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 MULTI-YEAR NON-CAPITAL PROJECT FUNDS BUDGET TO ESTABLISH A NEW MULTI-YEAR BUDGET FOR THE STATE OF CALIFORNIA LOCAL EARLY ACTION PLANNING GRANT AND TO APPROPRIATE $500,000 IN GRANT REVENUE AND EXPENSES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Local Early Action Planning (LEAP) grant program is a non-competitive, "over-the-counter" grant intended to promote housing production, and

WHEREAS, the City of Modesto is eligible to receive up to $500,000, based on its population (100,000-299,999), and

WHEREAS, City Council authorized the LEAP planning grant application by Resolution 2020-242 on June 2, 2020 for the full amount of $500,000, and

WHEREAS, there are three individual projects that staff intends to fund with the LEAP grant award; the projects are the Southwest Modesto Plan, Housing Element Update, and Transit-Oriented Development Plan, and

WHEREAS, the Southwest Modesto Plan project will have several components which include, public engagement, assessment of opportunity sites, and concept development plans, and

WHEREAS, the Housing Element is a required component of the General Plan that must be updated based on a schedule defined in State law, and

WHEREAS, the Transit-Oriented Development project will help implement the Downtown Master Plan, and

WHEREAS, the three projects will use the LEAP grant funds as follows: Southwest Modesto Plan, Housing Element Update, and Transit-Oriented Development Plan for a total of $500,000, and

WHEREAS, the City Council shall consider amending the 2021-2022 Non-Capital Project Funds budget and appropriating the grant revenue and projects expense budget for the Southwest Modesto Plan, Housing Element update and Transit-Oriented Development Plan for a total of $500,000 to fully fund all three LEAP grant projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-2022 Multi-Year Non-Capital Project Funds Budget to establish a new multi-year budget for the State of California LEAP grant to appropriate $500,000 in grant revenue and expenses.

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 4th day of August, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-306

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR ENGINEERING SERVICES FOR THE JENNINGS WASTEWATER TREATMENT PLANT CORROSION CONTROL MEASURES PROJECT IN THE AMOUNT OF $636,712 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $63,671 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL NOT TO EXCEED AMOUNT OF $700,383, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, after the start-up and operation of the Phase 2 Biological Nutrient Removal (BNR) Treatment Facilities at the Jennings Secondary/Tertiary Treatment Plant, maintenance and operations staff observed corrosion of various galvanized and ferrous pipes and fittings downstream of the BNR process, and

WHEREAS, in order to determine the best solution(s) to address the corrosion issues, staff determined that engineering consultant services were needed from a firm experienced with wastewater process and chemical characterization, and

WHEREAS, on May 14, 2020, by Resolution No. 2019-235, Council approved an agreement with Hazen and Sawyer (Hazen) for the preparation of the Wastewater Treatment Corrosion Evaluation and Process Optimization Study, and

WHEREAS, the next step in this effort is to utilize an engineering consultant to prepare the design of a complete chemical injection system that will reliably raise the pH of the BNR effluent in accordance with Hazen's final report, 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, and

WHEREAS, RFPs were issued to firms on the City's prequalified list for Wastewater Engineering Services, and

WHEREAS, based on their previous project experience as part of the design group for the Tertiary BNR Phase 1 and 2 projects, staff recommends approval of an agreement with Carollo Engineers, Inc. for engineering services for the Jennings Wastewater Treatment Plant Corrosion Control Measures Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers Inc., Walnut Creek, CA for Engineering Services for the Jennings Wastewater Treatment Plant Corrosion Control Measures Project in the amount of $636,712, for the identified scope of services, plus $63,671 in additional services, if needed, for a total not to exceed amount of $700,383.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-307

RESOLUTION APPROVING AN AGREEMENT WITH CSI SERVICES, INC., SANTA CLARITA, CA, FOR TANK COATING INSPECTION SERVICES FOR THE TANK 5 & 12 RECOAT & REPAIRS PROJECT IN THE AMOUNT OF $62,400 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $15,600 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $78,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City currently owns and operates nine water storage tanks throughout the water system of Modesto and one water storage tank in the water system of Grayson, and

WHEREAS, as part of an ongoing maintenance program and to extend the lifespan of the steel tanks, an inspection is required by the State Board, Division of Drinking Water, per Title 22 of the California Code of Regulations, and

WHEREAS, on September 26, 2017, by Resolution No. 2017-376, Council approved an agreement with Tank Industry Consultants, Indianapolis, IN, in the amount of $71,128 for tank inspection and evaluation services for the City's existing Steel Water Storage Tanks, and

WHEREAS, Tank Industry Consultants provided lists of recommendations and engineer's estimates of the recommended improvements for staff to use to established Capital Improvement Program Projects, 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 through a Request for Qualification and Proposals (RFQ/RFP) process pursuant to Administrative Directive 3.1, and

WHEREAS, after careful review by Utilities staff, CSI Services, Inc., Santa Clarita, CA, was selected as the most qualified to provide Tank Coating Inspection Services for the Tank 5 & 12 Recoat & Repairs Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with CSI Services, Inc., Santa Clarita, CA for Tank Coating Inspection Services for the Tank 5 & 12 Recoat & Repairs Project in the amount of $62,400, for the identified scope of services, plus $15,600 in additional services, if needed, for a total not to exceed amount of $78,000.

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 4th day of August, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-308

RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 11 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION OF 3.5 ACRES FROM BUSINESS PARK (BP) TO MIXED USES (MU) PROPERTY LOCATED AT THE NORTHEAST CORNER OF DALE ROAD AND BANGS AVENUE

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159, adopted the Kiernan Business Park Specific Plan, and

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

WHEREAS, on November 4, 1997, the City Council by Resolution No. 97-631 adopted Amendment No. 1 to the Kiernan Business Park Specific Plan to add language to allow for changes in utility service providers, and

WHEREAS, on April 7, 1998, the City Council by Resolution No. 98-170 adopted Amendment No. 2 to the Kiernan Business Park Specific Plan to add language to permit indoor theaters in the Regional Commercial Designation within a Planned Development Zone, and

WHEREAS, on August 10, 2004, the City Council by Resolution No. 2004-424 adopted Amendment No. 3 to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street system in the future business park, and to incorporate design standards into the Specific Plan, and

WHEREAS, on September 1, 2009, the City Council by Resolution No. 2009-420 adopted Amendment No. 4 to re-designate 39 acres located on the east side of Dale Road between Kiernan Avenue and Bangs Avenue from Business Park (BP) to Mixed Use

(MU) and Medium-High Density Residential (MHDR), to modify the circulation plans, incorporate MU and MHDR design standards and guidelines, and establish facilities plans for the area bounded by Kiernan Avenue, Dale Road, Bangs Avenue, and American Avenue, and

WHEREAS, on December 15, 2015, the City Council by Resolution No. 2015-499 adopted Amendment No. 5 to amend the storm drain provisions and to clarify and simplify land use and development standard regulations for the Specific Plan, and

WHEREAS, on May 2, 2017, the City Council by Resolution No. 2017-171 adopted Amendment No. 6 to amend the definition of allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses, and

WHEREAS, on May 1, 2018, the City Council by Resolution No. 2018-166 adopted Amendment No. 7 to change the land use designation of 2.8 acres located on Pelandale Avenue east of Chapman Road from Office (O) uses to Regional Commercial (RC) uses, and

WHEREAS, on October 5, 2018, the Director of Community and Economic Development approved Amendment No. 8 to the Specific Plan, a minor administrative amendment as provided by Section IX-B.1.a of the Specific Plan, to allow for development of up to 33 additional dwelling units within the Mixed Use (MU) land use designation, and

WHEREAS, on December 18, 2018, the Director of Community and Economic Development approved Amendment No. 9 to the Specific Plan, a minor administrative amendment as provided by Section IX-B.1.a of the Specific Plan, to amend the

Circulation Plan of the Specific Plan relative to the alignment of Healthcare Way west of Dale Road and the Kaiser Modesto Medical Center, and

WHEREAS, on February 9, 2021 the City Council by Resolution No. 2021-45 approved Amendment No. 10 to the Specific Plan, to change the land use designation of 22.9 acres located on the north side of Healthcare Way west of Dale Road from Business Park (BP) to the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units or a mixture of the two uses, and

WHEREAS, Jivtesh Gill has filed an application to amend the Kiernan Business Park Specific Plan to change the land use designation of 3.5 acres located at the northeast corner of Bangs Avenue and Dale Road from Business Park (BP) to Mixed Uses (MU), and

WHEREAS, on April 2, 2021 the proposed Specific Plan Amendment was referred to the Stanislaus and Modesto School Districts, Modesto Irrigation District, Local Agency Formation Commission, County Planning and Community Development, and the Environmental Resources Director, for a 45-day referral period in accordance with Government Code sections 65453 and 65352, and

WHEREAS, Staff has prepared an Initial Study, EA/C&ED No. 2021-12, which concluded that no major revisions to the previously-certified Kiernan Business Park Specific Plan Amendment #4 Program EIR (SCH No. 2007062071) are needed as a result of the project, and that, pursuant to Section 15162 of the CEQA Guidelines, no new environmental review is required, and

WHEREAS, on June 21, 2021, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed Village One Specific Plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2021-12, recommended to the City Council approval of an amendment to the Kiernan Business Park Specific Plan to change the land use designation of 3.5 acres located at the northeast corner of Bangs Avenue and Dale Road from Business Park (BP) to Mixed Uses (MU), and

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 4, 2021, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Amendment No. 11 to the Kiernan Business Park Specific Plan, property located at the northeast corner of Dale Road and Bangs Avenue is consistent with the Modesto Urban Area General Plan, which designates the area as Business Park and allows for business-park supportive commercial and service uses.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that no major revisions to the previously-certified Kiernan Business Park Specific Plan Amendment #4 Program EIR (SCH No. 2007062071) are needed as a result of the project, and that, pursuant to Section 15162 of the CEQA Guidelines, no new

environmental review is required for the proposed amendment to the land use map of the Kiernan Business Park Specific Plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Kiernan Business Park Specific Plan is hereby amended to change the land use designation of 3.5 acres located at the northeast corner of Bangs Avenue and Dale Road from Business Park (BP) to Mixed Uses (MU), as shown on **Exhibit "A" attached** hereto and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 2021, 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, Kenoyer, Madrigal, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ricci

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

Amendment to Kiernan Business Park Specific Plan

The Land Use Summary of Kiernan Business Park is summarized below in Table III-1.

Development Area	Approximate Gross Acres	Maximum Density Allowed(sf)[1]	Dwelling Unit Max
Business Park Area (BP)			
Phase I	~~138.4~~ 135.1	~~2,410,414~~ 2,352,940 sf	n/a
Phase II	313.8	5,465,234 sf	n/a
Subtotal	**~~452.2~~ 448.9**	**~~7,875,648~~ 7,818,174 sf**	n/a
Office Area (O)			
Phase I	18.5	282,100 sf	n/a
Phase II	0		n/a
Subtotal	**18.5**	**282,100 sf**	n/a
Regional Commercial Area (RC)			
Phase I	55.4	965,300 sf	n/a
Phase II	0		n/a
Subtotal	**55.4**	**965,300 sf**	n/a
Medical Campus (MC)			
Phase I	49.0	1,425,000 sf	n/a
Phase II	0		n/a
Subtotal	**49.0**	**1,425,000 sf**	n/a
Medium High Density Residential (MHDR) Area			
Phase I	15.9	400,000gsf[2].	262 units[3]
Phase II	0	0	0
Subtotal	**15.9**	**400,000gsf.**	**262 units**

[1] Source: City of Modesto Initial Study Environmental Checklist, June 2007 and A.C. Martin Partners Inc., 2006

[2] Gross square footage does not include garage area.

[3] Since senior housing generates only 51% of the trips of conventional multi-family housing, up to 500 dwelling units of senior housing may be allowed in lieu of or in combination with conventional multi-family housing, as long as the equivalent number of dwelling units does not exceed 262 units.

Table III-1 (Continued from Page 3)

Development Area	Approximate Gross Acres	Maximum Density Allowed(sf)[1]	Dwelling Unit Max
Mixed Use (MU) Area			
Phase I	~~23.2~~ 26.5	~~232,000~~ 268,000 gsf	n/a
(Hotel and Hospitality)		170,000 gsf	
(Residential)		113,000 gsf[2]	80
Phase II	0	0	0
Subtotal	~~23.2~~ 26.5	~~515,000~~ 551,000 **gsf**	**113 units**
Mixed Use 2 (MU2 Area[3] Phase II			
BP Scenario Maximums	22.9	Included in Business Park Area (BP) Phase II above	n/a
MHDR Scenario Maximums	22.9	550,000 gsf (MHDR)	550 units
Subtotal	22.9	550,000 gsf (if MHDR)	550 units (if MHDR)
Total	**614.0**		**925[4] units**

Table III-1: Kiernan Business Park – Maximum Buildout Land Use Scenario Summary for Phase 1 (area east of Dale Road) and Phase II (area west of Dale Road)

[1] Source: City of Modesto Initial Study Environmental Checklist, June 2007 and A.C. Martin Partners Inc., 2006

[2] Residential GSF in the Mixed Use (MU) Area does not include support square footage for areas such as corridors, lobbies, janitorial spaces, and any common areas such as a TV lounge of business center.

[3] MU2 can develop either as BP or MHDR, or a combination, so maximums shown in each scenario are not cumulative and should not be counted as such in subtotals or totals.

[4] Dwelling Unit Maximum of 892 if MU2 develops at 550 units.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-309

RESOLUTION APPROVING A COOPERATIVE FUNDING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISULAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR THE PAVEMENT MANAGEMENT PROGRAM (PMP) PROJECT AND FUNDING IN THE AMOUNT OF $179,819 TO THE PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on April 15, 2020, the StanCOG Policy Board approved its Overall Work Program ("OWP") for Fiscal Year 2020-21, which identified the PMP as a priority task for StanCOG staff and has allocated funds to support preparation and oversight of the PMP, and

WHEREAS, on February 5, 2021, StanCOG issued a Request for Proposals for consulting services to prepare the PMP and through a competitive selection process has selected a consultant to perform the work ("Consultant"), and

WHEREAS, on July 21, 2021 StanCOG sent out the final Cooperative Funding Agreement for Agencies to forward to councils/boards for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cooperative Funding Agreement between the City of Modesto and the Stanislaus Council of Governments (StanCOG) for the Pavement Management Program (PMP) Project to provide Measure L funding in the amount of $179,819 to the Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-310

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CROWS LANDING ROAD PAVEMENT REHABILITATION, STPLCML-5059(208) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO UNITED PAVEMENT MAINTENANCE, INC. OF HUGHSON, CA, IN THE AMOUNT OF $2,291,624 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208), and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208), were publicly opened at 11:00 a.m. on June 8, 2021, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $2,291,623.97 received from United Pavement Maintenance, Inc. of Hughson, California be accepted as the lowest responsible and responsive bid and the contract be awarded to United Pavement Maintenance, 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 the formal bid procedures, and

WHEREAS, an award of $2,291,623.97 and agreement for construction for Community and Economic Development Department to use United Pavement Maintenance, Inc. of Hughson, California, conforms to the Modesto Municipal Code

because the City complied with the formal bid procedures and United Pavement Maintenance, Inc. of Hughson, California, was the lowest responsive bidder

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project, accepts the bid of United Pavement Maintenance, Inc. of Hughson, California, in the amount of $2,291,623.97 and awards United Pavement Maintenance, Inc. the contract for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Maria Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-311

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $229,162 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE CROWS LANDING ROAD PAVEMENT REHABILITATION, STPLCML-5059(208) PROJECT

WHEREAS, Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) bids were publicly opened on June 8, 2021, and United Pavement Maintenance, Inc. of Hughson, California, was the apparent low bidder with the amount of $2,291,623.97, and

WHEREAS, the contingency cost for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project is estimated to be $229,162 (10% of the original contract price), an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 2019-326 on July 9, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of $229,162 (10% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-312

RESOLUTION ACCEPTING FEDERAL REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) ENTITLEMENT FUNDS AND CONGESTION MITIGATION AND AIR QUALITY PROGRAM (CMAQ) FUNDS IN THE AMOUNT OF $2,803,708 FOR THE CROWS LANDING ROAD PAVEMENT REHABILITATION, STPLCML-5059(208) PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE NECESSARY FEDERAL FUNDING DOCUMENTS

WHEREAS, the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project, proposes to rehabilitate the pavement on Crows Landing Road from Pecos Avenue to Hatch Road, and

WHEREAS, in August 2019, the California Department of Transportation authorized $2,101,983 in Regional Surface Transportation Program funds and $701,725 in Congestion Mitigation and Air Quality funds for construction and construction engineering for the Crows Landing Road Pavement Rehabilitation, STPLCML-5059(208) project.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts Federal Regional Surface Transportation Program (RSTP) entitlement funds and Congestion Mitigation and Air Quality Program (CMAQ) funds in the amount of $2,803,708 for the construction phase of the Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the necessary federal funding documents and implement the acceptance and use of such funds for the construction phase of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-313

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #100881 IN THE AMOUNT OF $2,833,708 TO RECOGNIZE $2,803,708 IN CALIFORNIA DEPARTMENT OF TRANSPORTATION REVENUE AND ESTABLISHING THE TRANSFER OF $30,000 FROM THE STREETS CAPITAL FACILITY FEE FUND TO FUND THE CROWS LANDING PAVEMENT REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Crows Landing Road Pavement Rehabilitation project will rehabilitate deteriorated pavement with an asphalt rubber chip seal and asphalt overlay on Crows Landing Road from Pecos Avenue to Hatch Road, and

WHEREAS, the California Department of Transportation (Caltrans) authorized Preliminary Engineering funding in December 2014, and

WHEREAS, in August 2019, Caltrans authorized construction and construction engineering funds in the amount of $2,101,983 for RSTP funding and $701,725 in CMAQ funding, and

WHEREAS, the project was advertised for bid on May 10, 2021 and were publicly opened on June 8, 2021, and

WHEREAS, additional funding in the amount of $30,000 is needed for the project related to the construction contract and sufficient funds are available in the Streets Capital Facility Fee fund, and

WHEREAS, the City Council shall consider amending the Capital Improvement Program (CIP) budget to recognize the $2,803,708 in Caltrans revenue and establishing the transfer of $30,000 from the Streets Capital Facility Fee fund to Project #100881 in the amount of $2,833,708 to fully fund the project and encumber the construction

contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby amends the Fiscal Year 2021-2022 Capital Improvement Program (CIP) Budget in the amount of $2,833,708 for Project 100881 to recognize $2,803,708 in California Department of Transportation revenue and transfer $30,000 from the Streets Capital Facility Fee fund to the Crows Landing Road Pavement Rehabilitation project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-314

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND SANDRA K TRUETT (OWNER), TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 1616 KANSAS AVENUE IN MODESTO (APN: 007-039-008) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Sandra K Truett, owns a property located at 1616 Kansas Avenue, and

WHEREAS, the property owner is proposing to connect a single-family home on the property, and

WHEREAS, the property owner has requested water service connection to the existing resident, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval, and

WHEREAS, the property located at 1616 Kansas Avenue is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the existing resident, and

WHEREAS, the water connection fees will be paid and associated permits will be obtained prior to beginning any on site construction, and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Water Service for the property located at 1616 Kansas Avenue in Modesto (APN 007-039-008).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Outside Service Agreement for Water Service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-315

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND BTI INVESTMENTS A CALIFORNIA LIMITED LIABILITY COMPANY, TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 305 BANNER COURT IN MODESTO (APN: 046-004-074) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, BTI Investments, A California Limited Liability Company owns a property located at 305 Banner Court, and

WHEREAS, the property owner is proposing to construct an office building on the property, and

WHEREAS, a representative of the property owner has requested water service, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval, and

WHEREAS, the property located at 305 Banner Court is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees will be paid and associated permits will be obtained prior to beginning any on site construction, and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Water Service for the property located at 305 Banner Court in Modesto (APN 046-004-074).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Outside Service Agreement for Water Service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-316

RESOLUTION APPROVING THE AWARD OF AN EMERGENCY SOLUTIONS GRANT CARES ACT ROUND 2 (ESG-CV2) GRANT IN AN AMOUNT NOT TO EXCEED $91,838 PLUS $5,000 ACTIVITY DELIVERY COSTS TO THE SALVATION ARMY, MODESTO CITADEL FOR THE OPERATION OF THE BERBERIAN EMERGENCY SHELTER AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

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 (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, on May 11, 2021 the City Council, by Resolution No. 2021-178, approved the City of Modesto Program Year 2021-2022 AAP. The 2021-2022 AAP included funding recommendations under both CDBG and ESG for public services which allows the funding of eligible public services projects, and

WHEREAS, ESG funds can be used to provide services specifically to people experiencing homelessness or at risk of homelessness, and

WHEREAS, on March 27 2020 the United States Congress passed the CARES Act. The bill provided $5 billion under Community Development Block Grant – Coronavirus (CDBG-CV1) and $4 billion for Emergency Solutions Grants – Coronavirus (ESG-CV1) to rapidly respond to COVID-19 and the economic, housing, and homelessness impacts caused by it, and

WHEREAS, On June 9, 2020 HUD announced the second round of CARES Act Funding through which the City was awarded an additional $3,360,962 in Emergency

Solutions Grants – Coronavirus (ESG-CV2). This funding was programmed by 2019-2020 Annual Action Plan Amendment #4 approved by City Council on October 27, 2020 by Resolution 2020-448, and

WHEREAS, in support of the Berberian, the 2021-2022 AAP recommended $91,838 in ESG CARES Act (ESG-CV2) grant to support the operations of the Berberian shelter to assist in addressing homelessness in the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of an Emergency Solutions Grant CARES Act Round 2 (ESG-CV2) grant in an amount not to exceed $91,838 plus $5,000 activity delivery costs to The Salvation Army, Modesto Citadel for the operation of the Berberian Emergency Shelter.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-317

RESOLUTION APPROVING THE FINAL MAP OF THE WOODGLEN SUBDIVISION VILLAGE ONE (1), APPROVING THE SUBDIVISION AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH THE OWNER, THE FITZPATRICK COMPANY, AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, the Fitzpatrick Company ("SUBDIVIDER"), and Modesto Roselle, LLC, are in possession of a tract of land consisting of approximately 80 acres, situated in the City of Modesto, County of Stanislaus, within the Woodglen Specific Plan area, known on the Official Rolls of the Stanislaus County Assessor as APNs: 046-007-042 and 046-007-044 ("SUBDIVISION"), and

WHEREAS, a tentative map of Village One (1) a portion of said tract was approved by the Planning Commission of the City of Modesto on June 3, 2019 with conditions of approval as noted in Planning Commission Resolution Number 2019-20, and

WHEREAS, the Secretary of the Planning Commission and the City Engineer of the City of Modesto have certified that the final map of Village One (1), a portion of said tract substantially conforms to the approved tentative map, and

WHEREAS, the project is currently under construction and the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of Village One (1) of said SUBDIVISION meets all of the provisions of the

California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the Subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map for Village One (1) be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the subdivision agreement be approved, and authorize the City Manager or his designee to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of a portion of said tract on behalf of the City of Modesto after the fees required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-318

RESOLUTION APPROVING THE FINAL MAP OF THE WOODGLEN SUBDIVISION VILLAGE THREE (3), APPROVING THE SUBDIVISION AGREEMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH THE OWNER, MODESTO ROSELLE, LLC, AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Modesto Roselle, LLC ("SUBDIVIDER") are in possession of a tract of land consisting of approximately 80 acres, situated in the City of Modesto, County of Stanislaus, within the Woodglen Specific Plan area, known on the Official Rolls of the Stanislaus County Assessor as APNs: 046-007-042 and 046-007-044 ("SUBDIVISION"), and

WHEREAS, a tentative map of Village Three (3) of said tract was approved by the Planning Commission of the City of Modesto on June 3, 2019 with conditions of approval as noted in Planning Commission Resolution Number 2019-20, and

WHEREAS, the Secretary of the Planning Commission and the City Engineer of the City of Modesto have certified that the final map Village Three (3) of said tract substantially conforms to the approved tentative map, and

WHEREAS, the project is currently under construction and the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of Village Three (3) of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code

relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the Subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map for Village Three (3) be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the subdivision agreement be approved, and authorize the City Manager or his designee to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-319

RESOLUTION APPROVING SERVICE AGREEMENTS WITH ELEVATOR INDUSTRIES INC., SACRAMENTO, CA, AND TK ELEVATOR CORPORATION FORMALLY KNOWN AS THYSSENKRUPP ELEVATOR, SACRAMENTO, CA, BY UTILZING THE COMPETITIVE BID PROCESS WITH THE COUNTY OF STANISLAUS FOR ELEVATOR MAINTENANCE AND REPAIR SERVICES FOR A TWO-YEAR AGREEMEMT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $113,792 AND A TOTAL COMBINED COST NOT TO EXCEED $455,168 OVER FOUR YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO ADJUST AGREEMENT TOTALS BETWEEN THE TWO VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL COST DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, as mandated through the State of California, all vertical movement devices are required to be certified and inspected by qualified personnel and pass annual inspections by the State Inspector to provide for safety for the public. The City is responsible for ensuring that scheduled maintenance and inspections are performed on City passenger and freight elevator systems, including lift chars; and

WHEREAS, these pieces of equipment are located at the following sites: Centre Plaza Complex, John Thurman Field, King-Kennedy Center, McHenry Mansion, McHenry Museum, Police Department, Parking Garaged (Ninth Street, Tenth Street, Eleventh Street), and Tenth Street Place. Service requirements consist of monthly preventative maintenance and safety inspections, monthly fire inspections Phase 1 and 2, semi-annual inspections, and emergency services on an "as needed" basis; and

WHEREAS, on August 3, 2018, the County of Stanislaus, CA issued an invitation to bid 18-02-BD on the Public Purchase website for elevator maintenance and repair

services. The bid notice was sent to one hundred eighty-four (184) companies, and twenty-three (23) downloaded the bid document; and

WHEREAS, on August 14, 2018, five (5) contractors attended the non-mandatory pre-bid meeting. Three (3) bid was received, and one (1) was deemed non-responsive for failing to meet the minimum qualification standards set forth in the bid documents, including mandatory licensing and registration requirements, confirmation that the bidder employ at least one (1) journeyman mechanic with five (5) years of experience residing within a twenty (20) mile radius of Modesto, and confirmation of the bidder's ability to respond to multiple locations simultaneously. The remaining two (2) bidders were deemed responsive and responsible; and

WHEREAS, on September 26, 2018, a Notice to Intent to Award to both Elevator Industries Inc., and ThyssenKrupp Elevator, and posted such notice online at PublicPurchase.com. No letters of protest were received during the five (5) day protest period of the bid process; and

WHEREAS, on December 18, 2018, the County of Stanislaus awarded Master Agreement 10307 to Elevator Industries Inc., and Master Agreement 10309 to ThyssenKrupp Elevator. City staff believes that it is in the best interest of the City to have two (2) suppliers to provide elevator maintenance and repair services. It has been determined that both Elevator Industries Inc., Master Agreement 10307 and ThyssenKrupp Elevator Master Agreement 10309 meets the city needs; and

WHEREAS, the estimated budget is based on historic spending analysis, and includes additional services funding for as-needed repairs. The City will not exceed the contractual maximum of $455,168 over the four (4) year term; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.” In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other unites of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes/approves service agreements with Elevator Industries Inc., Sacramento, CA, and TK Elevator Corporation formally known as ThyssenKrupp Elevator, Sacramento, CA, by utilizing the competitive bid process with the County of Stanislaus for Elevator Maintenance and Repair Services for a two-year agreement with two one-year extension options, for an annual estimated cost of $113,792 and a total combined cost not to exceed $455,168 over four years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Dana Sandvig
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-320

RESOLUTION APPROVING THE PURCHASING AGREMEENT BY UTILIZING THE COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES FOR POLICE AND TRAFFIC RADAR/LIDAR SPEED ENFORCEMENT AND SPEED ADVISORY SYSTEMS, PARTS, AND ACCESSORIES TO APPLIED CONCEPTS INC. DBA STALKER RADAR, RICHARDSON, TX, FOR A ONE-YEAR AGREMEENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $177,000 AND A TOTAL AMOUNT NOT TO EXCEED $531,000 OVER THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, beginning in 2010, the Modesto Police Department began to exclusively use Stalker RADAR (Radio Detection and Ranging) and LIDAR (Light Detection and Ranging) systems for traffic enforcement; and

WHEREAS, the Modesto Police Department utilizes many different platforms of Stalker RADAR and LIDAR devices that aid in the reduction of collisions and crime in the City of Modesto.; and

WHEREAS, this program assists the Modesto Police Department, and the City of Modesto as a whole, efficient in traffic enforcement efforts; and

WHEREAS, the Modesto Police Department has been awarded an Office of Traffic Safety (OTS) grant for pedestrian and bicycle safety; and

WHEREAS, the current OTS grant requires that these pole-mounted graphic displays be purchased and in service no later than September 30, 2021, thus, this purchase is urgent in nature; and

WHEREAS, the State of California, Department of General Services – Procurement Division issued a State of California Participating Addendum Number 7-20-70-45-04 for Radar/Lidar Speed Enforcement & Speed Advisory Systems, Parts, and

Accessories utilizing lead state Washington NASPO ValuePoint Master Agreement Number 00218 on the Cal eProcure website on April 05, 2021; and

WHEREAS, on November 19, 2018, the State of Washington issued an invitation for Request for Proposal (RFP) 00218 for the purchase of police radar/lidar speed enforcement & speed advisory systems, parts and accessories; and

WHEREAS, on January 24, 2019, the sourcing team met via teleconference to conduct the evaluations; and

WHEREAS, one (1) of the seven (7) proposals received was deemed non-responsive; and

WHEREAS, the six (6) remaining were evaluated on the following factors: Responsiveness (including Offeror's Certification, Offeror's Profile, Offeror's Wage Theft Prevention Certification, and Offeror's Workers' Right Certification); their ability to meet the RFP specification; lowest price; and references; Based on providing a responsive and responsible proposal an agreement was awarded to Applied Concepts Inc. DBA Stalker Radar; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of

California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreement by utilizing the cooperative agreement with the State of California, Department of General Services for police and traffic radar/lidar speed enforcement and speed advisory systems, parts, and accessories to Applied Concepts Inc. dba Stalker Radar, Richardson TX, for a one-year agreement with two one-year extension options, for an annual estimated cost of $177,000 and a total amount not to exceed $531,000 over three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-321

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH INNOVATIVE CLAIM SOLUTIONS, INC., FOR THE FURNISHING OF WORKERS' COMPENSATION CLAIMS MANAGEMENT SERVICES BY $499,570 FROM $2,954,602 TO A NEW TOTAL AMOUNT OF $3,454,172, AND EXTENDING THE TERM OF THE AGREEMENT FROM SEPTEMBER 1, 2021 TO SEPTEMBER 1, 2022 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City maintains a self-insured Workers Compensation program in accordance with the requirements of the California Department of Industrial Relations' Office of Self-Insured Plans. The City purchases Excess Workers' Compensation Insurance through the Public Risk Innovation, Solutions, and Management Joint Powers Authority, and has a self-insured retention of $750,000, and

WHEREAS, on July 12, 2016, by Resolution No 2016-296, Council approved award of proposal and agreement to Innovative Claim Solutions for a term of two (2) years, with three (3) one-year extension options for a total cost not to exceed $2,954,602 over five years effective September 1, 2016. That agreement is approaching its term expiration on September 1, 2021, and

WHEREAS, disruption of these services would quickly overwhelm City staff and potentially lead to delays in processing claims and increased future liability for the City, and

WHEREAS, the Human Resources and Finance Departments are actively working on a Request for Proposals to identify and select a qualified vendor to provide claims management services. An extension is requested to allow staff time to

complete the solicitation before the existing agreement expires and to avoid an interruption of TPA services. This extension will also allow time to transition services to a new vendor if the current vendor is not selected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment increasing the agreement amount with Innovative Claim Solutions, Inc., for the furnishing of workers' compensation claims management services by $499,570 from $2,954,602 to a new total amount of $3,454,172, and extending the term of the agreement from September 1, 2021 to September 1, 2022.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-322

RESOLUTION APPROVING THE CITY OF MODESTO SPONSORSHIP OF THE 22ND ANNUAL 2021 NORTH MODESTO KIWANIS GRAFFITI PARADE AND CAR SHOW, INCLUDING A WAIVER OF CITY PERMIT FEES, POLICE DEPARTMENT OVERTIME AND VEHICLE COSTS, AND STREETS DIVISION LABOR AND EQUIPMENT COSTS AT AN ESTIMATED TOTAL COST OF $80,202, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO THE SPONSORSHIP

WHEREAS, the 22nd Annual 2021 North Modesto Kiwanis Graffiti Parade and Car Show is a Modesto tradition, and

WHEREAS, the North Modesto Kiwanis have sponsored this event for the past 21 years, and

WHEREAS, in 2019 there were 1,200 classic cars and 20,000 spectators that raised over $130,000 for support of local children's' charities through scholarships, grants, and multiple funding programs, and

WHEREAS, this annual event draws participants and spectators from miles around that benefit Modesto lodging, restaurants, and entertainment venues, and

WHEREAS, staff is requesting City Council's approval to sponsor the 2021 North Modesto Kiwanis Graffiti Parade and Car Show, and

WHEREAS, the sponsorship will include a waiver of City permit fees, Police Department overtime and vehicle costs, and labor and equipment costs for the Street Division, and

WHEREAS, the estimated expense to the City of Modesto to sponsor the 22nd Annual 2021 North Modesto Kiwanis Graffiti Parade and Car Show is approximately $80,202.

NOW THEREFORE, BE IT RESOLVED by Council of the City of Modesto that it hereby approves the City of Modesto sponsorship of the 22nd Annual 2021 North Modesto Kiwanis Graffiti Parade and Car Show including waiver of City permit fees, Police Department costs, and Streets Division costs for an estimated total of $80,202.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents related to the sponsorship.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-323

RESOLUTION REJECTING ALL BIDS FOR THE UPGRADE ATMS 2019 PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE

WHEREAS, the bids were publicly opened on July 13, 2021, pursuant to City Charter Section 1307, and one bid was received, and

WHEREAS, the bid received was above the engineer's estimate, by approximately 62.1 percent, and

WHEREAS, City staff anticipated higher bids as the project scope was re-worked with Caltrans to be in line with the City's Traffic Signal System Master Plan, and

WHEREAS, Staff had additional funding through Measure L for this project for a total construction amount of $1,100,000; approximately 22.3% short of the bid received, and

WHEREAS, Public Works 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, to allow staff to re-evaluate the construction costs and scope of work to identify any clarifications to the bid package and the necessary adjustments to the engineer's estimate and project budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Upgrade ATMS 2019 Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-324

RESOLUTION APPROVING AN AGREEMENT USING THE COMPETITIVE BIDDING PROCESS FROM THE CITY OF FRESNO, CA, WITH CALGON CARBON CORPORATION, MOON TOWNSHIP, PA FOR THE PURCHASE AND INSTALLATION OF GRANULAR ACTIVATED CARBON, FOR A ONE-YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $660,000 AND A TOTAL AMOUNT NOT TO EXCEED $3,504,683 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has ten (10) wells retrofitted with pressure vessels that require annual replacement of the Granular Activated Carbon (GAC), and

WHEREAS, each well has between one (1) to four (4) pressure vessels, and

WHEREAS, the GAC must be U.S. virgin carbon meeting National Sanitation Foundation (NSF) 61 standards. GAC is a filter used to remove and dissolve organics and contaminants from the groundwater supply. Carbon pressure vessels treat water by passing it through a fixed bed of GAC, and

WHEREAS, staff must replace the GAC in these vessels to maintain the quality of the drinking water, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bid (RFB) for the purchase and installation of granular activated carbon, and

WHEREAS, on August 9, 2017, the City of Fresno, CA issued an invitation to bid No. 9404 through the Business Journal and on the Planet Bids website for Granular Activated Carbon for Water Treatment, and based on providing a responsive and responsible bid an agreement was awarded to Calgon Carbon Corporation, and

WHEREAS, City staff recommends awarding an agreement to Calgon Carbon Corporation for the purchase and installation of granular activated carbon. It has been

determined that Calgon Carbon Corporation Contract ID17-1578 meets the city needs based on the City of Fresno's competitive award issued on February 1, 2018, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." MMC 8-3.202(d) permits the Purchasing Manager to utilize the "piggybacking" from a competitive bid process with the City of Fresno, CA when the best cost savings interest of the City be served. Here, this exemption is satisfied because the City of Fresno, CA Invitation to Bid No. 9404 for Granular Activated Carbon for Water Treatment went through a formal competitive bidding process. In addition, MMC 8-3.202(h) encouraged the Purchasing Manager to join with the State of California and other units of government in corporate purchasing plans when the best cost savings interest of the City would be served. Based on providing the overall responsive and responsible bid, City staff recommends the award of bid and agreement with Calgon Carbon Corporation, which conforms to the Modesto Municipal Code 8-3.202(h), and

WHEREAS, the current estimated price for GAC is $30,000 dollars per vessel. The addition of a tank and pump station at the Del Rio location has created four (4) new vessels for an increase of $120,000. With new regulations and treatment requirements for 1, 2, 3-Trichloropropane (TCP), the City is forecasting an increase in vessels required and more frequent carbon replacement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement using the competitive bidding process from the City of Fresno, CA, with Calgon Carbon Corporation, Moon Township, PA for the purchase and installation of granular activated carbon, for a one-year agreement with four (4) one-year extension options, for an estimated annual amount of $660,000 and a total amount not to exceed $3,504,683 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-325

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH HSQ TECHNOLOGY, HAYWARD, CA, FOR MAINTENANCE AND SUPPORT OF THE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA SYSTEM), FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $47,520, AND A TOTAL NOT TO EXCEED $252,348 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on December 13, 2016, by Council Resolution 2016-495, Council authorized the sole source purchasing agreement with HSQ Technology for maintenance and support of the Supervisory Control and Data Acquisition System (SCADA System) for five years at a total cost of $222,900. The current Agreement No. 112702 with HSQ Technology is set to expire October 31, 2021, and

WHEREAS, in 1993, HSQ Technology (HSQ) supplied the City's SCADA System. The Wastewater and Water Divisions operate the SCADA System to transmit and receive operational data from over 200 remotely located facilities such as wells, storage tanks, and lift stations. The SCADA System provides for the remote control of equipment as well as real-time monitoring to ensure a rapid response to any abnormal system condition. Furthermore, the SCADA System stores data and shares it with other city systems to allow for historical report creation to satisfy regulatory reporting requirements, and

WHEREAS, the City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for SCADA Maintenance and Support Services, and

WHEREAS, HSQ is the original manufacturer of the equipment and sole proprietary distributor for the Modesto SCADA System. They are uniquely qualified to

provide maintenance and 24-hours a day/7-days a week software and hardware support for the system. HSQ has developed all the custom software and has provided nearly all the hardware that encompasses the SCADA System for over 28 years, and

WHEREAS, City staff recommends the purchase of SCADA Maintenance and Support services from HSQ Technology, Hayward, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC Section 8-3.204(b), provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality. Here, HSQ should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) because they are the original manufacturer of the equipment and sole proprietary distributor who is able to provide the maintenance and support of the SCADA System, and

WHEREAS, the cost for these services will be covered by the Water Fund 4100-45050-53300 Professional Services and Wastewater Fund 4210-44410-53300 Professional Services through existing budget, and staff has calculated an estimated annual cost of $23,760 and a total cost not to exceed $252,348 over five years. See Table below

HSQ TECHNOLOGY ESTIMATED YEARLY EXPENSES				
Year	**Date**	**Water 50%**	**Wastewater 50%**	**Annual Agreement Cost**
Year 1	11/01/2021 - 10/31/2022	$23,760	$23,760	$47,520
Year 2	11/01/2022 - 10/31/2023	$24,474	$24,474	$48,948
Year 3	11/01/2023- 10/31/2024	$25,212	$25,212	$50,424
Year 4	11/01/2024 - 10/31/2025	$25,974	$25,974	$51,948
Year 5	11/01/2025 - 10/31/2026	$26,754	$26,754	$53,508
TOTAL		**$126,174**	**$126,174**	**$252,348**

WHEREAS, this item was considered by the Economic Development Committee on June 7, 2021, and forwarded to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source agreement with HSQ Technology, Hayward, CA, for maintenance and support of the Supervisory Control and Data Acquisition (SCADA System), for a two-year agreement with three one-year extension options, for an estimated annual cost of $47,520, and a total not to exceed $252,348 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-326

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE REBID FIRE STATION 5 KITCHEN REMODEL PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH O.K. CONSTRUCTION, OF ANTELOPE, CA, IN THE AMOUNT OF $121,750 PLUS $25,000 IN CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $146,750 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project will provide needed improvements to Fire Station 5, located at 200 W Briggsmore Ave, and

WHEREAS, the scope of work will include renovations to the existing kitchen and office areas including new cabinets, countertops, appliances, flooring and paint, and

WHEREAS, the project was originally advertised for bid on January 26, 2021, and bids were publicly opened on March 9, 2021, pursuant to City Charter Section 1307, and

WHEREAS, four bids were received, and

WHEREAS, staff recommended the rejection of all four bids and the re-advertising of the project due to two bidders being deemed non-responsive and the remaining two bids coming in at more than 15% above the engineer's estimate, and

WHEREAS, on April 13, 2021, by Resolution 2021-142, Council rejected all bids for the Fire Station 5 Kitchen Remodel Project, and authorized staff to re-advertise the project for bids at a future date with an amended scope of work, and

WHEREAS, the project was re-advertised for bid on April 27, 2021, and

WHEREAS, bids were publicly opened on May 25, 2021, pursuant to City Charter Section 1307, and

WHEREAS, one bid was received and O.K. Construction, of Antelope, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, Modesto Municipal Code 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, the award of bid for the Rebid Fire Station 5 Kitchen Remodel Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Director of Utilities has recommended that the bid of $121,750 received from O.K. Construction, of Antelope, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to O.K. Construction, of Antelope, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Rebid Fire Station 5 Kitchen Remodel Project and accepts the bid of $121,750 plus $25,000 in contingency (if needed) for a total amount not to exceed $146,750 and awards O.K. Construction, of Antelope, CA, the construction contract for the Rebid Fire Station 5 Kitchen Remodel Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-327

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 MULTI-YEAR BUDGET IN THE AMOUNT OF $85,730 TO BE TRANSFERRED INTO THE PROJECT FROM THE GENERAL FUND TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE REBID FIRE STATION 5 KITCHEN REMODEL PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $85,730, in order to fully fund the construction, contingency, construction administration and engineering support during construction for the Rebid Fire Station 5 Kitchen Remodel Project, and

WHEREAS, the Fiscal Year 2021-22 Multi-Year Budget must be amended and there will be a reduction of $85,730 from the Fire Department's FY 2021-22 operating budget that will fund the transfer from the General Fund into the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Multi-Year Budget in the amount of $85,730 to be transferred into the project from the General Fund.

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 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-328

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE REBID CODONI LIFT STATION FORCE MAIN REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION COMPANY INC, OF ATWATER, CA, IN THE AMOUNT OF $269,238 PLUS $26,924 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $296,162 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on March 22, 2021, Wastewater staff identified a sanitary sewer overflow (SSO) at the Codoni Lift Station discharge force main line (near Codoni/Finch), and

WHEREAS, over the week of March 22-March 26, Wastewater crews identified at least seven leaks within the pipe and performed spot repairs, and

WHEREAS, immediate pipe replacement is necessary to prevent further sanitary sewer overflows and thus to preserve health and safety, to protect the adjacent businesses and public, and

WHEREAS, additionally, the repair is needed to prevent damage to the existing roadway and railroad tracks (Modesto Empire & Traction), and

WHEREAS, this project will replace the existing deteriorated pipe by providing a new PVC pipe, together with two new manholes, and

WHEREAS, considering the risk that the failing force main line poses to the City and the public, staff initiated an expedited and condensed formal bid period for this urgent replacement project, and

WHEREAS, the project was advertised for bids on June 15th, 2021, and

WHEREAS, on June 29th, 2021, pursuant to City Charter Section 1307, six bids were received and Rolfe Construction Company Inc, of Atwater, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, the Director of Utilities has recommended that the bid of $269,238 received from Rolfe Construction Company Inc, of Atwater, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company Inc, of Atwater, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the construction documents for the Rebid Codoni Lift Station Force Main Replacement Project and accepts the bid of $269,238 plus $26,924 for contingency (if needed) for a total amount not to exceed $296,162 and Rolfe Construction Company Inc, of Atwater, CA, the contract for the Rebid Codoni Lift Station Force Main Replacement Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-329

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $338,887 TO BE TRANSFERRED INTO THE PROJECT FROM THE WASTEWATER FUND TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE REBID CODONI LIFT STATION FORCE MAIN REPLACEMENT PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $338,887, in order to fully fund the construction, contingency, construction administration and design support during construction for the Rebid Codoni Lift Station Force Main Replacement, and

WHEREAS, the Fiscal Year 2021-2022 Capital Improvement Program Budget must be amended;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-2022 Capital Improvement Program Budget in the amount of $338,887 to be transferred into the project from Wastewater Reserves.

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 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-330

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE WASTEWATER BUILDING UPGRADES PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH AZUL WORKS INC, OF SAN FRANCISCO, CA, IN THE AMOUNT OF $769,000 PLUS $115,350 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $884,350 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, due to the age and the environment exposure, some of the existing structures located at the Jennings Wastewater Treatment Plant have experienced severe deterioration of the non-structural components which require remediation improvements, and

WHEREAS, to prevent further deterioration and to prolong the life of the structures, this project will replace the existing deteriorated roofing, siding and other components and cladding of three existing structures, and

WHEREAS, in addition to the remediation improvements, this project will include a new steel structure to protect the City equipment, and a new enclosure of the existing shop canopy that will allow a better utilization of the existing shop foot print area, and

WHEREAS, the project was advertised for bids on May 4th, 2021, and

WHEREAS, on June 8th, 2021, pursuant to City Charter Section 1307, three bids were received and Azul Works Inc, of San Francisco, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, the Director of Utilities has recommended that the bid of $769,000 received from Azul Works Inc, of San Francisco, CA, be accepted as the lowest

responsible and responsive bid and the contract be awarded to Azul Works Inc, of San Francisco, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Wastewater Building Upgrades Project and accepts the bid of $769,000 plus $115,350 for contingency (if needed) for a total amount not to exceed $884,350 and awards Azul Works Inc, of San Francisco, CA, the contract for the Wastewater Building Upgrades Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-331

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WASTEWATER BUILDING UPGRADES FROM 10% ($76,900) TO 15% ($115,350) OF THE CONSTRUCTION CONTRACT PRICE OF $769,000 WITH AZUL WORKS INC, OF SAN FRANCISCO, CA

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 budget of 10% for projects with construction amounts equal to and below $1 Million, and

WHEREAS, given the nature of this project being located at a critical facility, as well as due to the construction constrains and unknown conditions of underlying materials, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 10% ($76,900) of the contract amount of $769,000, and

WHEREAS, staff is requesting authorization to increase the contract change order amount to 15% ($115,350) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Wastewater Building Upgrades Project from 10% ($76,900) to 15% ($115,350) of the construction contract price of $769,000 with Azul Works Inc, of San Francisco, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-332

RESOLUTION ACCEPTING THE FINAL REPORT FROM THE CHARTER REVIEW COMMITTEE, AND AUTHORIZING THE CITY MANAGER TO ARRANGE FUTURE WORKSHOPS FOR THE COUNCIL TO FURTHER EVALUATE POTENTIAL CHANGES TO THE CHARTER AND FINALIZE THE MATERIAL FOR THE 2022 ELECTION

WHEREAS, the Modesto City Charter is the local constitution by which the electors of Modesto govern themselves. A City Charter, like the state and federal constitutions, is a statement of basic principles, outlining powers, relationships, and responsibilities, and

WHEREAS, City charters are authorized under the California Constitution, which allows a City to choose either to be a general law city under the laws of the state or become a self-governing charter city, and

WHEREAS, Modesto became a Charter City in 1911 after it approved its first City Charter on September 14, 1910 when Modesto's population was approximately 4,032, and

WHEREAS, Section 1604 of the Modesto City Charter requires that the City Council shall cause the City Charter to be reviewed at least every 10 years, and

WHEREAS, on October 22, 2019, by Resolution No.2019-487, Council appointed members to the 2020-2021 Charter Review Committee, and

WHEREAS, traditionally, Charter Review Committees have been charged with various duties by the Mayor and have submitted a final written report to the Mayor and City Council; and the 2020-2021 Charter Review Committee exemplifies the continuation of this process, and

WHEREAS, at the September 10, 2019 Council meeting, the Council adopted the following process for the review of the Charter:

(i) Each Councilmember to nominate one person to serve as members of the Charter Review Committee, with the Mayor's appointee serving as the Chair and the Vice Mayor's appointee serving as the Vice Chair of the Committee;

(ii) The initial seven (7) Committee members are authorized to nominate up to four (4) additional members to the Committee from the community and forward them to Council for ratification;

(iii) City staff is authorized to post and publicize information requests, volunteer applicants for the City of Modesto; and

(iv) The Mayor will appoint one (1) Councilmember to serve as an ad hoc, nonvoting member of the Charter Review Committee. The Mayor may nominate and forward to Council for approval up to two (2) other ad hoc, non-voting members of the Committee that are not registered voters in the City of Modesto, but are registered voters in Stanislaus County to provide input on regional issues addressed by the Committee.

WHEREAS, further, at the October 22, 2019 Council meeting, by Resolution 2019-487, the following appointments were made by the Council:

- Mayor Ted Brandvold recommended appointing Cecil Russell
- Vice Mayor Jenny Kenoyer recommended appointing Sam Pierstorff
- Councilmember Mani Grewal recommended appointing Chris Tyler
- Councilmember Tony Madrigal recommended appointing Aaron Anguiano

- Councilmember Kristi Ah You recommended appointing Janice Keating
- Councilmember Bill Zoslocki recommended appointing Michael Moradian
- Councilmember Doug Ridenour recommended appointing Wendy Byrd and

WHEREAS, Modesto City School Board Trustee John Walker was appointed to serve on the Committee due to the Charter's inclusion of the Modesto City Schools District; and George Petrulakis, Past Chairman of the Charter Review Committee, was appointed as a regional ad hoc non-voting member, and

WHEREAS, At the January 22, 2020 meeting, the Charter Review Committee interviewed applicants for the 4 vacancies, and selected the following: Sandra Lucas, Tim Ragsdale, Renaldo Rucker, and Jose Sabala; and alternate members that were also selected include Alternate A – Monica Valencia (who served as a voting member on April 7, 2021), Alternate B – Paul Baxter, Alternate C – Dewey Bradford, and Alternate D – Douglas Highiet and were approved by Council in February 2020.

WHEREAS, from this process, the Committee prepared 5 key recommendations and additional miscellaneous technical amendments intended to streamline processes and allow for the use of modern technology to support day-to-day operation and they include the following:

I. Timing of the Mayor's Election

Currently, the Charter requires the Mayor's election to be held in November, and if no candidate receives 50% + 1 of the vote, then a run-off

election will be held in February for the voters to decide between the two candidates who received the most votes.

At the March 2, 2020 meeting, the Charter Review Committee voted on the timing of the election of the Mayor. The Committee's recommendation is to move the mayoral election dates from November and February to occur at the same time as the statewide primary and general election dates of the state (generally either March or June, and November respectively). In the instance that a candidate receives more than 50% + 1 of the votes cast in the primary election, then no run-off election in November would be necessary and this candidate would assume office at the same time as other members of Council, as provided under Section 700 of the Charter (generally early December).

II. Office of the City Auditor

The Charter Review Committee reviewed sections related to the Office of the City Auditor extensively. Ultimately, the Committee voted to recommend key changes to this section related to the Auditor's duties, qualifications, recruitment, and removal process.

i. The qualifications for the City Auditor were changed to allow for a broader pool of candidates. Currently, the Charter requires the City Auditor to be a Certified Public Accountant. The proposed change would instead require the City Auditor to have "adequate professional proficiency for the job, demonstrated by relevant certifications such as Certified Internal Auditor (CIA), Certified Public Accountant (CPA) or Chartered Accountant (CA) or have

an advanced degree and at least five (5) years of experience in government auditing, evaluation or analysis."

ii. The responsibilities of the City Auditor were modified to reflect the standard responsibilities outlined in the Association of Local Government Auditors' model legislation.

iii. Lastly, the Charter Review Committee voted to modify the vote requirement to remove the City Auditor from an affirmative vote of four (4) members of the Council to an affirmative vote of five (5).

III. Audit Committee

The Charter Review Committee recommended to include the Audit Committee within the Charter with the following purpose and responsibilities:

Role

The purpose of the Audit Committee is to advise the City Council on items related to the work of the City Auditor, and the City's financial statement audits. Among other duties, the Audit Committee shall:

i. Review the Auditor's audit plan annually;

ii. Provide suggestions and comments for the annual audit plan;

iii. Review and consult with the Auditor on quarterly reports or updates of the City Auditor's activities and findings;

iv. Report irregularities raised by the Auditor to the City Council;

v. Ensure that audit reports are transmitted to the legislative body and to the public;

vi. Monitor follow-up on reported findings to assure corrective action is taken by management;

vii. Report to the legislative body on problems or problem areas at such times as deemed appropriate;

viii. Provide input on, and participation in, the selection of the firm conducting the annual financial statement audits;

ix. Review and forward to the City Council materials related to the city's annual financial statement audit conducted pursuant to Section 1306 of this Charter.

Composition

The purpose of the Audit Committee is to advise the City Council on items related to the work of the City Auditor, and the City's financial statement audits. The Audit Committee shall review and forward to the City Council quarterly reports of the City Auditor's activities and findings. Additionally, the Audit Committee shall review and forward to the City Council materials related to the City's annual financial statement audit conducted pursuant to Section 1306 of the Charter, and monitor any follow-up required to ensure corrective action is taken by management. The Charter Review Committee recommended the Audit Committee have the following composition:

i. The Audit Committee shall be comprised of the Mayor, two members of the City Council, and two members of the public who are residents of the City of Modesto and possess a minimum of 2

years of experience in financial or performance auditing. Strong consideration shall be given to residents who are Certified Public Accountants.

ii. No public member of the Committee shall be a relative by blood or marriage to the third degree of the mayor, member of the council, any charter officer, or any department head or deputy department head.

iii. No public member of the Committee shall be an employee of the City nor any bargaining unit for employees of the City, nor a person who receives compensation from the City or from bargaining units of the City in any manner, including retirement benefits.

iv. No public member of the Committee shall be a lobbyist or other person with business before the City that represents and economic interest in excess of the limit for material financial effect established by local ordinance for the time periods established by local ordinance.

v. Public members of the Committee shall serve without compensation

IV. Office of the City Manager

The Charter currently requires the City Manager to live in Modesto. The Charter Review Committee reviewed this section based on the direction from city staff and the Committee voted to remove the residency requirement.

California Government Code Section 50083 states that "no local agency shall require that its employees be residents of such local agency or district. Likewise, the California Constitution provides: "A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location." (Cal Const art XI, §10(b).) Based on these laws, most cities have eliminated requirements for the city manager to live within the city. However, a minority of cities do take the position that the constitutional and statutory prohibition does not apply to an officer of the city, such as a city manager, as opposed to an "employee."

This issue has not been tested in the courts, however, city officers are also employees and therefore the City Attorney's Office recommends that the majority view be adopted. The Committee approved this recommendation.

V. Budget Timeline

There were several areas of concern with the timeline related to the development of the budget. First, the City does not receive property tax revenue or second quarter sales tax data until late February which can be helpful in informing the mid-year budget report. In addition, the current budget timeline requires the Mayor's Final Budget Modifications on May 31st (or 30 days prior to the new fiscal year) and Council to consider the Mayor's modifications and the draft budget in early June, which only allows for one

meeting for Council to consider the approval of the budget. The Charter Committee recommends three changes to address these concerns.

1. The deadline for the Mid-Year Budget Report would move from February 1 to March 15.
2. Second the deadline for the Mayor's Final Budget Modifications would move from May 31 to May 15. This would allow for the Council to consider the Mayor's modifications and the draft budget in late May, post the hearing notice, and allow for two Council meetings for the approval of the budget, which grants staff and Council additional flexibility with regard to changes to the proposed budget.
3. Third, the CRC recommends language that would require that the Mayor consider reviewing and including budget priorities from individual Council Members in the Mayor's Budget Priorities.

VI. Technical Amendments

In addition to these major areas of focus, the Committee has also recommended a number of technical amendments to the City Charter. The key themes of the many technical amendments are intended to offer the organization greater flexibility in performing day to day work, and allowing for the use of modern technology, and additional amendments are intended to clarify several sections throughout the Charter. The sections below include the various recommendations:

- **Human Relations Commission:** The concern was the ability to secure sufficient commissioners, so the recommendation from the Charter Review Committee is to reduce the overall membership from seven (7) to five (5) that includes a minimum of three (3) of which shall be registered electors of the City, and two (2) of which may live outside the City but shall be registered electors of the County.
- **Culture Commission:** The concern was the ability to secure a quorum of members, so the recommendation is to remove specific membership requirements to allow for greater flexibility – similar to the Planning Commission.
- **Board of Personnel Appeals:** The Charter Review Committee recommended a minor change to reflect the role of the California Public Employment Relations Board (PERB) which serves as the City's Board of Personnel Appeals.
- **Purchase of Supplies and Equipment:** The CRC recommended minor changes to this section that require that the Council review policies and procedures governing bidding regulations and purchases of supplies, services and equipment.
- **Public Work to be done by Contract / Contracts for Official Advertising:** The CRC recommended a minor change to allow for the use of modern technology in advertising bids.
- **Meetings/ Chairpersons:** The CRC recommended a minor change to allow for the use of modern technology in advertising meetings.

Further, the CRC recommended the removal of the requirement for boards and commissions to submit an annual report to council.

WHEREAS, any proposed changes to the City's Charter must be submitted to the voters for approval and in order for any proposed changes to be considered at the November 2022 election, the City Council would need to approve the items on the ballot no later than June 2022, and

WHEREAS, in order to move forward with the Charter review process, staff recommends that the City Council accept the report of the Charter Review Committee and authorize the City Manager to arrange Council workshops to further evaluate potential changes to the Charter and work directly with staff to finalize the material that will be placed on the ballot for the 2022 election, and

WHEREAS, there is no fiscal impact associated with the acceptance of this report; however, there is an estimated cost of $150,000 to $200,000 to place this item on the ballot for the 2022 election that would be paid from the City's General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the final report from the Charter Review Committee.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to arrange future workshops for the Council to further evaluate potential changes to the Charter and finalize the material for the 2022 election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2021, by Councilmember Zoslocki, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-333

RESOLUTION AMENDING FISCAL YEAR 2020-21 AND FISCAL YEAR 2021-22 ANNUAL OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO MAKE 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 2020-21 and Fiscal Year 2021-22.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-21 and Fiscal Year 2021-22 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 September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Dana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2020-21

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $969,747 is needed in the Permanent Local Housing Allocation Fund (1120) to transfer the FY 2020-21 Operating Budget revenues and expenses to Project 101347. After originally budgeting the program grant in the operating budget, it was determined that these funds would most likely not all be used in one fiscal year and should be budgeted in a project.

- A budget adjustment is necessary to transfer budget SB2 grant revenue in the amount of $62,953, from project 101141 – Downtown Master Plan to project 101266 – SB 2019 Planning Grant, to fund expenses associated with the Housing Element Update.

FIRE DEPARTEMENT

- A budget adjustment is necessary to appropriate Fiscal Year 2019-20 Unassigned General Fund carryover in the amount of $1,953,432 to cover salary and benefit shortages due to increased overtime costs from the COVID-19 pandemic. These funds were unassigned from prior fiscal years and were held in this manner from the onset of the pandemic should they be needed to cover any shortages in the General Fund from its unforeseen impacts. During the pandemic, the Public Safety departments (Fire in particular) were heavily impacted by the staffing impacts/shortages/coverage needs brought on by COVID-19. Fire saw drastic increases in the need for overtime to cover staffing needs. This resulted in a large increase in overtime spending and has resulted in the need to use the carryover that was held from FY 2019-20 to be used to cover this unanticipated expense. This adjustment will appropriate these funds to cover these expenditures in Fiscal Year 2020-21.

HUMAN RESOURCES

- A budget adjustment in the amount of $122,152 is needed in the Employee Benefits Management Fund (5510) to increase the Assessments – Other revenue budget and a budget adjustment in the amount of $851,000 is needed to increase the Cashout – Vacation, Holiday CTO, CTO (Term/Retirees), and Severance Pay/Early Retirement Incentive expense budget.

MEASURE L - COMMUNITY & ECONOMIC DEVELOPMENT/PUBLIC WORKS

- A budget adjustment is necessary to establish a transfer from the Surface Transportation Fund – Measure L/SB 1 Maintenance of Effort (MOE) Fund (1420) to the Surface Transportation Fund (1700) in the amount of $1,242,103 to offset transportation operations in the fund and meet the Senate Bill 1 RMRA/Measure L MOE requirement.

- A budget adjustment is necessary to recognize actual revenue received in the Measure L Fund (1410) for the fiscal year FY 20/21. The additional revenue to recognize is in an amount up to $4,250,000 for the Local Streets & Roads (14625), Traffic Management (14626), Bike & Pedestrian (14627), and Transit Services (53402) cost centers.

- A budget adjustment is necessary to establish a transfer in an amount up to $475,000 from the Measure L Fund (1410) Transit Services (53402) cost center to the Bus Fixed Route Max Operations Fund (4540). The transfer to the Bus Fixed Route Max Operations Fund (4540) will offset transit operations and maintenance services in the fiscal year.

NON-DEPARTMENTAL

- A budget adjustment is necessary to increase the Transfer Out from the General Government Capital Facility Fee Fund 3470 to the General Fund 0100 in the amount of $70,000. There is additional fund balance available in the General Government Capital Facility Fee fund that can be transferred for repayment on the Tenth Street Plan Project (7000).

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment is necessary in the amount of $189,759 to establish the Transfer Out from LTF Non-Motorized Fund (Fund 1520) to the TRRP Riverwalk – Gateway to Legion project (6710-101232) that was inadvertently left off of resolution 2021-109 that was approved by Council on 4/6/21.

- A budget adjustment is necessary to increase the transfer out from the General Fund to the Centre Plaza Fund in the amount of $990,000. Due to the COVID-19 pandemic the Centre Plaza revenues have been negatively impacted in FY 2020-21 as large events have not been able to be held throughout the year. This decline in revenues has impacted the fund balance in a negative manner and the subsidy from the General Fund is required to cover this negative fund balance. The increase to the subsidy will bring the total General Fund transfer to the Centre Plaza to $1,723,880 for FY 2020-21. This amount will be able to be covered by the decrease in the amount of subsidy that was budgeted to the Golf Fund as the Golf Fund outperformed in terms of revenues receipted in the Fund for FY 2020-21. The City is also seeking reimbursement from the Federal Emergency Management Agency (FEMA) for expenditures related to the use of the Centre Plaza as a vaccination POD. If approved, the City could receive reimbursement for costs of approximately $1.4M that will help to reduce future fiscal year contributions from the General Fund to the Centre Plaza Fund.

PUBLIC WORKS

- A budget adjustment in fund 4510 - Bus Fixed Route, project 101132 – Electric Bus Purchase-CARB is necessary to reduce the revenues and appropriations for project closure. This project was previously suspended, but these assets will be transferred to the newly-formed transit JPA, StanRTA. The adjustment will go as follows:

Source	Current Budget	Adjustment	Adj Budget
FTA-Capital	$ 847,000.00	$ (200,000.00)	$ 647,000.00
LTF - Current Year	$ 19,850.00	$ (13,743.00)	$ 6,107.00
LTF - Capital Related	$ 1,511,341.00	$ (1,511,341.00)	$ -

Transfer In from Fund 4540	$ 1,450,091.00	$ (12,449.00)	$ 1,437,642.00
Appr Unit C	$ 7,408,758.00	$ (957,516.00)	$ 6,451,242.00
Net Adjustment		**$ (2,695,049.00)**	

- *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 20-21 for the activity through June 2021. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
5410	General Fund Equipment Fleet Replacement	$571,759
	Total Transfer Outs	**$571,759**
5409	Transfer In – Fleet Management Fleet Replacement	$571,759
	Total Transfer Ins	**$571,759**

A budget adjustment is necessary to establish a transfer in the amount of $571,759 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (7) Sedan Patrol, (1) Sedan Patrol K-9, (1) SUV Patrol, and (1) Truck ½ Ton PU Extended Cab.

- A budget adjustment to fund 4540-Bus Fixed Route-MAX Operations, cost center 53472 – PW – Transit Services is necessary to reduce Federal Transportation Administration revenue and increase Local Transportation Fund revenue by $450,000 to completely fund operational expenses.

- A budget adjustment to fund 4540-Bus Fixed Route-MAX Operations, cost center 53244 – PW – Transit Maintenance is necessary to reduce Federal Transportation Administration revenue and increase Local Transportation Fund revenue by $300,000 to completely fund operational expenses.

- A budget adjustment to fund 4520 – Bus Service Fund - DAR, cost center 53473 – PW – Transportation Dial-A-Ride is necessary to reduce Federal Transportation Administration revenue and increase Local Transportation Fund revenue and increase Transportation Operating Contract expense as listed below. This will also correct a budgetary difference.

Source	Current Budget	Adjustment	Updated Budget
FTA	$ 1,665,114.00	$(300,000.00)	$ 1,365,114.00
LTF	$ 1,503,301.00	$ 450,000.00	$ 1,953,301.00
Net Revenue Adjustment		$ 150,000.00	
Transp Operating Contract Exp	$ 3,162,130.00	$ 100,000.00	$ 3,262,130.00
Net Expenditure Adjustment		$ 100,000.00	

- A budget adjustment is necessary to increase the Transfer In to the Parking Fund from the General Fund in the amount of $70,000. This transfer will cover the shortfall that has occurred in the Parking Fund due to the decrease in parking revenues that occurred during Fiscal Year 2020-21 which resulted in a negative fund balance in the fund at the end of the fiscal year. The shortfall in revenue was a direct result of the COVID-19 pandemic as it caused a decrease in the use of the parking garages and parking lots during this time. The lower revenues caused fund balance in the Parking fund to be expended to cover the expenditures from the fiscal year and resulted in a negative fund balance which is need to be covered by the General Fund in the amount of $70,000.

UTILITIES

- A budget adjustment in the amount of $800,000 is needed in the Water Fund (4100) to budget PCE Litigation expenses. At end of the fiscal year, all PCE Litigation expenditures will be moved to the PCE Mitigation Fund (4112). The PCE Mitigation Fund (4112) is not funded by rate payers and the $800,000 budget increase will have zero impact on rate payers.

- A budget adjustment in the amount of $15,000,000 is required from the Water Fund (4100) to the Water CIP Fund (4180) for capital project expenditures related to the Water Fund. For tracking purposes, Capital projects are all expensed out of Water CIP Fund (4180) and at end of the fiscal year, a transfer from the Water Fund (4100) is needed to cover the expenses in the Water CIP Fund.

- A budget adjustment is necessary in the amount of $164,610 to establish a transfer from the funds listed in the table below to the Grant – Operations Grant Reimbursed Fund 1341, Project #101009, 2017 Emergency Flood Aid. The transfer will account for the required City Match at 6.25%. The remaining expenses in the project are being covered by grant reimbursement which is made up of 75% Federal Grants and 18.75% State Funds.

Fund	*Fund Name*	*Amount*
0100	General Fund	$3,477
1700	Surface Transportation Fund	$1,343
4100	Water Fund	$1,194
4210	Sewer Operations Fund	$145,307
4480	Storm Drainage Fund	$2,189
4892	Green Waste Fund	$10,704
4891	Solid Waste Fund	$19
5230	Information Technology	$8
5400	Fleet Management Fund	$41
5409	Fleet Management Fleet Replacement Fund	$328
	Total Transfer Outs	**$164,610**
1341	Grants - Operations Grants Reimbursed Project 101009 – 2017 Emergency Flood Aid	$164,610
	Total Transfer Ins	**$164,610**

FISCAL YEAR 2021-22

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $222,105 is needed to establish Transfers from the General Fund (0100) to Various Capital Facilities Fees (CFF) for CFF Deferral Payments that were inadvertently received in the General Fund instead of the below CFFs:

General Fund to CFF Funds

From Combination of General Fund and Wastewater Fund	To	CFF	Total Amount to Transfer
Accounting String	Accounting String	Program	Principal and Interest
0100-90001-47005	3440-19130-43277	Police	$8,879.32
0100-90001-47005	3450-18120-43277	Fire	$2,904.33
0100-90001-47005	3470-14120-43277	Gen. Govt	$5,095.85
0100-90001-47005	3410-14140-43277	Streets	$162,238.41
0100-90001-47005	3420-53499-43277	Pub. Trans	$2,994.46
0100-90001-47005	3430-14150-43277	Air Qual	$6,456.70
0100-90001-47005	3460-31030-43277	Parks	$28,883.46
0100-90001-47005	3480-14130-43277	CFF Admin	$4,651.98
		Total	**$222,104.51**

- A budget adjustment in the amount of $19,735 is needed to establish Transfers from the Wastewater Development Fund (4211) to Various Capital Facilities Fees (CFF) for CFF Deferral Payments that were inadvertently received in the Wastewater Development Fund instead of the below CFFs:

Wastewater Fund Due to CFF Funds

From Combination of General Fund and Wastewater Fund	To	CFF	Total Amount to Transfer
Accounting String	Accounting String	Program	Principal and Interest
4211-42500-43955	3440-19130-43277	Police	$703.68
4211-42500-43955	3450-18120-43277	Fire	$230.92
4211-42500-43955	3470-14120-43277	Gen. Govt	$405.21
4211-42500-43955	3410-14140-43277	Streets	$17,573.94
4211-42500-43955	3420-53499-43277	Pub. Trans	$343.94
4211-42500-43955	3430-14150-43277	Air Qual	$0.00
4211-42500-43955	3460-31030-43277	Parks	$0.00
4211-42500-43955	3480-14130-43277	CFF Admin	$476.75
		Total	**$19,734.45**

- A budget adjustment in the amount of $1,913 is needed to establish Transfers from the Wastewater Development Fund (4211) to the Water Development Fund (4101) for CFF Deferral Payments that were inadvertently received in the Wastewater Development Fund instead of the Water Development Fund:

Sewer Fund to Water Fund

Customer Name	Naviline Customer No.		Amount
Shree Sat Sanatan	45861	Total	$1,912.74

FINANCE

- A budget adjustment in the amount of $454,713 is necessary for the Utility Billing Assistance Program in the General Fund (0100) to cover the growing number of customers applying and qualifying for the assistance program. This increase in expense will be funded by late penalties collected from utility customers and by an increase of $148,495 to the garbage company's utility assistance fees (City revenues) The budget adjustment will cause a net budgeted expenditure increase of $306,218.

- A budget adjustment in the amount of $20,300 is needed in the General Fund (0100) to increase Business Expense for Transient Occupancy Tax (TOT) Hotel Audits from the contracted 3rd part vendor Avenu Insights. Per the contract, Phase 1 includes an analysis of data for 19 hotels and Phase 2 includes the audit for compliance for up to 7 hotels.

- A budget adjustment of $1,800 is requested for Deckard Tech – Rentalscape in the General Fund (0100) to increase Professional Services expense and Business License Tax – Mill Tax revenue. Rentalscape is an annual software platform for compliance of short-term rentals that will help Business License Staff collect and generate additional General Fund tax revenue for TOT, business license mill taxes and administrative citations through compliance efforts.

- A budget adjustment of $25,356 is necessary to establish a direct charge agreement FIN-CASH-010 between CS Cashiering Division (CC 12460) and City Services for StanRTA – Transit Fare Media Sales (CC 12461). Cashiering will be providing the services of an Account Clerk at $20,912 and Supplies/Equipment costs of $4,444.

- A budget adjustment of $35,494 is necessary to establish direct charge agreement FIN-ACCT-026 between Finance and CED to provide grant accounting support for State Route 132 projects housed in CED. Finance will prepare monthly grant reimbursement requests for both phases of the project (2 current active projects 100614 and 101119), work closely with project managers to ensure accuracy in the preparation of the reimbursement requisitions, and work closely with granting agencies to ensure timely payments to the City. Senior Financial Analyst will review invoices and supporting documentation for accuracy.

- A budget adjustment of $17,630 is necessary to establish direct charge agreement FIN-ACCT-027 between Finance and CED to provide accounting support for various projects funded with AHSC grant, 101295 - 9th street corridor improvements, 101301 - purchase

of the ACE train car, 101329 – purchase of the EAH bus passes after completion of construction of Archway Commons II. Finance will prepare monthly grant draw files and submit to California Housing and Community Development to request draw down of funds. Senior Financial Analyst will review the draw down files for accuracy.

- A budget adjustment of $7,340 is necessary to establish direct charge agreement FIN-ACCT-028 between Finance and CED/PW to provide Financial Analyst support to prepare final closeout for Caltrans grants when projects are completed and grants have been fully spent. Senior Financial Analyst will review work for accuracy.

- A budget adjustment of $14,078 is necessary to establish direct charge agreement FIN-ACCT-029 between Finance and CED to provide Financial Analyst accounting support for projects funded with Regional Measure L funds. Monthly reimbursement requests will be prepared and submitted to StanCog for 2 currently active/ongoing projects 101182 – Standiford Interchange and 101271 – Briggsmore Interchange. Senior Financial Analyst will review work for accuracy.

- A budget adjustment of $7,218 is necessary to establish direct charge agreement FIN-ACCT-031 between Finance and Utilities for preparing grant reimbursement requests, prepare correcting journals as needed, review project's financial information, prepare year end processes such as year-end accruals and deferrals. Finance also helps in gathering all documentation for interim and year end results.

FIRE DEPARTMENT

- A budget adjustment is necessary to the Fiscal Year 2021-22 Multi-Year Operating Budget for the Fire Department AMR/General EMS project (100960) to appropriate $447,228 in EMS revenues that have been received and $553,015 in eligible expenses to balance the project. The increase in the expenditure appropriation will go to the Emergency Medical Services expenditure type within the project and be used for medical supplies to support the Fire Department's EMS program.

HUMAN RESOURCES DEPARTMENT

- A budget adjustment in the amount of $456,177 is needed in the Liability Insurance Fund (5330) to increase the Excess Insurance Premiums from $1,998,442 to $2,454,619. The City received notice from Authority for California Cities Excess Liability (ACCEL) regarding the increase in Excess Insurance Premiums, citing increasingly challenging claims markets and higher confidence level based on actuarial data as the source of the increase in cost. The increased costs are then passed through to member agency deposits to assist in funding a higher confidence level based on actuarial data.

INTERNAL SERVICE FUNDS

- A budget adjustment is necessary increase the Internal Service Fund (ISF) Revenues by a net total amount of $933,007 and ISF expenses by a total amount of $162 as shown on the table below. This is needed to offset the adjustments on the addendum that removed the Transit budgets as a part of the transition to the Stanislaus Regional Transit

Authority and to balance the ISF Revenues and ISF Expenses for the Fiscal Year 2021-22 Operating Budget.

Revenues				
Fund	**Fund Description**	**ISF**		**Amount**
5800	Building Services Fund	Building Services	$	(221,214)
0100	General Fund	CAP	$	(313,547)
5520	Employee Benefits Administration Fund	EBF Admin	$	(4,069)
5510	Employee Benefits Management Fund	EBF Leave	$	(13,207)
5400	Fleet Management Fund	Fleet Operating	$	60,576
5230	Information Technology Fund	IT	$	(147,448)
5330	Liability Insurance Fund	Liability Insurance	$	1,646
5120	Mail Services ISF Fund	Mail	$	(2,550)
5510	Employee Benefits Management Fund	PERS UAL	$	(277,315)
5340	Property Insurance Fund	Property Insurance	$	1,502
5320	Workers Compensation Fund	Worker's Comp	$	(17,381)
Total			**$**	**(933,007)**
Expenses				
Fund	**Fund Description**	**ISF**	**Amount**	
4100	Water Fund	Mail Services	$	(162)

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment is necessary to reduce a direct charge agreement between Parks Operations (CC 35220) and Mary Grogan Sports Complex (CC 31005) in the amount of $60,990. This adjustment will reduce the direct charge agreement because there is a part-time labor shortage in Parks Operations and due to this the maintenance work at the Mary Grogan Sports Complex will need to be completed with the use of temporary employee services. This adjustment will take the reduction in the Direct Charge Agreement expense budget in Mary Grogan Sports Complex and increase the Temporary Employee Services account (53600) in the amount of $60,990.

PUBLIC WORKS

- A budget adjustment is necessary to increase the FY 2021-2022 10th Street JPA Allocation from various City funds for the fiscal year 2021-2022 assessment that was approved by the 10th Street JPA Commission Board on June 23, 2021 for the 10th Street Place, of which, the City's portion of the increase is $116,272. The assessment of $116,272 has been split amongst a number of funds of which the breakdown can be seen below.

Fund Name	Fund	Total Increase/Decrease
General Fund	0100	$ 89,734
HUD Administration	1133	$ 1,186
Capital Improvement Support	1300	$ 8,264
Surface Transportation Fund	1700	$ 8,436
Water Fund	4100	$ 18,043
Sewer Operations Fund	4210	$ 6,179
Bus Fixed Route Max Operations Fund	4540	$ (31,818)
Solid Waste Fund	4891	$ 3,974
Mail Services ISF	5120	$ 391
Information Technology Fund	5230	$ 9,627
Insurance - Administration Fund	5310	$ 1,679
Employee Benefits Management Fund	5520	$ 577
	Grand Total	**$ 116,272**

The adjustment will also increase the revenue and expenses in the 10th Street JPA Fund by amounts below in the following accounts:

Account	**Amount**
5810-52310-42405 (City of Modesto Contribution)	$116,272
5810-52310-53505 (Intergovernmental Services – Other)	$116,272

- A budget adjustment is necessary in the amount of $212,286 to increase the revenues based on the Maximum Rate Schedule for Solid Waste Collection Services approved by Council on 6/8/21 by Resolution 2021-217. This includes an increase to the Green Waste Fund in the amount of $123,325, Solid Waste Fund in the amount of $8,899, Carpenter Road Landfill Fund in the amount of $68,707 and Geer Road Landfill in the amount of $11,355.

- A budget adjustment is necessary in the amount of $270,000 to increase the revenues based on the Compost Facility tip fee increase approved by Council on 6/8/21 by Resolution 2021-218.

- A budget adjustment is necessary in the amount of $200,000 to increase the Fleet Management Fund 5400 Fleet Vehicle and Equipment Maintenance cost center to account for the additional expenses related to the repair and maintenance for the Ceres Fire contract. These expenses will be offset through the Fleet Internal Service Fund.

MODESTO POLICE DEPARTMENT

- A budget adjustment is necessary in the Grants – Police Fund (1342) to increase the MPD HUD ESG Homeless Outreach (19205) by $104,751 for the two half-time Homeless Outreach Specialists which were converted to two full-time positions. Also necessary is the increase to the transfer from ESG – CV Cares Act Funding (project 101258) TO MPD – HUD ESG homeless outreach cost center and reducing the 1385 Outreach Appr Unit C task in project 101258 by the same amount.

- A budget adjustment is necessary in the amount of $55,000 to appropriate grant revenues and offsetting expenditures in the 2021-22 ABC Grant Project (101334) for the 2021-22 Alcoholic Beverage Control Alcohol Policing Partnership grant that was awarded to the Modesto Police Department.

UTILITIES

- A budget adjustment in the amount of $1,224,087 is necessary in the Water CIP Fund (4180) to establish the expense budget for project 101331 - Coffee Road Water Main Upgrade. This project will rehabilitate the water main on Coffee Road from Fairmont to Gloria Way; Replacing the existing system with City Standard water mains, valves and hydrants to improve system reliability, flows and pressures.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-334

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2021-22 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 23, 2021, as part of the Annual Budget of the City of Modesto for Fiscal Year 2021-22, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the first day of the pay period upon adoption, unless otherwise noted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-22 Operating Budget for various departments as follows:

1. Reallocate one (1) Senior Administrative Office Assistant Confidential to one (1) Senior Administrative Office Assistant in the HUD and IFP Administration Division (14165) of the Community and Economic Development Department.

2. Reallocate two (2) .50 Homeless Outreach Specialist to two (2) FTE Homeless Outreach Specialist in the HUD ESG Outreach Division (19205) of the Police Department.
3. Reallocate one (1) Office Supervisor to one (1) Executive Assistant in the Administration Division (41010) of the Utilities Department.
4. Reallocate one (1) Office Supervisor to one (1) Executive Assistant in the Administration Division (17210) of the Human Resources Department.
5. Reallocate one (1) Employee Benefits Coordinator to one (1) Employee Benefits Technician in the Employee Benefits Administration Division (17160) of the Human Resources Department, and reclassify the incumbent accordingly.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-335

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO AMEND THE CLASSIFICATION OF EMPLOYEE BENEFITS COORDINATOR TO EMPLOYEE BENEFITS TECHNICIAN; AND TO AMEND THE SALARY RANGE TABLE TO PLACE THE EMPLOYEE BENEFITS TECHNICIAN AT SALARY RANGE 429

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2021-237 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to amend the classification of Employee Benefits Coordinator to Employee Benefits Technician; and to amend the salary range table to place the Employee Benefits Technician at range 429.
2. EFFECTIVE DATE. This Resolution shall become effective upon Council adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-336

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH REDISTRICTING PARTNERS FOR DEMOGRAPHIC AND CENSUS MAPPING CONSULTANT SERVICES FOR THE CITY'S REDISTRICTING PROCESS, FOR AN AGREEMENT TOTAL NOT TO EXCEED $80,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, like many cities throughout California, Modesto utilizes a district-based system of electing Council Members; and

WHEREAS, after each decennial U.S. census, cities with district-based systems must "redistrict" to adjust the boundaries of the council members' districts using the new census data; and

WHEREAS, Redistricting determines which neighborhoods and communities are grouped together into a district for purposes of electing a Council Member; and

WHEREAS, as part of the redistricting process the City is required to form a Redistricting Commission that will provide the City Council recommendations on how the district boundaries should be drawn; and

WHEREAS, the City Charter requires that "one or more, as necessary, independent consultants experienced and competent in the skills necessary for the districting work shall be utilized to assist the Commission in developing any of the Districting Plans;" and

WHEREAS, Demographic and Census Mapping services are needed to work with the City's Commission and City staff to examine Council district boundaries within an established timeframe and in accordance with the Modesto City Charter and state and federal law; and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), "Exceptions to Formal Bidding Requirements", agreements for professional services are exempt from the formal bidding process and requirements; however, staff proceeded with a Request for Proposals (RFP) process; and

WHEREAS, on June 18, 2021, the RFP was distributed to four demographer firms, two proposals were received; and

WHEREAS, based on the prior experience working with other large cities and additional services provided within the proposal, Redistricting Partners was selected as the most qualified candidate; and

WHEREAS, Redistricting Partners will provide training to the Redistricting Commission, provide community engagement support, work with the Redistricting Commission to create draft boundary maps for Council consideration, work with the City Council in the redistricting process and assist City staff facilitate public meetings, including City Council and Redistricting Commission meetings while ensuring compliance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a professional services agreement with Redistricting Partners for Demographic and Census Mapping Consultant services for the City's Redistricting process, for an agreement total not to exceed $80,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-337

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, AUTHORIZING THE EXAMINATION OF SALES AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance Number 73-47, the City of Modesto (City) entered into a contract with the California Department of Tax and Fee Administration (CDTFA) to perform all functions incident to the administration and collection of sales and use taxes; and

WHEREAS, pursuant to Revenue and Taxation Code section 7270, the City entered into a contract with CDTFAto perform all functions incident to the administration and collection of transactions and use taxes; and

WHEREAS, the City Council of the City of Modesto deems it desirable and necessary for authorized officers, employees and representatives of the City to examine confidential sales or transactions and use tax records of CDTFA pertaining to sales and use taxes collected by the Department for the City pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Department records, and Section 7056.5 of the California Revenue and Taxation Code establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales or transactions and use tax records of CDTFA;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, California, as follows:

Section 1. That the Director of Finance, Accounting Manager, and Senior Financial Analyst, or any other officer or employee of the City designated in writing by the City Manager to CDTFA, are hereby appointed to represent the City with authority to examine sales or transactions and use tax records of the CDTFA pertaining to sales and use taxes collected for the City by CDTFA pursuant to the contract between the City and CDTFA.

Section 2. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of City sales and use taxes by CDTFA pursuant to that contract.

Section 3. That MuniServices, LLC. is hereby designated to examine the sales or transactions and use tax records of CDTFA pertaining to sales and use taxes collected for the City by CDTFA. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the City and MuniServices, LLC:

a) has an existing contract with the City to examine those sales or transactions and use tax records;

b) is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information.

c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;

d) is prohibited by that contract from retaining the information contained in, or derived from those sales or transactions and use tax records, after that contract has expired.

Section 4. That MuniServices, LLC., is hereby designated to examine the sales or transactions and use tax records of the Department pertaining to any petition or appeal for the reallocation/redistribtuion of sales or transactions and use taxes that was filed by MuniServices, LLC. on behalf of the City pursuant to the contract between the MuniServices, LLC. and City. The person or entity designated by this section meets all of the following conditions, which are also included in the contract between the City and the MuniServices, LLC.:

a) has an existing contract with the City to examine those sales or transactions and use tax records;

b) is required by that contract to disclose information contained in, or derived from, those sales or transactions and use tax records only to the officer or employee authorized under Section 1 of this resolution to examine the information.

c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;

d) is prohibited by that contract from retaining the information contained in, or derived from those sales or transactions and use tax records, after that contract has expired.

Section 5. That this resolution supercedes all prior resolutions of the City Council of the City of Modesto adopted pursuant to subdivision (b) of Revenue and Taxation Code section 7056.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-338

RESOLUTION APPROVING BECOMING A MEMBER OF THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (CEDA), AND AUTHORIZING CEDA, THROUGH DIVIDEND FINANCE INC., AS PROGRAM ADMINISTRATOR, TO OFFER ITS PROGRAM AND LEVY ASSESSMENTS WITHIN THE CITY OF MODESTO FOR PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM FOR ONLY COMMERICAL PROPERTIES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, PACE is a program that increases the availability of energy efficiency programs for property owners throughout the community. The program is offered to allow residential and commercial property owners in participating cities to finance renewable energy, water efficiency improvements, seismic improvements, and electric vehicle charging infrastructure; and

WHEREAS, PACE providers must seek approval from the City Council for the City of Modesto to operate within the city limits, in accordance with Assembly Bill (AB) 811 that was signed into law on July 21, 2008 and AB 474, effective January 1, 2010; and

WHEREAS, Dividend Finance Inc. is one of the largest clean energy finance companies operating in the United States; and

WHEREAS, it is Program Administrator for the Figtree PACE program that is offered through its JPA partner, the California Enterprise Development Authority (CEDA); and

WHEREAS, City staff recommendation is to consider adopting the Figtree PACE Financing Program to allow commercial property owners in the City to voluntarily place assessment liens on their property for the purpose of installing energy efficiency and

conservation, water efficiency and conservation and renewable energy generation upgrades, and seismic retrofits; and

WHEREAS, a Modesto commercial property owner, Centerra Capital is planning $2.5 million in energy efficiency improvements to its Class A Medical Office Building, Fifteen 24 Professional Center on McHenry Avenue; and

WHEREAS, commercial property owners who wish to participate in the program agree to repay the amount borrowed through the voluntary contractual assessment collected with their property taxes; and

WHEREAS, other than authorizing the program to operate in the City of Modesto, the City has no financial, regulatory or enforcement responsibility for the Figtree PACE program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves becoming a member of the California Enterprise Development Authority (CEDA), and authorizing CEDA, through Dividend Finance Inc., as Program Administrator, to offer its program and levy assessments within the City of Modesto for Property Assessed Clean Energy (PACE) program for only commercial properties.

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 September, 2021, by Councilmember Madrigal, 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:	Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	Zoslocki
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City~~ Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-339

RESOLUTION APPROVING THE AWARD OF BID AND SERVICE AGREEMENT FOR ON-CALL MECHANICAL AND REFRIGERATION SERVICES TO CHAMPION INDUSTRIAL CONTRACTORS INC., MODESTO, CA FOR TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $158,101 AND A TOTAL AMOUNT NOT TO EXCEED $790,505 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, City of Modesto, Public Works (PW) Department is responsible for the preventative maintenance, repairs and services for Heating Ventilation, and Air Conditioning (HVAC) and refrigeration systems throughout the City of Modesto; and

WHEREAS, on-Call Mechanical and Refrigeration Services are needed to assist staff to maintain, repair or improve mechanical and refrigeration system and units for facilities owned and operated by the City of Modesto; and

WHEREAS, various City departments throughout Modesto, including Oakdale Fire have heating, ventilation, air conditioning, and refrigeration (ice machines) systems that require routine preventative maintenance and unplanned repairs; and

WHEREAS, City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for On-Call Mechanical and Refrigeration Services; and

WHEREAS, on May 4, 2021, the Purchasing Division issued RFB No.1920-68 for On-Call Mechanical and Refrigeration Services under multiple category codes; and

WHEREAS, on June 8, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) vendors responded with formal bids; one (1) of which is a local vendor; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, staff recommends the award of bid to Champion Industrial Contractors Inc., Modesto, CA; 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

WHEREAS, an award of bid and agreement for On-Call Mechanical and Refrigeration Services for City-wide services to Champion Industrial Contractors Inc., Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Champion Industrial Contractors Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and service agreement for On-Call Mechanical and Refrigeration Services to Champion Industrial Contractors Inc., Modesto, CA for a two (2) year agreement with three (3) one-year extension options, for an annual estimated cost of $158,101 and a total amount not to exceed $790,505 over five (5) years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-340

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF SOLAR ADVANCED SCHOOL ZONE BEACONS TO JAM SERVICES INC., LIVERMORE, CA FOR A TOTAL AMOUNT NOT TO EXCEED $76,538; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE ORDER

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

WHEREAS, on December 12, 2017 by Resolution 2017-505, Council approved a Measure L Master Funding Agreement between the Stanislaus Council of Governments (StanCOG) and the City of Modesto; and

WHEREAS, the City's estimated annual share of Measure L local funds is approximately $8.9 million, allocated to three categories: $6.87 million annually for Local Streets and Roads, which is to be used exclusively for repair and maintenance of City streets; $1.37 million annual for Traffic Management, which is to be used to upgrade intersections, widen roads, signalize intersections, install traffic calming devices, etc.; and $687,000 annually for Bike and Pedestrian improvements, which is to be used for local connectivity between communities, local schools, trails and recreational facilities; and

WHEREAS, on February 7, 2019, the Citizens' Transportation Sales Tax Oversight Commission approved a list of projects for Fiscal Year 2019-2020, which included Advanced School Zone Beacons project; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for Advanced School Zone Beacons; and

WHEREAS, on April 27, 2021, the Purchasing Division issued RFB No.2021-34 for Solar Advanced School Zone Beacons under multiple category codes; and

WHEREAS, on June 1, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream; and

WHEREAS, six vendors responded for formal bids; None were local vendors; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, staff recommends the award of bid to JAM Services Inc., Livermore, CA, who submitted a bid of $76,538; 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; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of Solar Advanced School Zone Beacons with JAM Services Inc., Livermore, CA which conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of Solar Advanced School Zone Beacons to JAM Services Inc., Livermore, CA for a total amount not to exceed $76,538.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Diana Sanchez for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-341

RESOLUTION APPROVING THE AWARD OF BID TO TOWNE FORD, REDWOOD CITY, CA FOR A CITY FLEET REPLACEMENT FOR PARKS, RECREATION AND NEIGHBORHOODS (PRN) IN THE AMOUNT OF $144,313, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

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

WHEREAS, on April 5, 2021, the Purchasing Division issued Request for Bids (RFB) 2021-51 for a 14,500 GVWR, 4x2 DRW, Cut-Away Van with Utility Body on the City's website under various commodity codes; and

WHEREAS, on May 11, 2021, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, two (2) vendors chose to respond, there were no local bids received; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends awarding the Cut-Away Van with Utility Body to Towne Ford, Redwood City, CA for a total cost not to exceed $144,313; 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 a cut-away van with utility body to Towne Ford, Redwood City, CA, which conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid to Towne Ford, Redwood City, CA for a City

Fleet Replacement for Parks, Recreation and Neighborhoods (PRN) in the amount of $144,313.

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 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-342

RESOLUTION APPROVING THE AWARD OF INFORMAL BID AND PURCHASING AGREEMENT FOR EXTERIOR CAR WASHES WITH MISTER CAR WASH, FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $16,500, AND A TOTAL AMOUNT NOT TO EXCEED $82,500 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in September of 2015, the City entered into a service agreement with Prime Shine Car Wash. In 2018, Mister Car Wash announced the acquisition of Prime Shine Car Wash locations in Central California and the purchase agreement with Prime Shine Car Wash was no longer available; and

WHEREAS, the City of Modesto Police and Fire Departments are assigned 299 tags which are placed in the vehicles that utilize the car wash program. The monthly average washes are 305 for Modesto Police Department and 45 average monthly washes for the Fire Department; and

WHEREAS, City staff conducted an informal competitive process to gather data from local car wash vendors. Five (5) local car wash companies were contacted to inquire if pricing was available for large business accounts, the number of available locations and payment options; and

WHEREAS, two (2) companies offer large business account pricing, Mister Car Wash is $4 per wash and invoices are sent to departments each month, and Five-Minute Car Wash Express pricing is $9 per wash and requires a credit card at time of purchase; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual

services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest cost commensurate with the desired quality." Here, Mister Car Wash should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8.3204(d) since Mister Car Wash has the lowest cost based on the solicitation conducted with all local car wash business.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of informal bid and purchasing agreement for exterior car washes with Mister Car Wash, for a two-year agreement with three (3) one-year extension options, for an annual estimated cost of $16,500, and a total amount not to exceed $82,500 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-343

RESOLUTION APPROVING THE PURCHASE AGREEMENTS FOR CAMERAS, LICENSE PLATE READERS (LPRS), ACCESSORIES AND CAMERA LICENSING TO AFFINITECH, CHANHASSEN, MN BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE STATE OF CALIFORNIA, GENERAL SERVICES ACQUISITION (GSA); TO EYEP SOLUTIONS, CAMERON PARK, CA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE STATE OF CALIFORNIA, CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS); AND TO INTELLISITE, CERES, CA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE STATE OF CALIFORNIA, CMAS FOR A ONE (1) YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL ESTIMATED COST OF $100,000 FOR AFFINITECH, $125,000 TO EYEP SOLUTIONS AND $125,000 TO INTELLISITE, FOR A TOTAL ANNUAL ESTIMATED COST OF $350,000 AND A TOTAL COMBINED COST NOT TO EXCEED $1,750,000 OVER FIVE (5) YEARS, AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department (MPD) is dedicated to being an intelligence-led Police Department and a large component of this effort is the procurement and deployment of both License Plate Readers (LPRs) and Portable on Demand (POD) camera systems; and

WHEREAS, the MPD is always expanding its camera program and is now coordinating with the other City departments to standardize equipment and licensing for each year of maintenance, repair, replacement and monitoring camera feeds; and

WHEREAS, General Services Administration (GSA) is the federal government's procurement tool that provides contracts for federal agencies for products and services. GSA Schedules and California Multiple Award Schedules are awarded to responsible companies that offer commercial supplies or services at fair and reasonable prices; and

WHEREAS, the Purchasing Division recommends utilizing the existing competitively bid state contract with Affinitech, Chanhassen, MN, Contract No. 47QTCA18D00C7; the EyeP Solutions, Inc., Cameron Park, CA, CMAS Agreement No.

3-21-04-1100; and the QPCS dba Intellisite, Ceres, CA, CMAS Agreement No. 3-20-70-3220B for the purchase of cameras, LPRs, camera licensing and accessories for a one-year agreement with four (4) one-year extension options for an annual estimated cost of $350,000 between three vendors and a total combines cost not to exceed $1,750,000 between three vendors over five (5) years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.23 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase agreements for cameras, license plate readers (LPRs), accessories and camera licensing to Affinitech, Chanhassen, MN by utilizing the competitive bid process with the State of California, General Services Acquisition (GSA); to EyeP Solutions, Cameron Park, CA, by utilizing the competitive bid process with the State of California, California Multiple Award Schedule (CMAS); and to Intellisite, Ceres, CA, by utilizing the competitive bid process with the State of California, CMAS for a one (1) year agreement with four (4) one-year extension options for an annual cost of $100,000 for Affinitech, $125,000 to EyeP Solutions and $125,000

to Intellisite, for a total annual estimated cost of $350,000 and a total combined cost not to exceed $1,750,000 over five (5) years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-344

RESOLUTION AMENDING THE POSITION ALLOCATION TO REALLOCATE AND RECLASSIFY FOUR FIRE DIVISION CHIEFS TO FOUR FIRE DEFPUTY CHIEFS; TO ADD TWO SYSTEMS ENGINEER II; TO ADD ONE PUBLIC RELATIONS AND LEGISLATIVE AFFAIRS MANAGER; AND TO REALLOCATE ONE COMMUNITY AND MEDIA RELATIONS OFFICER TO ONE COMMUNICATIONS AND MEDIA RELATIONS OFFICER

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 23, 2021, as part of the Annual Budget of the City of Modesto for Fiscal Year 2021-22, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the first day of the pay period upon adoption, unless otherwise noted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-22 Operating Budget for various departments as follows:

1. Reallocate two (2) Fire Division Chiefs to two (2) Fire Deputy Chiefs in the Administration and Officers Division (18110) of the Fire Department, and reclassify the incumbents accordingly.
2. Reallocate one (1) Fire Division Chief to one (1) Fire Deputy Chief in the Ceres Services Division (18213) of the Fire Department, and reclassify the incumbent accordingly.
3. Reallocate one (1) Fire Division Chief to one (1) Fire Deputy Chief in the Fire Prevention Division (18510) of the Fire Department, and reclassify the incumbent accordingly.
4. Allocate two (2) Systems Engineer II in the Network/Data Center Division (17710) of the Information Technology Department.
5. Allocate one (1) Public Relations and Legislative Affairs Manager in the Administration Division (02010) of the City Manager's Office.
6. Reallocate one (1) Community and Media Relations Officer to one (1) Communications and Media Relations Officer in the Administration Division (02010) of the City Manager's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

*Amended due to Clerical Error

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-345

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO AMEND THE FIRE DIVISION CHIEF CLASSIFICATION TO FIRE DEFPUTY CHIEF; TO AMEND THE COMMUNITY AND MEDIA RELATIONS OFFICER CLASSIFICATION TO COMMUNICATIONS AND MEDIA RELATIONS OFFICER; AND TO CREATE A CLASSIFICATION OF PUBLIC RELATIONS AND LEGISLATIVE AFFAIRS MANAGER

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2021-237 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. CLASSIFICATION PLAN AMENDED. The position Classification Plan of the City of Modesto is hereby amended to amend the Fire Division Chief classification to Fire Deputy Chief; to amend the Community and Media Relations Officer classification to Communications and Media Relations Officer; to create a classification of Public Relations and Legislative Affairs Manager; and to amend the salary range table to place the Public Relations and Legislative Affairs Manager at range *2452.

2. EFFECTIVE DATE. This Resolution shall become effective upon Council adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-346

RESOLUTION ADDING TERMS TO THE UNREPRESENTED BENEFITS RESOLUTION TO INCLUDE AN ASSIGNMENT PAY FOR FULFILLING THE DUTIES OF FIRE ASSISTANT CHIEF AT 10% AND FIRE DIVISION CHIEF AT 5% ON AN AS NEEDED BASIS AND GRANTING AUTHORITY TO THE FIRE CHIEF TO APPOINT THE DUTIES AND ASSIGNMENT PAY FOR FIRE ASSISTANT CHIEF TO A CURRENT FIRE DEPUTY CHIEF AND FOR FIRE DIVISION CHIEF TO A CURRENT FIRE BATTALION CHIEF, RESCINDING RESOLUTION 2020-309, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO 2022-268

WHEREAS, on July 20, 2020, by Resolution No 2020-309, Council approved salary and benefit changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Management consistent with the terms and conditions of employment covering employees in represented bargaining units, and

WHEREAS, the City is seeking employee concessions as part of the effort to balance the City budget, and

WHEREAS, Unrepresented Fire Management employees have further agreed to the following:

ASSIGNMENT PAY. Effective September 7, 2021, the Fire Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Deputy Chief to the assignment of Fire Assistant Chief and shall be paid ten percent (10%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at any time and such employee shall return to an assignment as

Fire Deputy Chief. Effective September 7, 2021, the Fire Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Battalion Chief to the assignment of Fire Division Chief and shall be paid five percent (5%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at any time and such employee shall return to an assignment as Fire Battalion Chief.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the addition of the terms to the Unrepresented Benefits Resolution to include an Assignment Pay for fulfilling the duties of Fire Assistant Chief at 10% and Fire Division Chief at 5% on an as needed basis and granting authority to the Fire Chief to appoint the duties and Assignment Pay for Fire Assistant Chief to a current Fire Deputy Chief and for Fire Division Chief to a current Fire Battalion Chief.

BE IT FURTHER RESOLVED that the terms of the Unrepresented Benefits Resolution are as follows:

SECTION 1. PROBATIONARY PERIOD. All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of the probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job- related, shall not be considered as part of any probationary period, and such time will be added to

the probationary period. Any further extension of probation will only be upon mutual agreement. During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP. Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. HOLIDAY CAP. Holiday time for unrepresented non-sworn employees may accrue up to a maximum of 40 hours. When the employee reaches the 40-hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 4. MANAGEMENT LEAVE. Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) in January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave. In the event of separation from City

employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT. The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Assistant Police Chief, Police Captains, Fire Battalion Chiefs, Fire Deputy Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 6. MEDICAL LEAVES OF ABSENCE. Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 7. CATASTROPHIC LEAVE. Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long-term illness or injury, or verification of a family member's illness or injury.

SECTION 8. NEGATIVE VACATION. Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief working a 40-hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56-hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year- to-year regardless of the schedule worked.

SECTION 10. SICK LEAVE. Non-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank - Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank

upon promotion.

- Regular sick bank - remaining sick leave balance as of promotion date not grandfathered. When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank.

For the term of this contract, the Incentive Program allows employees to deposit the value of twenty-four (24) hours of regular sick leave (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) into a Health Savings Account (HSA) or Flexible Spending Account (FSA), if eligible. If not eligible, employees may elect to deposit into a Deferred Compensation Account. Amount is deposited at the first pay period in December annually. To be eligible, members must meet the following requirements: Must have a balance of no less than 240 hours of regular sick leave (360 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule) for the calendar year. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage (36 hours for employees in the classification of Fire Battalion Chief working a 56-hour schedule).

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty- two hundred (2,200) hours of their current unused grandfathered sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for

Fire Captain, and (2) In addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 12. PROMOTION. For employees promoted on or after November 17, 2015, prior to their promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. MASTERS DEGREE INCENTIVE PAY. Effective November 26, 2019,

employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted two- and one-half percent (2.5%) Masters Pay, subject to criteria as established by the City. Effective June 25, 2019, for Unrepresented Sworn Police employees who possess a Master's Degree or who have obtained their certificate from either Command College or the Federal Bureau of Investigations National Academy shall be granted four percent (4.0%) Masters Pay.

SECTION 14. REGISTRATION AND CERTIFICATION FEES. Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 15. VEHICLE ALLOWANCE. Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy

Directors either an assigned City vehicle or a vehicle allowance in the amount of $300/month. The City Manager is also authorized to grant selected Management employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 16. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

Positions	Effective Date	Allowance
Sworn Police	February 1, 2015	$101.67
Sworn Fire Management	April 16, 2019	$105.00

SECTION 17. POST CERTIFICATION PAY. Effective March 7, 2017, Police Captains who provide evidence they have a Supervisory POST Certificate shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective March 7, 2017, Police Captains who provide evidence they have a Management POST Certificate shall be eligible for ten percent (10%) Management POST Certificate pay. Effective January 10, 2016, Police Chief shall be eligible for an additional ten percent (10.0%) Executive POST pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is ten percent (10.0%).

SECTION 18. BONUS PAY FOR UNREPRESENTED POLICE

MANAGEMENT. City shall pay one thousand dollars ($1,000) to Sworn Police Management as a retention bonus to be paid out in the second pay period of November each year for the term of the contract.

SECTION 19. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 20. ALS PARAMEDIC PAY. Effective July l4, 2015, one (l) Fire Department Battalion Chief or Fire Deputy Chief shall be authorized ten percent (10%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 21. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2, 2014, Fire Battalion Chiefs and Fire Deputy Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars ($1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Deputy Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 22. ASSIGNMENT PAY. Effective September 7, 2021, the Fire

Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Deputy Chief to the assignment of Fire Assistant Chief and shall be paid ten percent (10%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at any time and such employee shall return to an assignment as Fire Deputy Chief. Effective September 7, 2021, the Fire Chief may appoint an employee currently employed by the Fire Department in the classification of Fire Battalion Chief to the assignment of Fire Division Chief and shall be paid five percent (5%) Assignment Pay. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Fire Chief. The Fire Chief may end the assignment at any time and such employee shall return to an assignment as Fire Battalion Chief.

SECTION 23. MUTUAL AID ASSIGNMENT. Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Deputy Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24-hour period. Fire Deputy Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24-hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative

Agreement for Local Government Fire Suppression."

3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 24. DEFERRED COMPENSATION 457 PLAN. The CITY shall provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the CITY shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 25. DEFERRED COMPENSATION 40l (a) MONEY PURCHASE PLANS. The 401(a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of 5% for Charter Officers, 3% for Executives other than Charter Officers, and 2% for all other unrepresented Management and Confidential employees.

SECTION 26. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits for Unrepresented Management and

Confidential employees, including Charter Officers and Executives, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by two (2) percent annually as follows:

	Beginning July 1, 2019	2020	2021	2022	2023*
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00	$450.00
Employee only	$622.00	$634.00	$648.00	$660.00	$673.00
Employee plus 1	$1112.00	$1134.00	$1157.00	$1180.00	$1,204.00
Employee plus family	$1572.00	$1603.00	$1635.00	$1668.00	$1,701.00

**2023 rates apply only to Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives.*

The City shall pay in cash any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City- sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall pay in cash any balance of the above contribution not needed to pay for the employee's combined premium.

SECTION 27. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 28. RETIREE HEALTH INSURANCE. Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under a City-authorized plan and are responsible for all cost.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City prior to October 23, 2012 after five (5) years of continuous service in good

standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired on or before December 31, 2010 and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision premiums up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

Sworn employees hired on or before December 31, 2010 and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a

rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees' subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the City on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient		Medicare Eligible Recipient	
Retiree Only	= $500	Retiree Only =	$250
Retiree +1 Dep	= $1,000	Retiree +1 Dep =	$500
Retiree + Family	= $1,000	Retiree + Family =	$500

Combined contributions for Retirees
1 Non-Medicare + 1 Medicare coverage = $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + l or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement.

Contributions to eligible retirees will be made as follows: Upon Retirement - initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date.

Ongoing Contribution -a semi-annual years' worth of contributions will be made on a semi- annual basis no later than Jan 31st (for months January -June) and July 31st (for months July - December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year.

Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year; however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Lose of contribution

will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree + 1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA). For non-sworn employees, effective July 2, 2013, the City shall contribute $25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute $25.00 per month. For a full-time employee, this equates to a maximum of $300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City HRA by an additional ten dollars ($10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1,2019. The contribution effective January 1, 2019 will be $100.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period

following completion of two full years of continuous City service, the CITY shall deposit $2,400 into an HRA account established in the employee's name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute $100 per month for each eligible full-time employee.

Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro- rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 29. PAYCHECK ADVICES. All employees who have direct deposit will no longer receive hard-copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service.

Employees are responsible to view their pay advices, including their annual W- 2s. Employees have the option to elect to be paid via direct deposit or a debit card. Pay advices are available for viewing anytime on payday. Current and historical pay slips can be printed utilizing city computer workstation.

SECTION 30. EDUCATIONAL INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

1. Fire Science/Fire Officer 1 %
2. AA/AS 2%
3. BA/BS 3.5%

Qualifying certificates and degrees:

1. Fire Science or Fire Technology certificate from a community college accredited by the Western Association of Schools and Colleges OR completion of Fire Officer Certification from the Office of the California State Fire Marshal.
2. Associates Degree in Fire Science, Fire Technology, or a related field, OR a Bachelor's Degree in Fire Science, Fire Management, Public Safety Administration or a related field. Fire Chief reserves the right to determine qualifying degrees.

Education incentives are not stackable or cumulative. Employees receive pay for the highest certification or degree earned.

SECTION 31. LONGEVITY INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Deputy Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

1. 10 years of service 1.5%
2. 15 years of service 3%
3. 20 years of service 4%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 32. UNFUNDED LIABILITY.

1. Effective April 16, 2019, each unrepresented Fire Management employee shall contribute one percent (1.0%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.
2. Effective July 21, 2020, each unrepresented Fire Management employee shall contribute an additional three percent (3.0%) of salary for a total of four percent (4%)
    a. Effective July 21020 and through June 7, 2021, the four (4%) contribution shall be used to fund a portion of the Employer Share of the normal cost versus being contributed to an agreed upon Base on the CalPERS Safety Schedule of Amortization.
    b. Effective June 8, 2021 the four (4%) contribution shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue to until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.
    c. Effective June 21, 2022, employees shall receive a two and one-half (2 ½%) salary increase pursuant to 2 (b) above, and the employee will contribute an additional two and half percent (2½%) for a total of six and half percent (6½%) as contributions to an

agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases as Additional Direct Payments to the CalPERS Unfunded Accrued Liability (UAL) and shall continue until such liability is paid in full. To the extent possible, the City shall insure that any contributions to the Base Account as referenced herein shall be directed to those costs arising specifically related to fire employees.

d. In contributing to their statutorily required retirement contributions, PEPRA employees shall not exceed the agreed upon additional contribution levels noted above; sixteen percent (16.0%) for June 2021 and eighteen- and one-half percent (18.5%) for June 2022. During the stated timelines, should the PEPRA contribution exceed the percentages noted above, PEPRA employees shall have their additional contributions to the City's Base account adjusted downward accordingly.

e. If any other City employee group which has agreed to concessions, salary reductions, furloughs, postponed salary increases or any similar "give back" reversed, the three percent (3.0%) raise diversion noted in 3 (a) above shall immediately cease and shall revert to the employee's three percent (3.0%) base wage increase.

3. Effective June 21, 2021, the three percent increase shall resume as contributions to an agreed upon base as noted in the CalPERS Safety Schedule of Amortization Bases.

4. Effective June 25, 2019, each Police Management employee shall contribute one- and one-half percent (1.5%) of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

SECTION 33. FURLOUGH.

1. Effective the pay period beginning July 7, 2020, and for a total of 24 pay periods, each Unrepresented Sworn Police Management and Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives shall have 4 (four) unpaid furlough hours deducted from his/her paycheck. This will be accomplished by the employee reporting this deduction in each of the 24 pay periods. Unrepresented Sworn Police Management employees retiring prior to December 31, 2020 will be exempt from payroll deductions, nor receive a furlough bank, provided retirement notice is given before July 3, 2020.
2. On the pay period beginning July 7, 2020 the City shall create for each eligible member a furlough bank of 96 hours.
3. Between July 7, 2020 and December 31, 2021, the Department Director shall ensure that all Sworn Police Management exhaust all hours in the furlough bank in a manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee. Furloughs will be scheduled in the same manner as vacation and should not cause an increase in overtime.
4. Between July 7, 2020 and June 7, 2021, the Department Director shall ensure that all Non-Sworn employees exhaust all hours in the furlough bank in a

manner that does not result in an increase in overtime cost due to the vacancy left by the furloughed employee.

5. Non-Sworn employees may elect an increase of voluntary furlough bank of 48 hours to be added to their 96 hours of furlough bank for a total of 144 furlough bank hours. Employees who elect this option will, effective July 7, 2020 for a total of 24 pay periods, have 2 (two) additional unpaid furlough hours deducted from his/her paycheck for a total of 6 (six) unpaid furlough hours.
6. All employees shall record furlough hours on their timesheets only at the time the furlough hours are actually taken as time off.
7. Non-sworn employees shall not work more than forty (40) hours during any workweek within which they take furlough hours.
8. During this designated furlough deduction period through July 7, 2020 through June 7, 2021, the City will continue to report each employee's full base pay rate to CalPERS each pay period.
9. The City has the sole discretion to assign overtime and that employees will not require the City to backfill with overtime to cover furlough hours in order to avoid actual reduction of pay by any employee. However, there may be occasions when overtime would be needed to cover back furlough hours to ensure minimums are maintained at proper levels.
10. If the City revises its revenue estimates and/or receives funding through a federal package that are anticipated to equal or exceed $147,000,000 for Fiscal Year 20/21, furloughs will be reviewed and ceased or reduced

accordingly. Should such action occur, employees shall only be allowed to utilize furlough hours in proportion to the duration of time that the furlough program was in place, and all additional hours shall be forfeited. City shall cease the furlough payroll deductions effective the pay period following such a determination.

11. Should an employee exhaust furlough leave and separate from the City before earning such leave in proportion with the amount of time the employee worked during the furlough period, the employee will be responsible for reimbursing the City. An employee that separates from the City should attempt to utilize unused furlough bank prior to separation as the employee will not be reimbursed for unused hours. Should an employee use leaves and the City cease the furlough due to circumstances in above, the employee will not be reimbursed for using such leave.
12. For Sworn Police Management, during this designated furlough deduction period between July 7, 2020 through June 7, 2021, the 1.5% payroll deduction for additional contribution to CalPERS, as referenced in Section 31 above, shall be temporarily suspended. Upon conclusion of the furlough period, including if the furlough period terminates early consistent with above, the 1.5% furlough deduction shall resume.
13. For Sworn Police Management, during this designated furlough usage period, the vacation accrual cap shall be temporarily suspended. It is incumbent upon the employees to still utilize their vacation balances and employees will be required to have their accruals under the cap by October 1, 2022. Any

additional extension is at the discretion of the Police Chief and City Manager.

BE IT FURTHER RESOLVED that Resolution No. 2020-309 is hereby rescinded, and

BE IT FURTHER RESOLVED, that the City Manager, or his designee if hereby authorized to take the necessary administrative action to implement the changes

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-347

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENTS WITH RALPH ANDERSEN & ASSOCIATES, ROCKLIN, CA; CPS HR CONSULTING, INC., SACRAMENTO, CA; GALLAGHER BENEFIT SERVICES, INC., BERKELEY, CA; AVERY ASSOCIATES, LOS GATOS, CA; AND PECKHAM AND MCKENNEY, ROSEVILLE, CA TO CONDUCT CITYWIDE EXECUTIVE RECRUITMENT SERVICES ON AN AS NEEDED BASIS, FOR A TWO-YEAR CONTRACT WITH THREE OPTIONAL YEARS OF EXTENSION FOR A POTENTIAL FIVE-YEAR AGREEMENT FOR VARIOUS RECRUITMENT SERVICES AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $350,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the City Manager authorized the Human Resources Department to issue a Request for Qualification (RFQ) for the furnishing of executive and high-level management recruitment services, and

WHEREAS, Human Resources sent the RFQ for Executive Recruitment Services to thirteen (13) prospective proposers, and

WHEREAS, following the request, six search firms presented proposals to conduct these recruitments. Six (6) companies provided responsive and responsible proposals, and

WHEREAS, due to the technical nature of professional services, both the American Bar Association (ABA) Model Procurement Code and the Modesto Municipal Code (MMC) purposely exempt these services from formal bid requirements under MMC 8-3.204(a). The MMC as it relates to the procurement of "professional services" is modeled after the ABA. Therefore, these professional services are for professional services ad defined in section 8-3.103 of the MMC, and

WHEREAS, the award of proposals for the furnishing of executive level recruitment services for Citywide use to Ralph Andersen & Associates, Rocklin, CA;

CPS HR Consulting, Inc., Sacramento, CA; Gallagher Benefit Services Inc, Berkeley, CA; Avery Associates, Los Gatos, CA; and Peckham and McKenney, Roseville, CA conforms to Modesto Municipal Code 8-3.103.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Professional Services Agreements with Ralph Andersen & Associates, Rocklin, CA in the amount of $112,500; CPS HR Consulting, Inc., Sacramento, CA in the amount of in the amount of $75,000;, Gallagher Benefit Services Inc., Berkeley, CA in the amount of $48,000; Avery Associates, Los Gatos, CA in the amount of $37,000; and Peckham and McKenney, Roseville, CA in the amount of $77,500, for a two-year contract with three optional years of extension for a potential five-year agreement for various recruitment services at the sole discretion of the City, in a combined amount not to exceed $350,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-348

RESOLUTION APPROVING SUBMITTAL OF GRANT APPLICATIONS FOR THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS FOR PARKING SERVICES FROM MULTIPLE AGENCIES TO INCLUDE BUT NOT LIMITED TO: THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, INLAND COUNTIES INCENTIVE PROJECT, STATE OF CALIFORNIA AND THE FEDERAL GOVERNMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION

WHEREAS, the increased use of low-emission vehicles is a cornerstone of implementing the State's air quality goals and strategies to reduce vehicle emissions that contribute to climate change, and

WHEREAS, electric vehicle infrastructure development is critical to the expanded use and continued success of these low emission vehicles and the City is in the position to promote the development of this infrastructure as part of the City's facilities, and

WHEREAS, the City of Modesto is currently proposing to install electric vehicle charging stations (EV Stations) within City Garages and surface parking lots providing citizen access points to charge their vehicles while parked and doing business within the City of Modesto, and

WHEREAS, Parking Services would like to fund the EV Stations through a combination of grant programs offered by several organizations and local, state and federal agencies, and

WHEREAS, in order to ensure timely responses to all grant opportunities available for the EV Stations, Parking Services is requesting authorization to submit grant applications, and

WHEREAS, many applications have a 30 – 60-day window for submission limiting the opportunity to obtain Council approval, and

WHEREAS, staff commits to follow-up Council briefings on successful grant awards and funding requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of grant applications for the installation of Electric Vehicle Charging Stations for Parking Services from multiple agencies to include but not be limited to: The San Joaquin Valley Air Pollution Control District, Inland Counties Incentive Project, State of California, and the Federal Government.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the execute the Grant Application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-349

RESOLUTION APPROVING A FIRST AMENDMENT FOR THE FLEET SERVICES DIVISION FOR THE PURCHASE OF TIRES FROM THE FOLLOWING VENDORS: MCCOY TIRE/MCCOY TRUCK TIRE AND VALLEY TIRE, MODESTO, CA FOR AN ANNUAL COMBINED ESTIMATED COST INCREASE BY $160,000 FROM $290,000 TO $450,000 AND A TOTAL REVISED COMBINED AMOUNT INCREASE BY $320,000 FROM $1,450,000 TO $1,770,000 OVER A 5-YEAR PERIOD, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on October 23, 2018, by Resolution 2018-472, Council approved Fleet Tire Purchases utilizing a competitively bid contract with the State of California for Fleet Tire Purchases between three vendors based on availability, cost, and needs at the time of purchase, for an overall annual cost of Two Hundred Ninety Thousand Dollars ($290,000) with a total cost not to exceed One Million Seven Hundred Seventy-Two Thousand Dollars ($1,772,000) over five years. America's Tire Depot was competitively bid and the City was able to piggyback on this contract; however, the contract was not extended and is no longer valid; and

WHEREAS, McCoy Tire/McCoy Truck Tire, and Valley Tire all of which are located in Modesto, CA, are discounted programs that will be utilized when they are more cost effective and will be compared to one another at the time of purchase. These vendors will provide tires for passenger cars, light duty and heavy-duty trucks, pursuit rated and emergency vehicles, and transit buses at the contracted rate; and

WHEREAS, the City Fleet Services Division services and maintains over 1,100 vehicles, heavy equipment, buses, fire trucks, trailers, and other miscellaneous equipment for all areas of the City. Fleet Services has also taken on additional equipment from the surrounding area Fire Departments including Ceres Fire and Oakdale Fire, Ceres and

Escalon Transit along with the service and maintenance of an additional fleet of buses with the creation of the Stanislaus Regional Transit Authority (StanRTA); and

WHEREAS, an amendment to these purchasing agreements will allow the Fleet Services Division to obtain the tires required to maintain and repair our current and upcoming fleet in a timely manner, locally, and at the State contract price; and

WHEREAS, our needs at the time of the entering these purchasing agreements was to purchase tires at a budget of $290,000 on an annual basis for a two-year period, with three (3) one-year extensions. The Fleet Services Division will also soon be providing service and maintenance for the recently established StanRTA JPA and their fleet of buses; and

WHEREAS, there has been an unanticipated increase in the quantity of tire purchases this past year due to the additional equipment being added into our Fleet for service and maintenance; and

WHEREAS, the purchase of tires becomes very unpredictable when we have an aging fleet and that accounts for seventy (70%) of our increased maintenance costs. Tires utilize petroleum in their composite makeup, and we have seen an increase in cost related to the petroleum market as well.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment for the Fleet Services Division for the purchase of tires from the following vendors: McCoy Tire/McCoy Truck Tire and Valley Tire, Modesto, CA for an annual combined estimated cost increase by $160,000 from $290,000 to $450,000 and a total revised combined amount increase by $320,000 from $1,450,000 to $1,770,000 over a 5-year period.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-350

RESOLUTION APPROVING A FIRST AMENDMENT FOR THE PURCHASE OF EQUIPMENT AND VEHICLE PARTS TO THE FOLLOWING VENDORS: MOTOR PARTS DISTRIBUTION, MODESTO AUTO PARTS (FORMERLY NAPA AUTO PARTS), FLEETPRIDE TRUCK AND TRAILER, MODESTO, CA AND INTERSTATE TRUCK CENTER, TURLOCK, CA FOR AN ANNUAL COMBINED ESTIMATED COST INCREASED FROM $335,000 TO $575,615 AND A TOTAL REVISED COMBINED NOT TO EXCEED AMOUNT INCREASED BY $721,845 FROM $1,675,000 TO $2,396,845 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Fleet Services Division services and maintains over 1,100 vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment throughout the City. Each vehicle or piece of equipment has numerous parts to make the unit function safely and efficiently. At any time, components can fail or break on any piece of equipment and preparing a list of parts that will be required in any given Fiscal Year is not feasible; and

WHEREAS, on September 24, 2019, by Resolution 2019-415, Council approved the purchase of equipment and vehicle parts to Motor Parts Distribution, Modesto, CA, Modesto Auto Parts (formerly Napa Auto Parts) Modesto, CA, FleetPride Inc., Modesto, CA, and Interstate Truck Center, Turlock, CA for a one-year agreement with four (4) one-year extension options, for a combined annual estimated cost of Three Hundred Thirty-Five Thousand Dollars ($335,000) and a total combined cost not to exceed One Million Six Hundred Seventy-Five Thousand Dollars ($1,675,000) over five years; and

WHEREAS, an amendment to these purchasing agreements will allow the Fleet Services Division to obtain the parts required to maintain and repair vehicles and equipment in a timely manner, locally, and at a competitive price. Fleet Services

performs their own price checks constantly on items that are purchased and will strictly abide by all City policies as they pertain to cost limitations, repetitive orders, and order splitting. Staff will continue to follow Administrative Directive 7.5 – Purchasing Policy of obtaining at least three (3) quotes if the purchase exceeds Three Thousand Five Hundred Dollars ($3,500); and

WHEREAS, the purchasing agreements established with these four vendors were based on an estimate of purchases from the three previous fiscal years. Since that time the Fleet Services Division has acquired One Hundred Fifty (150) additional units from Ceres and Oakdale Fire Departments, Ceres and Escalon Transit. The Fleet Services Division will also provide service and maintenance for the Stanislaus Regional Transit Authority (StanRTA) JPA; and

WHEREAS, there has also been an increase in the purchase of vehicle and equipment parts this past year due to aging units which account for seventy percent (70%) of the increased maintenance cost; and

WHEREAS, being able to purchase the equipment and vehicle parts needed to provide service and maintenance for our customers is not only critical for our operations, but it is critical for the citizens of Modesto and Stanislaus County.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment for the purchase of equipment and vehicle parts to the following vendors: Motor Parts Distribution, Modesto Auto Parts (formerly Napa Auto Parts), and FleetPride Truck and Trailer, Modesto, CA, and Interstate Truck Center, Turlock, CA for an increase in the annual combined estimated cost from $335,000 to $575,615 and a total revised combined amount not to exceed increased by $721,845

from $1,675,000 to $2,396,845 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-351

RESOLUTION ACCEPTING THE NORTH TRUNK SEWER PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,815,693 TO ROLFE CONSTRUCTION, INC., OF ATWATER, CALIFORNIA

WHEREAS, the Wastewater Collection System Master Plan identified the North Trunk project as a priority infrastructure project, necessary to facilitate new development in the Bangs/Tully/Carver area of Modesto, and

WHEREAS, the North Trunk Sewer project extended approximately 2,900 linear feet of 27-inch diameter sewer pipe along Bangs Avenue between Carver Road and Tully Road, and

WHEREAS, this project originally included constructing approximately 775 linear feet of 12-inch diameter sewer main along Tully Road, between Bangs Avenue and Pelandale Avenue; however, this portion of the project was deferred and constructed with the Bangs Avenue – Tully Road Sewer & Water Main Improvement project, and

WHEREAS, the improvements provide sanitary sewer infrastructure for the proposed Woodglen Development, and

WHEREAS, bids were advertised on August 27, 2019, and were publicly opened on September 24, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction, Inc., of Atwater, California, was the lowest bidder, and

WHEREAS, on October 22, 2019, by Resolution No. 2019-483, Council awarded a contract to Rolfe Construction, Inc., of Atwater, CA, for the construction of the North Trunk Sewer project in the amount of $1,797,053 plus $179,705 for contingency (if

needed) for a total amount of $1,976,758. The contractor received the Notice to Proceed with a first working day of February 18, 2020. The last working day for Rolfe Construction, Inc., was on, January 7, 2021, and

WHEREAS, the total project costs were $2,136,529 which included design, construction, and construction administration costs. The total project amount originally budgeted was $2,323,081 which included $1,797,053 for the construction contract and $179,705 for construction contingencies, 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 8% ($143,764) of the original contract price. However, staff requested to increase the contract change order authority to 10% ($179,705) and Council authorized the increase by Resolution No. 2019-484, and

WHEREAS, there were two change orders on this project with an overall increase of $18,640, 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 North Trunk Sewer project is hereby accepted as complete from contractor, Rolfe Construction, Inc., of Atwater, 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 $1,815,693.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Diana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-352

RESOLUTION APPROVING THE AWARD OF BID FOR THE FURNISHING OF WATER STORAGE TANK INSPECTION, CLEANING AND REPAIR SERVICES FOR THE UTILITIES DEPARTMENT, WATER DIVISION, TO RUBICON APPLIED DIVERS, CONROE, TX, AS THE PRIMARY CONTRACTOR AND DRS MARINE, VALLEJO, CA, AS THE SECONDARY CONTRACTOR FOR AN ESTIMATED COMBINED ANNUAL AMOUNT OF $75,000 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED $388,780 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO CHANGE THE ALLOCATION OF FUNDS BETWEEN THE PRIMARY AND SECONDARY CONTRACTOR, SUBJECT TO THE TOTAL COMBINED NOT TO EXCEED AMOUNT OF $388,780 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Water Division operates and maintains twelve aboveground non-elevated potable water storage tanks, which require diving inspections, cleaning, and repair on an as-needed basis, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for water storage tank inspection, cleaning, and repair services, and

WHEREAS, on January 5, 2021, the Purchasing Division issued RFB 2021-20, Water Storage Tank Inspection, Cleaning and Repair Services, on Planet Bids via the City's website, and prospective bidders were notified online and via email of the bid opportunity, with thirty-four companies choosing to download the RFB document, and

WHEREAS, on February 23, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream, and two companies chose to respond, neither of which was a local vendor, and based on providing the lowest responsive and responsible bid, staff recommends the award of bid for the furnishing of water storage tank inspection, cleaning and repair services to Rubicon Applied Divers, Conroe, TX, as

the primary contractor and DRS Marine, Vallejo, CA, as the secondary contractor, for a two-year agreement with three one-year extension options, for an estimated annual amount of $75,000 and a total amount not to exceed $388,780 over five years, and

WHEREAS, staff believes that it is in the City's best interest to have a primary and a secondary contractor for water storage tank inspection, cleaning and repair services in order to provide backup, and

WHEREAS, the execution of the agreement for the secondary contractor, DRS Marine, will be initiated as the need arises, due to the nature of the bond requirement set forth in this award, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to be formally bid, and an award of bid and for water storage tank inspection, cleaning and repair services to Rubicon Applied Divers, Conroe, TX, as the primary contractor and DRS Marine, Vallejo CA, as the secondary contractor, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the furnishing of water storage tank inspection, cleaning and repair services for the Utilities Department, Water Division, to Rubicon Applied Divers, Conroe, TX, as the primary contractor and DRS Marine, Vallejo, CA, as the secondary contractor for an estimated combined annual amount of $75,000 and a total combined amount not to exceed $388,780 over five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee is authorized to change the allocation of funds between the primary and secondary

contractor, subject to the total combined not to exceed amount of $388,780 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Dana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-353

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CITYWIDE PURCHASE AGREEMENT WITH W. W. GRAINGER, INC., LAKE FOREST, IL, FOR MAINTENANCE, REPAIR AND OPERATION SUPPLIES, AND INCREASING THE ANNUAL AMOUNT BY $100,400 FROM $113,500, TO A NEW ESTIMATED ANNUAL AMOUNT OF $213,900 AND A NEW TOTAL AMOUNT NOT TO EXCEED $1,121,879 OVER SIX-YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, W. W. Grainger, Inc. (Grainger) is a national provider of maintenance, repair, and operation supplies (MRO) and has a local distribution service center in Patterson, Stanislaus County, and

WHEREAS, in 2018, Grainger was awarded a cooperative purchasing agreement with National Intergovernmental Purchasing Agency ("National IPA"), on behalf of the University of California, and through this competitive process a National Core List, also referred to as a Market Basket, was established to provide deep discounts on a variety of products and includes over 1,300 items, as well as a Site-Specific Market Basket of 1,000+ items offering discounts from 5% to 35% off catalog prices, and

WHEREAS, as a municipality, the City is able to participate in cooperative purchasing plans and is authorized to do so by the Modesto Municipal Code when the best interest of the City would be served, and

WHEREAS, by utilizing Grainger through National IPA, the City has the ability to purchase items conveniently at a competitive price while also receiving various purchasing incentives, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-33, Council authorized a purchase Agreement with Grainger for maintenance, repair and operation supplies for an annual cost $113,500, and a total amount not to exceed $567,500 over five years, and

WHEREAS, during the second year of the Agreement, staff noted that the comprehensiveness of Grainger's product offerings and the convenience of next-day delivery for urgent maintenance needs or repairs, in combination with the deep discounts and pricing incentives guaranteed by the National IPA agreement, resulted in additional departments, divisions, and projects throughout the City needing to utilize the agreement, and

WHEREAS, staff determined that an amendment to the Agreement is needed to add divisions and increase the annual amount by $100,400 from $113,500, to a new estimated annual amount of $213,900 with an annual 3.0% CPI increase, for a new total amount not to exceed $1,121,879 over six-years, and

WHEREAS, this First Amendment will add **Attachment B**, a category list of items offered at a discount of 5% to 35% off catalog pricing, which is part of National IPA Agreement UCOP 2018.000207, and

WHEREAS, the First Amendment will also allow the City to exercise the extension options outlined in National IPA Agreement UCOP 2018.000207, which would change the agreement terms from a two-year agreement with three one-year extension options to a two-year agreement with four one-year extension options, and

WHEREAS, MMC 8-3.204(d) states that "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in

Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality," and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings and interest of the City would be served, and for these reasons this purchase qualifies for an exemption from the formal bidding process, and

WHEREAS, sufficient funds are budgeted and approved in Fiscal Year 21/22 across several City departments and divisions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Citywide purchase agreement with W. W. Grainger, Inc., Lake Forest, IL, for maintenance, repair and operation supplies, and increasing the annual amount by $100,400 from $113,500, to a new estimated annual amount of $213,900 and a new total amount not to exceed $1,121,879 over six-years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Dana Sanchez for
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

ATTACHMENT C - Category Discount Pricing

Annual Purchase Agreement No. 182557 Attachment B

Company Name: **W.W. Grainger, Inc.**

1.0 **Base Discount:** **5%** (%) Minimum discount to be applied on all categories not defined below.

2.0 Please provide the percentage off Contract Reference Price ("CRP") for any of the categories you want to propose in the table below. All percentage-off discounts for Catalog Products shall be deducted from the CRP in effect at the time the Catalog Product is purchased from Supplier. Current Contract Reference Prices for Catalog Products shall be available when the entity logs into its account on Supplier's Website. The proposed discount percentages must not exceed 2 digits (i.e., 10.37% is acceptable while10.37862% is not).

CATEGORY	*DISCOUNT(%)
1 Adhesives, Sealants and Tape	5
2 Appliances	5
3 Air Filters	35
4 Batteries	10
5 Electrical	11
6 Fasteners	5
7 Hand Tools	5
8 HVAC **and Refrigeration**	11
9 Lighting, Lamps, Ballast, Fixtures	17
10 Material Handling Repairs	5
11 Motors	15
12 Outdoor Equipment	5
13 Paint, Equipment and Supplies	5
14 Plumbing	9
15 Pneumatics Tools	5
16 Power Tools and Accessories	5
17 Safety	11
18 Security	11
19 Welding and Soldering	5
20 Public Safety	11
21 Lab Supplies	15
22 Furniture, Hospitality and Food Service	10
23 Cleaning and Maintenance	20
24 Hardware	5
25 Hydraulics	5
26 Lubrication	5
27 Machining	5
28 Power Transmission	5
29 Test Instruments	5
30 Office Supplies	5
31 Fleet and Vehicle Maintenance	5

Note:

***This Pricing discount structure (%) must comply with pricing proposed in ATTACHMENT A-1 PRICING ANALYSIS WORKBOOK.**

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-354

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CITYWIDE PURCHASE AGREEMENT WITH MSC INDUSTRIAL SUPPLY CO. INC., W. SACRAMENTO, CA, FOR THE PURCHASE AND MAINTENANCE OF BIN STOCK ITEMS AND INCREASING THE ANNUAL AMOUNT BY $50,000 FROM $110,000, TO A NEW ESTIMATED ANNUAL AMOUNT OF $160,000 AND A NEW TOTAL AMOUNT NOT TO EXCEED $700,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, MSC Industrial Supply Company (MSC) is a supplier of bin stock items including, but not limited to: miscellaneous nuts, bolts, fasteners, bulbs, fuses, machine tools, welding supplies, consumable shop supplies, etc., for the repair and maintenance of the City's vehicles, equipment, and the wastewater plants and related facilities, and

WHEREAS, the State of Oregon, on behalf of participating members of the NASPO Value Point Cooperative Purchasing Program executed an agreement with MSC for the purchase and maintenance of bin stock items. As a municipality, the City is able to participate in cooperative purchasing plans and is authorized to do so by the Modesto Municipal Code when the best interest of the City would be served. Utilizing the competitive bid process with NASPO Value Point, the City entered into an agreement with MSC for their bin stock program that would allow the vendor to update all barcodes and part numbers and come on site to maintain all bin stock items to ensure adequate stocking levels, as well as provide comprehensive sales and history usage reports, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-21, Council authorized a Citywide Purchase Agreement with MSC Industrial Supply Co. Inc., W. Sacramento,

CA, for the purchase and maintenance of bin stock items for an annual cost of $110,000, and a total amount not to exceed $550,000 over five years, and

WHEREAS, there are currently three divisions that utilize the purchase agreement with MSC: Fleet, Transit, and Wastewater. It has been determined that the initial requested amount for the Wastewater Division was understated, didn't reflect historical spending and will exceed its previous annual estimated usage of $55,000, requiring an annual increase of $45,000 for Wastewater. In addition, the Compost Division would also be added to the agreement for bin stock items with MSC, with an annual estimated usage of $5,000, and

WHEREAS, an amendment is needed to increase the annual cost of this agreement by $50,000, from $110,000, to a new estimated annual amount of $160,000 and a new total amount not to exceed $700,000 over five years so that it may also be utilized by the Compost Division and to cover the actual expenditures for the Wastewater Division, and

WHEREAS, MMC 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages joining with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be

served. This purchase qualifies for the exemption from the formal bidding process for these reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchase agreement with MSC Industrial Supply Co. Inc., W. Sacramento, CA, for the purchase and maintenance of bin stock items and increasing the annual amount by $50,000 from $110,000, to a new estimated annual amount of $160,000 and a new total amount not to exceed $700,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-355

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(612)

WHEREAS, the property located along the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue has been vacant for many years; and

WHEREAS, the subject property was annexed into the City of Modesto on November 27, 1953, as part of the La Loma-Yosemite Addition to the City of Modesto; and

WHEREAS, the General Plan Land Use designation is Residential (R) uses and zoned as Medium-Density Residential (R-2) Zone; and

WHEREAS, the Medium-Density Residential (R-2) zone would allow for the construction of a maximum of eleven (11) dwelling units and the Medium-High Density Residential (R-3) zone would allow for the construction of a minimum of seventeen (17) dwelling units on the site; and

WHERAS, the applicant wants to build sixteen (16) apartment units on the property, which is not allowed in either the R-2 or R-3 zone; and

WHEREAS, the Rezoning to Planned Development Zone, P-D(612) allows the development of sixteen (16) apartment units; and

WHEREAS, Policy III.A.2 of the General Plan provides that rezoning actions involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan; and

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Sandeep Minhas on December 9, 2021, to reclassify 0.80 acres from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(612) to allow the development of sixteen (16) two-story apartment units and at least thirty-six (36) parking spaces in a gated lot, property located along the south side of Miller Avenue between Rosina Avenue and N. Conejo Avenue, described as follows:

R-2 to P-D(612)

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel 1, of Parcel Map No. 2012-06, filed on February 4, 2013, in Book 56 of Parcel Maps, at Page 87, Stanislaus County Records.

Containing 0.80 acres, more or less.

APN 116-004-069

WHEREAS, after a public hearing held on July 19, 2021, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2021-16, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to Planned Development will provide for the development of sixteen (16) two-story apartment units in accordance with all applicable City Standards and adopted Building Codes. The requested zone change will result in an orderly planned use of land because the multi-family residential development will provide a transition from commercial uses on Yosemite Boulevard to single family residential development to the north, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s)

because development will increase the supply of housing and Policy III.A.2 of the General Plan provides that rezoning actions involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan and The General Plan Land Use goal of Great, Safe Neighborhoods encourages a mix of housing types affordable to all income levels. The rezone to facilitate the development of more apartment units than allowed in the R-2 zone meets this goal; therefore, the rezoning is in accordance with community objectives as set forth in the General Plan; and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 7, 2021, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held; and

WHEREAS, the rezoning is categorically exempt from CEQA pursuant to the infill exemption, Section 15332, because it is consistent with the general plan designation and zoning regulations, the site is less than five acres in size and has no value as habitat for rare, threatened, or endangered species, approval would not result in significant effects relating to traffic, noise, air quality, or water quality, it will be adequately served by all required and utilities and services; and

WHEREAS, after said public hearing the Council found and determined that the application of Sandeep Minhas for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area

General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2021-14 and quoted above; and

WHEREAS, the Council has introduced Ordinance No. 3737-C.S. on the 7th day of September 2021, reclassifying the above-described property from Medium-Density Residential (R-2) Zone, to Planned Development Zone, P-D(612).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(612), is hereby approved subject to the following conditions:
    a. Prior to the issuance of a building permit, all development shall conform to the Development Plan and building elevations titled "Miller Apartments" stamped approved by the City Council.
    b. Prior to certificate of occupancy, the westerly wall shall be located on the property line, outside the MID easement and shall be a six-foot-high masonry wall and shall be no more than 42 inches in height 15 feet from the front property line, in accordance with City Standards. The wall shall be treated with a graffiti-resistant coating on the alley side.
    c. Prior to certificate of occupancy, applicant shall install an eight-foot high masonry wall along the southerly property line adjacent to the commercially-zoned property.
    d. To secure the property, applicant shall construct a single-board fence on the easterly property line extending south from the dwellings to the southern property line.

e. To secure the property, applicant shall install gates at the parking lot access points.

f. Prior to Certificate of Occupancy, applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.

g. Any public improvements that are missing, damaged, or not maintained to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to, curb and gutter, drive approach, sidewalk, ADA access ramps, fire hydrants, and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

h. The property owner shall dedicate a 10-foot Public Utility Easement along the frontage of Miller Avenue, adjacent and behind the property line, per current City Standards.

i. There is an existing 4-inch water main in the alley along the west side of the property. A 4-inch water main is not adequate to support the water demands for a multi-family project. The nearest 8-inch or larger water main is 450 feet to the east on N. Conejo Avenue. The City of Modesto anticipates construction to upgrade the water main in this area starting summer of 2021 and ending summer 2022. When construction is complete, there will be adequate capacity to serve the proposed

project from the new connection in the alley or Miller Avenue. When water main connection is available, connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right-of-way. Consequently, no building permit for construction on the site or Certificate of Occupancy shall be issued until the water system improvements are complete or as determined by the City Engineer.

j. There is an existing 6-inch sewer main in the alley just west of the property. The existing main has capacity to serve the proposed development. Sewer connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right-of-way.

k. The City does not have a positive storm drainage system in this part of Modesto. The project shall manage all storm water on-site according to current City standards. The Developer's Engineer shall submit a detailed storm water infrastructure plan and supporting calculations showing how storm water will be managed for this project. The project shall comply with the state mandated Storm Water Pollution Prevention Management and City Standards for Best Management Practices.

l. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local Stormwater Pollution Prevention Plan (SWPPP) to Land Development Engineering, Stormwater for review. The WPCP or

Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

m. The project is considered a Priority project, as the proposed includes home subdivisions of 10 housing units or more (includes single-family homes, multi-family homes, condominiums, and apartments), and is subject to the following requirements:

    1. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
    2. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.
    3. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention,

vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

4. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.
5. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.
6. The property owner and developer shall, at their sole expense, defend, indemnify, and hold harmless the City of Modesto, its agents, officers, directors, and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to, payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify, and hold harmless shall include but is not limited to, any action to arbitrate, attack, review, set aside, void, or annul this development approval on any grounds whatsoever. The City of

Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

7. Application shall install a fire hydrant in a planter finger approximately 150 feet south of the front property line.
8. The application will be required to pay Capital Facilities Fees in effect at the time the building permit is issued for the proposed project.
9. Applicant shall install a 12-foot-long concrete pad behind the sidewalk to create an 8-foot-wide section of concrete to allow the installation of a bench at the transit stop, to the satisfaction of the City Engineer.
10. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELO) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto standards at time of submittal.
11. Applicant shall provide the required front landscape setback on Miller Avenue.
12. Applicant shall plant trees for screening in a planter along the southerly property line.

13. Applicant shall provide street trees along Miller Avenue. Street tree(s) shall be spaced thirty-five (35') feet on center and located within seven feet (7') of the sidewalk or curb.
14. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermittent stall locations, within seven feet (7') of stalls.
15. Applicant shall install climbing vines on all walls, in a landscape planter, around the trash enclosure to discourage tagging.
16. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect and treat storm water runoff before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Applicant shall provide total square feet of the landscape area in project information.
17. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
18. Applicant shall protect, relocate, or remove all existing underground and aboveground utilities, irrigation, and

electrical lines as required by the City Engineer or designee. Applicant shall reserve as required, all remaining easements for utilities, irrigation, and electrical lines.

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(612):

   The entire construction program shall be accomplished in one phase, building plans shall be submitted within two (2) years from the date water service becomes available, and completion shall occur not later than two (2) years from building permit issuance.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with, and in strict adherence to, the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations, and procedures.

5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(612), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions

constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) day approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on September 7, 2021, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Dana Sanchez
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-356

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(613)

WHEREAS, the property located at 1400 Coffee Road was developed with a service station in 1967; and

WHEREAS, the property located at 1400 Coffee Road was annexed into the City of Modesto on May 25, 1971, as part of the East Orangeburg No. 4 Addition to the City of Modesto, and

WHEREAS, the General Plan Land Use designation is Mixed Use (MU) uses and zoned as Neighborhood Commercial (C-1) Zone, and

WHEREAS, the Neighborhood Commercial (C-1) zone does not allow the development of an automatic carwash, and

WHEREAS, Policy III.A.2 of the General Plan provides that rezoning actions involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan, and

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by the Harwinder Kaur on March 30, 2021, to reclassify 0.825 acres from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(613) to facilitate the reconstruction and expansion of the existing gas station and convenience store and the addition of an automatic car wash and vacuums, property located at 1400 Coffee Road, described as follows:

C-1 to P-D(613)

All that portion of Lot 5 of the Broughton Colony, as per Map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, located in the Northwest Quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the centerline intersection of Coffee Road and Orangeburg Avenue; thence North 1° 54' 48" West along the centerline of a 90 foot right of way (Coffee Road), a distance of 205.01 feet; thence North 89° 51' 45" East parallel to the centerline of Orangeburg Avenue, a distance of 45.02 feet to the East right of way line of Coffee Road, as said road exists as a 90 foot wide street and the true to the point of beginning of this description; thence continuing North 89° 51' 45" East a distance of 209.16 feet to the point on the Southerly extension of the Westerly right of way line of Water Avenue, a 50 foot public street; thence South 0° 30' 15" East along said Westerly right of way line of Water Avenue, a distance of 174.92 feet to the North right of way line of Orangeburg Avenue, as said Avenue exists as a 60 foot right of way; thence South 89° 51' 45" West along the aforementioned North right of way line of Orangeburg Avenue, a distance of 190.31 feet; thence along a curve concave to the Northeast having a radius of 15.00 feet through a central angle of 88° 13' 27" a curve distance of 23.10 feet; thence North 1° 54' 48" West along the East right of way line of Coffee Road, as said road exists as a 90 foot street, a distance of 160.46 feet to the true point of beginning.

Together with all right, title and interest, if any, in and to the streets, road and highways adjacent to the premises.

Containing 0.825 acres, more or less.

APN 032-008-006

WHEREAS, after a public hearing held on July 12, 2021, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2021-14, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to Planned Development will provide for the development of a gas

station, convenience store, automatic car wash, and vacuums, which will be done in accordance to all applicable City Standards and adopted Building Codes, the requested zone change will result in an orderly planned use of land because it is similar to existing uses on the site, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because Policy III.A.2 of the General Plan provides that rezoning actions involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan; therefore the rezoning is in accordance with community objectives as set forth in the General Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 7, 2021, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the proposed rezoning to P-D(613) will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2021-14 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3738-C.S. on the 7th day of September, 2021, reclassifying the above-described property from Neighborhood Commercial (C-1) Zone, to Planned Development Zone, P-D(613).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(613), is hereby approved subject to the following conditions:
    a. Prior to the issuance of a building permit, a revised Development Plan and building elevations shall be submitted to the Planning Division.
    b. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "ARCO AMPM 1400 Coffee Road" dated May 3, 2021.
    c. Any variations from the approved site plan and elevations must be approved by the Director of Community & Economic Development.
    d. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.
    e. Prior to occupancy of any structure, striping of parking stalls, aisles, driveways, and ground-mounted structures shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards.
    f. An eight-foot-tall (8’) masonry wall shall be installed along the eastern property line.
    g. Hours of operation for the carwash shall be limited to 7:00 a.m. to 8:00 p.m.

h. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors, and finishes which are consistent or compatible with those used in the new development, as approved by the Community and Economic Development Director.

i. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures will be architecturally integrated into the design of a structure to the satisfaction of the Director of Community & Economic Development. All light fixtures shall be shielded to prevent spillover onto adjacent properties and the adjacent public rights of way.

j. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation. All signs will be reviewed for conformance with the provisions of the MMC Section 10-6, Signs, for the C-1 zone.

k. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

l. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

m. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

n. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include, but are not limited to, sewer and water connection fees, community facility fees, building permit fees, and plan check fees.

o. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.

p. There is an existing service connection to this parcel from the 8-inch main in Coffee Road. If a new connection or an upgrade to the existing one is requested, then applicable water connection fees shall be paid and an encroachment permit issued from the City prior to any work being done in the public right of way.

q. There is an existing sewer service connection to the subject parcel from the 6-inch sewer main in Orangeburg Avenue. If a new or an upgrade to any sewer service connection is requested, then an applicable sewer connection fees shall be paid and an encroachment permit issued from the City, prior to any work being done in the public right of way.

r. The area has a positive storm drain system which is designed to take runoff only from the public right-of-way. Therefore, any storm water

generated from this development shall be managed and stored on-site according to the City's standards and current low impact development standards.

s. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

t. Additionally, if the project is a Significant Redevelopment project, defined as a project that creates, adds, or exchanges (one type of impervious surface for another type of impervious surface) at least 5,000 square feet of impervious area on an already developed site, and/or improves parking lots of greater than 5,000 square feet or 25 spaces, the following comments will also apply:

    1. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

2. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.
3. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.
4. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.
5. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

u. Coordinate with and obtain the appropriate permits from the Modesto Irrigation District prior to final design and construction.

v. Coordinate with an obtain the appropriate permits from PG&E prior to final design and construction.

w. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet current State of California water use ordinance requirements, Modesto Municipal Code (MMC) requirements, and City of Modesto standards.

x. Applicant shall provide a minimum ten-foot (10') front landscape setback on Coffee Road and E. Orangeburg Avenue.

y. Applicant shall provide a minimum five-foot (5') side landscape setback on the east property line.

z. Applicant shall protect in place, or replace, all existing street trees along Coffee Road and E. Orangeburg Avenue.

aa. Applicant shall install street trees every thirty-five feet (35') on center along Coffee Road and E. Orangeburg Avenue, and within seven feet (7') of sidewalks.

bb. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermitted stall locations, within seven feet (7') of stalls.

cc. Applicant shall install the required three-foot-high (3') screening for vehicle headlights in the parking areas facing Coffee Road and E. Orangeburg Avenue.

dd. Applicant shall install climbing vines in a landscape planter on all walls around the trash enclosure to discourage tagging.

ee. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Applicant shall provide total square feet of the landscape area in project information.

ff. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.

gg. All bollards protecting fuel dispensers shall meet the requirements of Section 3-1.202 of the Modesto Municipal Code for Vehicle Impact Protection.

hh. Prior to final building permit, approval from the Stanislaus County Department of Environmental Resources as the Certified Unified Program Agency (CUPA) is required.

ii. Any public improvements that are missing damaged or not to current City standards on Coffee Road and E. Orangeburg Avenue frontages, shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701). Such improvements may include, but not be limited to curb and gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement

plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

jj. Property owner shall dedicate a 10-foot Public Utility Easement to the City behind the property line and on both frontages, in accordance with current City standards.

kk. The two existing driveways nearest the intersection, one on Coffee Road and one on E. Orangeburg Avenue, shall be closed and the curb, gutter, and sidewalk reconstructed in accordance with current City of Modesto Standards.

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

In addition, the following Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that are applicable to the project:

mm. **AQ-85.** Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds. (Policy VII.H.2.u)

nn. **AQ-100.** Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

oo. **AQ-101.** Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with

the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

pp. **AQ-103.** Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm

qq. **AQ-104.** Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)

rr. **AQ-105.** Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities. (Policy VII.H.2.oo)

ss. **AQ-107.** When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

tt. **AQ-108.** Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

uu. **AQ-109.** Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

vv. **AQ-110.** Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

ww. **AQ-111.** Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

xx. **AQ-114.** Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

yy. **AQ-115.** Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

zz. **AQ-116.** Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

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

bbb. **Noise-4**. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where

sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

ccc. **Noise-11.** Limit trucking to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors. (Policy VII-G.3.i)

ddd. **AH-15.** Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:

1. Planning construction to avoid archaeological sites;
2. Incorporating sites within parks, green space, or other open space;
3. Covering the sites with a layer of chemically stable soil; and/or,
4. Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential

information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (Policy VII.F.2[l])

eee. **AH-16.** Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (Policy VII.F.2[m])

fff. **AH-17.** If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (Policy VII.F.2[n])

ggg. **AH-18.** All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (Policy VII.F.2[o])

hhh. **SD-10.** Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal National Pollutant Discharge Elimination System (NPDES) stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

iii. **SD-12.** Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

jjj. **SD-13**. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

kkk. **SD-15**. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development

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

lll. **FWQ-11.** Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

mmm. **FWQ-13.** Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

nnn. **FWQ-14.** Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

ooo. **FWQ-16**. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and

minimize the potential for storm water runoff from the site. (Policy VI.G.8)

ppp. **HM-1.** The County's General Plan Safety Element minimizes the effects of hazardous conditions that might cause a loss of life and property. The County Environmental Resources Department investigates all such sites to determine the degree of contamination and the level of cleanup needed. The County works closely with the DTSC and the RWQCB during all phases of the site investigation.

qqq. **HM-3:** Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (UAGP Policy VI.M.1)

rrr. **HM-4:** Require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the most current adopted edition of the Uniform Fire Code. (UAGP Policy VI.M.2)

sss. **HM-5.** In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (Policy VI.M.3)

ttt. **HM-6:** For each specific project that would generate hazardous waste, require as a condition of building permit approval that the project sponsor prepare a hazardous material transportation program. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (UAGP Policy VI.M.4)

uuu. **HM-7:** Prior to the issuance of all building permits, identify the site in relation to all Comprehensive Environmental Response, Compensation and Liability Information System sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities should conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program should be developed and implemented as in UAGP Policy VI.M.3. (UAGP Policy VI.M.5)

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(613):

   The entire construction program shall be accomplished in one phase, construction shall begin within two years from September 7, 2021, and completion shall occur not later than two years from building permit issuance.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.
4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.
5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(613), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on September 7, 2021, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Kenoyer, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
for STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-357

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): REZONE OF 1400 COFFEE ROAD FROM NEIGHBORHOOD COMMERCIAL (C-1) ZONE TO PLANNED DEVELOPMENT ZONE P-D(613)

WHEREAS, on March 5, 2019, by Resolution 2019-108, City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, Harwinder Kaur has proposed the rezoning of 0.825 acres located at 1400 Coffee Road Kansas Avenue from Neighborhood Commercial (C-1) Zone to Planned Development Zone P-D(613) to facilitate the reconstruction and expansion of the existing gas station and convenience store and the addition of an automatic car wash and vacuums with four fewer parking spaces than required by the City's Zoning Code, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2021-13 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on August 17, 2021, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on September 7, 2021, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2021-13

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2021-13

For the proposed:

Rezone to Planned Development Zone 613 to Allow the Reconstruction of a Larger Gas Station and Convenience Store and the Addition of a Stand-Alone Car Wash and Vacuums

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

July 1, 2021

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether establishing Planned Development Zone 613 to Allow the reconstruction of a larger convenience store and gas station and the addition of a stand-alone car wash and vacuums is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: Rezone to Planned Development Zone 613 to Allow the Reconstruction of a Larger Gas Station and Convenience Store and the Addition of a Stand-Alone Car Wash and Vacuums

B. Address or Location: 1400 Coffee Road (APNs 032-008-006)

C. Applicant: Harwinder Kaur
2413 El Vaquero Drive
Modesto, CA 95355

D. Project Manager: Cindy van Empel
Department: Community and Economic Development
Phone Number: (209) 577-5267
E-mail address: cvanempel@modestogov.com

E. Current General Plan Designation(s): MU, Mixed Use

F. Current Zoning Classification(s): C-1, Neighborhood Commercial

G. Surrounding Land Uses:

North: neighborhood commercial development
South: neighborhood commercial and low-density residential development
East: low-density residential development
West: neighborhood commercial development

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The proposed project is a rezoning from the existing C-1, Neighborhood Commercial zone, to P-D(613). P-D(613) would allow C-1 uses and a stand-alone car wash and vacuums. Planned Development zones are approved with content similar to other zones, for use and development standards. In addition, site plans and elevations are typically included as part of the Planned Development zone.

A car wash is not allowed by right in the C-1 zone, which says that an establishment located in the C-1 zone that provides vehicle-related services, including a car wash, is subject to a conditional use permit if the establishment is within 100 feet of residential development or residentially-zoned property. The applicant has decided to rezone the property to Planned Development, rather than apply for a Conditional Use Permit. **Figure 1** shows the project site and zoning on nearby properties. The property immediately east and south of the subject site is residentially zoned and developed with residences. **Figure 2** shows the existing site plan, while **Figure 3** shows the proposed site plan.

The proposed Planned Development zone would result in the demolition of the 1,656-square-foot convenience store with attached 384-square-foot car wash (not in use at this time), and the 1,279-square foot fuel island canopy with 8 pump stations, the relocation of a propane tank dispenser, and the removal of the existing underground fuel tanks. The Planned Development zone would allow the construction of a 2,900-square-foot convenience store, a 2,147-square-foot detached car wash, four vacuum stations, a 4,650-square-foot fueling canopy with three islands and 12 pump stations, and new underground fuel tanks. An eight-foot-tall masonry wall would separate the subject site from the adjacent residences to the east. To further limit noise, the car wash and vacuums will only operate between 7:00 am and 8:00 pm.

Much of the easterly portion of the site is not currently in use; the convenience store will be moved from the center of the site to the east and the edge of the drive approach for the carwash will lie between the convenience store and the easterly property line, just 3-1/2 feet from the property line. Fueling pumps will be realigned and the vacuum stations will be at the southerly property line, adjacent and parallel to E. Orangeburg Avenue.

I. Other Public Agencies Whose Approval is Required:
Department of Environmental Resources
San Joaquin Valley Air Pollution Control District

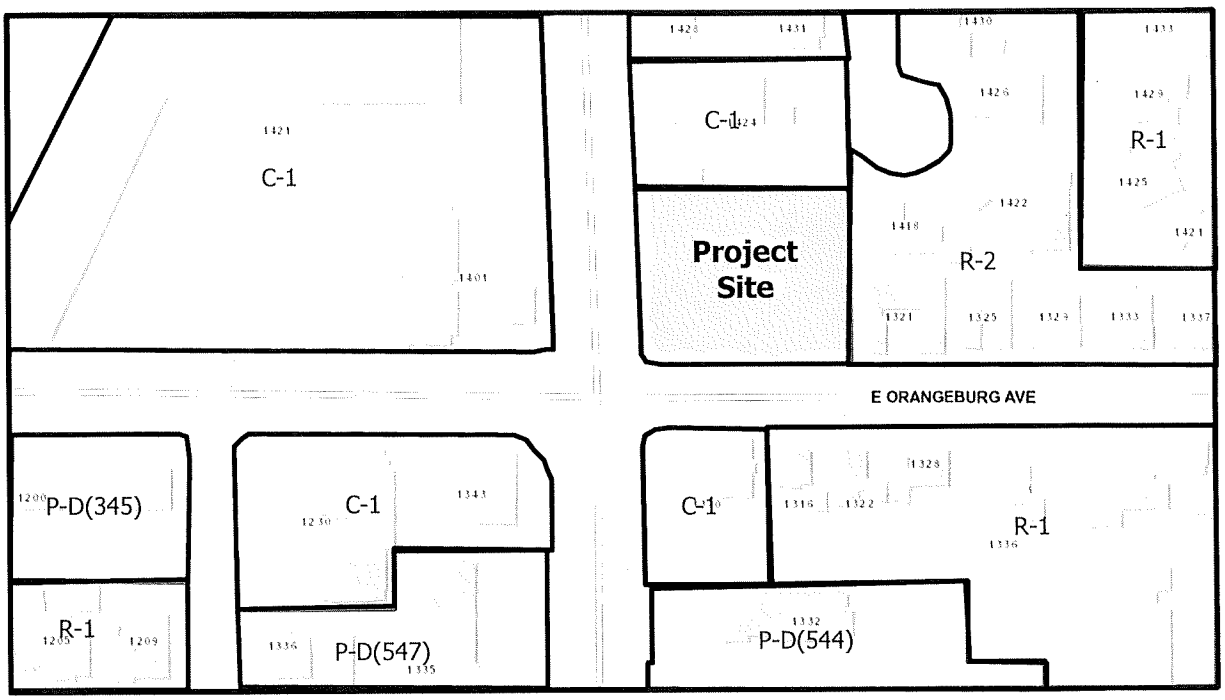

Figure 1: Project Site and Zoning in the Vicinity

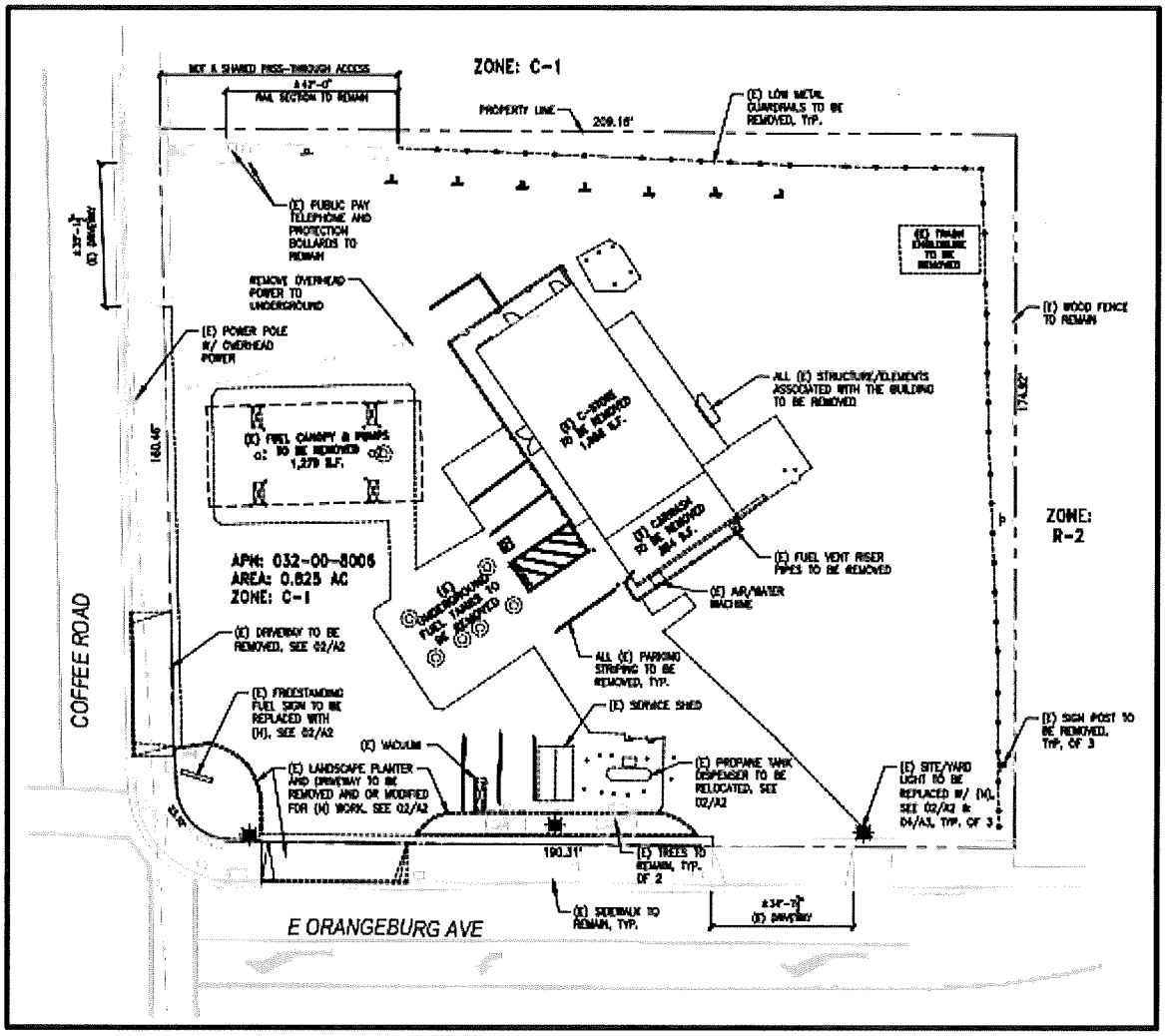

Figure 2: Existing Site Plan

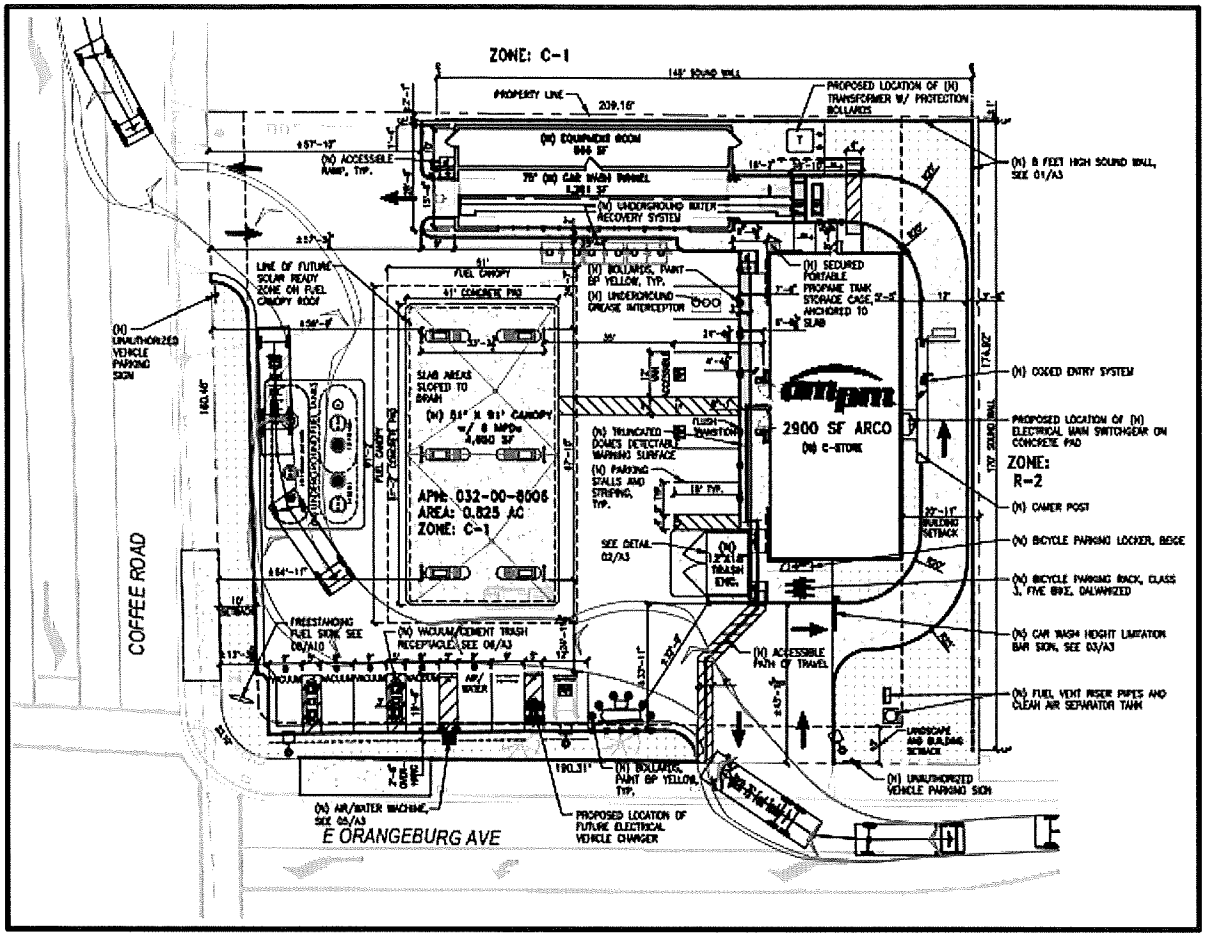

Figure 3: Proposed Site Plan

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

B. No new or additional mitigation measures or alternatives are required;

C. The subsequent project is within the scope of the project covered by the Master EIR; and,

D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

2. ____ Mitigated Negative Declaration Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3.____ Focused EIR Required – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR;

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Cynthia Haron Carpel	Senior Planner	July 2,
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	X	☐
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	X	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	X	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	X	☐
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	X	☐
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	X	☐

Discussion:

(1) The proposed project is a zone change, which requires approval solely from the City of Modesto.

(2) General plan policies will be in full force and effect for this project.

(3) There is no proposal to change any regulations to be less restrictive than under the General Plan Master EIR.

(4) The project site lies entirely within the City of Modesto.

(5) The project site is inside City boundaries and is thus also with the City's planning area.

(6) The proposed development will be consistent with all applicable policies in the General Plan Master EIR.

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	☒	☐
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	☒	☐
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	☒	☐

Discussion:

(1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.

(2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.

(2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No mitigation measures will be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	☐	☐	☐	X
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	☐	☐	☐	X
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	☐	☐	☐	X
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	☐	☐	☐	X
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	☐	☐	☐	X
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	☐	☐	☐	X

Discussion:

(1-6) The proposed project would be consistent with applicable transportation plans and programs. No changes to the circulation system would occur. There would be no substantial increase in traffic as compared to what was anticipated to occur in the General Plan Master EIR and project residents will be able to walk for some trips, as the site is less than half a mile from a shopping center. The project would have no impact on airport activities. No potentially significant impacts are expected and no mitigation measures will be applied.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
Air quality mitigations related to construction will be applied to this project, including measures AQ-85, AQ-100, AQ-101, AQ-103-105, AQ-107-112, and AQ-114-117. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	☐	☐	☐	X
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	☐	☐	☐	X
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	☐	☐	☐	X
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	☐	☐	☐	X
6) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	X
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☐	X
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	☐	☐	☐	X

Discussion:

(1-8) The proposed project is not expected to result in increases in criteria air pollutants or objectionable odors as compared to the existing gas station. Some customers will spend more time on site cleaning their cars, but this is expected to be incidental to gas station-related traffic. The project is the redevelopment of an existing gas station, but the project, by its nature, is unlikely to be used by pedestrians.

Construction activities could result in temporary air quality impacts, although the small size of the site—less than one acre--will limit impacts. The following mitigation measures will be applied to reduce impacts: AQ-85, AQ-100, AQ-101, AQ-103-105, AQ-107-111, and AQ-114-117.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31.

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
Noise mitigations related to construction will be applied to this project, including measures Noise-4 and Noise-11 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	☐	☐	☐	X
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	☐	☐	☐	X
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	☐	☐	☐	X
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	☐	☐	☐	X
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	☐	☐	☐	X
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	X
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.	☐	☐	☐	X

Discussion:

(1-2) The proposed project is generally consistent with General Plan noise and vibration policies and standards. The eight-foot-tall masonry wall on the eastern property line is expected to reduce average noise levels from the car wash to below average background noise levels (see noise study, Appendix A).

(3-4) The project applicant prepared a noise study for the site (Appendix A) to determine whether noise mitigation in addition to the eight-foot masonry wall should be applied to the project. The car wash and vacuums are the project elements of concern, as the car wash entrance is proposed to sit about 65 feet from the easterly property line. Vacuums will sit on the southerly property line, near E. Orangeburg Avenue, approximately 150 feet from the eastern property line and approximately 120 feet from the nearest residence on the south side of E. Orangeburg

Avenue. Traffic on E. Orangeburg Avenue is expected to mask noise from the vacuums. Operating hours of the car wash and vacuums will be limited to between 7:00 am and 8:00 pm, according to the noise study. This will eliminate noise from these activities during the most noise sensitive hours during the evening and night.

Construction activities will result in temporary noise impacts. The following mitigation measures will be applied to reduce construction noise: Noise-4 and Noise-11.

(5-7) The site is not in the airport area or near enough the railroad to expect unusual noise levels from those sources. No impact is expected to occur.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts on agriculture are expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	☐	☐	☐	X
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	☐	☐	☐	X
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	☐	☐	☐	X
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	☐	☐	☐	X
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	☐	☐	☐	X
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	☐	☐	☐	X

Discussion:

(1-6) The site is fully developed with a gas station and pavement. There is no likelihood of impacts on agricultural activities and no mitigation measures will be applied.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts greater than those anticipated in the general plan are expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	☐	☐	☐	X
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	☐	☐	☐	X
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	☐	☐	☐	X
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	☐	☐	☐	X

Discussion:

(1-4) The car wash will utilize municipal water to clean cars. Car washes are required to recycle the water they use in order to reduce consumption. Activity on the site is expected to result in water consumption at levels that are similar to that at other car washes, however, the project is not expected to result in a substantial increase in the demand for commercial car washing, but to divert some of the market for car washing from existing facilities to this facility. No significant impacts are expected and no mitigation measures will be applied.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts greater than those anticipated in the general plan are expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	☐	☐	☐	X
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	☐	☐	☐	X
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	X

Discussion:

(1-3) Redeveloping the site with a car wash and larger convenience store is consistent with the general plan. The car wash will result in a noticeable increase in wastewater generated by activity on the site, as recycled water will eventually be disposed of and there is no car wash on site today. Activity on the site is expected to result in the generation of sewer effluent at levels that are similar to similar development citywide. No significant impacts are expected and no mitigation measures will be applied.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	☐	☐	☐	X
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	X
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	☐	☐	☐	X
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	☐	☐	☐	X
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	X
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	X
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	X

Discussion:

(1-7) The site is fully developed with a gas station and pavement. The project site is not biologically sensitive as defined in the Master EIR and the project would be consistent with general plan policies relating to plant and wildlife habitat. There are no biological resources that would be affected by the proposed project and no likelihood of significant impacts.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected and no mitigation measures will be applied. However, should any historic or archaeological resources be uncovered during construction, measures AH-15, AH-16, AH-17, and AH-18 will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	☐	☐	☐	X
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	☐	☐	☐	X
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	☐	☐	☐	X
4) The proposed project would involve the removal of known significant resources.	☐	☐	☐	X
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	☐	☐	☐	X
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	☐	☐	☐	X

Discussion:

(1-6) The project is consistent with General Plan policies and lies outside the Archaeological Resources Study Area. There are no known historic or archaeological resources in the project vicinity and no impacts on these resources are expected. Ground disturbance could result in the discovery of unknown resources, however. In the event historic or archaeological resources are discovered during construction, mitigation measures AH-15, AH-16, AH-17, and AH-18 will be applied as needed and appropriate.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
Measures SD-10, SD-12, SD-13, and SD-15 will prevent impacts on storm drainage. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	☐	☐	☐	X
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	☐	☐	☐	X
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	X

Discussion:

(1-3) The project site is fully paved; development will not increase runoff from the site. The site was developed as a gas station with auto service in 1967, prior to the establishment of existing stormwater regulations. Redeveloping the site will require the retention of stormwater on site and treatment of runoff before discharging it to the stormwater system, in compliance with the City's stormwater policies, which include measures SD-10, SD-12, SD-13, and SD-15. No impacts are expected to occur and no mitigation measures will be applied.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
Compliance with FWQ-11, FWQ-13, FWQ-14, and FWQ-16 will prevent impacts related to flooding and water quality. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would place housing within a 100-year flood hazard area.	☐	☐	☐	X
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	☐	☐	☐	X
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	☐	☐	☐	X
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	☐	☐	☐	X
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	☐	☐	☐	X
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	☐	☐	☐	X
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	☐	☐	☐	X

Discussion:

(1-8) The project site lies outside the 100-year floodplain, so no structures or people will be affected by a flood hazard area. Because the site will be fully paved, runoff will need to be controlled to prevent adverse impacts from flooding. The project will be required to retain stormwater on site and treat runoff from parking areas before discharging, in compliance with the City's stormwater policies, measures FWQ-11, FWQ-13, FWQ-14, and FWQ-16, which will prevent impacts related to flooding and water quality. No impacts are expected to occur and no mitigation measures will be applied.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected to occur and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	☐	☐	☐	X
2) The proposed project would eliminate parks or open space.	☐	☐	☐	X
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	☐	☐	☐	X

Discussion:

(1-3) The project will result in the enlargement of the existing gas station and convenience store and the addition of a car wash, for a small net increase in the amount of development on site. The project will have no adverse impact on parks. No impacts are expected and no mitigation measures will be applied.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected and no mitigation will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	☐	☐	☐	X
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	☐	☐	☐	X

Discussion:

(1-2) The project will result in the enlargement of the existing gas station and convenience store and the addition of a car wash, for a small net increase in the amount of development on site. School district fees will be applied as the school districts deem necessary. No other mitigation measures are needed.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts on police services is expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	☐	☐	☐	X
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	☐	☐	☐	X

Discussion:

(1-2) The proposed project will result in a site plan that has less unobserved area, reducing the potential for illegal activities on site. The new convenience store will be located more easterly on the property and will be oriented perpendicular to E. Orangeburg Avenue, which will allow greater visibility of the site to passersby. The project is consistent with general plan policies and is an infill development project in an area that currently receives police services. No impact is expected and no mitigation measures will be applied.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts on police services is expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	☐	☐	☐	X
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	☐	☐	☐	X

Discussion:

(1-2) The proposed project will be similar to the existing development on the site in type and similar to other gas stations with car washes in Modesto. The project is consistent with general plan policies and is an infill development project in an area that currently receives fire protection from the City. No impact is expected and no mitigation measures will be applied.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected to occur and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	X
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	☐	☐	☐	X

Discussion:

(1-2) The proposed rezone and associated development are consistent with the General Plan and its policies. There is no reason to expect that solid waste generation from this project would be substantially different from other gas stations. Therefore, no significant impact is expected to occur and no mitigation measures will be applied.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts on project residents or area residents are expected. In the event underground tanks or other evidence of hazardous materials are discovered on site, measures HM-1 and HM-3 through HM-7 will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	☐	☐	☐	X
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	☐	☐	☐	X
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	X
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	☐	☐	☐	X
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	☐	☐	☐	X
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	☐	☐	☐	X
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	☐	☐	☐	X
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	☐	☐	☐	X

Discussion:

(1-4) Hazardous materials are currently stored on the project site, in the form of underground gasoline tanks and an aboveground propane tank. Trucks hauling these materials will access the site frequently to refill the tanks. As part of the project, the existing underground tanks will be removed and replaced with new tanks and the entire fueling system will be replaced and expanded. The existing tanks were installed in 2005. Soil tests were performed at that time to

determine whether the previous tanks had leaked. Tank removals and new tank and fueling system installations are approved through the Stanislaus County Department of Environmental Resources. If the existing tanks are found to have leaked, remediation will be required consistent with the requirements of the State of California Department of Toxic Substance Control and Water Resources Control Board.

The gasoline and propane stored on the site for retail sale are identical in type and similar in quantity to materials stored at gas stations everywhere and no special impacts are expected to occur as a result of this project. No unusual impacts on customers or area residents are expected. Mitigation measures HM-1, and HM-3 through HM-7 will be applied to insure impacts are minimized.

(5-6) The project site lies well outside the area affected by the Airport Land Use Compatibility Plan. No impacts are expected and no mitigation measures will be applied.

(7-8) The project site is located on Coffee Road at the intersection with E. Orangeburg Avenue, well within the urbanized area of Modesto. Residential development on this site is consistent with the general plan and would not conflict with emergency plans, nor is there a risk of wildland fire in the area. No impacts of this nature are expected and no mitigation measures will be applied.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected and no mitigation measures will be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	☐	☐	☐	X

Discussion:

(1-2) No special geologic resources or conditions are known to apply to the project site. The site is relatively flat, as is the surrounding area. The area is not known to have any seismic faults and the potential for strong earth shaking is low for California; any impacts on the project site are expected to be similar to impacts on similar properties in the area. No significant impacts are expected and no mitigation measures are proposed.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	X
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	X

Discussion:

(1-2) The project has no features that would result in an unusual use of energy, as compared to similar development in the area. Energy used during construction and operation activities are expected to be consistent with energy use for similar sites and activities. No impacts are expected and no mitigation measures will be applied.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are expected and no mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	☐	☐	☐	X
2) The proposed project would have a substantial adverse effect on a scenic vista.	☐	☐	☐	X
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	☐	☐	☐	X
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	☐	☐	☐	X
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	☐	☐	☐	X
6) The proposed project would substantially degrade views from riverside areas and parks.	☐	☐	☐	X
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	☐	☐	☐	X

Discussion:

(1-7) The project site is not within the viewshed of any scenic locations identified in the General Plan. The site is also not visible from any scenic locations. While the site will have some night lighting, it will be shielded and make a minimal contribution to night lighting in the area and will be consistent with night lighting at other residential properties. No impacts are expected to occur and no mitigation measures will be applied.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:
No impacts are anticipated and no mitigation measures will be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	☐	☐	☐	X
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	X
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	X
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	X

Discussion:

(1-4) The proposed project is consistent with the general plan land use designation of MU, Mixed Use, and with the land use and planning policies contained in the general plan. The project is relatively small and will result in the closure of the driveways nearest the intersection of Coffee Road and E. Orangeburg Avenue. This will improve traffic safety and circulation at the intersection and improve pedestrian safety. There is no habitat conservation plan or natural community conservation plan in the area. No impacts are anticipated and no mitigation measures will be applied.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

None.

Air Quality and Greenhouse Gases:

AQ-85. Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds. (Policy VII.H.2.u)

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-101. Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in

accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-104. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-111. Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

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

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-11. Limit trucking to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors. (Policy VII-G.3.i)

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological / Historic Sites:

AH-15. Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:

(1) Planning construction to avoid archaeological sites;
(2) Incorporating sites within parks, green space, or other open space;
(3) Covering the sites with a layer of chemically stable soil; and/or,
(4) Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (Policy VII.F.2[l])

AH-16. Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (Policy VII.F.2[m])

AH-17. If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (Policy VII.F.2[n])

AH-18. All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (Policy VII.F.2[o])

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

FWQ-11. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (Policy VI.G.5)

FWQ-14. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in

order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

HM-1. The County's General Plan Safety Element minimizes the effects of hazardous conditions that might cause a loss of life and property. The County Environmental Resources Department investigates all such sites to determine the degree of contamination and the level of cleanup needed. The County works closely with the DTSC and the RWQCB during all phases of the site investigation.

HM-3: Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (UAGP Policy VI.M.1)

HM-4: Require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the most current adopted edition of the Uniform Fire Code. (UAGP Policy VI.M.2)

HM-5. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility

of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (Policy VI.M.3)

HM-6: For each specific project that would generate hazardous waste, require as a condition of building permit approval that the project sponsor prepare a hazardous material transportation program. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (UAGP Policy VI.M.4)

HM-7: Prior to the issuance of all building permits, identify the site in relation to all Comprehensive Environmental Response, Compensation and Liability Information System sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities should conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program should be developed and implemented as in UAGP Policy VI.M.3. (UAGP Policy VI.M.5)

Geology, Soils, and Mineral Resources:

None.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-358

RESOLUTION APPROVING A 2ND AMENDMENT TO THE SOFTWARE AS A SERVICE (SAAS) AGREEMENT WITH CGI TECHNOLOGY AND SOLUTIONS INC. TO UPGRADE THE CITY OF MODESTO'S CURRENT CGI ADVANTAGE BUDGET SOFTWARE SOLUTION TO ADVANTAGE 4 UNDER THE MUTUALLY AGREED UPON STATEMENT OF WORK (SOW) FOR AN ESTIMATED TOTAL COST OF $78,700 PLUS $7,870 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $86,570 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND STATEMENT OF WORK

WHEREAS, on March 8, 2016, by Resolution 2016-98, Council approved an agreement with CGI Technology and Solutions Inc. (CGI) to purchase and implement the CGI Advantage budget solution for the City of Modesto, and

WHEREAS, the City is in the sixth year of the approved ten-year agreement with CGI for the provision of a Software as a Service (SaaS) agreement for the CGI Advantage budget solution that is in use by the City and its departments for the formulation and implementation of its annual operating budget, and

WHEREAS, the CGI is currently migrating existing users of the CGI Advantage platform to the Advantage 4 version which will provide several benefits to the City and its end-users of the budget software upgrade, and

WHEREAS, the implementation of the upgrade process will be governed by the mutually agreed upon terms in the Statement of Work (SOW) in an amount not to exceed $86,570, which includes a contingency amount of $7,870 or 10%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 2nd Amendment to the Software as a Service (SaaS) agreement with CGI Technology and Solutions Inc. to upgrade the City of Modesto's current CGI Advantage budget software solution to Advantage 4 under the mutually agreed upon

Statement of Work (SOW) for an estimated total cost of $78,700 plus $7,870 in contingency (if needed), for a total amount not to exceed $86,570.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Clara Sanchez
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-359

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET TO INCREASE THE INFORMATION TECHNOLOGY FUND (5230) EXPENDITURE BUDGET BY $86,570 IN THE PROFESSIONAL SERVICES ACCOUNT IN THE BUSINESS APPLICATIONS/DEVELOPMENT SERVICES COST CENTER (17510) TO FULLY FUND THE UPGRADE OF THE BUDGET SOFTWARE FROM CGI ADVANTAGE TO ADVANTAGE 4

WHEREAS, on March 8, 2016, by Resolution 2016-98, Council approved an agreement with CGI Technology and Solutions Inc. (CGI) to purchase and implement the CGI Advantage budget solution for the City of Modesto, and

WHEREAS, the City is in the sixth year of the approved ten-year agreement with CGI for the provision of a Software as a Service (SaaS) agreement for the CGI Advantage budget solution that is in use by the City and its departments for the formulation and implementation of its annual operating budget, and

WHEREAS, the CGI is currently migrating existing users of the CGI Advantage platform to the Advantage 4 version which will provide several benefits to the City and its end-users of the budget software upgrade, and

WHEREAS, the implementation of the upgrade process will be governed by the mutually agreed upon terms in the Statement of Work (SOW) in an amount not to exceed $86,570, which includes a contingency amount of $7,870 or 10%, and

WHEREAS, an adjustment to the Fiscal Year 2021-22 annual operating budget is required to fund the upgrade to the CGI Advantage budget solution to the Advantage 4 version that will be funded by the Information Technology Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 Annual Operating Budget to

increase the Information Technology Fund (5230) expenditure budget by $86,570 in the professional services account in the Business Applications/Development Services cost center (17510) to fully fund the upgrade of the budget software from CGI Advantage to Advantage 4.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-360

RESOLUTION APPROVING AMENDMENT #1 TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE STANISLAUS REGIONAL TRANSIT AUTHORITY FOR GRANT MANAGEMENT SERVICES AND TRANSFER OF SPECIFIED ASSETS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on January 26, 2021, by Resolution 2021-26, Council approved a Joint Powers Agency (JPA) agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on April 6, 2021, by Resolution 2021-114, Council approved an amendment to the JPA agreement with Stanislaus County to form the Stanislaus Regional Transit Authority, and

WHEREAS, on June 22, 2021, by Resolution 2021-250, Council approved the Memorandum of Understanding with the Stanislaus Regional Transit Authority to provide grant management services and transfer transit-related assets, and authorizing the City Manager, or his designee, to sign the Memorandum of Understanding and take action to transfer assets, and

WHEREAS, the transition of transit services from the City to the Authority and the transfer of assets occurred on July 1, 2021, and

WHEREAS, during the transition of grant functions and initial operations of Stanislaus Regional Transit Authority, certain updates to the grant and funding services were discovered, and

WHEREAS, Amendment #1 to the MOU provides updates to grant management functions and procurement of equipment and rolling stock between the City of Modesto and the Authority, and

WHEREAS, Amendment #1 to MOU provides the authorization to the Authority to act on the City's behalf for these reporting functions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment #1 to the Memorandum of Understanding (MOU) between the City of Modesto and the Stanislaus Regional Transit Authority for Grant Management Services and Transfer of Specified Assets.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the amendment, in a form approved by the City Attorney, and take action to transfer the specified assets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-361

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF ETHERNET SWITCHES TO NETXPERTS INC., WALNUT CREEK, CA FOR A TOTAL AMOUNT NOT TO EXCEED $400,962; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE ORDER

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved Measure L projects which included the purchase of 120-2070 controllers and Central Processing Unit (CPU) cards in the amount of $585,000. Staff has reviewed the 2070 controllers and determined that the 2070 LX controller with OMNI software will best fit our needs now and for the foreseeable future; and

WHEREAS, one of the major functions of these controllers is allowing Internet Protocol (IP) capability, meaning staff can access and maintain the signals remotely via laptop or another field device. To have this capability of access over internet, an ethernet switch is needed to receive and forward data to the destination source; and

WHEREAS, many of the traffic signal devices and software are moving to IP connectivity. Other current field devices that need access to our network are video detection cameras, conflict monitors, pan-tilt-zoom cameras, emergency vehicle pre-emption, and much more; and

WHEREAS, the City of Modesto Information Technology (IT) department currently utilizes Cisco Switches to communicate to its Network. The Traffic Engineering division coordinated with the IT Department, as they exclusively use Cisco because it integrates with their Cisco Digital Network Architecture (DNA) Center software to monitor and maintain the network; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for Ethernet Switches; and

WHEREAS, on May 25, 2021, the Purchasing Division issued RFB No. 2021-56 for Ethernet Switches under multiple category codes; and

WHEREAS, on June 29, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream. Six (6) vendors choose to respond. One (1) of which is a local vendor; 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; and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of Ethernet Switches with NetXperts Inc., Walnut Creek, CA which conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of Ethernet Switches to NetXperts Inc., Walnut Creek, CA for a total amount not to exceed $400,962.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-362

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF A ONE-TON TRUCK WITH STAKE SIDE DUMPING BODY TO COBALT TRUCK EQUIPMENT, LAS VEGAS, NV BY $3,485, INCREASING THE PURCHASE ORDER FROM $63,246 TO A NEW TOTAL AMOUNT NOT TO EXCEED $66,731, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on April 16, 2021, the Purchasing Division issued Purchase Order 199810 to Cobalt Truck for RFB 2021-14 for a one-ton truck with stake side dumping body; and

WHEREAS, on May 25, 2021, the vendor informed Purchasing the order could not be placed at the time of receiving the Purchase Order due to manufacture delays related to the current COVID-19 pandemic; and

WHEREAS, when ordering was able to be completed it was discovered that they could no longer hold the bid price because of continued price increases from manufacturers, steel surcharges, semiconductor chip shortage and the 2021 models were no longer in production and a 2022 model was available at an increase of $3,485; 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 only responsive and responsible bid, City staff recommends the award of a one-ton truck with stake side dumping body to Cobalt Truck, Las Vegas, NV, which conforms to the Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increased amount of $3,485 for a one-ton truck with stake side dumping body increasing the Purchase Order amount to not exceed $66,731.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-363

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF A LOW-PROFILE DUMP TRUCK TO COBALT TRUCK, LAS VEGAS, NV BY $5,351, INCREASING THE PURCHASE ORDER FROM $110,581 TO A NEW TOTAL AMOUNT NOT TO EXCEED $115,932, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on April 16, 2021, the Purchasing Division issued Purchase Order 199809 to Cobalt Truck, for RFB 2021-27 for a low-profile dump truck; and

WHEREAS, on May 25, 2021, the vendor informed Purchasing the order could not be placed at the time of receiving the Purchase Order due to manufacture delays related to the current COVID-19 pandemic; and

WHEREAS, when ordering was able to be completed it was discovered that they could no longer hold the bid price because of continued price increases from manufacturers, steel surcharges, semiconductor chip shortage and the 2021 models were no longer in production and a 2022 model was available at an increase of $5,351; 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 a low-profile dump truck to Cobalt Truck, Las Vegas, NV, which conforms to the Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increased amount of $5,351 for a low-profile dump truck increasing the Purchase Order amount to not exceed $115,932

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-364

RESOLUTION APPROVING AN INCREASE TO THE AMOUNT FOR THE PURCHASE OF TWO (2) ONE-TON TRUCKS TO PENSKE CHEVROLET, CERRITOS, CA BY $1,490, INCREASING THE PURCHASE ORDER FROM $100,068 TO A NEW TOTAL AMOUNT NOT TO EXCEED $101,558, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO UPDATE THE PURCHASE ORDER

WHEREAS, on April 12, 2021, the Purchasing Division issued Purchase Order 200175 to Penske Chevrolet for RFB 2021-28 for two one-ton trucks; and

WHEREAS, due to the production shortages for the semiconductor computer chips and other items the order entry for the two (2) one-ton trucks was delayed; and

WHEREAS, on July 3, 2021, the vendor informed Purchasing that they could no longer hold the bid price because of continued price increases from steel surcharges and semiconductor chip shortage and the 2021 models were no longer in production and a 2022 model was available at an increased amount of $1,490; 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 lowest responsive and responsible bid, City staff recommends the award of two (2) one-ton trucks to Penske Chevrolet, Cerritos, CA, which conforms to the Modesto Municipal Code 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increased amount of $1,409 for two (2) one-ton trucks increasing the Purchase Order amount to not exceed $101,558.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-365

RESOLUTION APPROVING THE FIRST AMENDMENT FOR THE PURCHASE OF BULK OILS AND LUBRICANTS WITH HUNT & SONS, CERES, CA, FOR AND ANNUAL ESTIMATED COST INCREASED BY $91,320 FROM $97,320 TO $188,640 AND A TOTAL REVISED NOT TO EXCEED AMOUNT INCREASED BY $456,599 FROM $486,602 TO A NEW TOTAL AMOUNT OF $943,201 OVER FIVE YEARS AS WELL AS CHANGING AN ENGINE COOLANT IN THE LIST OF APPROVED PRODUCTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS**,** on November 4, 2020, by Resolution No. 2020-462 Hunt & Sons entered into an agreement with the City of Modesto to provide bulk oils and lubricants for the City of Modesto Fleet Services Division, for an estimated annual amount of $97,320 and a total amount not to exceed $486,602 over a five-year period; and

WHEREAS, the oils and lubricants are essential to the Modesto's fleet services. All of the oils and lubricants provided in this agreement are utilized in maintaining all of the vehicles and equipment in the City's fleet in safe and reliable condition. All of the oils and lubricants are currently being pumped in bulk tanks; and

WHEREAS**,** the bulk tanks contain several different fluids such as, automatic transmission fluid, light duty and heavy-duty engine oil, transmission oil, coolant, diesel exhaust fuel, tractor fluid, gear oil, grease, and the tank capacities range from 250 gallons to 500 gallons. These items are used for the various vehicles owned or operated by Modesto; and

WHEREAS**,** the product shall be universal and can be used on most City vehicles, and Modesto is currently using green coolants for its vehicles. The disadvantages of the green coolant are:

- It is not recommended for newer vehicles because it can damage the radiators or coolant lines over time
- It needs to be drained and refilled with new coolant every 30,000 miles
- It can only be used on heavy duty vehicles
- It cannot be mixed with any other coolant, and

WHEREAS, Public Works recommends adding yellow coolants to the Bulk Oils and Lubricants agreement. The advantages of yellow coolant are:

- It is a universal coolant that can be mixed with other coolant which allows it to be used on most vehicles
- It lasts five times longer than the green coolant resulting in less frequent fluid changes
- Fleet services would not need to purchase other brands of coolant which would result in cost savings

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it here by approves a first amendment for the purchase of Bulk Oils and Lubricants with Hunt & Sons Inc., Ceres, CA, for and annual estimated cost increased by $91,320 from $97,320 to $188,640 and a total revised not to exceed amount increased by $456,599 from $486,602 to a new total amount of $943,201 over five years as well as changing an engine coolant in the list of approved products.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-366

RESOLUTION APPROVING THE SUBMISSION OF THE CITY'S TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM FOR TRANSPORTATION CENTER IMPROVEMENTS FOR FISCAL YEAR 2021-22 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $500,366

WHEREAS, the City of Modesto, Public Works Department has requested additional Local Transportation Regional Funds (LTF-Regional) from Stanislaus Council of Governments (StanCOG) for Transportation Center improvements in preparation for the Altamont Corridor Express (ACE) to stop in Modesto, and

WHEREAS, the City has prepared a TDA claim for Fiscal Year 2021-22 to access these additional funds; and

WHEREAS, the Transportation Center Capital Budget for these improvements is Six Million Ninety-Eight Thousand Ninety-Four Dollars ($6,098,094); and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California Public Utilities Code 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 Transportation Center capital claim for Fiscal Year 2021-22 to StanCOG in the amount of Five Hundred Thousand Three Hundred Sixty-Six Dollars ($500,366).

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2021-433

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-367

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT AMENDING FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROJECT BUDGET TO PROJECT 101339 – TRANSIT CENTER IMPROVEMENTS IN THE AMOUNT OF $500,366 TO FUND IMPROVEMENTS TO THE TRANSPORTATION CENTER IN PREPARATION FOR THE ALTAMONT CORRIDOR EXPRESS (ACE); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto has prepared a Transportation Development Act (TDA) Claim with Stanislaus Council of Governments (StanCOG) for Local Transportation Regional Funds (LTF-Regional) for the improvements at the Transportation Center in preparation for the Altamont Corridor Express (ACE) to stop in Modesto; and

WHEREAS, the total estimated cost for improvements is Six Million Ninety-Eight Thousand Ninety-Four Dollars ($6,098,094); and

WHEREAS, City staff has estimated the cost of the project to increase due to unforeseen lumber and material costs; and

WHEREAS, this claim is the formal request to StanCOG to release Five Hundred Thousand Three Hundred Sixty-Six Dollars ($500,366) reserved for regional transit-related projects; and

WHEREAS, the Fiscal Year 2021-22 Capital Improvement Budget must be increased by Five Hundred Thousand Three Hundred Sixty-Six Dollars ($500,366) in revenue and expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Capital Improvement

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2021-434

Budget in the amount of Five Hundred Thousand Three Hundred Sixty-Six Dollars ($500,366).

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 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: Diana Sanchez
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-368

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE FOR THE REPLACEMENT OF TWO INTERNALIFT SCREW PUMPS AT THE SUTTER WASTEWATER TREATMENT PLANT FROM EVOQUA WATER TECHNOLOGIES, OF THOMASVILLE, GA, FOR AN ESTIMATED COST OF $1,787,560 PLUS $168,670 IN CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED $1,956,230 AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE A PURCHASE ORDER

WHEREAS, the Wastewater Division of the Utilities Department is currently utilizing four Evoqua Water Technologies (Evoqua) Internalift Screw Pumps as part of the primary treatment process that is performed at the Sutter Wastewater Treatment Plant, and

WHEREAS, Operations & Maintenance staff have determined that two of the existing four pumps have come to the end of their useful service and must be replaced to ensure there is no disruption to the efficient operation of the facility, and

WHEREAS, Evoqua Internalift Screw Pumps are proprietary equipment manufactured by Evoqua Water Technologies in Thomasville, GA, who is the only authorized source for replacement pumps, components and/or repair of the equipment, and

WHEREAS, the Internalift Screw Pumps work in tandem with other equipment; purchasing the new pumps from a different supplier would require replacing or reconfiguring these existing systems, which would have a significant financial and operational cost, and

WHEREAS, the Modesto Municipal Code Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, Evoqua should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since they are the only authorized source for replacement pumps, components and/or repair of the equipment and in that purchasing the new pumps from a different supplier would require replacing or reconfiguring the existing systems, at a significant financial and operational cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase for the replacement of two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant from Evoqua Water Technologies, of Thomasville, GA for an estimated cost of $1,787,560, plus $168,670 in contingency, if needed, for a total not to exceed amount of $1,956,230.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-369

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 MULTI-YEAR PROJECT BUDGET IN THE AMOUNT OF $946,355 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE PURCHASE AND INSTALLATION OF TWO INTERNALIFT SCREW PUMPS AT THE SUTTER WASTEWATER TREATMENT PLANT

WHEREAS, certain budgetary transactions are necessary in the amount of $946,355, in order to fully fund the purchase and installation of two Internalift Screw Pumps at the Sutter Wastewater Treatment Plant, and

WHEREAS, the Fiscal Year 2021-22 Multi-Year Project Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Multi-Year Project Budget in the amount of $946,355 to be transferred into the project from Wastewater Reserves.

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 14th day of September, 2021, 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:	Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Escutia-Braaton

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-370

RESOLUTION APPROVING AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361

WHEREAS, all meetings of the City of Modesto's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 19, 2020, the City Council adopted Resolution Number 2020-140, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up virtual meetings for all City Council meetings and meetings of all legislative bodies within the City; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ends the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means;

and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the City Council make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, the Governor has declared a State of Emergency pursuant to Government Code section 8625 as has the City of Modesto; and

WHEREAS, since issuing Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State and Stanislaus County; and

WHEREAS, the California Department of Public Health currently recommends that all individuals, regardless of vaccination status, wear a mask while indoors in public spaces; and

WHEREAS, on September 2, 2021, the Stanislaus County Health Officer issued an order requiring all individuals, regardless of vaccination status, to wear a mask while indoors in public spaces; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, the Stanislaus County Health Officer's order requires individuals to follow the CDC's guidance for vaccinated and unvaccinated people; and

WHEREAS, because of the rise in cases due to the Delta variant of COVID-19 and the continued presence of COVID-19 in Stanislaus County, the City is concerned

about the health and safety of all individuals who intend to attend Council meetings; and

WHEREAS, because health officials are recommending indoor masking and social distancing, the City Council desires to continue holding meetings via teleconferencing; and

WHEREAS, the City shall ensure that it's meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW, THEREFORE, the City Council of the City of Modesto does RESOLVE as follows:

1. The above recitals are true and correct, and incorporated into this Resolution.

2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the City Council makes the following findings:

    a) The City Council has considered the circumstances of the state of emergency; and

    b) The state of emergency, as declared by the Governor and City Council, continues in existence; and

    c) State and local officials continue to impose or recommend measures to promote social distancing; and

    d) The presence of COVID-19 in the community continues to directly impact the ability of all members of the City's legislative bodies to meet safely in person.

3. City Council and City's legislative bodies may continue to meet remotely in compliance with AB 361, in order to better ensure the health and safety of the public.

4. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-371

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MODESTO OR HER DESIGNEE TO SIGN AN AGREEMENT TO RENEW THE FRIENDSHIP AND EXCHANGE AGREEMENT WITH THE CITY OF LAVAL, FRANCE

WHEREAS, the City of Modesto and the City of Laval, France entered into a friendship and exchange agreement on September 27, 2011.

WHEREAS, the Municipal Council of Laval, France has requested that the City Council consider and approve renewing of this agreement, and

WHEREAS, such a relationship will continue to promote cooperation, mutual understanding and friendship between the communities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renewing the friendship and exchange relationship agreement between the City of Modesto and the City of Laval, France,

BE IT FURTHER RESOLVED that the Mayor of the City of Modesto, or designee, is hereby authorized to execute an agreement renewing the friendship and exchange relationship with Laval, France.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-372

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONSTRUCTION MANAGEMENT SERVICES AGREEMENT WITH WSP USA INC. FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT, INCREASING THE AGREEMENT AMOUNT BY $1,721,080 PLUS $172,108 ADDITIONAL SERVICES, IF NEEDED, FROM $9,870,886 FOR A TOTAL NOT TO EXCEED AMOUNT OF $11,764,074, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, on June 25, 2019, by Resolution No. 2019-295, the City Council approved an Agreement with WSP USA Inc. for Construction Management Services in the amount of $8,973,533 plus $897,353 in additional services, for a total amount of $9,870,886, and

WHEREAS, the original WSP Agreement was procured approximately 6-months prior to start of project construction, and

WHEREAS, at that time staff was unsure if there would be enough funding to complete the entire construction project as originally contemplated, and

WHEREAS, to ensure financial support of the construction project, a bid alternate strategy was developed, and

WHEREAS, this bid alternate work was to support construction of an Intelligent Transportation System (ITS) requested by Caltrans and to support a fully developed landscape plan as originally intended, and

WHEREAS, the result of this added work was to extend the construction completion date from October 2021 to June 2022 and provide for a 3-year Plant Establishment Period, and

WHEREAS, the WSP Agreement was tendered to support the base bid contract excluding the added alternatives and Plant Establishment Period, and

WHEREAS, when the bids were received on August 20, 2019, the City was able to fund the project as originally intended, and

WHEREAS, the inclusion of the bid alternates added approximately 6-months to the base bid construction schedule in addition to a 3-year Plant Establishment Period, and

WHEREAS, this extension of the project schedule carried with it the need to extend the WSP Agreement to perform the Scope of Services for an additional extended term, and

WHEREAS, the Scope of Services for purposes of the First Amendment remains unchanged from that which was provided in the original Agreement, and

WHEREAS, the First Amendment extends WSP's obligations to perform the Scope of Services listed in **Exhibit "A"** of the Agreement for the term of the Amendment, and

WHEREAS, the First Amendment will extend the original Agreement end date of December 31, 2021, to completion of construction contract closeout with Caltrans or December 31, 2025, and will increase the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074, and

WHEREAS, Bid Alternates A and B increased the overall construction completion schedule from 440 working days to 565 Working Days, or about 28 months, and

WHEREAS, there are sufficient funds in the Streets CFF to support the Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Construction Management Services Agreement with WSP USA Inc. for the State Route 132 West Freeway/Expressway - Phase 1 Project, increasing the Agreement amount by $1,721,080 plus $172,108 additional services, if needed, from $9,870,886 for a total not to exceed amount of $11,764,074.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO AGREEMENT
FOR CONSTRUCTION MANAGEMENT SERVICES
FOR STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT

This First Amendment to Agreement for Construction Management Services is made with reference to the contractual agreement between the CITY OF MODESTO ("City") and WSP USA INC., a New York corporation ("Consultant"), entered into by the parties on the 25th day of June, 2019, hereinafter referred to as "Original Agreement".

This First Amendment to the Original Agreement for Construction Management Services is made with regard to the following recitals:

A. Section 3.0 "**COMPENSATION AND BILLING**" of the Original Agreement authorized and specified a not to exceed amount of **$9,870,886**, inclusive of additional services, to Consultant for performing all services and furnishing all staffing and materials called for in Exhibit "A" under this Agreement.

B. On or about August 4, 2021, at the City's request, Consultant submitted to City a budget augmentation for additional construction management services in excess of the **$9,870,886** authorized in the Original Agreement, attached to the Original Agreement and referred to therein as Exhibit "A".

C. The aforementioned additional construction management services increase the amount of the Original Agreement by **$1,721,080**.

D. The Original Agreement states that the Agreement shall end on December 31, 2021, unless extended by agreement of the parties. Since Consultant's work under this contract will extend beyond the December 31, 2021 end date, the parties desire to extend that end date to completion of construction contract closeout with Caltrans or December 31, 2025.

NOW, THEREFORE, in consideration of this First Amendment to Agreement, and the mutual promises, covenants, and stipulations contained in the Original Agreement for Construction Management Services and this First Amendment to Agreement, the parties agree as follows:

1. The parties agree that each of the recitals set out above is factually true and correct.

2. Section 2.0 "**CONTRACT DOCUMENTS**" of the Original Agreement shall be deleted and parties agree to and hereby do substitute the following in its place:

> **"2.0 CONTRACT DOCUMENTS**
> Contract documents consist of the following documents, including all changes, addenda, and modifications thereto:
>
> 1. Agreement and all attachments
>   a. Exhibit A – Scope of Services
>   b. Exhibit B – Insurance Requirements
>   c. Exhibit C – Project Schedule
>   d. Exhibit C-1 – Revised Project Schedule
>   e. Exhibit D – Fee Schedule
>   f. Exhibit D-1 – Revised Fee Schedule
> 2. City's Request for Proposal
> 3. Consultant's Response"

3. Section 3.1 "**Compensation**" of the Original Agreement between the parties shall be deleted and the parties agree to and hereby do substitute the following in its place:

> **"3.1 Compensation:** It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of funds or appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays that would occur if the Agreement were executed after that determination was made. Consultant and City agree that this Agreement is valid and enforceable only if sufficient funds are made available to the City and funding is approved by the governing body of the City.

Consultant shall be paid in accordance with the schedule set forth in Exhibit "D" (Fee Schedule), attached hereto and made a part of this Agreement. In addition, Consultant shall be paid in accordance with the schedule set forth in Exhibit "D-1 – Revised Fee Schedule".

Fee Schedule rates shall include all work and deliverables, including travel and equipment described in Exhibit "D" and Exhibit "D-1," including direct salary costs, employee benefits, and overhead. The City may retain five percent of all periodic or progress payments made to the Consultant until completion and acceptance of all work tasks and City shall have right to withhold payment from Consultant for any unsatisfactory service until such time service is performed satisfactorily.

A. The method of payment for this contract will be based on actual cost plus fixed fee, unless otherwise indicated on Exhibit "D" or "D-1" of this Agreement. City will reimburse Consultant for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by Consultant in performance of the work.

   Consultant will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead, and other estimated costs set forth in the approved Consultant's Cost Proposal and Revised Cost Proposal, unless additional reimbursement is provided for by Agreement amendment. In no event, will Consultant be reimbursed for overhead costs at a rate that exceeds City's approved overhead rate set forth in the Cost Proposal and Revised Cost Proposal.

   In the event, that City determines that a change to the work from that specified in the Cost Proposal and Agreement is required, the Agreement time or actual costs reimbursable by the City shall be adjusted by Agreement amendment to accommodate the changed work. The maximum total cost as specified in Paragraph "I" of this Article shall not be exceeded, unless authorized by Agreement amendment.

B. The indirect cost rate established for this Agreement is extended through the duration of this specific Agreement. Consultant agreement to the extension of the 1-year applicable period shall not be a condition or qualification to be considered for the work or Agreement award.

C. In addition to the allowable incurred costs, the City will pay Consultant a fixed fee of **$1,016,944.68**. The fixed fee is nonadjustable for the term of the Agreement, except in the event of a significant change in the scope of work and such adjustment is made by Agreement amendment.

D. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal and Revised Cost Proposal.

E. When milestone cost estimates are included in the approved Cost Proposal and Revised Cost Proposal, Consultant shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.

F. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of Consultant's fixed fee will be included in the monthly progress payments. If Consultant fails to submit the required deliverable items according to the schedule set forth in Exhibit A, Article 3 Statement of Work, the City shall have the right to delay payment or terminate this Agreement.

G. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this Agreement.

H. Consultant will be reimbursed promptly according to California Regulations upon receipt by the City's Contract Administrator of itemized invoices in duplicate. Invoices shall be submitted no later than thirty (30) calendar days after the performance of work for which Consultant is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and Revised Cost Proposal and shall reference this Agreement number and project title. Final invoice must contain the final cost and all credits due the City including any equipment purchased. The final invoice should be submitted within sixty (60) calendar days after completion of Consultant's work. Invoices shall be mailed to the City's Contract Administrator at the following address:

Mr. John Rawles
c/o Community & Economic Development Department
P.O. Box 642
Modesto, CA 95353

I. The total amount payable by the City of Modesto including the fixed fee shall not exceed ELEVEN MILLION, FIVE HUNDRED NINETY-ONE THOUSAND, NINE HUNDRED SIXTY-SIX and 00/100 DOLLARS ($11,591,966.00).

J. Salary increases will be reimbursable if the new salary is within the salary range identified in the approved Cost Proposal and Revised Cost Proposal and is approved by the City's Contract Administrator.

K. For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable.

3.3 **Additional Services:** Consultant shall not receive compensation for any services provided outside the scope of services specified in Exhibit "A" unless the City Manager, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable.

Additional services may be authorized by the City Manager in an amount up to, but not to exceed ONE HUNDRED SEVENTY-TWO THOUSAND, ONE HUNDRED EIGHT AND 00/100 DOLLARS ($172,108.00).

In the event that additional costs are deemed necessary, Consultant shall provide a written request to the City Manager indicating the reason for the additional work, scope and cost of said work. City Manager shall provide a response to the request, either approving or denying the additional expenditure. If additional services are requested and approved, they will be negotiated as indicated elsewhere within this agreement. In that event, the new total compensation shall not exceed ELEVEN MILLION, SEVEN HUNDRED SIXTY-FOUR THOUSAND, SEVENTY-FOUR AND 00/100 DOLLARS ($11,764,074.00).

If additional services in excess of this amount are deemed necessary, a second amendment to the Original Agreement will be required and must be approved by the City Council prior to commencing the work.

4. The end date in the Original Agreement between the parties shall be deleted and the parties agree to and hereby do substitute the following in its place:

"This Agreement shall be extended to completion of construction contract closeout with Caltrans or December 31, 2025, unless extended by agreement of both parties."

5. Except as herein amended or modified, the provisions of the Original Agreement are expressly reaffirmed and remain in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this First Amendment to Agreement for Construction Management Services in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2021-_____, adopted by the Council of the City of Modesto on the 28th day of September, 2021, and Consultant has caused this First Amendment to Agreement to be duly executed in duplicate as of the Effective Date.

(Signatures on next page)

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-373

RESOLUTION APPROVING AND ADOPTING CALTRANS LOCAL ASSISTANCE PROCEDURES MANUAL CHAPTER 10: CONSULTANT SELECTION, AND ADMINISTRATIVE DIRECTIVE 3.1, SELECTION PROCEDURES FOR PROFESSIONAL CONSULTANTS WHO PROVIDE ARCHITECTURAL & ENGINEERING SERVICES FOR CAPITAL PROJECTS, DATED FEBRUARY 10, 2011, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO APPROVE AMENDMENTS TO THE CITY'S ADOPTED ARCHITECTURAL & ENGINEERING SERVICES ADMINISTRATION AND PROCUREMENT POLICIES IN CONSULTATION WITH THE FEDERAL HIGHWAYS ADMINISTRATION FOR FUTURE FEDERALLY FUNDED TRANSPORTATION PROJECTS

WHEREAS, the City of Modesto is responsible for constructing transportation projects that are state and federally funded; and

WHEREAS, in order to comply with the Federal regulations and due to limited staffing and expertise, certain services including Architectural and Engineering (A&E) are contracted out to qualified firms; and

WHEREAS, the Federal regulations set forth standards for procuring and administering A&E contracts; and

WHEREAS, the provisions of the Brooks Act (40 United States Code, Section 1104) require local agencies to award federally funded engineering and design-related contracts, otherwise known as A&E contracts, on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (23 CFR 31.201-3); and

WHEREAS, pursuant to 23 CFR 172.5 (b), local agencies shall develop and sustain organizational capacity and provide the resources necessary for the procurement, management, and administration of engineering and design related consultant services,

reimbursed in whole or in part with Federal-Aid Highway Program funding as specified in 23 U.S.C. 106(g)(4)(A); and

WHEREAS, the provision 23 CFR 172.5 (b)(1) requires local agencies to adopt written policies and procedures for the procurement, management, and administration of engineering and design related consultant services in accordance with applicable Federal and State laws and regulations; and

WHEREAS, the State of California Department of Transportation (Caltrans) has developed the Local Assistance Procedures Manual (LAPM), Chapter 10, Consultant Selection which sets forth policies and procedures to be utilized by local agencies in the procurement and management of A&E contracts on state and federal funded transportation projects to ensure compliance with applicable Federal and State laws and regulations and to maintain eligibility for Federal-Aid reimbursement; and

WHEREAS, City of Modesto has developed additional policies, Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, dated February 10, 2011, to ensure avoidance of conflict of interests in performance of A&E services for state and federal funded transportation projects; and

WHEREAS, the City of Modesto desires to adopt Caltrans's LAPM Chapter 10 in conjunction with the City's conflict of interest policies for compliance with Federal regulations on the procurement and administration of A&E contracts for future federally funded transportation projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and adopts the Caltrans Local Assistance Procedures Manual

Chapter 10: Consultant Selection dated January 2021, or as amended in future updates for future federally funded transportation projects.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby approves and adopts Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, dated February 10, 2011 for future federally funded transportation project.

BE IT FURTHER RESOLVED, authorizing the City Manager, or his designee, to approve amendments to the City's adopted A&E Services Administration and Procurement Policies in consultation with the Federal Highways Administration for future federally funded transportation projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-374

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PARADISE ROAD PAVEMENT REHABILITATION, STPL-5059(219) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO DIRT DYNASTY, INC. OF VALLEY SPRINGS, CA, IN THE AMOUNT OF $1,850,337 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Paradise Road Pavement Rehabilitation, STPL-5059(219), and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Paradise Road Pavement Rehabilitation, STPL-5059(219), were publicly opened at 11:00 a.m. on August 24, 2021, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $1,850,337 received from Dirt Dynasty, Inc. of Valley Springs, California be accepted as the lowest responsible and responsive bid and the contract be awarded to Dirt Dynasty, 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 the formal bid procedures, and

WHEREAS, an award of $1,850,337 and agreement for construction for Community and Economic Development Department to use Dirt Dynasty, Inc. of Valley Springs, California, conforms to the Modesto Municipal Code because the City complied

with the formal bid procedures and Dirt Dynasty, Inc. of Valley Springs, California, was the lowest responsive bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project, accepts the bid of Dirt Dynasty, Inc. of Valley Springs, California, in the amount of $1,850,336.80 and awards Dirt Dynasty, Inc. the contract for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-375

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $190,000 (10.2% OF THE ORIGINAL CONTRACT PRICE) FOR THE PARADISE ROAD PAVEMENT REHABILITATION, STPL-5059(219) PROJECT

WHEREAS, Paradise Road Pavement Rehabilitation, STPL-5059(219) bids were publicly opened on August 24, 2021, and Dirt Dynasty, Inc. of Valley Springs, California, was the apparent low bidder with the amount of $1,850,337, and

WHEREAS, the contingency cost for the Paradise Road Pavement Rehabilitation, STPL-5059(219) project is estimated to be $190,000 (10.2% of the original contract price), an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 2019-326 on July 9, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of $190,000 (10.2% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-376

RESOLUTION CLAIMING FISCAL YEAR 2020-2021 UNCLAIMED FUNDS OF $10,526 HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City's General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of $15 or more, held in the City's Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves $10,526 in Fiscal Year 2020-2021 unclaimed funds to be transferred to the General Fund.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-377

RESOLUTION APPROVING THE 2020-2021 WRITE-OFF AND ADJUSTMENTS REPORTS THROUGH FISCAL YEAR END JUNE 30, 2021 IN THE TOTAL AMOUNT OF $553,039 AND DIRECTING A REPORT OF DISPOSITION TO BE FILED WITH THE CITY CLERK

WHEREAS, the Finance Department maintains a billing system to track monies owed to the City; and

WHEREAS, occasionally the responsible party does not pay the City as required; and

WHEREAS, it is the City's policy to actively pursue collection of past-due accounts and write off amounts deemed to be uncollectible; and

WHEREAS, the City employs various different means of trying to collect past-due accounts; and

WHEREAS, collection efforts continue until the legal statute restricts the City's collections actions; and

WHEREAS, the City's Write-off of Uncollectible Accounts Receivable policy, as allowed under by Section 2-3.406 of Article 4 of Title 2 of the Municipal Code, requires the following approval authority: the Director of Finance is authorized to approve the write-off of accounts with an outstanding balance due of up to $5,000, and the City Manager is authorized to approve the write-off of accounts with an outstanding balance due in excess of $5,000 and up to $25,000; and

WHEREAS, in Fiscal Year 2018-2019, the Finance Department established Administrative Directive 7.20, Accounts Receivable Adjustment Policy, and determined

the Accounts Receivable, Utility Billing, Parking Citations and Business License adjustments should be incorporated into the annual report; and

WHEREAS, the following amounts with an outstanding balance less than $5,000 have been approved for write-off by the Director of Finance for the Fiscal Year 2020-2021 and as such all available collection remedies have been exhausted: (1) Miscellaneous Receivables- $91,428, (2) Utilities Receivables - $353,469, (3) Parking Citations - $13,534, (4) Business License - $56,887; and

WHEREAS, for the write off and adjustment amounts in excess of $5,000 and up to $25,000 for $37,721, the City Manager is authorized to approve;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the City Manager's and Director of Finance reports of uncollectible utility and accounts receivable in the total amount of $553,039, and approve a report of disposition be filled with the City Clerk;

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-378

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE AGREEMENT WITH MUNIQUIP INC., ROSEVILLE, CA, FOR WEMCO/HIDROSTAL PUMP PARTS AND/OR ELECTRICAL COMPONENTS FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF $16,000, AND A TOTAL AMOUNT NOT TO EXCEED $80,000 OVER FIVE-YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, THE ABILITY TO ADD PARTS BASED ON THE DEPARTMENT'S NEEDS, ENSURING THE TOTAL AMOUNT DOES NOT EXCEED THE AUTHORIZED TOTAL, AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto, Utilities Department, Wastewater Division utilizes the hidrostal pumps at thirty (30) sanitary sewer/storm sewer lift stations throughout the City of Modesto. The hidrostal pump design has proven to be robust and reliable; and

WHEREAS, the majority of these pumps have been installed in the sanitary sewer system; and

WHEREAS, staff is requesting a sole source agreement for the purchase of wemco/hidrostal pump parts and/or electrical components. The agreement will be utilized for hidrostal submersible slide rail pumps, dry pit submersible pumps, rebuild kits, electrical components, impellers, mechanical seals, power cords with caps, suction bugles, slide rail brackets, slide rail bases, and other incidental parts considered critical which may have been inadvertently overlooked; and

WHEREAS, Modesto Municipal Code Section 8-3.204 generally requires all purchases, in excess of ($50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single

article or process. Additionally, the purchase of wemco/hidrostal pump parts and/or electrical components from Muniquip Inc. should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) because Muniquip Inc. is the exclusive authorized representative for Hidrostal Pump parts. Therefore, this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase agreement with Muniquip Inc., Roseville, CA, for Wemco/Hidrostal pump parts and/or electrical components for a two-year agreement with three (3) one-year extension options, for an estimated annual amount of $16,000, and a total amount not to exceed $80,000 over five-years.

BE IT FURTHER RESOLVED, the Purchasing Manager, or her designee, the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-379

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT WITH WEST COAST ARBORISTS, INC., OF ANAHEIM, CA AS THE PRIMARY CONTRACTOR FOR THE FURNISHING OF ON-CALL VEGETATION MANAGEMENT SERVICES FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT FOR AN ESTIMATED ANNUAL AMOUNT OF $250,000 AND AN AGREEMENT WITH GROVER LANDSCAPE SERVICES, INC., OF MODESTO, CA AS THE SECONDARY CONTRACTOR FOR AN ESTIMATED ANNUAL AMOUNT OF $25,000, FOR AN ESTIMATED COMBINED ANNUAL AMOUNT OF $275,000 AND AUTHORIZING THE DIRECTOR OF FINANCE, OR DESIGNEE, TO ADJUST THE FINANCIAL AMOUNTS BETWEEN BOTH PROVIDERS WITH A TOTAL COMBINED AMOUNT NOT TO EXCEED $1,375,000 OVER FIVE-YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, in recent years, the demand for vegetation management services within the City's park system has exceeded the City Forestry Division's available time and resources; and

WHEREAS, the City does not currently have an on-call vegetation management agreement available that provides tree trimming, tree removal, stump grinding, temporary tree protection fencing, herbicide application, wood chipping, vegetation haul-off and disposal, brush grinding, field mowing, field disking, arborist tree evaluations, and emergency service response; and

WHEREAS, in 2020, the Parks, Recreation and Neighborhoods Department, working in conjunction with other departments, identified a citywide need to establish a comprehensive on-call vegetation management agreement with a professional service provider; and

WHEREAS, the establishment of On-Call Vegetation Management Services Agreements will enable the City to better manage vegetation throughout the park system,

increase efficiency in response to weather related damage, reduce the risks of vegetation fires, and increase public safety throughout the City; and

WHEREAS, on June 8, 2021, the Purchasing Division issued RFB No. PPD20-07RB for On-Call Vegetation Management Services, on Planet Bids via the City's website under various commodity codes and twenty-one (21) companies downloaded the RFB; and

WHEREAS, on June 29, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream, and three (3) companies responded, of which one (1) was a local vendor; and

WHEREAS, on the basis of providing the lowest responsive and responsible bid, staff recommends awarding the On-Call Vegetation Management Services agreement to West Coast Arborists, Inc., Anaheim, CA, as the primary contractor for an estimated annual amount of $250,000; and

WHEREAS, additionally, staff recommends awarding a secondary agreement to Grover Landscaping Services, Inc., Modesto, CA, for an estimated annual amount of $25,000; and

WHEREAS these two agreements have a combined estimated annual total amount of $275,000 and a five-year not to exceed total of $1,375,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves the award of bid and agreement with West Coast Arborists, Inc., of Anaheim, CA as the primary contractor for the furnishing of On-Call Vegetation Management Services for the Parks, Recreation and Neighborhoods Department for an estimated annual amount of $250,000 and an agreement with Grover Landscape Services,

Inc., of Modesto, CA as the secondary contractor for an estimated annual amount of $25,000, for an estimated combined annual amount of $275,000 and a total combined amount not to exceed $1,375,000 over five-years.

BE IT FURTHER RESOLVED, that the Director of Finance, or designee, is authorized to adjust the financial amounts between both providers with a total combined amount not to exceed $1,375,000 over five-years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-380

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR HYDRAULIC WASTEWATER COLLECTION SYSTEM MODELING SUPPORT SERVICES WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR ONE YEAR WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $100,000, AND A TOTAL COST NOT TO EXCEED $300,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, a hydraulic model of the City's wastewater collection system was developed in 2005 as part of the City's 2007 Wastewater Master Plan, and

WHEREAS, the model was previously used to analyze the City's wastewater collection system, and evaluate development specific projects, and proposed system improvements, and

WHEREAS, on September 2, 2014, by Resolution No. 2014-334, Council approved an agreement with Carollo Engineers, Inc. (Carollo), for consultant services to update the Wastewater Master Plan, and

WHEREAS, the scope of work included updating, adding new functionality, and recalibrating the City's current hydraulic wastewater collection system model, and

WHEREAS, modeling support is needed for timely analysis related to design of wastewater collection system infrastructure and to assist/optimize wastewater collection system operations, and

WHEREAS, Carollo was selected to develop the City's 2007 Wastewater Master Plan and built a hydraulic model as part of that work, and

WHEREAS, Carollo has been providing wastewater collection system hydraulic modeling support for several years, related to specific tasks, and

WHEREAS, when on-call hydraulic wastewater system modeling services are required on an as needed basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete the specific task, 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 bid requirement, and

WHEREAS, per Administrative Directive 3.1: Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, the Director at his direction, may secure a candidate firm if it is in the best interest of the City, and

WHEREAS, Carollo has the hardware, software and updated version of the City's current wastewater system infrastructure model and there is efficiency in utilizing these resources.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Hydraulic Wastewater Collection System Modeling Support Services with Carollo Engineers, Inc., Walnut Creek, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-381

RESOLUTION APPROVING AN ON-CALL AGREEMENT FOR HYDRAULIC WATER SYSTEM MODELING SUPPORT SERVICES WITH WEST YOST ASSOCIATES, INC., PLEASANTON, CA, FOR ONE YEAR WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $100,000, AND A TOTAL COST NOT TO EXCEED $300,000 OVER THREE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 2, 2014, by Resolution No. 2014-336, City Council approved an agreement with West Yost Associates, Inc. (West Yost), for consultant services to develop a Water System Master Plan, and

WHEREAS, the scope of work included recalibrating the City's current hydraulic model and reallocating system demands based on new metered data, and

WHEREAS, on February 7, 2017, by Resolution No. 2017-43, City Council approved an On-Call Agreement with West Yost for consultant services to provide hydraulic water system modeling support services, and

WHEREAS, modeling support is needed for timely analysis related to design of water infrastructure, optimization of water system operations, and to conduct scenarios to support related water resources management, and

WHEREAS, West Yost has been providing hydraulic water system modeling support services for several years, typically related to a specific task, such as the Water System Engineer's Report and Water System Master Plan, in addition to water system operational scenarios and related analysis, and

WHEREAS, when on-call hydraulic water system modeling services are required on an as needed basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete the specific task, 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 bid requirement, and

WHEREAS, per Administrative Directive 3.1: Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, the Director at his direction, may secure a candidate firm if it is in the best interest of the City, and

WHEREAS, West Yost has the hardware, software and updated version of the City's current water system infrastructure model and there is efficiency in utilizing these resources.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement for Hydraulic Water System Modeling Support Services with West Yost Associates, Inc., Pleasanton, CA, for one year with two one-year extension options, for an annual cost not to exceed $100,000, and a total cost not to exceed $300,000 over three years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-382

RESOLUTION REJECTING THE BID FOR THE PLANT STRUCTURAL IMPROVEMENTS PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE

WHEREAS, the bids for the plant structural improvements project were publicly opened on July 27, 2021, pursuant to City Charter Section 1307, and only one bid was received, and

WHEREAS, the bid received was 59.21% above the engineer's estimate, and

WHEREAS, the Director of has determined that it would be in the best interest of the City to reject the bid and re-advertise the project at a later date, due to the high bid received and due to the lack of bidding competition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bid received for the Plant Structural Improvements Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-383

RESOLUTION ACCEPTING THE PRIMARY OUTFALL SEWER TRUNK EMERGENCY REPAIR AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES AND AUTHORIZE PAYMENTS TOTALING $12,890 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CA

WHEREAS, Wastewater Operations and Maintenance identified that the Primary Outfall Sewer Trunk at the Sutter Plant was leaking, and

WHEREAS, this is the City's main trunk line that conveys domestic wastewater from the Sutter Plant to the Jennings Plant, and

WHEREAS, City staff initiated an expedited process to secure a Contractor to perform the repair, and

WHEREAS, Section 8-3.102(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the Primary Outfall Sewer Trunk required urgent repair in order to prevent sanitary sewer overflows, to protect the public from potential harms, as well as provide continued service, and

WHEREAS Primary, Outfall Sewer Trunk Emergency Repair has been completed by Rolfe Construction Company of Atwater.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Primary Outfall Sewer Trunk Emergency Repair are hereby accepted as complete from said contractor, Rolfe Construction Company of Atwater, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling $12,890, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-384

RESOLUTION APPROVING THE CONTINUATION OF THE PROGRAM TO ALLOW THE USE OF AUTONOMOUS ROBOTS, ALSO KNOWN AS PERSONAL DELIVERY DEVICES "PDD" FOR DELIVERY DEVICES FOR DELIVERY OF GOODS FROM CITY OF MODESTO BUSINESSES TO CUSTOMERS, AND ISSUING A PDD PERMIT TO STARSHIP TECHNOLOGIES, INC. WITH SUCH TERMS AND CONDITIONS AS DETERMINED NECESSARY BY THE CITY MANAGER

WHEREAS, the City Council desires to continue a permit program to allow the use of autonomous robots also known as Personal Delivery Devices "PDD" for the purpose of delivering goods from City of Modesto businesses to customers; and

WHEREAS, pursuant to Chapter 9, Article 5 of the Modesto City Code, the City may issue permits for various encroachments into the City's right-of-way, but such Chapter does not contemplate the use of autonomous delivery robots; and

WHEREAS, on September 8th 2020, the City Council approved a pilot program allowing Personal Delivery Device Permits ("PDD Permit"), pursuant to which any individual, corporation, partnership, limited liability company or other entity ("Operator") may operate one or more PDDs on sidewalks, crosswalks, and, transitorily, on public thoroughfares; and

WHEREAS, on September 8, 2020, the City Council authorized the City Manager, or designee to approve a temporary PDD Permit to Starship Technologies, Inc. to operate PDDs in the City through September 13, 2021; and

WHEREAS, the City Council desires to authorize the City Manager, or designee to issue a new PDD Permit to Starship Technologies, Inc. to operate PDDs in the City; and

WHEREAS, the use of these PDDs, activated by consumers' smartphones or other devices, will initiate the delivery of purchases when convenient for the consumer, and consumers can have items delivered within approximately 30 minutes; and

WHEREAS, accordingly, this technology may reduce the inefficiencies associated with failed deliveries, facilitate the return of unwanted goods, and reduce the number of vehicle trips associated with the delivery of goods from local establishments.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves the creation of a permit program to allow the use of autonomous robots, also known as Personal Delivery Devices "PDD" for delivery devices for delivery of goods from City of Modesto businesses to customers, and issuing a PDD permit to Starship Technologies, Inc., with such terms and conditions as determined necessary by the City Manager;

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-385

RESOLUTION APPROVING THE ACCEPTANCE OF THE 2020 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT, TO FUND NINE (9) FIREFIGHTER POSITIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT RELATED DOCUMENTS

WHEREAS, on March 9th, 2021, Council approved by Resolution No. 2021-089 authorizing application for this grant, since that time staff has received notification that the Modesto Fire Department (MFD) had been awarded the $4,244,402.16 requested through the SAFER grant, and

WHEREAS, the Modesto Fire Department is seeking approval to accept the 2020 SAFER grant, which will fund the hiring of nine (9) firefighters. This grant is 100% funded (at firefighter B step) with no match requirement for a three-year period, and

WHEREAS, if accepted, MFD will be able to maintain our constant staffing as well as add six (6) relief firefighters to relieve the burden of the overtime and additional work hours for our firefighters. There are no match requirements to this grant program however, it will not fund the costs to hire, train and equip firefighters, and

WHEREAS, staff recommends acceptance of the 2020 SAFER Grant funding the hiring of nine (9) firefighters.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant, to fund nine (9) firefighter positions.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-386

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 OPERATING BUDGET TO INCREASE THE 2020 FEMA SAFER GRANT IN THE FIRE DEPARTMENT IN THE AMOUNT OF $767,864 FOR GRANT REVENUE AND SALARIES AND BENEFITS; AND ESTABLISHING A TRANSFER FROM THE GENERAL FUND TO THE 2020 FEMA SAFER GRANT IN THE AMOUNT OF $117,927 FOR HIRING COSTS, PERSONAL PROTECTIVE EQUIPMENT COSTS, CONTRACTUAL CASH OUTS THAT ARE NOT COVERED BY THE GRANT FOR A TOTAL OF $885,791 FOR YEAR ONE OF THE GRANT

WHEREAS, on March 9th, 2021, Council approved by Resolution No. 2021-089 authorizing application for this grant, since that time staff has received notification that the Modesto Fire Department (MFD) had been awarded the $4,244,402.16 requested through the SAFER grant; and

WHEREAS, the Modesto Fire Department is seeking approval to accept the 2020 SAFER grant, which will fund the hiring of nine (9) firefighters. This grant is 100% funded (at firefighter B step) with no match requirement for a three-year period; and

WHEREAS, if accepted, MFD will be able to maintain constant staffing as well as add six (6) relief firefighters to relieve the burden of the overtime and additional work hours for firefighters. There are no match requirements to this grant program however, it will not fund the costs to hire, train and equip firefighters; and

WHEREAS, the City will be receiving $4,244,402.16 to cover salary and benefits for nine (9) Firefighters, hiring costs (background investigations, physicals, etc.), personal protective equipment, uniforms and contractual holiday cash outs are not covered by the grant. These costs are estimated to be $219,483.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 Operating Budget to increase

the 2020 FEMA SAFER grant in the Fire Department cost center 18216 in Fund 1341 in the amount of $767,864 for grant revenue and salaries and benefits; and establishing a transfer from the General Fund to the 2020 FEMA SAFER grant in the amount of $117,927 for hiring costs, personal protective equipment costs, contractual cash outs that are not covered by the grant for a total of $885,791 for year one of the grant.

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 28th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-387

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2021-22 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 22, 2021, as part of the Annual Budget of the City of Modesto for Fiscal Year 2021-2022; and

WHEREAS, the Modesto Fire Department has applied for and received SAFER grant funds to add additional allocations to their department; and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified; and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization; and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications; and

WHEREAS, position changes will be effective the first full pay period following Council adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-2022 Operating Budget as follows:

1. Allocate nine (9) Firefighters in the Suppression Division (18210) of the Fire Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-388

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2020-2021 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, each year, the City receives Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the objective of the CDBG Program is to develop viable urban through decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons by supporting activities such as public facilities improvements, social services, affordable housing, fair housing, economic development and addressing homelessness, and

WHEREAS, the HOME program supports a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people., and

WHEREAS, the ESG program provides funding for a variety of services including but not limited to engaging homeless individuals and families, emergency shelters, homeless prevention, and rapid rehousing activities, and

WHEREAS, to be eligible for funding awards, HUD requires the City to develop and adopt a Consolidated Plan every five years that analyzes the City's housing and community development needs, with priority on serving low- and moderate-income individuals, households, and neighborhoods (as defined by HUD), and establishes a 5-

year strategy outlining how the City will utilize CDBG, HOME and ESG funding for meeting the needs identified, and

WHEREAS, as a component of the five-year Consolidated Plan, the City must annually prepare and adopt an Annual Action Plan outlining the projects to be carried out for each particular Program Year within the five-year period, and

WHEREAS, at the conclusion of each program year, the City is required to prepare a Consolidated Annual Performance Evaluation Report (CAPER) detailing how the City spent its CDBG, HOME, and ESG funds during a particular program year, the progress of each project identified in the Annual Action Plan, and how the projects aligned with both the Annual Action Plan and Consolidated Plan, and

WHEREAS, the CAPER must be submitted to HUD no later than 90 days after the completion of the Program Year, therefore the CAPER is due to HUD no later than September 30, 2021, and

WHEREAS, a notice informing the public of the availability of the Program Year 2020-2021 CAPER, and the start of the public comment period, was published in the Modesto Bee September 8, 2021, and

WHEREAS, the public review comment period will close on September 28, 2021, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed CAPER on September 9, 2021, and recommended forwarding it to the City Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on September 28, 2021 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010

Tenth Street, and

WHEREAS, any comments received during the public review period or during the City Council meeting will be incorporated into the final CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approval of the 2020-2021 Consolidated Annual Performance Evaluation Report for submittal to HUD.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

*Amended

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-389

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS' DISTRICTING COMMISSION

WHEREAS, like many cities throughout California, Modesto utilizes a district-based system of electing Council Members; and

WHEREAS, after each decennial U.S. census, cities with district-based systems must "redistrict" to adjust the boundaries of the council members' districts using the new census data; and

WHEREAS, redistricting determines which neighborhoods and communities are grouped together into a district for purposes of electing a Council Member; and

WHEREAS, section 501(b)(3) of the Modesto Municipal Code (MMC) requires the City Council to appoint a Redistricting Commission consisting of nine (9) qualified electors residing within the City, reflecting the demographic and geographic diversity of the City; and

WHEREAS, pursuant to Section 501(b)(2) of the MMC, the Commission's function shall be to recommend to the Council the districts from which Council Members shall be elected;" and

WHEREAS, the Commission will review the current district boundaries for the six council member districts and determine whether changes are needed pursuant to local, state, and federal law criteria and procedures; and

WHEREAS, recruitment for the Citizens' Districting Commission opened June 18, 2021 through August 31, 2021; with additional candidates vetted in September in order to receive representatives from all Council Districts; and

*Amended

WHEREAS, the City received seventeen (17) applicants. One (1) applicant was deemed ineligible to serve on the Committee because they received retirement benefits from the City and another applicant voluntarily withdrew from the application process; and

WHEREAS, after careful review of the applications, review of the requirements of the Charter to reflect geographic and demographic diversity of the City, and making sure all Districts were represented, the Council hereby appoints 9 applicants to the Citizens' Districting Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints the following nine (9) commission members to the Citizens' Districting Commission:

Name	District
Maria Basulto	1
Emmanuel Becerra	2
*Aaron Anguiano	3
Seth Simas	3
Maria DeAnda	4
Diane Kroeze	4
Marsha Waggoner	5
Marshall Riddle	5
Nancy Hinton	6

*Amended

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-390

RESOLUTION AUTHORIZING THE CITY TO HAVE THE STATE THE ADMINISTER THE STATE OF CALIFORNIA'S RENTAL ASSISTANCE PROGRAM- 1 RESERVATION FOR THE CITY OF MODESTO IN THE APPROXIMATE AMOUNT OF $7.6M, THE CITY TO HAVE THE STATE ADMINISTER THE DIRECT FEDERAL ALLOCATION-2 TO THE CITY OF MODESTO IN APPROXIMATE AMOUNT OF $5.0M, AUTHORIZING THE CITY TO HAVE THE STATE THE ADMINISTER THE STATE OF CALIFORNIA'S RENTAL ASSISTANCE PROGRAM- 2 RESERVATION OF APPROXIMATELY $6.1M AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, on December 21, 2020, Congress passed the Consolidated Appropriations Act of 2021 and the Emergency Rental Assistance program made available $25 billion nationwide to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic, and

WHEREAS, the funds are provided directly to States, U.S. Territories, local governments, and Indian tribes. Grantees will use the funds to provide assistance to eligible households through existing or newly created rental assistance programs., and

WHEREAS, the State of California passed the COVID-19 Tenant Relief Act – SB91 (Act) which was signed into law January 29, 2021. The Act extended eviction protections to COVID-19 impacted tenants and established the state's Emergency Rental Assistance Program and this Act extends tenant protections included in the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088) to June 30, 2021. Under SB 91, if a tenant pays at least 25% of the rent due for the period of September 1, 2020 and June 30, 2021 by June 30, 2021, the tenant may not be evicted for any remaining unpaid rent from that period. Instead, such unpaid rent will become a consumer debt of the tenant, and

WHEREAS, to structure the most efficient and beneficial use of ERAP funds, City and County staff spoke to many local housing providers and landlords and the rental market in Stanislaus County is much different than many other parts of California, and

WHEREAS, locally, a majority of our landlords are not corporations but instead are landlords who own only a handful of rental properties and manage the properties themselves, and

WHEREAS, the community housing partners indicate that they have a hard time engaging with landlords who are willing to rent to our low-income population, and were concerned that the maximum reimbursement of 80% of arrears rule under the State's program will drive away landlords and further deplete our already deficient low-income housing stock, and

WHEREAS, the City and County felt it would be most beneficial to the community and the affordable housing stock to launch a joint program that offered 100% of rental arrears, and

WHEREAS, in order to manage the program, the Stanislaus Regional Housing Authority offered to act as the fiscal agent for both the City of Modesto and Stanislaus County and to develop a community application portal to accept applications for the Emergency Rental Assistance Program countywide, and

WHEREAS, to assist with the universal application intake process, the City and County was assisted by four local credit unions, and a mobile outreach team, and the credit unions who participated are Self-Help Credit Union; Rolling F Credit Union Modesto First Federal Credit Union, and Organized Labor Credit Union served as community intake locations and offered additional assistance to households, in both

Spanish and English to enter the information into the portal, or offer a paper copy of the application packet, and

WHEREAS, Stanislaus County United Way 211 is also partnered with the County and Modesto to support this effort. Community members will be able to call 211 or send a text to obtain more information about our Local ERAP and this program launched to the public on February 24, 2021, and

WHEREAS, the Federal ERA #1 funds required a quick establishment and deployment timeline due to the December 30, 2021 expenditure deadline, and

WHEREAS, typically, an agency or jurisdiction will have several months to develop and implement a new program, including the development of guidelines and protocols, and

WHEREAS, the Stanislaus Regional Housing Authority, acting as the fiscal and eligibility agent for the County and Modesto, faced several challenges in developing and implementing the Stanislaus Emergency Rental Assistance Program, and

WHEREAS, in June 2021, Assembly Bill 832 was enacted into law and made several important changes to the State's ERA Program, namely the ability to increase rental arrears assistance to 100%. and it extended the expenditure guidelines from December 31, 2021 to September 30, 2022.The significant changes to the State ERA #1 Program addressed many of the programmatic elements that contributed to the County and Modesto initially selecting Deferred Option B, and

WHEREAS, the changes to the State ERA program guidelines and the extension of ERA #1 funding expenditure deadline to September 30, 2022, AB 832 established a

window of opportunity for grantees to change how they administer rent relief programs, and

WHEREAS, City staff recommends pivoting to authorizing the Department of Housing and Community Development (HCD) to administer the City's State ERA #1 Reservation in the approximate amount of $7.6 million with all local partners are supportive of this transition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the State to administer the State of California's Rental Assistance Program- 1 Reservation for the City of Modesto in the approximate amount of $7.6 million.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-391

RESOLUTION AUTHORIZING THE CITY TO HAVE THE STATE ADMINISTER THE EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP-1) BLOCK GRANT AWARD FOR THE CITY OF MODESTO IN THE AMOUNT OF $7.6M AND RESCIND RESOLUTION 2021-072

WHEREAS, on December 21, 2020, Congress passed the Consolidated Appropriations Act of 2021 and the Emergency Rental Assistance program made available $25 billion nationwide to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic, and

WHEREAS, the funds are provided directly to States, U.S. Territories, local governments, and Indian tribes. Grantees will use the funds to provide assistance to eligible households through existing or newly created rental assistance programs, and

WHEREAS, the State of California passed the COVID-19 Tenant Relief Act – SB91 (Act) which was signed into law January 29, 2021. The Act extended eviction protections to COVID-19 impacted tenants and established the state's Emergency Rental Assistance Program and this Act extends tenant protections included in the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088) to June 30, 2021. Under SB 91, if a tenant pays at least 25% of the rent due for the period of September 1, 2020 and June 30, 2021 by June 30, 2021, the tenant may not be evicted for any remaining unpaid rent from that period. Instead, such unpaid rent will become a consumer debt of the tenant, and

WHEREAS, to structure the most efficient and beneficial use of ERAP funds, City and County staff spoke to many local housing providers and landlords and the rental market in Stanislaus County is much different than many other parts of California, and

WHEREAS, locally, a majority of our landlords are not corporations but instead are landlords who own only a handful of rental properties and manage the properties themselves, and

WHEREAS, the community housing partners indicate that they have a hard time engaging with landlords who are willing to rent to our low-income population, and were concerned that the maximum reimbursement of 80% of arrears rule under the State's program will drive away landlords and further deplete our already deficient low-income housing stock, and

WHEREAS, the City and County felt it would be most beneficial to the community and the affordable housing stock to launch a joint program that offered 100% of rental arrears, and

WHEREAS, in order to manage the program, the Stanislaus Regional Housing Authority offered to act as the fiscal agent for both the City of Modesto and Stanislaus County and to develop a community application portal to accept applications for the Emergency Rental Assistance Program countywide, and

WHEREAS, to assist with the universal application intake process, the City and County was assisted by four local credit unions, and a mobile outreach team, and the credit unions who participated are Self-Help Credit Union; Rolling F Credit Union Modesto First Federal Credit Union, and Organized Labor Credit Union served as community intake locations and offered additional assistance to households, in both Spanish and English to enter the information into the portal, or offer a paper copy of the application packet, and

WHEREAS, Stanislaus County United Way 211 is also partnered with the County and Modesto to support this effort. Community members will be able to call 211 or send a text to obtain more information about our Local ERAP, and

WHEREAS, these actions were accepted and authorized by City Council on February 23, 2021 by Resolution Number 2021-072 and the Stanislaus Emergency Rental Assistance Program opened to the public on Wednesday, February 24, 2021, and

WHEREAS, the Federal ERA #1 funds required a quick establishment and deployment timeline due to the December 30, 2021 expenditure deadline, and

WHEREAS, typically, an agency or jurisdiction will have several months to develop and implement a new program, including the development of guidelines and protocols, and

WHEREAS, the Stanislaus Regional Housing Authority, acting as the fiscal and eligibility agent for the County and Modesto, faced several challenges in developing and implementing the Stanislaus Emergency Rental Assistance Program, and

WHEREAS, in June 2021, Assembly Bill 832 was enacted into law and made several important changes to the State's ERA Program, namely the ability to increase rental arrears assistance to 100%. and it extended the expenditure guidelines from December 31, 2021 to September 30, 2022.The significant changes to the State ERA #1 Program addressed many of the programmatic elements that contributed to the County and Modesto initially selecting Deferred Option B, and

WHEREAS, the changes to the State ERA program guidelines and the extension of ERA #1 funding expenditure deadline to September 30, 2022, AB 832 established a

window of opportunity for grantees to change how they administer rent relief programs, and

WHEREAS, City staff recommends pivoting to authorizing the Department of Housing and Community Development (HCD) to administer the City's State ERA #1 Reservation in the approximate amount of $7.6 million with all local partners are supportive of this transition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the State to administer the Emergency Rental Assistance Program (ERAP-1) block grant award for the City of Modesto in the approximate amount of $7.6 million.

BE IT FURTHER RESOLVED that Resolution 2021-072 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

AUTHORIZING RESOLUTION

PRINT

Resolution No.: 2021-392

RESOLUTION OF THE CITY COUNCIL OF CITY OF MODESTO AUTHORIZING PARTICIPATION IN THE STATE RENTAL ASSISTANCE PROGRAM – ROUND 2

WHEREAS:

A. On March 11, 2021, the American Rescue Plan Act of 2021 (Pub.L. No. 117-2) ("**ARPA**") was signed into law. Section 3201 of Subtitle B of Title III of ARPA established the federal Emergency Rental Assistance Program ("**ERA2**"), and authorized the direct allocation of funds to states, the District of Columbia, units of local government, territories, and high-need grantees. The ERA2 funds are intended to assist low-income households that have experienced financial hardship during or due to the COVID-19 pandemic, are unable to pay for rent and utilities, and are at risk of experiencing homelessness or housing instability.

B. California Assembly Bill No. 832 (2021-2022 Reg. Sess.) ("**AB 832**") established the State of California's program for administering its share of ERA2 funds (the "**State Rental Assistance Program – Round 2**," "**SRA2**," or "**SRA2 Funds**"). AB 832 amended Sections 50897, 50897.1, 50897.2, 50897.3, and 50897.4 of, and added Sections 50897.2.1 and 50897.3.1 to, the Health and Safety Code. Health and Safety Code section 50897.1, subdivision (a)(1) authorizes the Department of Housing and Community Development (the "**Department**") to administer the SRA2 Funds in accordance with state and federal law.

C. Pursuant to Section 3201 of Subtitle B of Title III of ARPA, the U.S. Department of the Treasury ("**Treasury**") will allocate ERA2 funds to Locality (this allocation, and any and all additional tranches thereof, the Locality's "**ERA2 Allocation**").

D. Pursuant to Health and Safety Code section 50897.2.1, subdivision (a)(3), the Department will apportion a share of the SRA2 Funds to Locality (this amount, and any and all additional tranches thereof, the Locality's "**Proportionate SRA2 Share**").

E. Locality intends and agrees that the Department will **(1)** receive and administer the Locality's ERA2 Allocation for and on behalf of Locality; and **(2)** administer the Locality's Proportionate SRA2 Share.

F. The Department will administer the Locality's ERA2 Allocation and Proportionate SRA2 Share pursuant to Health and Safety Code section 50897.3.1, subdivision (b)(3).

G. Furthermore, in accordance with Section 3201(d)(1)(C) of ARPA, the Department will use ERA2 funds to provide Locality with a grant, which Locality shall use to pay any costs it incurs, beginning on March 11, 2021, to support and benefit the State Rental Assistance Program – Round 2 (such costs, the Locality's "**Supplemental Administrative Costs**").

THEREFORE, IT IS RESOLVED THAT:

1. Locality is hereby authorized and directed to make any necessary arrangements to effectuate the Department's receipt of Locality's ERA2 Allocation for the purpose of administering it for and on behalf of Locality.

2. Locality is hereby authorized and directed to accept a grant from the Department, in an amount not to exceed $6,093,456, which grant shall be used to pay Locality's Supplemental Administrative Costs.

3. Locality is hereby authorized and directed to enter into, execute, and deliver any and all documents (and amendments thereto) that are required or deemed necessary or appropriate UNDER STATE OR FEDERAL LAW to govern the Department's administration of the Locality's ERA2 Allocation for and on behalf of the Locality, as well as the Locality's acceptance of a grant for payment of its Supplemental Administrative Costs (collectively, the "**SRA2 Documents**"). Such SRA2 Documents shall include a Department-approved STD 213, Standard Agreement in a total amount not to exceed $6,093,456 (the "**Standard Agreement**"), and all amendments thereto.

4. Locality acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement.

5. Joseph P. Lopez, City Manager, or his or her designee, is authorized to execute the SRA2 Documents on behalf of the Locality for participation in the State Rental Assistance Program – Round 2.

PASSED AND ADOPTED this 28th day of September, 2021, by the following vote:

AYES: 7 NAYES: 0 ABSTAIN: 0 ABSENT: 0

The undersigned, Dana Sanchez, Assistant City Clerk of Locality, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

SIGNATURE: Dana Sanchez DATE: 9/29/2021

NAME: DANA SANCHEZ TITLE: ASST. CITY CLERK

NOTICE AND INSTRUCTIONS

1. **Notice.** The Department is providing this template Authorizing Resolution as informational guidance only. The Department encourages each Locality to consult with professional legal counsel during the development of its own formal, legally binding resolution for participation in the State Rental Assistance Program – Round 2.
    a. Please note, however, that any limitations or conditions on the authority of the signatory or signatories to execute the SRA2 Documents may result in the Department rejecting the Locality's authorizing resolution.

2. **Accuracy, Verification.** The Department will verify that the Locality's authorizing resolution comports with the legal authority and composition of the Locality's governing body. Locality must timely notify the Department, in writing, of any factors that limit its ability to provide an authorizing resolution which is materially in line with this template.

3. **Dollar Amounts of Standard Agreements.** The Department recommends identifying an authorized Standard Agreement amount that is at least 3 percent of the Locality's total anticipated ERA2 Allocation (based on the U.S. Department of the Treasury's published allocation tables). If the Standard Agreement amount will exceed the amount authorized in the Locality's resolution, the Department will require a new authorizing resolution from the Locality.

4. **Authorized Signatory or Signatories, Designee.** Locality may designate an authorized signatory by title only. In addition, the Locality may authorize multiple signatories, so long as there is clarifying language as to whether the signatories are authorized to execute the SRA2 Documents individually or collectively. In addition, the Locality may authorize a designee of the authorized signatory to execute the SRA2 Documents. In such case, the Locality must append a supporting document (e.g., memorandum, meeting notes of official action), which indicates the name and title of the designee who is authorized to legally bind the governing body.

5. **Vote Count.** Please fill out the field by every voting category (i.e., Ayes, Nayes, Abstain, Absent). If none, please indicate zero (0) for that field. The vote count must comport with the legal authority and membership of the Locality's governing body.

6. **Certification of Authorizing Resolution.** The individual who certifies the authorizing resolution (i.e., the attestor) <u>cannot</u> also be authorized to execute the SRA2 Documents on behalf of the Locality.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-393

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 MULTI-YEAR FUND BUDGET, REDUCING THE ALLOCATION OF CONSOLIDATED APPROPRIATIONS ACT OF 2021 FUNDS FROM THE US DEPARTMENT OF TREASURY AND REDUCING THE ALLOCATION OF COVID-19 TENANT RELIEF ACT – SB91 FUNDS FROM THE STATE OF CALIFORNIA, APPROVING THE REDUCTION OF THESE FUNDS IN MULTI-YEAR OPERATING PROJECTS WITH APPROPRIATE REVENUE AND EXPENDITURE ALLOCATIONS AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, IS AUTHORIZED TO RETURN THE FEDERAL ERA #2 FUNDING RECEIVED ON MAY 24, 2021, IN AN AMOUNT OF $2,025,022, TO THE U.S. TREASURY AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the COVID-19 virus, better known as the novel Coronavirus, is a respiratory virus that has spread across the world and has created a global pandemic by devastating communities and the world economy, and

WHEREAS, to respond to this pandemic, Congress passed the Consolidated Appropriations Act of 2021 into law which provided $25 billion to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic, and

WHEREAS, the Consolidated Appropriations Act included direct allocations to California jurisdictions with populations of 200,000 or more, the City of Modesto Program has been directly allocated $6,398,151 to establish an Emergency Rental Assistance Program (Federal ERA #1), and

WHEREAS, the Consolidated Appropriations Act included allocations to the State of California, of which the City of Modesto's proportionate share was $7,630,675 (State ERA #1), and

WHEREAS, these funds will be disbursed to eligible COVID-19 expenditures and meet the Treasury guidelines defined under the Consolidated Appropriations Act and must be expended no later than December 30, 2021, and

WHEREAS, the State of California passed the COVID-19 Tenant Relief Act – SB91 into law on January 29, 2021, extending eviction protections to COVID-19 impacted tenants and establishing the State's Emergency Rental Assistance Program, and

WHEREAS, the City had three options for how to administer the emergency rental assistance program: the State can manage both the State and Federal allocation (Option A), the City can manage both the State and Federal allocation (Option B), or the City can manage a local program with the Federal allocation and the State manage the State program with the State allocation, (Option C), and

WHEREAS, the City initially decided to administer the emergency rental assistance program locally, in partnership with Stanislaus County and the Housing Authority, and

WHEREAS, the American Rescue Plan Act (ARPA), enacted on March 11, 2021, appropriated an additional $21.55 billion for rental and utility assistance, and the City's direct allocation of those funds was $5,062,557 (Federal ERA #2), with an additional reservation of $6,093,456 million in State ERA #2 funding, and

WHEREAS, the City of Modesto has been working with Stanislaus Regional Housing Authority to develop a public-private partnership to distribute ERA Program funds to eligible members of the community, and work in partnership with existing housing support programs and resources, and

WHEREAS, due to changes to the State ERA program guidelines that were made in June 2021, the City desires to authorize the Department of Housing and Community Development (HCD) to administer the City's State ERA #1 and #2 allocation, as well as the City's Federal ERA #2 allocation, and

WHEREAS, in order to have the State administer the City's Federal ERA #2 allocation, the City must return the Federal ERA #2 funding received on May 24, 2021, in an amount of $2,025,022, to the US Treasury.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto Resolution that it hereby amends the Fiscal Year 2021-2022 Multi-Year Fund Budget, reducing the allocation of Consolidated Appropriation Act of 2021 funds from the US Treasury as outlined in **Exhibit A** and reducing the allocation of COVID-19 Tenant Relief Act -SB91 Funds as outlined in **Exhibit A** and approve the reduction of these funds in multi-year operating projects with appropriate revenue and expenditure allocations.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to return the Federal ERA #2 funding received on May 24, 2021, in an amount of $2,025,022, to the U.S. Treasury.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to carry out administrative actions or execute any agreements required for the City to carry out the purpose and intent of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

Exhibit A

BUDGET ADJUSTMENT FISCAL YEAR 2021-2022

City of Modesto			**Funds Reimbursed with Treasury Funds**			
Community & Economic Development Department			Emergency Rental Assistance Program			
Community Development Division			FUND 1344			
			COST CENTER 14998			
	Project	Cost Center		Current	ADJUSTMENT	FINAL PROPOSED
Federal - Discretionary Expenses - Appr Unit C - Round 1	101306		Direct Grants	$ 6,398,151.00	$ -	$ 6,398,151.00
Federal - Discretionary Expenses - Appr Unit C - Round 2	101330		Direct Grants	$ 2,025,022.92	$ (2,025,022.92)	$ -
State - Discretionary Expenses - Appr Unit C - Round 1	101310		Direct Grants	$ 7,630,675.00	$ (7,630,675.00)	$ -
State - Discretionary Expenses - Appr Unit C - Round 2	101310		Direct Grants	$ -	$ -	$ -
TOTAL Expenses				$ 16,053,848.92	$ (9,655,697.92)	$ 6,398,151.00
Federal Round 1		42090	Revenue	$ 6,398,151.00	$ -	$ 6,398,151.00
Federal Round 2		42090	Revenue	$ 2,025,022.92	$ (2,025,022.92)	
State Round 1		42090	Revenue	$ 7,630,675.00	$ (7,630,675.00)	$ -
State Round 2		42090	Revenue	$ -	$ -	$ -
TOTAL Revenues				$ 16,053,848.92	$ (9,655,697.92)	$ 6,398,151.00
Total				$ -	$ -	$ -

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-394

RESOLUTION APPROVING A PROPOSAL FROM PIERCE MANUFACTURING INC. TO LEASE WITH THE OPTION TO PURCHASE FIVE PIERCE VELOCITY PUMPERS FOR A TOTAL COST OF $3,741,927 AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FINAL AGREEMENT

WHEREAS, the Modesto Fire Department is currently the only department in the City without a fleet replacement program. Overall, the fleet consists of vehicles that range in age from 3 to 20 years, with an average age of just over 12 years, and

WHEREAS, given the age, condition and high use of MFD's fire vehicles, maintenance and replacement is viewed as a critical issue and one that needs to be addressed, and

WHEREAS, in an effort to best evaluate how to address this issue a committee comprised of representatives from the Fire Department, City Fleet, City Finance, and City Purchasing was established to recommend a fleet replacement program, and

WHEREAS, the committee reviewed several options for apparatus replacement and compared costs, viability, and sustainability, and

WHEREAS, through a competitive procurement process completed through the Houston-Galveston Area Council (H-GAC) the City will be "piggybacking" on the contract with Pierce Manufacturing Inc., Appleton, WI, which will conform to MMC Section 8-3.202(h), and

WHEREAS, Staff recommends entering into a contract with Pierce Manufacturing (Pierce) for five (5) Velocity Pumpers through the "Pierce Financial Solutions for Fleet Replacement" program. The lease term would be ten (10) years for all

equipment which would establish a fleet replacement program that can then be evaluated, and

WHEREAS, the Safety & Communities Committee reviewed this item on September 13, 2021 and recommended it be forwarded to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a proposal from Pierce Manufacturing Inc. to lease with the option to purchase five (5) Velocity Pumpers for a total cost of $3,741,927.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute a final agreement with Pierce Manufacturing Inc., 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 28th day of September, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-395

RESOLUTION APPROVING THE LEASE TERMS SET FORTH BY PNC EQUIPMENT FINANCE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FINAL LEASE AGREEMENT

WHEREAS, the cost of five (5) type 1 engines will be $3,468,713 plus sales tax and fees of $273,213.60 for a total cost of $3,741,927, and

WHEREAS, Staff has considered the various alternatives for financing this purchase and concluded the use of third-party financing through PNC Equipment Finance at a 10-year term is the most cost-effective means of acquiring the apparatus at this time, and

WHEREAS, the terms of financing through PNC Equipment will allow the City to receive a credit towards the purchase price of $134,181, and

WHEREAS, the annual over the term of the lease will total $3,741,927.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease terms set forth by PNC Equipment Finance.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to negotiate and execute a final lease agreement with PNC Equipment Finance, 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 28th day of September, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
FOR: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-396

RESOLUTION APPROVING AN AGRICULTURAL MITIGATION/SWAINSON'S HAWKS' HABITAT MITIGATION AGREEMENT BETWEEN THE CITY OF MODESTO, AND FITZPATRICK LAND DEVELOPMENT LLC AND MODESTO ROSELLE LLC, PERTAINING TO THE WOODGLEN DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on November 6, 2013 by Resolution No. 2013-398, the City Council adopted the Woodglen Specific Plan for the residential development of eighty (80) gross acres located east of Carver Road and west of Tully Road, south of Bangs Avenue and north of Pelandale Avenue; and

WHEREAS, said approval also adopted mitigation measures requiring mitigation for the loss of Swainson's Hawks foraging habitat; and

WHEREAS, said approval also adopted a mitigation measure requiring that the developers of the Specific Plan establish a permanent agricultural easement on Seventy-Three point Six Eight (73.68) net acres of land of equal or better soil quality to the Specific Plan area, located within Stanislaus County containing a dependable and sustainable supply of irrigation water, or the paying of an equivalent in-lieu fee to the City; and

WHEREAS, the Woodglen Tentative Subdivision Map was approved by the Planning Commission by Resolution No. 2019-20 on June 3, 2019; and

WHEREAS, the City owns over 2,600 acres of land located at the Jennings Road Wastewater Treatment Facility in Stanislaus County that is actively farmed and has a reliable source of water; and

WHEREAS, Stanislaus Local Agency Formation Commission (LAFCO) policies support agricultural easements being acquired thorough an in-lieu fee; and

WHEREAS, the Fitzpatrick Land Company and Modesto Roselle, LLC, the developers of the Woodglen Tentative Subdivision Map ("Subdivider") are agreeable to the payment of in-lieu fees of Nine Hundred Sixty-Three and 66/100 Dollars ($963.66) per individual residential lot of the Woodglen Tentative Subdivision Map for the agricultural mitigation requirement, to establish a permanent agricultural easement on the above-mentioned City-owned land that is actively farmed and has a reliable source of irrigation water. Said amount payable at the time final inspection is requested for each subdivided residential lot within the Specific Plan; and

WHEREAS, staff has determined that the payment of $963.66 per residential lot is adequate to allow for the establishment, maintenance, and monitoring of the necessary restrictions to be placed on portions of the City's Jennings Road Wastewater Treatment Facility; and

WHEREAS, the Subdivider also agrees to fulfill the requirement to acquire Swainson's Hawks habitat credits for Eleven point Eight (11.8) acres to meet the mitigation measures requiring mitigation for the loss of Swainson's Hawks foraging habitat.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby approves an Agricultural Mitigation/Swainson's Hawks' Habitat Mitigation Agreement (Woodglen) between the City of Modesto and the Subdivider for the payment if in-lieu fees in the amount of Nine Hundred Sixty-Three and 66/100 Dollars ($963.66) per individual residential lot of the Woodglen Tentative

Subdivision Map for the agricultural mitigation requirement, to establish permanent agricultural restrictions on the above-mentioned City-owned land, and to fulfill the requirement to acquire Swainson's Hawks habitat credits for 11.8 acres to meet the mitigation measures requiring mitigation for the loss of Swainson's Hawks foraging habitat.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-397

RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONTRACTS FOR PROFESSIONAL ASSISTANCE FOR PLAN REVIEW AND INSPECTION SERVICES WITH INTERWEST CONSULTING GROUP AND 4-LEAF INC., TO INCREASE THE ANNUAL ESTIMATED AMOUNT OF EACH CONTRACT BY $347,000 FROM $53,000 TO $400,000 FOR THE THIRD YEAR WITH A TOTAL AMOUNT NOT TO EXCEED $612,000 PER CONTRACT OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, by Resolution No. 2019-411, Council approved the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants and Interwest Consulting Group, and

WHEREAS, staff is requesting to increase the annual estimated amount of each contract by Three Hundred Forty-Seven Thousand Dollars ($347,000) from Fifty-Three Thousand Dollars ($53,000) to Four Hundred Thousand Dollars ($400,000) with a total amount not to exceed One Million Three Hundred Six Thousand Dollars ($1,306,000) per contract over five years to prevent regulatory or compliance issues that may impact the safety of the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a first amendment to the contracts for professional assistance for plan review and inspection services with Interwest Consulting Group and 4-Leaf Inc. to increase the annual estimated amount of each contract by $347,000 from $53,000 to $400,000 for the third year with a total amount not to exceed $612,000 per contract over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-398

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND DEL RIO CC FOUNDATION TO ADMINISTER THE FIRST TEE PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, in December 2019, by Resolution No. 2020-025, Council approved the closing of Municipal Golf Course ("Muni"), moving the First Tee program from Muni to Dryden Golf Course ("Dryden"), and preparing the property for sale, and

WHEREAS, the First Tee program does business under Del Rio CC Foundation, and

WHEREAS, on March 16, 2020, Muni was closed due to the statewide shutdown due to the COVID-19 pandemic, and later that year, the First Tee began offering its youth programming for its Fall 2020 season at Dryden, and

WHEREAS, Dryden is maintained and managed BrightView Golf Course Maintenance, in partnership with Kemper Sports, and

WHEREAS, Muni remains closed and since January 2021 and is now maintained by BrightView Golf Course Maintenance as open space, and

WHEREAS, during its first season at Dryden, the First Tee experienced some unanticipated scheduling and programming challenges, and

WHEREAS, the First Tee, KemperSports, and City worked together on viable solutions for designated play areas at Creekside and Dryden and exclusive tee times at Dryden.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding between the City and Del Rio CC Foundation (First Tee) to

1) Designate play areas, one-half of driving ranges, one-half of putting greens, and entire chipping areas at Dryden and Creekside Golf Courses for First Tee use and access at no cost.
2) Reserve on-course tee times exclusively at Dryden for First Tee participants at the "Child Rate" and to be paid on the same day of play.
3) Provide First Tee access to and use of designated areas and tee times per approved play schedules at Dryden and Creekside.
4) Require First Tee to submit annual play schedules for Dryden and Creekside to the City for review and approval no later than December 31st of each year.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-399

RESOLUTION APPROVING A THIRD AMENDMENT TO THE AGREEMENT WITH BROWN AND CALDWELL, INC., RANCHO CORDOVA, CA, FOR DESIGN AND CONSTRUCTION SERVICES FOR REPLACEMENT WELL 226 (71) IN THE AMOUNT OF $147,429 FOR THE IDENTIFIED SCOPE OF SERVICES, FOR A TOTAL COST NOT TO EXCEED $499,361 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO THE AGREEMENT

WHEREAS, Replacement Well 226 Subsurface Improvement Project proposes to drill a 1,500 gallon-per-minute well on a City of Modesto owned parcel located at 2501 Brenner Way, Modesto, CA, in Stanislaus County, and

WHEREAS, this well will replace existing Well 226 that was permanently decommissioned in accordance with state procedures in October 2016, and

WHEREAS, on February 7, 2017, by Resolution No. 2017-42, Council approved an agreement with Brown & Caldwell (B&C) to provide design, bid and engineering during construction services for the Replacement Well 226 Project in the amount of $175,197, and

WHEREAS, on August 2, 2017, by Resolution No. 2017-303, Council approved a first amendment to the agreement with B&C to provide design, bid and engineering during construction services for the Replacement Well 226 Project in the amount of $90,322, and

WHEREAS, on November 13, 2018, by Resolution No. 2018-508, Council approved a second amendment to the agreement with B&C to provide design, bid and engineering during construction services for the Replacement Well 226 Project in the amount of $86,413, and

WHEREAS, a third amendment to the agreement with Brown & Caldwell, Inc., in the amount of $147,429, is necessary to allow for continued design and construction support services throughout the construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the agreement with Brown & Caldwell, Inc., of Rancho Cordova, CA, for Design and Construction Services for Replacement Well 226 (71) in the amount of $147,429, for a revised total amount not to exceed $499,361.

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 October, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-400

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $499,361 IN ORDER TO FUND THE WELL 71 SURFACE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $499,361, in order to fully fund the Well 71 Surface Improvements Project, and

WHEREAS, the Fiscal Year 2021-22 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $499,361.

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 October, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-401

RESOLUTION APPROVING AN AGREEMENT WITH ARROW CONSTRUCTION, OF MANTECA, CA, FOR SUBSURFACE EXPLORATION (POTHOLING) SERVICES FOR THE TIVOLI LIFT STATION AND SANITARY SEWER MAIN EXTENSION PROJECT IN THE AMOUNT OF $156,070 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $15,607 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL AMOUNT NOT TO EXCEED $171,677 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Tivoli Lift Station and Sanitary Sewer Main Extension Project will provide a new sewer lift station located at the intersection of Sylvan Ave and Lydia Ln, as well as new sanitary sewer mains along Oakdale Rd and Sylvan Ave, and

WHEREAS, subsurface exploration (potholing) services as necessary due to the number of existing underground utilities within the project area, and

WHEREAS, identifying the exact horizontal and vertical locations of all underground utilities during the design phase, will thereby reduce the potential of change orders during the construction phase of the project, 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, and

WHEREAS, staff recommends approval of an agreement with Arrow Construction, of Manteca, CA for Subsurface Exploration (Potholing) Services for the Tivoli Lift Station and Sanitary Sewer Main Extension Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Arrow Construction, Manteca, CA for Subsurface Exploration (Potholing) Services for the Tivoli Lift Station and Sanitary

Sewer Main Extension Project in the amount of $156,070, for the identified scope of services, plus $15,607 in additional services, if needed, for a total not to exceed amount of $171,677.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-402

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2021-22.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 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 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

EXHIBIT A

FISCAL YEAR 2021-22

COMMUNITY AND ECONOMIC DEVELOPMENT – MEASURE L

- A budget adjustment is necessary to allocate higher than anticipated revenues to various Measure L projects. The total amount of the adjustment is $6,087,896. Each project will have an increase in the transfer out from Fund 1410 – Measure L Local Road Tax (if applicable) to the project and an increase to the project's discretionary expense accounts. Below is the adjustment to each project.

Project Number	***Project Name***	***Amount for Adjustment***
Local Streets and Roads Category		
101246	Briggsmore Avenue Pavement Rehabilitation	$2,450,000
101214	Granger Neighborhood Pavement Rehabilitation	$2,500,000
Traffic Management Category		
101178	Neighborhood Traffic Calming (1410 Fund Balance – No Transfer Out needed)	$500,000
101192	Upgrade ATMS - 2019	$300,000
Bike and Pedestrian Category		
101250	Neighborhood ADA Improvement Program	$337,896
	Total Increase to Projects	**$6,087,896**
	Total Transfer Out from Fund 1410	**$5,587,896**

PARKS, RECREATION AND NEIGHBORHOODS

- A budget adjustment in the amount of $75,000 is needed to increase the expense budget for Project 101200 – Various Park Partners – 2019 within Parks Fund 3130. The increase in budget will allow the project to establish a General Park Partners contingency task to allow for future Park Partners projects. The increase in budget will come from the Parks Fund 3130 fund balance as there are sufficient funds available.

POLICE DEPARTMENT

- A budget adjustment in the amount of $100,000 is needed to set up the accounting structure in project 101355 (2021-2022 SLESF) to recognize revenue that will be received as part of the annual allocation of the State Supplemental Law Enforcement Fund (SLESF). These funds will be used for police overtime, training, technology and equipment to fulfill the purpose of the Fund which is to "provide for additional resources for local law enforcement and to benefit front line law enforcement services".

PUBLIC WORKS

- A budget adjustment to fund 4510 (Bus Fixed Route), project 101023 (Bus Stop Improvements/Repairs 2017) in the amount of $987,326 to reduce Local Transportation

Funds revenues and $974,824 to reduce various expenditures to prepare for project closure. The City of Modesto Transit Division joined with the Stanislaus County Transit Services to form a stand-alone joint powers authority (JPA). These repairs and improvements will be completed by the JPA.

- A budget adjustment to fund 4510 (Bus Fixed Route), project 101022 (BMF-Parts Storage Room Upgrade) in the amount of $791,673 to reduce Federal Transit Administration, Local Transportation Funds and a Transfer In from fund 5400 and in the amount of $788,623 to reduce various expenditures to prepare for project closure. This project has been reopened in fund 3140 (Capital Grants CIP), project 101337 (BMF Parts Storage Room Upgrade). The City of Modesto Transit Division joined with the Stanislaus County Transit Services to form a stand-alone JPA.

- A budget adjustment to fund 4510 (Bus Fixed Route), project 101045 (Downtown Transit Center Improvements) in the amount of $262,151 to reduce Local Transportation Funds and Low Carbon Transit Operations Program revenues and various expenditures to prepare for project closure. This project has been reopened in fund 3140 (Capital Grants CIP), project 101338 (Downtown TC Improv-CS Area). The City of Modesto Transit Division joined with the Stanislaus County Transit Services to form a stand-alone JPA.

- A budget adjustment to fund 4510 (Bus Fixed Route), project 101095 (Facilities Improv-TC Phase 1) to reduce Federal Transit Administration and Local Transportation Funds revenues in the amount of $5,358,882 and reduce various expenditures in the amount of $5,323,693 to prepare for project closure. This project has been reopened in fund 3140 (Capital Grants CIP), project 101339 (Transit Center Improvements). The City of Modesto Transit Division joined with the Stanislaus County Transit Services to form a stand-alone joint powers authority.

- A budget adjustment to fund 4510 (Bus Fixed Route), project 101238 (Amtrak Station Repairs/Rehab) to reduce Local Transportation Fund revenues in the amount of $75,829 and various expenditures in the amount of $66,771 to prepare for project closure. This project has been reopened in fund 3140 (Capital Grants CIP), project 101348 (Amtrak Station Repair & Rehab). The City of Modesto Transit Division joined with the Stanislaus County Transit Services to form a stand-alone JPA.

- A budget adjustment in an amount up to $560,000 is necessary to move all revenue and expense budget from Fund 3300 Measure L – Capital Projects, Project 101123 – Fiber Drop Traffic Signal Cabinet to Fund 3160 – Capital Grants – Streets CIP, Project 101192 – Upgrade ATMS – 2019. The Transfer Out from Fund 1410 also needs to be moved from Project 101123 to Project 101192. The adjustment is being made as all activity in the project will be captured in Project 101192.

- A budget adjustment in the amount of $156,299 to fund 1341 (Grants-Operation Grants Reimbursed), project 101357 (CoM Rideshare Program) to establish project budget revenues from California Department of Transportation and expenses in Appropriation Unit C. The City of Modesto currently owns three Congestion Mitigation Air Quality grants from CalTrans for the operation of the Employee Rideshare Program. When the Transit Division separated from the City to form a standalone JPA, the grants could not be transferred to the JPA. Therefore, the grants will remain with the City, but will the

program will be administered by the JPA. The JPA will request reimbursements until grants have been liquidated.

- Remove the FY 2021-22 Adopted Budget from PW – Alternative Transportation (4550-53476). The City of Modesto Transit Division entered into a Joint Powers Agreementwith Stanislaus County to form Stanislaus Regional Transit Authority (StanRTA). The City of Modesto currently has three California Department of Transportation (CalTrans) grants that cannot be transitioned to StanRTA. Through an agreement between the City of Modesto and StanRTA, the Rideshare program will be managed by StanRTA; however the City of Modesto will process reimbursements from CalTrans to StanRTA. This will be done through a non-capital project. The adjustment is listed below:

	4550-53476 - PW - Alternative Transportation	No New Cost Center
Expenditures	**FY 2021-22 Adopted**	**FY 2021-22 Amended**
51040 - Salaries and Wages - Part-time	$ 27,600.00	$ -
52001 - Miscellaneous Supplies	$ 100.00	$ -
52010 - Office Supplies	$ 400.00	$ -
52015 - Printing and Binding	$ 2,000.00	$ -
53025 - Training Expenses	$ 3,500.00	$ -
53170 - Laundry and Cleaning	$ 100.00	$ -
53175 - Advertising	$ 10,000.00	$ -
53176 - Promotion Expense	$ 35,000.00	$ -
53300 - Professional Services	$ 10,200.00	$ -
54500 - Services City Forces - Interfund	$ 11,870.00	$ -
58010 - ISF - Mail Services - Inside	$ 15.00	$ -
58030 - ISF - Cost Allocation	$ 1,169.00	$ -
Total Expenditures	**$ 101,954.00**	**$ -**
Revenues		
42107 - Intergov - State - LTF - Current Year	$ 13,054.00	$ -
42110 - Intergov - State - CA Department of Transportation	$ 88,900.00	$ -
Total Revenues	**$ 101,954.00**	**$ -**

- A budget adjustment is necessary to recognize the unbudgeted revenue in the amount of $2,298,879 for Capital Improvement Project #101271 – Briggsmore/SR-99 Interchange within Fund 3160, Capital Grants – Streets CIP Projects as funding was recently awarded by the Department of Transportation (Caltrans). In addition, the funding needs to be allocated to the discretionary accounts within the project expense budget.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-403

RESOLUTION APPROVING AN AMENDMENT TO THE CONSTRUCTION ZONE ENHANCED ENFORCEMENT PROGRAM (COZEEP) AGREEMENT NO. 19R465000 WITH THE STATE OF CALIFORNIA, DEPARTMENT OF HIGHWAY PATROL FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT, INCREASING THE AGREEMENT AMOUNT BY $110,848, FROM $331,486 FOR A TOTAL NOT TO EXCEED AMOUNT OF $442,334, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE FIRST AMENDMENT

WHEREAS, the purpose of the State Route 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing State Route 132 (SR132), and enhance safety and operations for the existing and proposed transportation network; and

WHEREAS, the Phase 1 Project includes construction of an access-controlled, 2-lane expressway (one lane eastbound and one lane westbound) along a new alignment just south of Kansas Avenue starting from the east side of State Route 99 (SR99) at the west end of the Needham Street Bridge, westbound to Dakota Avenue and then along Dakota Avenue to the existing SR132/Maze Boulevard; and

WHEREAS, the Project also includes grade separations at Rosemore Avenue, Carpenter Avenue, Emerald Avenue, and SR99, and improvements to the 5th and 6th Street connections to the new SR132 expressway and the addition of an auxiliary lane at the northbound SR99 on-ramp at L Street; and

WHEREAS, work occurring within the SR99 right-of-way requires traffic control related services from the California Highway Patrol (CHP); and

WHEREAS, Caltrans required implementation of Construction Zone Enhanced Enforcement Program (COZEEP) for this project; and

WHEREAS prior to the CHP performing the services required of the COZEEP program, an agreement was required; and

WHEREAS, on December 10, 2019, by Resolution No. 2019-542, Council approved Agreement No. 19R465000 committing the City of Modesto to provide a maximum reimbursement amount of $331,486 to the CHP for all traffic control related services provided to the project during the construction phase of the project; and

WHEREAS, the construction contract was for 565 working days, and Bid Alternates A & B added approximately six (6) months to the base bid construction schedule, in addition to a three (3) year Plant Establishment Period; and

WHEREAS, construction began in December 2019 and is estimated to be completed in March of 2022, with closeout continuing through June of 2022; and

WHEREAS, the original COZEEP Agreement has an end date of December 31, 2021, and as a result, an Amendment to extend the end date of the COZEEP Agreement with CHP is necessary; and

WHEREAS, the Amendment to the original COZEEP Agreement will extend the term end date from December 31, 2021 to June 30, 2022, and increase the agreement amount by $110,848, from $331,486 for a total not to exceed amount of $442,334; and

WHEREAS, staff recommends approving this Amendment to the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department of Highway Patrol for the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Construction Zone Enhanced Enforcement Program (COZEEP) Agreement No. 19R465000 with the State of California, Department

of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project, increasing the agreement amount by $110,847.50, from $331,486 for a total not to exceed amount of $442,333.50.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-404

RESOLUTION APPROVING A FIRST AMENDMENT TO AN AGREEMENT WITH MOSS ADAMS TO EVALUATE THE ORGANIZATION AND FISCAL EFFICIENCY OF THE CITY'S ENGINEERING SERVICES, INCREASING THE AGREEMENT AMOUNT BY $40,000 FROM $45,000 TO A TOTAL OF $85,000, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO THE AMENDMENT

WHEREAS, the City of Modesto has engineering services available in separate departments and divisions, including Public Works, Community and Economic Development, and Utilities, and

WHEREAS, additionally, the Department of Parks, Recreation, and Neighborhoods also has functions that are related to engineering such as park planning, and

WHEREAS, the key departments include the following:

Public Works

The traffic engineering and operations division contains 20 staff reporting to the traffic engineer. The functions of this division include traffic engineering, traffic operations, and electrical. Additionally, under the Streets Maintenance Division staff are overseen by the Streets Manager. The functions of this Division include Construction and Maintenance of Streets, Curb, Gutter and Sidewalk.

Community and Economic Development

Community and Economic Development: The engineering division located in the Community and Economic Development Department contains approximately 20 staff reporting to the City Engineer. The

functions of this division include Land Development Engineering and Transportation Engineering Design. Land Development Engineering is also responsible for plan checking, and encroachment permits.

Utilities

Utilities (Water and Wastewater Operations): The engineering division contains approximately 35 staff reporting to the Engineering Division Manager and Utilities Director. The functions of this division include utility planning, water, wastewater, and some Public Works design project bidding and construction management.

WHEREAS, the City has performed evaluations of the organization as a whole which revealed inefficiencies and areas of improvement at a surface level; and this effort is intended to dig deeper into the areas of concern identified as it pertains to engineering, and

WHEREAS, considering the critical need to support the effectiveness of engineering services, the City released a Request for Proposals and received a total of seven proposals on February 17, 2021, and

WHEREAS, based on an interdepartmental review of the proposals, the City selected Moss Adams for this project because of their experience, cost, and overall familiarity with these types of projects, and

WHEREAS, under the City Manager's authority, the City entered into an agreement with Moss Adams on May 18, 2021 for a not to exceed amount of $45,000, to begin analyzing engineering services across the various functions and departments, and

WHEREAS, the initial task was to compare staffing levels, costs, and organizations to peer organizations. Moss Adams, in coordination with staff, selected 12 cities for having a comparable population, geographic area, and engineering services available, and

WHEREAS, each peer city was invited to participate in the study, and 9 committed to participating and provided extensive information such as detailed budgets, organization charts, and details on outsourced services, and

WHEREAS, the findings indicate the following:

- Staffing levels and costs appear to be similar to organizations of similar size
- Cities with half the total city budget of Modesto (Salinas, San Bernardino) have about half the staff and one has half the budget
- Cities with about double the total city budget of Modesto (Stockton and Glendale) have about double the staff but highly variable costs

WHEREAS, Moss Adams performed interviews with relevant department directors (Public Works, Community and Economic Development, Parks and Recreation, and Utilities) and the City Manager's Office, and noted the key areas of focus as themes that require additional attention to evaluate opportunities for improvement, including: customer service, coordination and collaboration, staff capacity, and City Engineer and leadership succession, and

WHEREAS, based on these findings, the City recommends moving forward with an amendment to the agreement with Moss Adams to continue the project, which will include the eventual provision of key recommendations on how to best deliver services to customers and will also include support in implementing the recommended improvements across departments, and

WHEREAS, the Municipal Code generally requires contracts over $50,000 to comply with formal bidding procedures. This agreement is for professional services and is therefore exempt from the public bidding requirement pursuant to Modesto Municipal Code section 8-3.204, and

WHEREAS, to continue this project to implement the recommended improvements, the City requires a First Amendment to the agreement increasing the agreement amount by $40,000 for a total of $85,000, and

WHEREAS, the cost is being split by various departments including Community and Economic Development, Public Works, and Utilities under the following formula:

FUND	**TASK 1**	**TASKS 2 AND 3**
General Fund	$ 10,735	$ 9,542
Surface Transportation Fund	$ 9,287	$ 8,255
Water Fund	$ 13,112	$ 11,655
Wastewater Fund	$ 11,866	$ 10,548
Total	**$ 45,000**	**$ 40,000**
GRAND TOTAL		**$ 85,000**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment to an agreement with Moss Adams to evaluate the organization and fiscal efficiency of the City's engineering services, increasing the agreement amount by $40,000 from $45,000 to a total of $85,000.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to negotiate and enter into an amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-405

RESOLUTION APPROVING A PURCHASE AGREEMENT FOR AN UPDATED SECURITY ACCESS SYSTEM MIGRATION AND AGREEMENT FOR THREE (3) YEARS OF PREVENTATIVE MAINTENANCE AND SERVICE WITH JOHNSON CONTROLS, SAN LEANDRO, CA, BY UTILIZING THE COMPETITIVE BIDDING PROCESS WITH SOURCEWELL PREVIOUSLY KNOWN AS NATIONAL JOINT POWERS ALLIANCE (NJPA), FOR FACILITY SECURITY EQUIPMENT, SYSTEMS, AND SERVICES WITH RELATED EQUIPMENT AND SUPPLIES FOR A TOTAL AMOUNT NOT TO EXCEED $215,884, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department encompasses one whole city block; and

WHEREAS, due to the nature of police work and records maintained, the campus is required to be secure; and

WHEREAS, the security and access controls systems currently utilized were put into service when the newest building on the campus was built in 1999, and often fails; and

WHEREAS, on January 17, 2017, Sourcewell issued Request for Proposals (RFP) #031517 for Facility Security Equipment, Systems and Services with Related Equipment and Supplies; and

WHEREAS, the procurement process was streamlined by developing RFP's for national competitive solicitations that meet or exceed local requirements; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a

process other than the formal bid procedure set forth in MMC 8-3.203 will result in a procurement for the City at the lowest cost commensurate with the desired quality"; and

WHEREAS, in addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase agreement to Johnson Controls, San Leandro, CA for a system migration and a three (3) year maintenance and service agreement for a total amount not to exceed $215,884.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-406

RESOLUTION APPROVING COMPENSATION TO EMPLOYEES FOR FURLOUGH AND PAYROLL DEDUCTIONS RELATED TO CONCESSION BARGAINING DURING FISCAL YEAR 2020-21 IN THE AMOUNT EQUAL TO TWELVE PAY PERIODS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE TRANSACTIONS

WHEREAS, in March of 2020, Governor Gavin Newsom, in response to the COVID-19 pandemic, issued a statewide stay-at-home order that required the majority of businesses to shut down; and

WHEREAS, the City faced substantial revenue shortfall projections based on the economic shutdown; and

WHEREAS, the City and union bargaining units agreed to concessions which included a ninety-six (96) hour furlough for Modesto Confidential & Management Association (MCMA), Modesto Police Officers Association (MPOA), and Modesto Police & Fire Non-Sworn (MPNSA), and an additional three percent (3%) employee contribution toward the City's annual PERS cost for Modesto City Fire Fighters Association (MCFFA); and

WHEREAS, Unrepresented employees have a "me too" clause with their union counterparts; and

WHEREAS, the City and union bargaining units agreed that if a federal relief was received by the City or revenues were higher than projected, these concessions would be reviewed and ceased or reduced accordingly; and

WHEREAS, the City received higher than projected revenue for Fiscal Year 2020-21.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto hereby approves compensating employees who contributed to the City budget through payroll deductions for furlough for MCMA, MPOA, MPNSA, and associated Unrepresented employees and three percent (3%) for MCFFA employees and associated Unrepresented employees.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute necessary transactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-407

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 OPERATING BUDGET TO INCREASE VARIOUS EXPENDITURE BUDGETS ACROSS MULTIPLE FUNDS IN THE TOTAL AMOUNT OF $1,293,218 TO ACCOUNT FOR THE COMPENSATION DUE TO FURLOUGHS AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION (MCFFA) CONCESSIONS THAT WERE ENACTED AS PART OF THE FISCAL YEAR 2020-21 BUDGET ADOPTION

WHEREAS, a substantial shortfall was identified due to the COVID-19 pandemic resulting in lost revenue as part of the Fiscal Year 2020-21 budget adoption process; and

WHEREAS, to assist in closing this shortfall concession bargaining resulted in four of five union bargaining units agreeing to concessions which included ninety-six (96) hour furloughs for Modesto Confidential & Management Association (MCMA), Modesto Police Officers Association (MPOA), and Modesto Police & Fire Non-Sworn (MPNSA), and an additional three percent (3%) employee contribution toward the City's annual PERS cost for Modesto City Fire Fighters Association (MCFFA); and

WHEREAS, during concession bargaining the City and each union discussed the uncertain pandemic environment and what the future may hold in terms of federal relief; and

WHEREAS, the City's final budget closing realized higher revenue than projected; and

WHEREAS, there was a surplus carryover; and

WHEREAS, the City has the ability to compensate employees for their contributions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 operating budget to

increase various expenditure budgets across multiple funds in the total amount of $1,293,218 to account for the compensation due to furloughs and the Modesto City Fire Fighters Association (MCFFA) concessions that were enacted as part of the Fiscal Year 2020-21 Budget Adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-408

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE MASTER AGREEMENT, INCREASING THE AGREEMENT AMOUNT WITH E-Z-GO DIVISION OF TEXTRON, INC., BY $79,224 FROM $298,399 TO A NEW TOTAL NOT TO EXCEED AMOUNT OF $377,623, TO EXTEND THE DRYDEN GOLF CART LEASE FOR TWO MORE YEARS FROM SEPTEMBER 1, 2021 TO AUGUST 31, 2023, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE MASTER AGREEMENT

WHEREAS, the City's municipal golf system includes two (2) eighteen-hole courses: Creekside Golf Course (Creekside) and Dryden Golf Course (Dryden); and

WHEREAS, the courses are maintained and managed by BrightView Golf Maintenance and KemperSports (collectively "BrightView/KemperSports); and

WHEREAS, BrightView/KemperSports are responsible for managing golf cart operations; and

WHEREAS, in 2019, due to the substantial loss in golf revenues and assessments and possibility of closing one or more of its golf courses in the near future, the Purchasing Manager determined that a call for bids on a competitive basis was undesirable due to exigent circumstances and the Master Agreement and lease agreements incorporated there in were exempt from Modesto Municipal Code 8-3-204(c); and

WHEREAS, by Resolution No. 2019-283, the City entered into a Master Agreement with E-Z-GO Division of Textron ("Contractor") for the lease 50 new golf carts and one (1) service vehicle for a term of four (4) years for Creekside, and 40 used golf carts for a term of one (1) year for Dryden; and

WHEREAS, the Master Agreement included lease agreements with PNC Equipment Finance and E-Z-GO; and

WHEREAS, by Resolution No. 2020-296, Council approved the First Amendment to the Master Agreement to increase the total contract by $71,944 to include applicable fees and sales taxes, extend the term to August 30, 2023 to align with signed lease agreements, and extend the Dryden lease by one (1) year; and

WHEREAS, City desires to extend the lease of carts at Dryden for an additional twenty-four months to align with the termination of the carts and one (1) utility hauler at Creekside on August 31, 2023; and

WHEREAS, with leases expiring in 2023, staff will begin the request and award of bid process for a full fleet of golf utility vehicles at Creekside and Dryden to be in place by September 1, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Master Agreement increasing the agreement amount with E-Z-GO Division of Textron, Inc. by $79,224 from $298,399 to a new total of $377,623 to extend the Dryden cart lease another two years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-409

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DAN ELY BACKFLOW SERVICES, TURLOCK, CA FOR BACKFLOW PREVENTION TESTING SERVICES BY $3,600 FROM $62,000 TO A NEW TOTAL AMOUNT OF $65,600, AND EXTENDING THE TERM OF THE AGREEMENT FROM NOVEMBER 13, 2021 TO APRIL 30, 2022, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THIS AGREEMENT

WHEREAS, the State of California Health and Safety Code requires annual testing of backflow prevention assemblies owned and operated by the City; and

WHEREAS, pursuant to Modesto Municipal Code 11-1.113 and California Health and Safety Codes 116800-116820, all backflow prevention assemblies are to be tested annually at the owner/water (City's) account holder's expense; and

WHEREAS, in 2016, services for the City were estimated not to exceed $10,000 Annually; and

WHEREAS, a purchasing agreement with Dan Ely Backflow Services, Turlock, CA was executed in an amount not to exceed $49,000 over five years; and

WHEREAS, on April 27, 2021, Council approved an amendment to the Agreement to increase the amount of funding by $13,000 from $49,000 to a new total of $62,000 for the last year of the five-year agreement; and

WHEREAS, the City is in its final year of the Agreement for Backflow Testing services; and

WHEREAS, staff has begun the initial steps of the Request for Bids process and anticipates the process to take between five and six (5-6) months to complete; and

WHEREAS, the current agreement for backflow testing services is set to expire on November 13, 2021; and

WHEREAS, the City wishes to extend the agreement from November 13, 2021 to April 30, 2022 to allow enough time to prepare a Request for Bids for backflow testing and repair services; and

WHEREAS, staff is requesting compensation for the Agreement to be increased by $3,600 to provide sufficient funding for backflow testing services through the extension of the agreement; and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on April 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment increasing the agreement amount with Dan Ely Backflow Services, Turlock, CA for Backflow Prevention Testing Services by $3,600 from $62,000 to a new total amount of $65,600, and extending the term of the agreement from November 13, 2021 to April 30, 2022.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Second Amendment to this Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-410

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE 2018-2019 SEWER REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION COMPANY INC, OF ATWATER, CA, IN THE AMOUNT OF $383,116 PLUS $57,468 FOR CONTINGENCY FOR A TOTAL AMOUNT NOT TO EXCEED $440,584 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Wastewater Collection group identified the existing 8-inch main sanitary sewer line on Covena Avenue as being an ongoing maintenance issue due to hydraulic deficiencies and insufficient slope; and

WHEREAS, pipe replacement is necessary to reduce maintenance cost and provide a more reliable sewer system; and

WHEREAS, the existing manholes will have to be replaced due to the new vertical alignment of the sanitary sewer line that will be provided with a more adequate slope; and

WHEREAS, additionally, Wastewater Collections identified two manholes in poor condition located at the intersection of Sutter Avenue and Nian Way that will need to be replaced; and

WHEREAS, the project was advertised for bids on July 13th, 2021; and

WHERAS, on August 10th, 2021, pursuant to City Charter Section 1307, four bids were received and Rolfe Construction Company Inc, of Atwater, CA, was the responsible bidder with the lowest responsive bid; and

WHEREAS, the Director of Utilities has recommended that the bid of $383,116 received from Rolfe Construction Company Inc, of Atwater, CA, be accepted as the

lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company Inc, of Atwater, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the construction documents for the 2018-2019 Sewer Replacement Project and accepts the bid of $383,116 plus $57,468 for contingency (if needed) for a total amount not to exceed $440,584 and Rolfe Construction Company Inc, of Atwater, CA, the contract for the 2018-2019 Sewer Replacement Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-411

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE 2018-2019 SEWER REPLACEMNT PROJECT FROM 10% ($38,312) TO 15% ($57,468) OF THE CONSTRUCTION CONTRACT PRICE OF $383,116 WITH ROLFE CONSTRUCTION COMPANY INC, OF ATWATER, CA

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 budget of 10% for projects with construction amounts equal to and below $1,000,000; and

WHEREAS, given the nature of this project being located at a critical facility, as well as due to the construction constrains and unknown conditions of underlying materials, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 10% ($38,312) of the contract amount of $383,116; and

WHEREAS, staff is requesting authorization to increase the contract change order amount to 15% ($57,468) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Wastewater Building Upgrades Project from 10% ($38,312) to 15% ($57,468) of the construction contract price of $383,116 with Rolfe Construction Company Inc, of Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-412

RESOLUTION ACCEPTING THE YOSEMITE BOULEVARD VALVE BOX REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $213,365 TO MARSHALL BROTHERS ENTERPRISES, INC., OF LIVERMORE, CA

WHEREAS, as a part of the Utilities Department's Water Services Division standard operations, routine inspection and maintenance of infrastructure is required to extend the service life of materials and equipment throughout the City's Water Service Areas; and

WHEREAS, along Yosemite Boulevard (SR 132), there were multiple water valve boxes identified as requiring repaired, replacement, or abandonment; and

WHEREAS, pavement around the valve boxes was beginning to deteriorate, as the constant impact of traffic had caused the valve boxes to settle vertically; and

WHEREAS, staff identified several of the boxes that were initially installed are no longer necessary for the operation of the system; and

WHEREAS, the Yosemite Boulevard Water Valve Replacement project installed 157 new cast iron water valve boxes along Yosemite Boulevard from Las Flores Avenue to Phoenix Avenue; and

WHEREAS, installing the new boxes will extend the life of the water valves while reducing the maintenance required by the Water Services Division; and

WHEREAS, the scope also included repairing the pavement around each valve box and bringing the affected striping up to current State standards; and

WHEREAS, bids were advertised on June 30, 2020, and were publicly opened on July 28, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Marshall Brothers Enterprises, Inc., Livermore, CA, was the lowest responsive bidder; and

WHEREAS, on September 8, 2020, by Resolution No. 2020-379, Council awarded a contract to Marshall Brothers Enterprises, Inc., Livermore, CA, for the construction of the Yosemite Boulevard Valve Box Replacement project in the amount of $215,000 plus $32,250 for contingency (if needed) for a total amount not to exceed $247,250. The contractor received the Notice to Proceed with a first working day of November 9, 2020, and the last working day for Marshall Brothers Enterprises, Inc., was on January 20, 2021; and

WHEREAS, the total project costs were $249,652 which included design, construction, and construction administration costs. The total project amount originally budgeted was $295,000 which included $215,000 for the construction contract and $25,800 for construction contingency; 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% ($21,500) of the original contract price. However, staff requested to increase the contract change order authority by 15% ($32,250) and Council authorized the increase by Resolution No. 2020-380; and

WHEREAS, there were three change orders on this project with an overall decrease of $1,635; 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 Yosemite Boulevard Valve Box Replacement project is hereby accepted as complete from contractor, Marshall Brothers Enterprises, Inc., Livermore, 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 $213,365.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-413

RESOLUTION AUTHORIZING THE CITY MANAGER TO PROVIDE THE CONSOLIDATED EMERGENCY DISPATCH AGENCY COMMISSION WITH A WRITTEN NOTICE OF AN INTENT TO TERMINATE THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY DISPATCH SERVICES EFFECTIVE JANUARY 1, 2024

WHEREAS, in accordance with Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (commencing with code 6500), the City of Modesto and the County of Stanislaus entered into a Joint Exercise of Powers Agreement (JPA) for Emergency Dispatch Services beginning September 1, 1999; and

WHEREAS, the agency is governed by a seven-member Commission consisting of members of both parties of the agreement, as noted in Section 8.1 of the JPA agreement; and

WHEREAS, the Consolidated Emergency Dispatch Agency is also known as Stanislaus Regional 9-1-1 (SR911); and

WHEREAS, the SR911 provides primary law and fire dispatch services and is designated as the Public Safety Answering Point (PSAP) for the partner agencies; and

WHEREAS, the agreement includes the joint acquisition of property located at 3705 Oakdale Road, Modesto; whereas, both entities lease the property to SR911 for the purpose of providing a primary site for dispatch services and for other purposes approved by the Consolidated Emergency Dispatch Agency Commission (Commission); and

WHEREAS, on August 23, 2016, the City of Modesto City Council and County of Stanislaus Board of Supervisors approved to amend Section 6.1 of the JPA agreement as follows:

> "Any Member can terminate this Agreement at any time by providing a written notice of intent to terminate to the Commission and all Members at least twenty-four (24) months in advance of the desired termination date. For example, the notice of intent to terminate shall be provided no later than December 31, 2018 to terminate this Agreement on December 31, 2020. In keeping with the intent of the original Agreement dated September 1, 1999, no Member can terminate this Agreement with an effective date prior to August 31, 2019," and

WHEREAS, for many years, due to the General Fund challenges in the area of revenue collected to support the fund, the City has been forced to evaluate and prioritize the programs that provide services to the City's residents; and

WHEREAS, upon iterative annual evaluation of the quality of services provided to the residents of Modesto, the City has been forced to assess all programs that benefit the community and has continuously sought opportunities to improve existing programs, while simultaneously seeking efficiencies that result in greater cost-efficiency; and

WHEREAS, recent events surrounding public safety have resulted in a challenge by the community to seek alternative response models, specifically regarding calls for service related to mental health; and

WHEREAS, according to the American Psychological Association, July 1, 2021, several state and local agencies have implemented alternative 911 response models that "give 911 operators the choice to dispatch a team of 'clinical professionals' to mental health emergencies", and allowing callers to "[opt] for mental health services when they seek help for an emergency; and

WHEREAS, our current 911 dispatch model is not currently equipped to accommodate these expanded response options. With a need to evaluate potential reformation of emergency responses of this type, it is critical to explore a wide-range of innovative 911 models; and

WHEREAS, the City of Modesto has participated in many processes in partnership with SR911 to improve the quality of services at a reasonable cost to the residents of Modesto; and

WHEREAS, in order to effectively evaluate services, it is necessary to consider options that may extend beyond a financial partnership with the County of Stanislaus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to provide the Consolidated Emergency Dispatch Agency Commission with a written notice of an intent to terminate the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services effective January 1, 2024.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-414

RESOLUTION APPROVING THE 2022 CITY CALENDARS OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITEE MEETINGS

WHEREAS, the Modesto City Charter, Section 707, requires that the City provide for the time, place, and manner of holding meetings by ordinance and requires that the Council hold at least one regular meeting each month; and

WHEREAS, consistent with the Charter, City Ordinance 2-1.01, requires regular meetings of the City Council be held on the first, second, and fourth Tuesday of each month, except for the month of December when meetings shall be held on first and second Tuesdays only; and

WHEREAS, as a standard practice, the City Clerk provides a meeting calendar for the City Council and Council Standing Committees for the ensuing year with approval from the Mayor; and

WHEREAS, the meeting calendar is presented each October to the City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2022 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2022 Council Standing Committee Meeting Calendar **Exhibit "B,"** are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Wright, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City Council Calendar
2022

January 2022

4th	CANCELLED*
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

February 2022

1st	Council Meeting (regular)
8th	Council Meeting (regular)
15th	NO MEETING
22nd	NO MEETING

March 2022

1st	Council Meeting (regular)
8th	Council Meeting (regular)
15th	NO MEETING
22nd	CANCELLED **
29th	NO MEETING – 5th Tuesday

April 2022

5th	Council Meeting (regular)
12th	Council Meeting (regular)
19th	NO MEETING
26th	NO MEETING

May 2022

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	Council Meeting (regular)

June 2022

7th	Council Meeting (regular)
14th	Council Meeting (regular)
21st	NO MEETING
28th	Council Meeting (regular)

July 2022

5th	NO MEETING
12th	Council Meeting (regular)
19th	NO MEETING
26th	NO MEETING

August 2022

2nd	NO MEETING
9th	Council Meeting (regular)
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING – 5th Tuesday

September 2022

6th	NO MEETING
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

October 2022

4th	Council Meeting (regular)
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

November 2022

1st	Council Meeting (regular)
8th	Council Meeting (regular)
15th	NO MEETING
22nd	NO MEETING
29th	NO MEETING – 5th Tuesday

December 2022

6th	Council Meeting (regular)
13th	Council Meeting (regular)
20th	CANCELLED per MMC 2-1.01
27th	CANCELLED per MMC 2-1.01

* January 4th due to Winter Break
** March 22nd due to Spring Break

City of Modesto Council and Standing Committees Calendar

2022

JANUARY

S	M	T	W	T	F	S
					H	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	H	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	H	22	23	24	25	26
27	28					

MARCH

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	H	31				

JUNE

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY

S	M	T	W	T	F	S
					1	2
3	H	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER

S	M	T	W	T	F	S
				1	2	3
4	H	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	H	12
13	14	15	16	17	18	19
20	21	22	23	H	H	26
27	28	29	30			

DECEMBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	**21**	22	23	24
25	H	27	28	29	30	31

Council 5:30 PM

Economic Development Committee 5:30 PM

Appointment & Audit Committees - **As needed**

Safety & Communities Committee 5:00 PM

Finance Committee 3:00 PM

Cannabis Permit Review - **As needed**

**Meeting dates are subject to change at the request of Council*

Calendar by the City Clerk's Office 10/26/2021

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-415

RESOLUTION APPROVING THE PURCHASE OF AN AMBULANCE FOR THE MODESTO FIRE DEPARTMENT UTILIZING THE COMPETITIVE BIDDING PROCESS FROM HOUSTON-GALVESTON AREA COUNCIL (HGAC) WITH FRAZER, LTD, HOUSTON, TX, FOR A COST NOT TO EXCEED $313,281 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department provides both fire suppression and Pre-Hospital Emergency Medical Services (PHEMS) to a community of 218,000+ Citizens. During 2020 the department responded to 30,317 incidents within the City of Modesto with 23,214 of those incidents (77%) being Pre-Hospital Emergency Medical Services for the citizens and visitors of the community; and

WHEREAS, with the continuing increase in calls for service as well as on-going staffing challenges of private transport providers within the area this has led the department to exploring additional options to provide supplemental response capabilities to minimize the risk for the City of Modesto residents; and

WHEREAS, the purchase and deployment of the 2020 Frazier Type I Ambulance will further enhance the department's capabilities to respond to Pre-Hospital Emergency Medical Service calls within the community; and

WHEREAS, Houston-Galveston Area Council of Governmental (H-GAC) is a cooperative purchasing program (HGACBuy) that establishes contracts that have gone through a competitive bid or proposal process that can be used by state agency, municipality, special district, or other political subdivision of a state, or qualifying non-profit corporation; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchase, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, funding for this purchase has been made available through the American Rescue Plan Funds spending plan that was adopted by Council on May 25, 2021 by Resolution #2021-194 wherein $600,000 was allocated for Emergency Medical Service equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the purchase of an ambulance for the Modesto Fire Department utilizing the competitive bidding process from Houston-Galveston Area Council (HGAC) with Frazer, Ltd, Houston, TX, for a cost not to exceed $313,281.

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 26th day of October, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-416

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF LIFEPAK 15 MONITORS FROM STRYKER MEDICAL, CHICAGO, IL FOR A TOTAL COST NOT TO EXCEED $212,210 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Modesto Fire Department (MFD) has utilized LifePak monitors and defibrillators since the inception of the Advanced Life Support (ALS) Paramedic Program in the early 1990's; and

WHEREAS, MFD started using LifePak 12 model and now uses the current LifePak 15 models. LifePak 15's are utilized by all the ambulance companies in the region and on all ALS Fire Engines in the City of Modesto; and

WHEREAS, Stryker is the original equipment manufacturer and distributer of the LifePak 15 monitors as they recently purchased Physio Control; and

WHEREAS, on September 21, 2021 the Purchasing Division confirmed that Stryker Medical is the Sole Source provider of the LifePak 15 monitors and defibrillators and has an executed Bid Waiver; and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process; and

WHEREAS, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, Stryker Medical is exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since Stryker Medical is the original equipment manufacturer and the only vendor that is able to service the LifePak 15 Monitors/Defibrillators; and

WHEREAS, funding for this purchase has been made available through the American Rescue Plan Act, the spending plan that was adopted by Council on May 25, 2021 by Resolution #2021-194 wherein $600,000 was allocated for Emergency Medical Service equipment. Sufficient funds for the purchase of LifePak 15 Monitors/Defibrillators have been budgeted in Fiscal Year 21-22 in the Project 101345.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the sole source purchase of LifePak 15 Monitors from Stryker Medical, Chicago, IL for a total cost not to exceed $212,210.

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 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-417

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE UPGRADE ATMS-2019, CML 5059(238) PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO TENNYSON ELECTRIC, INC. OF LIVERMORE, CA, IN THE AMOUNT OF $1,138,793 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Upgrade ATMS-2019, CML 5059(238) project, and City staff recommends approval by the City Council; and

WHEREAS, the bids received for the Upgrade ATMS-2019, CML 5059(238), were publicly opened at 11:00 a.m. on September 28, 2021, and later tabulated by the Director of Public Works for the consideration of Council; and

WHEREAS, the Director of Public Works has recommended that the bid of $1,138,793 received from Tennyson Electric, Inc. of Livermore, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to Tennyson Electric, 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 the formal bid procedures; and

WHEREAS, an award of $1,138,793 and agreement for construction for the Public Works Department to use Tennyson Electric, Inc. of Livermore, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Tennyson Electric, Inc. of Livermore, CA, was the lowest responsive bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Upgrade ATMS-2019, CML

5059(238) project, accepts the bid of Tennyson Electric, Inc. of Livermore, CA, in the amount of $1,138,793 and awards Tennyson Electric, Inc. the contract for the Upgrade ATMS-2019, CML 5059(238) project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-418

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF $113,879 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE UPGRADE ATMS-2019, CML 5059(238) PROJECT

WHEREAS, the Upgrade ATMS-2019, CML 5059(238) project bids were publicly opened on September 28, 2021, and Tennyson Electric, Inc. of Livermore, California, was the apparent low bidder with the amount of $1,138,793; and

WHEREAS, the contingency cost for the Upgrade ATMS-2019, CML 5059(238) project is estimated to be $113,879 (10% of the original contract price), an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 2019-326 on July 9, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to approve change orders up to the cumulative amount of $113,879 (10% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-419

RESOLUTION APPROVING VARIOUS PURCHASES WITH ADESA GOLDEN GATE AUCTION OF TRACY, CA AND ENTERPRISE VEHICLE EXCHANGE OF MODESTO, CA FOR A TWO-YEAR TERM, FOR AN ANNUAL VEHICLE ACQUISITION COST NOT TO EXCEED $400,000 WITH A TOTAL COST NOT TO EXCEED $800,000 SPLIT EQUALLY BETWEEN THE TWO VENDORS OVER A TWO-YEAR CONTRACT, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, every fiscal year, a Fleet Replacement list is submitted to Council and is approved as part of the new fiscal year's Fleet Replacement Budget, and

WHEREAS, once a unit is replaced and placed into City service, funds for its replacement are charged out as monthly recurring charges until the end of a unit's life; these funds are specifically designated for the replacement of City vehicles and equipment, and

WHEREAS, these new additions and replacement units throughout the fleet are essential in maintain current operations, facilities, and/or services, and

WHEREAS, these units will be assigned primarily to the Police Department, with a few exceptions in other areas throughout the City, and

WHEREAS, these units cover the approved new additions as well as replace various police undercover detective vehicles that will reach the end of their service life during a fiscal year or will replace units that have been involved in a collision and are considered a total loss, and

WHEREAS, the Fleet Services Division has obtained a dealership license that allows the purchase of vehicles through a wholesaler's auction (Adesa Golden Gate Auction or a wholesale inventory sale (Enterprise Vehicle Exchange), and

WHEREAS, this is advantageous in that the Fleet Services Division can purchase

current model year vehicles with extremely low mileage for about the cost of a new vehicle, and the City has a need to purchase approximately 20 new additions and replacement vehicles including contingency for accidents each fiscal year, and

WHEREAS, the Fleet Services Division currently purchases these vehicles with the dealership license for undercover police vehicles and cars and Sport Utility Vehicles (SUV's)s as needed for the City's fleet, and

WHEREAS, the Director of Finance, or her designee, shall ensure that the department does not exceed the annual contract totals and will allow Finance to adjust totals between the two agreements based on vehicle availability for payment and tracking purposes, and

WHEREAS, the Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material equipment or contractual service to be formally bid, and

WHEREAS, exceptions to the formal bidding process are granted in Modesto Municipal Code (MMC) Sections 8-3.204(d) where the Purchasing Manager, in her discretion, determines that a process other than the form bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost to commensurate with the desired quality, and

WHEREAS, this agreement is exempt from formal bidding pursuant to Section 8-3.204(d) because having approval to purchase from both vendors would allow the Fleet Manager, or his designee to purchase vehicles at either auction and using these wholesale dealer auctions to purchase vehicles will result in a significantly lower price than if the City bought vehicles commercially through a competitive bidding process, and

WHEREAS, sufficient funds for all approved new additions and replacement vehicles have been encumbered in Various Funds, no additional funding is being requested as budget for replacement is done annually based on the fleet replacement list.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for various purchases with Adesa Golden Gate Auction of Tracy, CA and Enterprise Vehicle Exchange of Modesto, CA for a two-year term for an annual replacement vehicle not to exceed $400,000 with a total cost not to exceed $800,000 split equally between the two vendors.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue this purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-420

RESOLUTION AUTHORIZING THE AWARD OF BID FOR PURCHASE OF HOT POUR CRACK SEALANT PRODUCTS FOR THE PUBLIC WORKS DEPARTMENT, STREETS DIVISION TO MAXWELL PRODUCTS, INC., SALT LAKE CITY, UT, FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $61,349, AND A TOTAL AMOUNT NOT TO EXCEED $306,745 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the Public Works Department, Streets Division is responsible for maintaining residential streets, major arterial and collector streets, and alleys as their primary mandate; and

WHEREAS, part of this function, which is performed by the Streets Division, is to ensure the safety and drivability of the roads; this requires preserving that infrastructure by preventing the water intrusion that causes deterioration through the frequent use of hot pour crack sealant; and

WHEREAS, in May 2021, the City went through a formal/informal proposal process for the furnishing of hot pour crack sealant products, which at that time staff realized that the current agreement needed to be maintained in order to continue uninterrupted daily operation within the Streets Division; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposal RFP 1970-72 for Furnishing of Hot Pour Crack Sealant Materials on an as needed basis, for the Public Works Department, Streets Division; and

WHEREAS, the Purchasing Division issued RFP 1970-72 based on proposals received May 4, 2021 for “as needed” furnishing of hot pour crack sealant materials; and

WHEREAS, on August 3, 2021, formal notification was given to Maxwell Products, Inc., by Purchasing of intent to award said proposal and contract for hot pour crack sealant products to that company. Maxwell Products, Inc., provided a responsive and responsible proposal, as well as, thorough demonstration and sampling of their product(s); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for materials, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase of as needed furnishing of hot pour crack sealant materials from Maxwell Products, Inc. conforms to the Modesto Municipal Code, 8-3.203; and

WHEREAS, sufficient funds to award this agreement are budgeted in Surface Transportation Fund, account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorized the award of Bid for Purchase and agreement for Furnishing of Hot Pour Crack Sealant Materials on an as needed basis to Maxwell Products, Inc., Salt Lake City, UT, for a two-year agreement with three (3) one-year extension options for an annual cost of $61,349 and a total amount not to exceed $306,705 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-421

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE AND DELIVERY OF CHEMICALS FOR WASTEWATER TREATMENT TO NORTHSTAR CHEMICAL, MODESTO, CA AND UNIVAR SOLUTIONS, KENT, WA FOR AN ESTIMATED ANNUAL AMOUNT OF $275,053, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR DESIGNEE, TO ADJUST THE FINANCIAL AMOUNTS BETWEEN BOTH PROVIDERS FOR A TOTAL AMOUNT NOT TO EXCEED $1,778,003 OVER FIVE YEARS

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division, uses sodium hypochlorite, sodium hydroxide, sulfuric acid, phosphoric acid, and citric acid as part of the wastewater treatment process. The use of these chemicals is a critical step in the treatment of wastewater within the primary, secondary, and tertiary treatment plants, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for the purchase and delivery of chemicals for wastewater treatment. On April 13, 2021, the Purchasing Division issued RFB 2021-39, Chemicals for the Wastewater Treatment on Planet Bids via the City's website under two commodity codes, Chemicals and Solvents, Commercial and Miscellaneous Products, and

WHEREAS, prospective bidders were notified online and via email of the bid opportunity and twenty-six companies chose to download the RFB document, and

WHEREAS, on May 11, 2021, bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream. Three companies chose to respond, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommended the award of bid for the purchase and delivery of Chemicals for

Wastewater Treatment for the Utilities Department, Wastewater Division, to Northstar Chemical, Modesto, CA and Univar Solutions, Kent, WA, and

WHEREAS, on June 15, 2021, the intent to award was issued to the three companies that chose to respond. Eight days after the intent to was issued, staff was notified that there is a supply issue with the citric acid and the pricing submitted for the chemical would have to be withdrawn. Product comes from China and has experienced shipping delays since earlier this year. The vendor confirmed all other chemicals awarded will not be impacted. The price per gallon is anticipated to significantly increase and the availability of the chemical will become scarce around October. An amended intent to award was issued based on the current supply issues, and

WHEREAS, based on the inability of any one company to provide all the chemicals required at the lowest price, City staff recommends to split the award of the bid for the purchase of chemicals to Northstar Chemical, Modesto CA, and Univar Solutions, Kent, WA, 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. The award of bid for the purchase of chemicals for wastewater treatment for the Utilities Department, Wastewater Services Division, to Univar Solutions and Northstar Chemical conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and delivery of chemicals for wastewater treatment to Northstar Chemical, Modesto CA and to Univar Solutions, Kent, WA for a one-year agreement with four one-year extension options at the sole discretion of the City, for an

estimated annual amount of $275,053, and authorizing the Director of Finance, or her designee, to adjust the financial amounts between both providers for a total amount not to exceed $1,778,003 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-422

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 WASTEWATER OPERATING BUDGET IN THE AMOUNT OF $118,053, TO BE TRANSERED FROM WASTEWATER RESERVES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $118,053, in order to fully fund the Wastewater Chemicals Agreement, and

WHEREAS, the Fiscal Year 2021-2022 Wastewater Operating Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-2022 Wastewater Operating Budget in the amount of $118,053, to be transferred from Wastewater Reserves.

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 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-423

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WATER CORPORATION YARD PROJECT FROM 8% ($1,128,000) TO 10.50% ($1,480,500) OF THE CONSTRUCTION CONTRACT AMOUNT OF $14,100,000 WITH DIEDE CONSTRUCTION, INC., WOODBRIDGE, CA AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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 budget of 6% for projects over $10 Million, and

WHEREAS, as part of the Water Corp Yard Design-Build Project, the Design-Build (DB) team, which included Diede Construction as the lead, was tasked with the design and construction of the on-site storm drain system. During the course of the project, the DB team coordinated with City staff on the parameters and design criteria for the storm drain system. The DB contract included the design and construction of pavement for the drive aisles and employee parking lot only and not full site pavement, and

WHEREAS, the DB team had various discussions with the City about the storm drain design and whether it was required to accommodate the additional runoff that the full site pavement would generate. The DB team ultimately designed and constructed a robust storm drain system capable of handling full on-site pavement and development, and

WHEREAS, Diede Construction has submitted a Change Order request at a reduced amount of $396,914 for the additional expenses of the storm drain system

installed. Considering the City will benefit from the storm drain improvements that were installed and no additional storm drain improvements will be necessary, staff is in support of this request, and

WHEREAS, staff is requesting an increase in Director's authority from 8% or $1,128,000 to a not-to-exceed amount of 10.5% or $1,480,500 to administer the remaining change order and close-out of the project and contract with Diede Construction.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Water Corporation Yard Project from 8% ($1,128,000) to 10.50% ($1,480,500) of the construction contract amount of $1,284,896 with Preston Pipelines Infrastructure, Inc., Milpitas, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-424

RESOLUTION ACCEPTING THE WATER CORPORATION YARD PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $15,580,165 TO DIEDE CONSTRUCTION INC., OF WOODBRIDGE, CALIFORNIA

WHEREAS, the City's Utilities Department, Water Services Division, had been in search of a replacement Corporation Yard since 2013. The search began as a result of findings identified in the 2010 Water Systems Engineer's Report indicating that a new corporation yard was necessary, and

WHEREAS, the Water Services Division had outgrown its previous locations which were divided among three separate locations, and

WHEREAS, the new water corporation yard has replaced the existing facilities used by the Water Services Division. The new water corporation yard provides benefits to existing and future customers as the City's demands increase and improve overall operational and fiscal efficiencies, and

WHEREAS, on November 4, 2015, by Resolution 2015-424, Council approved the purchase of a 47.37-acre site at 4240 Litt Road in northeast Modesto for the future corporation yard. The project site is approximately 3,000 feet north of Sylvan Avenue and 850 feet south of Plainview Road, just outside of City limits but within the City's sphere of influence, and

WHEREAS, during the project scoping and development stage of the Water Corporation Yard, the Parks Operation Division was in the process of finalizing the design of a satellite maintenance yard. The maintenance yard was planned to be located at the northeast corner of Sylvan Avenue and Litt Road on a shared site with a new

potable well to serve the Tivoli Specific Plan Area. However, the City Manager's Office determined that due to the close proximity between the new corporation yard and the well site that it was prudent to have the Parks Operation Maintenance Yard designed and constructed as a part of the new Water Corporation Yard project, and

WHEREAS, to achieve the anticipated project completion of fall of 2019, staff pursued a design-build (DB) approach. The design-build approach to project delivery allowed the City to have a single source point of contact for the entire project from design through construction, and

WHEREAS, by Ordinance No. 3685-C.S., Council amended Section 8-3.102 of Article 1, Chapter 3, Title 8 of the Modesto Municipal Code at the January 16, 2018, Council meeting to authorize the use of DB procurement for the Water Corporation Yard, which exempted the project from the City's formal bidding procurement method required by the Municipal Code, and

WHEREAS, on December 1, 2017, three firms submitted Proposals for the Water Corporation Yard project, and on December 21, 2017, the committee reviewed the proposals, scored, and ranked the three shortlisted firms. After deliberation, the DB Entity of Diede Construction of Woodbridge, California and LDA Partners of Stockton, California were selected as the most qualified DB entities to design and construct the Water Corporation Yard project, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-93, Council awarded a design build contract to Diede Construction, Inc., of Woodbridge, CA, for the construction of the Water Corporation Yard project in the amount of $14,100,000, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of April 17, 2018, and the last working day for was on February 10, 2020, and

WHEREAS, the total project costs were $20,328,143 which included design, construction, and construction administration costs. The total project amount originally budgeted was $20,417,500, 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 6% ($846,000) of the original contract price. However, staff requested to increase the contract change order authority to 8% ($1,128,000) and Council authorized the increase on December 10, 2019 by Resolution No. 2019-552, and

WHEREAS, there were fifty-one (51) change orders on this project with an overall increase of $1,480,165, 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 Water Corporation Yard project is hereby accepted as complete from contractor, Diede Construction, Inc., Woodbridge, 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 $15,580,165.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Kenoyer, 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, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-425

RESOLUTION APPROVING THE DOWNTOWN PARKLET PROGRAM TO ALLOW THE USE OF PARKLETS IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH PARKLET GUIDANCE AND OTHER CONDITIONS AS DETERMINED NECESSARY BY THE CITY MANAGER

WHEREAS, on August 11, 2020 the Modesto City Council approved Resolution 2020-331 implementing the Open Air Initiative in response to the COVID-19 pandemic to temporarily supersede existing conflicting provisions of the Modesto Municipal Code; and

WHEREAS, approval of the OpenAir Initiative, including parklets, helped restaurants and commercial businesses adapt and respond to the most recent State and Local orders; and

WHEREAS, parklets brought a community benefit to the downtown area, including, improved public health conditions, enhanced business viability, and broad popularity; and

WHEREAS, the City developed a set of guidelines to mitigate potential on safety, accessibility, roadway projects, and other public infrastructure; and

WHEREAS, parklet guidelines include additional conditions for location, enhanced traffic safety requirements, design standards, maintenance requirements, and risk mitigation; and

WHEREAS, City staff may require additional design interventions not covered in the guidelines; and

WHEREAS, parklet approval is subject to the discretion of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto approval the Downtown Parklet Program to allow the use of parklets in the public right-of-way in accordance with Parklet Guidance and other conditions as determined necessary by the City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2021, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-426

RESOLUTION APPROVING A SERVICE AGREEMENT WITH FIRE RECOVERY USA TO RECOVER INSURANCE MITIGATION RATES FROM EMERGENCY SERVICES FOR A ONE-YEAR TERM, WITH A ONE-YEAR EXTENSION OPTION RENDERED BY THE MODESTO FIRE DEPARTMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in an effort to appropriately recover reasonable outgoing costs associated with providing emergency services during accident/incidents, the Modesto Fire Department recommends entering into a service agreement with Fire Recovery USA (Vendor) to provide for the recovery of insurance mitigation rates; and

WHEREAS, these insurance recovery rates are considered and agreed upon annually by the insurance industry as the usual, customary and reasonable cost of providing the service (UCR) by fire departments across the country; and

WHEREAS, this program includes responses to the following incident types: Motor Vehicle accidents (with fluids on the ground and without), Vehicle Fires, Fires, Special Rescues (Water, Extrications and Technical Rescue) and Hazardous Materials/Hazardous Conditions; and

WHEREAS, Vendor will only pursue insurance claims relative to the above outlined incidents unless otherwise directed by the City of Modesto. Vendor will not begin collections or litigation against a person or insurance carrier without written approval by the City; and

WHEREAS, through this process, while there is no direct charge to the City of Modesto, the Vendor receives a share of the revenues from the collections it recovers on behalf of the City. The Vendor will receive 22% of the overall recovery while 78% is

returned to MFD as revenue to assist with operational costs offset for providing the emergency services; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the agreement is for professional services and, therefore, exempt from the bidding requirement. The approval for awarding the Emergency Cost Recovery Program to Fire Recovery USA conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing specialized professional services where they are the industry expert; and

WHEREAS, this program is expected to affect the City's revenue in a positive manner as service demands continue to rise locally.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Service Agreement with Fire Recovery USA to recover insurance mitigation rates from Emergency Services for a one-year term, with a one-year extension option rendered by the Modesto Fire Department.

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 26th day of October, 2021, 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, Kenoyer, Ricci, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSTAIN:	Councilmembers:	Wright
ABSENT:	Councilmembers:	Madrigal, Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-427

RESOLUTION ESTABLISHING FIRST RESPONDER FEE FOR PRE-HOSPITAL EMERGENCY MEDICAL SERVICES APPROVING A SERVICE AGREEMENT WITH WITTMAN ENTERPRISES, LLC FOR A ONE-YEAR TERM, WITH A ONE-YEAR EXTENSION OPTION FOR THE IMPLEMENTATION OF A FIRST RESPONDER FEE FOR PRE-HOSPITAL EMERGENCY MEDICAL SERVICES RENDERED BY THE MODESTO FIRE DEPARTMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department provides both fire suppression and Pre-Hospital Emergency Medical Services (PHEMS) to the community; and

WHEREAS, given the City's increasing number of medical calls, the Modesto Fire Department is continually looking for ways to address its operational costs and ensure it provides the necessary services to its customers. A way of achieving this goal is by implementing a user fee to patients who are treated or evaluated by Modesto City firefighters for medical service; and

WHEREAS, the principal rationale for a First Responder Fee is that local government fire department services have expanded well beyond traditional fire suppression, that is generally supported by property taxes; and

WHEREAS, a “Compassionate Billing Approach” would be utilized; the City would accept payment by a primary or secondary insurance company as the full payment for the First Responder Fee obligation and the City would not further pursue any First Responder Fee obligation for patients who are not insured nor would a patient be billed directly or pursued under collections for non-payment if the insurance company did not process the payment in a timely manner; and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), exceptions to formal bidding requirements, the agreement is for professional services and, therefore, exempt from the bidding requirement. The approval for the collection of the EMS First Responder fee to Wittman Enterprises, LLC conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services for billing and collection of EMS related fees; and

WHEREAS, this fee will be utilized to support the current Emergency Medical Services operations within the Modesto Fire Department as well as providing the necessary funding for on-going initiatives like Community Paramedicine which will continue to enhance the level of service to citizens within the City of Modesto; and

WHEREAS, the Fire Department reached out to three (3) recommended EMS billing companies in the industry for billing and collection of the proposed fee. Of these three companies, two were responsive; Fire Recovery USA and Wittman Enterprises, LLC. Quick Med Claims did not submit a proposal within the given time period. All three (3) companies were given the same parameters and scope of work for their proposals which included the following areas; and

WHEREAS, the First Responder Fee proposed will allow the collection of fees to alleviate some of the financial burden on the City and Fire Department for providing Pre-Hospital Emergency Medical Services. The Modesto Fire Department proposes to charge a First Responder Fee of $360.00 to a patient's insurance company if that patient is medically evaluated and treated by Fire staff on a first responder unit; and

WHEREAS, the amount of the First Responder Fee is less than or equal to the City's costs to provide the services for which the fee is charged; and

WHEREAS, staff recommends Wittman Enterprises, LLC as the selected billing agency at a collection rate of $12.50 per processed billable incident.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that a First Responder Fee for Pre-Hospital Emergency Medical Services rendered by the Modesto Fire Department is hereby established in the amount of $360.00 to a patient's insurance company if that patient is medically evaluated and treated by Fire staff on a first responder unit.

BE IT FURTHER RESOLVED that the City Council hereby approves a service agreement with Wittman Enterprises, LLC for a one-year term, with a one-year extension option for the implementation of a First Responder Fee for Pre-Hospital Emergency Medical Services rendered by the Modesto Fire Department.

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 26th day of October, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Ricci, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSTAIN:	Councilmembers:	Wright
ABSENT:	Councilmembers:	Madrigal, Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-428

RESOLUTION CONTINUING TO AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE CITY OF MODESTO PURSUANT TO ASSEMBLY BILL 361

WHEREAS, the City of Modesto (the "City") is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 19, 2020, the City Council adopted Resolution Number 2020-140, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which allows for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. 2021-370 authorizing remote teleconference meetings pursuant to AB361 (Government Code section 54953(e)); and

WHEREAS, on October 5, 2021, the City Council held a meeting in accordance with the requirements of AB 361, pursuant to AB361 (Government Code section 54953(e)(2)); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and whether State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, the Health Officer of the County of Stanislaus continues to require all individuals, regardless of vaccination status, to wear a mask while indoors in public spaces; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least six feet (6') from others outside of the household; and

WHEREAS, the Stanislaus County Health Officer's Health Order requires individuals to follow the CDC's guidance for vaccinated and unvaccinated people; and

WHEREAS, the City Council, acting for itself and for the benefit of all of the City's commissions, committees, and other bodies (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2) as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Consideration of State of Emergency. The City Council has considered the conditions of the state of emergency declared pursuant to Government Code section 8625, and determined that such emergency conditions continue to be present in the City.

Section 3. Continued Social Distancing Measures by State and Local Officials. The City Council finds that the County of Stanislaus Health Order's required and recommended measures to promote social distancing remain in effect.

Section 4. Remote Teleconference Meetings. The City Council finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-429

RESOLUTION APPROVING THE AMENDED BYLAWS FOR THE CITIZENS' DISTRICTING COMMISSION

WHEREAS, like many cities throughout California, Modesto utilizes a district-based system of electing Council Members; and

WHEREAS, after each decennial U.S. census, cities with district-based systems must "redistrict" to adjust the boundaries of the council members' districts using the new census data; and

WHEREAS, redistricting determines which neighborhoods and communities are grouped together into a district for purposes of electing a Council Member; and

WHEREAS, section 501(b)(3) of the Modesto Municipal Code (MMC) requires the City Council to appoint a Redistricting Commission consisting of nine (9) qualified electors residing within the City, reflecting the demographic and geographic diversity of the City; and

WHEREAS, on April 1, 2008, Council appointed members to serve on the original Citizens' Districting Commission and approved Bylaws for the Commission, the approved Bylaws also governed future Citizens' Districting Commissions; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. 2021-389, appointing nine members to the current Districting Commission; and

WHEREAS, Section 501(b)(3)(A) of the City's Charter provides that "strong consideration shall be given" to composing the Commission with the following members:

"(i) a retired Stanislaus County judge as chairperson;

(ii) one (1) member from a bona fide local taxpayer's association with tax-exempt status under the relevant provisions of the Internal Revenue Code;

(iii) one (1) member from a bona fide local nonpartisan political organization, with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, dedicated to encouraging informed and active participation in government;

(iv) one (1) member from a bona fide local civil rights organization with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code;

(v) one (1) member from a former Civil Grand Jury who has served in that role within the previous five (5) years;

(vi) additional members who have demonstrated civic involvement and a capacity to serve in an honest, independent, and impartial fashion, while upholding public confidence in the integrity of the redistricting process[.]"

The Charter prohibits the following person(s) from serving on the Commission:

(i) Relatives by blood or marriage within the second degree of the Mayor, a member of the Council, any Charter officer, or any department head or deputy department head.

(ii) An employee of the City or any bargaining unit for employees of the City, or any persons who receives compensation from the City or from bargaining units of the City in any manner, including retirement benefits.

(iii) A lobbyist or other person with business before the City that represents an economic interest in excess of the limit for material financial effect as established by local ordinance for the time periods established by local ordinance; and

WHEREAS, the Charter and current Bylaws state that the Chairperson of the Commission is to be a retired Stanislaus County Judge. The Bylaws also contain a separate section indicating that the Council appoints the chair; and

WHEREAS, these two sections can only be consolidated to mean that the Council would appoint the Chair in cases where no retired Stanislaus County Judge is on the Commission; and

WHEREAS, the recruitment for the current Districting Commission did not yield a retired judge applicant and given the absence of this applicant, the Commission is without a Chairperson; and

WHEREAS, this proposed amendment to the Bylaws will give the Commission the authority to elect a Chairperson when a retired judge is not a member, update the rules of procedures to align with Council procedures and remove duplicate section; and

WHEREAS, specifically, the amendments will be reflected as follows:

- Removal of duplicate Section 9 under Article III (duplicate of Section 7, Article III);
- Addition of language to Section 1 under Article VI to match Charter language;
- Addition of Section 2 under Article VI to elect a Chair when no retired Stanislaus County Judge serves as a member of the Commission;
- Additions to Section 6 under Article VI to apply the Secretary to call meetings in the temporary absence of a Chairperson;
- Amendment to Section 1 under Article VIII to update the rules of procedures to align with the City Council rules of procedure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Bylaws for the Citizens' Districting Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-430

RESOLUTION APPROVING A PURCHASE ORDER FOR A JOHN DEERE TRACTOR WITH DEERE & COMPANY, CARY, NC, BY UTILIZING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL (FORMERLY NATIONAL JOINT POWERS ALLIANCE) FOR A TOTAL COST NOT TO EXCEED $271,425 AND A SOLE SOURCE PURCHASE WITH EVERGREEN IRRIGATION INC., STAYTON, OR, FOR A WINDROW TURNER FOR PUBLIC WORKS DEPARTMENT FOR A TOTAL AMOUNT NOT TO EXCEED $374,651, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDERS

WHEREAS, the City of Modesto Compost Facility's operation is permitted by three regulatory agencies; and

WHEREAS, the current windrow turner unit is on the replacement list, this unit is 17 years old and parts are obsolete and getting harder to find when needed; and

WHEREAS, Sourcewell has a tractor available through Deer & Company available at a local distributor Belkorp Ag, Stockton, CA, and Evergreen Irrigation, Inc. has a windrow turner that meets requirement of the Compost facility and regulatory compliance needs; 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. However, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans where the best cost savings interest if the City would be served. Here the competitive process from

Sourcewell for Ag Tractors and Related Attachments, Accessories and Supplies has met the City of Modesto's procurement requirements; and

WHEREAS, here Evergreen Irrigation Inc, Stayton, OR, should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since they are the only vendor that can provide an 18-foot tow behind windrow turner that meets the requirements for the Compost Facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchase order for a John Deere tractor with Deere & Company, Cary, NC, by utilizing the competitive bidding process from Sourcewell (formerly National Joint Powers Alliance) for a total cost not to exceed $271,425 and a sole source purchase with Evergreen Irrigation Inc., Stayton, OR, for a windrow turner for public works department for a total amount not to exceed $374,651.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-431

RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID (RFB) NO. 2021-46 FOR DISCING AND FLAIL MOWING SERVICES AND AUTHORIZING STAFF TO REISSUE THE RFB AT A FUTURE DATE

WHEREAS, on June 11, 2021, the Purchasing Division issued RFB 2021-46 for Discing and Flail Mowing Services, and

WHEREAS, on July 20, 2021 bids were formally opened in the City Clerk's office, and

WHEREAS, fifteen companies chose to download the RFB document, and one company chose to submit a bid, and

WHEREAS, after reviewing the bid, staff determined that the original Scope of Services should be amended to make the specifications broader to ensure a more competitive bidding process, and

WHEREAS, staff believes it would be in the City's best interest to reject the bid, and

WHEREAS, in accordance with Modesto Municipal Code Section 8-3.203, Formal Bid Procedures, the Council shall have authority to accept or reject any or all bids. The rejection of all bids for RFB 2021-46 Discing and Flail Mowing Services conforms to the Modesto Municipal Code 8-3.203, subsection (e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for RFB 2021-46 for Discing and Flail Mowing Services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorizing staff to reissue the RFB at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-432

RESOLUTION APPROVING THE THIRD AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH SCOTO FARMING, MODESTO, CA FOR DISCING AND FLAIL MOWING SERVICES BY $5,390 FROM $210,000 TO A NEW TOTAL AMOUNT OF $215,390, AND EXTENDING THE TERM OF THE AGREEMENT FROM OCTOBER 31, 2021 TO APRIL 30, 2022, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE THIRD AMENDMENT

WHEREAS, discing and flail mowing services are needed on open fields to control the overgrowth of weeds and grasses; and

WHEREAS, on March 3, 2015, by Resolution 2015-63, Council approved the award of bid for discing and flail mowing services to Scoto Farming for a five-year agreement not to exceed $210,000; and

WHEREAS, on April 28, 2020, by Resolution 2020-199, Council approved an amendment for an extension to the Agreement to extend the term from March 2, 2020 to September 2, 2020; and

WHEREAS, on April 13, 2021, by Resolution 2021-137, Council approved another amendment for an extension to the Agreement from September 2, 2020 to October 31, 2021; and

WHEREAS, Park Operations staff submitted a Request for Bids (RFB) earlier this year to ensure these essential services were not interrupted; and

WHEREAS, on June 11, 2021, the RFB for discing and flail mowing services was issued on the City's website and only one bid was received; and

WHEREAS, after reviewing the bid received, staff determined that the original Scope of Services should be amended to make the specifications broader to ensure a more competitive bid process; and

WHEREAS, to accommodate the rebidding process, staff recommends extending the current agreement for discing and flail mowing services; and

WHEREAS, the current agreement for discing and flail mowing services is set to expire on October 31, 2021; and

WHEREAS, the City wishes to extend the agreement from October 31, 2021 to April 30, 2022 to allow enough time to accommodate the rebidding process for discing and flail mowing services; and

WHEREAS, staff is requesting compensation for the Agreement to be increased by $5,390 to provide sufficient funding for discing and flail mowing services through the extension of the agreement; and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on April 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment increasing the agreement amount with Scoto Farming, Modesto, CA for Discing and Flail Mowing Services by $5,390 from $210,000 to a new total amount of $215,390, and extending the term of the agreement from October 31, 2021 to April 30, 2022.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute the Third 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 2nd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-433

RESOLUTION APPROVING THE SUBMISSION OF THE CITY'S TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM FOR TRANSPORTATION CENTER IMPROVEMENTS FOR FISCAL YEAR 2021-22 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $668,698 AND RESCINDING RESOLUTION 2021-366

WHEREAS, the City of Modesto, Public Works Department has requested additional Local Transportation Regional Funds (LTF-Regional) from Stanislaus Council of Governments (StanCOG) for Transportation Center improvements in preparation for the Altamont Corridor Express (ACE) to stop in Modesto; and

WHEREAS, the City has prepared a Transportation Development Act (TDA) claim for Fiscal Year 2021-22 to access these additional funds; and

WHEREAS, the Transportation Center Capital Budget for these improvements is Six Million Six Hundred Sixty-Eight Thousand Nine Hundred Eighty-Eight Dollars ($6,668,988); and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California Public Utilities Code 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 Transportation Center capital claim for Fiscal Year 2021-22 to StanCOG in the amount of Six Hundred Sixty-Eight Thousand Six Hundred Ninety-Eight Dollars ($668,698) and rescinding Resolution 2021-366.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of November, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-434

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT AMENDING FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROJECT BUDGET TO PROJECT 101338 – TRANSIT CENTER IMPROVEMENTS – CS AREA AND PROJECT 101339 – TRANSIT CENTER IMPROVEMENTS IN THE AMOUNT OF $668,698 TO FUND IMPROVEMENTS TO THE TRANSPORTATION CENTER IN PREPARATION FOR THE ALTAMONT CORRIDOR EXPRESS (ACE), RESCINDING RESOLUTION 2021-367; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto has prepared a Transportation Development Act (TDA) Claim with Stanislaus Council of Governments (StanCOG) for Local Transportation Regional Funds (LTF-Regional) for the improvements at the Transportation Center in preparation for the Altamont Corridor Express (ACE) to stop in Modesto; and

WHEREAS, the total estimated cost for construction improvements is Six Million Six Hundred Sixty-Eight Thousand Nine Hundred Eighty-Eight Dollars ($6,668,988); and

WHEREAS, City staff has estimated the cost of the project will increase due to unforeseen lumber and material costs; and

WHEREAS, this claim is the formal request to StanCOG to release Six Hundred Sixty-Eight Thousand Six Hundred Ninety-Eight Dollars ($668,698) reserved for regional transit-related projects; and

WHEREAS, the Fiscal Year 2021-22 Capital Improvement Budget must be increased by Six Hundred Sixty-Eight Thousand Six Hundred Ninety-Eight Dollars ($668,698) revenue and expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Capital Improvement Budget for Project 101338 Transit Center Improvements – CS area and Project 101339 Transit Center Improvements in the amount of Six Hundred Sixty-Eight Thousand Six Hundred Ninety-Eight Dollars ($668,698) and rescinding Resolution 2021-367.

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 2nd day of November, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-435

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2021-22.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2021-22

POLICE DEPARTMENT

- A budget adjustment is needed in the amount of $62,500 to program revenues and offsetting expenses for the 2022 Office of Traffic Safety (OTS) Pedestrian & Bike Safety Grant (project 101358), Grant # PT22007, awarded to the Modesto Police Department for deploying best practice strategies to reduce the number of persons killed or injured in crashes involving pedestrians and bicyclists.

- A budget adjustment is needed in the amount of $430,000 to program revenues and offsetting expenses for the 2022 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant (project 101359), Grant # PT22034, awarded to the Modesto Police Department for deploying best practice strategies to reduce the number of persons killed or injured in vehicle crashes.

PUBLIC WORKS

- A budget adjustment is needed to fund 4320 (Special Aviation Fund), project 101062 (2847 River Rd Airport Purchase) in the amount of $339,000 to recognize Federal Aviation Administration (FAA) grant revenues and to reduce the transfer out from the County Aircraft Tax Fund (4330) to the project. Recently, grant funds were awarded to the project by the FAA which resulted in the ability to transfer funds back to the County Aircraft Tax Fund so that they could be used for future projects.

- A budget adjustment in the amount of $600,000 is needed in the Surface Transportation Fund (1700) to increase the Upgrade High Voltage FY 20/21 Project (101304) expense budget. Additionally, a transfer out from the Gas Tax Fund (1730) to the project is needed in the amount of $600,000. This project will continue to upgrade the High Voltage Circuits within the City. City Council per resolution 2019-91 recommended the approach to replace 150 high voltage street lights each year at an estimated cost of $1,000,000. This adjustment is accounting for the anticipated replacement expenses for high voltage for fiscal year 2021-2022 which was not included as part of budget adoption. If the additional $400,000 is needed, staff will bring back another request to Council to amend the budget.

UTILITIES

- A budget adjustment is necessary in the amount of $300,000 for the 9th Street River Trunk Emergency Repair Project within the Wastewater Fund. Due to the recent storm, it was discovered that 400 feet of pipe need to be replaced. This is in addition to the $25,000 that was already budgeted to provide for preliminary engineering costs.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-436

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE SOLE SOURCE AGREEMENT WITH BENEVATE, INC. DBA NEIGHBORLY SOFTWARE, TO INCREASE THE AGREEMENT AMOUNT BY $121,791 FROM $34,300 FOR A NEW TOTAL AMOUNT OF $156,091 TO FACILITATE THE CITY'S HOUSING AND COMMUNITY DEVELOPMENT GRANT MANAGEMENT AND PROJECT PORTFOLIOS, ESTABLISHING A THREE-YEAR AGREEMENT WITH THE OPTION FOR TWO ONE-YEAR SERVICE EXTENSIONS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS AMENDMENT

WHEREAS, each year, the City receives Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the objective of the CDBG Program is to develop viable urban through decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons by supporting activities such as public facilities improvements, social services, affordable housing, fair housing, economic development and addressing homelessness, and

WHEREAS, the City also receives funding from the State of California Housing and Community Development (HCD) Department for housing and community development related projects, and

WHEREAS, for the long-term stability and on-going management of these programs, in 2020 the City contracted with Benevate, Inc dba Neighborly Software to consolidate the City's current HUD and HCD related software programs into one cloud-based software, and

WHEREAS, Neighborly Software is a cloud-based grant management system that allows for the enrollment, administration, and reporting of over eighteen different housing, economic, and community development programs/projects, and

WHEREAS, Neighborly Software's mission is to improve the administrative efficiency and regulatory compliance of Housing, Economic and Community Development programs, and

WHEREAS, Neighborly Software enables the City to efficiently manage its compliance, reporting, funding, and loan management activities in one comprehensive solution specifically designed for housing, economic and community development organizations, and

WHEREAS, the software assists in managing a complex and growing loan portfolio, provides more transparency in the application scoring and funding decisions of proposed public service projects, and enables real-time visibility into funding balances by year and program, and

WHEREAS, as part of the initial consolidation and conversion of the City HUD related software in early 2020 under the original contract with Benevate Inc., the City implemented three programs: The Housing Rehabilitation Program, Pubic Services, and the Asset compliance management for affordable housing modules, and

WHEREAS, this contract amendment would adjust our existing contract from an Annual contract of $25,800 for eleven (11) users to an annual cost of up to $39,000 for sixteen (16) users and a one-time data migration fee of $10,500, and

WHEREAS, this amendment will give the City the flexibility to expand the programs it manages within the system to seven (7) with an implementation fee of up to an additional $10,500, and

WHEREAS, on August 12, 2021, the Citizens Housing and Community Development Committee reviewed and recommended forwarding this item to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the sole source agreement with Benevate, Inc. dba Neighborly Software, to increase the agreement amount by $121,791 from $34,300 for a new total amount of $156,091 to facilitate the City's Housing and Community Development grant management and project portfolios, establishing a three-year agreement with the option for two one-year service extensions.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-437

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 OPERATING BUDGET BY $58,000 AS OUTLINED IN THE ATTACHMENT A AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in order to budget for expenditures related to the agreement between the City of Modesto and Benevate, Inc. dba Neighborly Software for grant management, and

WHEREAS, the Fiscal year 2021-22 operating budget must be amended by $58,000 as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves the amendment of the Fiscal year 2021-22 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 provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

Budget Adjustment for Benevate Inc. dba Neighborly Software

Fund 01133 - HUD Administration

Operating Budget 14111 - HUD Administration

Expense:

Account	Description	Starting Amount	Increase	Ending Total
01133-14111-52170	PC Software and Supplies	$ 15,000.00	$ 58,000.00	$ 73,000.00

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-438

RESOLUTION AWARDING A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV) PUBLIC SERVICE GRANT IN AN AMOUNT NOT TO EXCEED $100,000 PLUS $10,000 ACTIVITY DELIVERY COSTS TO BAY VALLEY FOUNDATION, INC. FOR AN INFORMATION TECHNOLOGY TRAINING PROGRAM, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD). As an entitlement community, the City annually receives entitlement funds from the following HUD programs: Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships Program (HOME), and

WHEREAS, on March 27, 2020, President Trump signed the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) which made available $5 billion in supplemental Community Development Block Grant (CDBG-CV) funding and $4 Billion for Emergency Solutions Grants (ESG-CV1 and ESG-CV2) for the prevention of, preparation for, and response to the 2019 novel Coronavirus, and

WHEREAS, as an entitlement community, the City was awarded $2,385,772 in CDBG-CV funds and $3,928,372 in two separate awards (CARES Act ESG-CV1 and ESG-CV-2) to support a range of eligible activities to aid in the City's response to COVID-19, and

WHEREAS, due to COVID-19, millions of people have experienced serious disruptions to their jobs following social distancing public health recommendations and

state and local shelter-in-place orders aimed at slowing the spread of the virus impacting people in many ways including job loss and related economic impacts, and

WHEREAS, in order to bring new economic and entrepreneurial opportunities to help strengthen the local economy that has been affected by COVID-19, Bay Valley Foundation is proposing an IT Training Program to be offered to Modesto residents, and

WHEREAS, since 2018, Bay Valley Foundation has trained hundreds of students in Northern California through its free 7-month code academy coding boot camps and software development internships, and

WHEREAS, Bay Valley Foundation's mission is to create economic opportunities for the Central Valley through technology, education, and entrepreneurship and has helped place many program alumni in local tech jobs through their employer outreach programs, and

WHEREAS, Bay Valley Foundation plans to expand the Tech Code Academy to include a new 16-week tuition-free Digital Design & Marketing Course. This course is designed to expose local adult students to in-demand digital careers and prepare them for internships/entry-level positions as digital designers and digital marketers, and

WHEREAS, this Digital Design & Marketing Course will enable Modesto-area adult students over the age of 18 to learn new in-demand skills in a supportive environment while expanding their professional network as part of Bay Valley Tech's community of over 1,000 local techies and employers, and

WHEREAS, Bay Valley Foundation's proposal is aimed at addressing COVID-19 economic development impacts and is requesting $100,000 in CDBG-CV CARES Act funds to assist in the expansion of the new Digital Design and Marketing course to 30

Modesto citizens who meet the HUD income eligibility requirements for the program, and

WHEREAS, staff has reviewed Bay Valley Foundation's project proposal and recommends approval, and

WHEREAS, on October 14, 2021, the Citizens Housing and Community Development Committee reviewed and recommended forwarding this item to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes awarding a Community Development Block Grant CARES Act (CDBG-CV) Public Service Grant in an amount not to exceed $100,000 plus $10,000 activity delivery costs to Bay Valley Foundation, Inc. for an Information Technology Training Program.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-439

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH RIVERA HEWITT PAUL, LLP IN THE AMOUNT OF $100,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $145,000, FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on April 14, 2021, the City entered into a standard legal services agreement with Rivera Hewitt Paul, LLP for litigation, trial counsel, legal advice, representation and assistance to the City in police related matters; and

WHEREAS, our office is requesting an increase to their agreement budget in the amount of $100,000 to support continued services, for a total agreement amount not to exceed $145,000; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Rivera Hewitt Paul, LLP for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Rivera Hewitt Paul, LLP, in the amount of $100,000, for a total agreement amount not to exceed $145,000 for continued representation in police litigation matters as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this "**First Amendment**"), is made and entered into on 9th day of November 2021 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **RIVERA HEWITT PAUL, LLP** ("**Attorney**"), located at 11341 Gold Express Drive, Suite 160, Gold River, California 95670. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide litigation, trial counsel, legal advice, representation and assistance to City in relation to police matters including use of force and the discharge of a weapon; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $45,000 to $145,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Rivera Hewitt Paul dated April 14, 2021, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred forty-five thousand dollars ($145,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated April 14, 2021, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Dana Sanchez, Interim City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
RIVERA HEWITT PAUL LLP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-440

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH ANGELO, KILDAY AND KILDUFF IN THE AMOUNT OF $100,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $145,000 FOR CONTINUED REPRESENTATION IN POLICE LITIGATION MATTERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on April 16, 2021, the City entered into a standard legal services agreement with Angelo, Kilday and Kilduff for litigation, trial counsel, legal advice, representation and assistance to the City in police related matters; and

WHEREAS, our office is requesting an increase to their agreement budget in the amount of $100,000 to support continued services, for a total agreement amount not to exceed $145,000; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Angelo, Kilday and Kilduff for continued services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Angelo, Kilday and Kilduff, in the amount of $100,000, for a total agreement amount not to exceed $145,000 for continued representation in police litigation matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this "**First Amendment**"), is made and entered into on 9th day of November 2021 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ANGELO, KILDAY & KILDUFF** ("**Attorney**"), located at 601 University Ave., Suite 150, Sacramento, California 95825. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide litigation, trial counsel, legal advice, representation and assistance to City in relation to police matters including use of force and the discharge of a weapon; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $45,000 to $145,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Angelo, Kilday & Kilduff dated April 16, 2021, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred forty-five thousand dollars ($145,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated April 16, 2021, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name**:** Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

_____
Jose M. Sanchez, City Attorney

ATTEST:

_____
Dana Sanchez, Interim City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
ANGELO, KILDAY & KILDUFF

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-441

RESOLUTION ADOPTING THE ANNUAL COMMERCIAL CANNABIS PERMIT FEE, TO DECREASE THE AMOUNT BY $3,008 FROM $21,740 TO $18,732 ANNUALLY, USED TO PAY FOR THE ON-GOING ADMINISTRATION AND MONITORING OF APPROVED BUSINESSES

WHEREAS, the passage of Proposition 64, The Adult Use of Marijuana Act, in November 2016 ended the prohibition on adult-use of cannabis in California and created a statewide regulatory structure for adult-use cannabis businesses similar to that previously approved for medicinal cannabis businesses; Proposition 64 gave local governments control of taxes and fees associated with permitted commercial cannabis businesses operating within their jurisdictions, and

WHEREAS, on January 16, 2018, the Modesto City Council adopted Ordinance No. 3684-C.S. which permitted certain commercial cannabis uses, subject to land use and zoning criteria; these regulations permit cannabis retailers and established that wholesale cannabis businesses, such as testing, nurseries, microbusinesses, manufacturing, distribution, and cultivation (indoor) are permitted, and

WHEREAS, on December 4, 2018, under Resolution No. 2018-538, City Council imposed the Annual Commercial Cannabis Permit Fee for approved cannabis businesses to pay for on-going administration and monitoring of approved businesses in the amount of $21,740, based on the recommendation by the City's cannabis consultants HdL companies, and

WHEREAS, the City's Commercial Cannabis Ordinance section 10-3.704(f)(7) authorizes the City to establish a permit fees for commercial cannabis operators by resolution, and

WHEREAS, City staff analyze the costs of the Annual Commercial Cannabis Permit Fee based on feedback from the following departments: Community & Economic Development, City Attorney's Office, Police, Fire, and Finance; the fee also includes the costs of annual financial audits, compliance reviews, and general consulting by HdL companies, and

WHEREAS, based on consultations with relevant City departments and an estimate of costs associated with the on-going administration and monitoring of approved businesses, the City has determined that a reduction of the Annual Commercial Cannabis Permit Fee is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the fee schedule related to the operator permit necessary for the privilege of operating a commercial cannabis business in the City effective calendar year 2022 and forward, as follows:

Annual City of Modesto Commercial Cannabis Permit Fee = $18,732

Annual Cannabis Permit Fee can be changed from time to time by resolution of the City Council. Except as otherwise provided herein, no proration of the fee shall be made for any portion of the period for which the Annual Commercial Cannabis Permit Fee is payable, except in the case of a newly established and approved business, the Annual Commercial Cannabis Permit Fee may be prorated for the number of months remaining in the year at the time the permit is initially approved by Council and due annually on January 1st thereafter. For the purpose of proration, a fractional part of a month shall be considered as a full month. The Annual Commercial Cannabis Permit Fee will continue to be due annually on the 1st day of January and delinquent at the close of business hours

on the 15th of January. In lieu of paying the Annual Commercial Cannabis Permit Fee at the City Hall, the fee may be deposited in United States mail, postage prepaid, on the due date, provided the transmitting envelope contains a postage cancellation stamp showing cancellation not later than 12:00 p.m. on the due date. If the due date falls on Saturday, Sunday or a holiday, the date day shall be the next regular business day on which the City Hall is open to the public.

BE IT FURTHER RESOLVED, that this resolution shall go into effect and be in full force and operation immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-442

RESOLUTION ADOPTING THE COMMERCIAL CANNABIS APPLICATION FEE TO SIMPLIFY THE APPLICATION PROCESS FOR COMMERCIAL CANNABIS BUSINESSES, THE PHASE 1 FEE AND PHASE 2 DEPOSIT FEE WILL BE MERGED INTO A SINGLE NON-REFUNDABLE FLAT FEE OF $6,380

WHEREAS, the City Council has approved a Commercial Cannabis Ordinance that established the regulatory framework for commercial cannabis businesses to operate within the City of Modesto, and

WHEREAS, the City developed the application and permit procedures, forms, and administration protocols for commercial cannabis permits, and

WHEREAS, staff time and City materials have been and will continue to be expended to establish the application process and procedures, and

WHEREAS, the City may collect fees to recover the costs related to these services, and

WHEREAS, on December 12, 2017, under Resolution No. 2017-526, City Council imposed a non-refundable Commercial Cannabis Application Fee for an optional pre-application screening fee of $1,250, a Phase 1 for $4,750, and a Phase 2 deposit fee of $10,000 or $20,000 for retail businesses over 10,000 square feet, and

WHEREAS, the application fees should be updated in proportion with actual costs for the specific activities and services related to commercial cannabis permits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves simplifying the application process for commercial cannabis business, retaining the optional pre-application screening fee of $1,250, and merging Phase I and Phase II deposit fees into a single non-refundable flat fee of $6,380 to better align with administrative

costs.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Dana Sanchez
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-443

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, CONSENTING TO INCLUSION OF COMMERCIAL, INDUSTRIAL AND AGRICULTURAL PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE GOLDEN STATE FINANCE AUTHORITY PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS, ELECTRIC VEHICLE CHARGING INFRASTRUCTURE, SEISMIC RETROFITTING, FIRE PREVENTION AND OTHER IMPROVEMENTS AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Golden State Finance Authority ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on July 1, 1993, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority has established a property-assessed clean energy ("PACE") Program (the "Authority PACE Program") to provide for the financing of renewable energy generation, energy and water efficiency improvements, electric vehicle charging infrastructure, and other improvements (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Modesto (the "City") is committed to development of renewable energy generation and energy and water efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by commercial property owners within the jurisdictional boundaries of the counties and cities that are participating in the Authority PACE Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its commercial property owners to achieve energy and water efficiency, and in doing so cooperate with Authority in order to efficiently and economically assist property owners within the City in financing such Improvements; and

WHEREAS, Authority has established the Authority PACE Program, which is such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by acknowledgment of the JPA Agreement, a copy of which is **attached** as **Exhibit "A"** hereto, to participate in the programs of the JPA and to assist commercial property owners within the jurisdiction of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the Authority PACE Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that commercial properties in the City's incorporated area will be benefited by the availability of the Authority PACE Program to finance the installation of the Improvements.
2. This City Council consents to inclusion in the Authority PACE Program of all of the commercial properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such commercial properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.
3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority PACE Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments.
4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.
5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority PACE Program within the City, and

report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

GOLDEN STATE FINANCE AUTHORITY

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

(Original date July 1, 1993 and as last amended and restated November 1, 2019)

THIS AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT ("Agreement") is entered into by and among the counties listed on Attachment 1 hereof and incorporated herein by reference. All such counties are referred to herein as "Members" with the respective powers, privileges and restrictions provided herein.

RECITALS

A. WHEREAS, the California Rural Home Mortgage Finance Authority ("CRHMFA") was created by a Joint Exercise of Powers Agreement dated July 1, 1993 pursuant to the Joint Exercise of Powers Act (commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"). By Resolution 2003-02, adopted on January 15, 2003, the name of the authority was changed to CRHMFA Homebuyers Fund. On December 10, 2014, the name of the authority was changed to California Home Finance Authority. On May 5, 2015, the name of the authority was changed to Golden State Finance Authority. The most recent amendment to the Joint Exercise of Powers Agreement was on May 5, 2015.

B. WHEREAS, the Members of Golden State Finance Authority desire to update, reaffirm, clarify and revise certain provisions of the joint powers' agreement, including the renaming of the joint powers authority, as set forth herein.

C. WHEREAS, the Members are each empowered by law to finance the construction, acquisition, improvement, preservation, and rehabilitation of real property and infrastructure.

D. WHEREAS, the Members are each empowered by law to establish and operate programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse.

E. WHEREAS, by this Agreement, the Members desire to create and establish a joint powers authority to exercise their respective powers for the purposes of financing the construction, acquisition, improvement, preservation, and rehabilitation of real property and infrastructure as authorized by the Act, and establishing and operating programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Members individually and collectively agree as follows:

1. Definitions

Unless the context otherwise requires, the following terms shall for purposes of this Agreement have the meanings specified below:

"Act" means the Joint Exercise of Powers Act, commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, including the Marks-Roos Local Bond Pooling Act of 1985, as amended.

"Agreement" means this Joint Exercise of Powers Agreement, as the same now exists or as it may from time to time be amended as provided herein.

"Associate Member" means a county, city or other public agency which is not a voting member of the Rural County Representatives of California, a California nonprofit corporation ("RCRC"), with legal power and authority similar to that of the Members, admitted pursuant to paragraph 4.d. below to associate membership herein by vote of the Board.

"Audit Committee" means a committee made up of the Executive Committee.

"Authority" means Golden State Finance Authority (GSFA) formerly known as California Home Finance Authority ("CHF"), or CRHMFA Homebuyers Fund or California Rural Home Mortgage Finance Authority.

"Board" means the governing board of the Authority as described in Section 7 below.

"Bonds" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other obligation within the meaning of the term "Bonds" under the Act.

"Delegate" means the Supervisor designated by the governing board of each Member to serve on the Board of the Authority.

"Executive Committee" means the Executive Committee of the Board established pursuant to Section 10 hereof.

"Member" means any county which a member of RCRC, has executed this Agreement and has become a member of the Authority.

"Obligations" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other financial or legal obligation of the Authority under the Act.

"Program" or "Project" means any work, improvement, program, project or service undertaken by the Authority.

"Rural County Representatives of California" or "RCRC" means the nonprofit entity incorporated under that name in the State of California.

"Supervisor" means an elected County Supervisor from an RCRC member county.

2. Purpose

The purposes of the Authority are to provide financing for the acquisition, construction, improvement, preservation, and rehabilitation of real property and infrastructure, and to establish and operate programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse, in accordance with applicable provisions of law for the benefit of residents and communities. In pursuit of this purpose, this Agreement provides for the joint exercise of powers common to any of its Members and Associate Members as provided herein, or otherwise authorized by the Act and other applicable laws, including provision of financing and other programs and projects as authorized herein, jointly exercised in the manner set forth herein.

3. Principal Place of Business

The principal office of the Authority shall be 1215 K Street, Suite 1650, Sacramento, California 95814.

4. Creation of Authority; Addition of Members or Associate Members

a. The Authority is hereby created pursuant to the Act. As provided in the Act, the Authority shall be a public entity separate and distinct from the Members or Associate Members.

b. The Authority will cause a notice of this Agreement or any amendment hereto to be prepared and filed with the office of the Secretary of State of California in a timely fashion in the manner set forth in Section 6503.3 of the Act.

c. A county that is a member of RCRC may petition to become a member of the Authority by submitting to the Board a resolution or evidence of other formal action taken by its governing body adopting this Agreement. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board, such county shall immediately become a Member of the Authority.

d. An Associate Member may be added to the Authority upon the affirmative approval of its respective governing board and pursuant to action by the Authority Board upon such terms and conditions, and with such rights, privileges and responsibilities, as may be established from time to time by the Board. Such terms and conditions, and rights, privileges and responsibilities may vary among the Associate Members. Associate Members shall be entitled to participate in one or more programs of the Authority as determined by the Board but shall not be voting members of the Board. The Executive Director of the Authority shall enforce the terms and conditions for prospective Associate Members to the Authority as provided by resolution of the Board and as amended from time to time by the Board. Changes in the terms and conditions for Associate Membership by the Board will not constitute an amendment of this Agreement.

5. Term and Termination of Powers

This Agreement shall become effective from the date hereof until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until the earlier of the time when all Bonds and any interest thereon shall have been paid in full, or provision for such payment shall have been made, or when the Authority shall no longer own or hold any interest in a public capital improvement or program. The Authority shall continue to exercise the powers herein conferred upon it until termination of this Agreement, except that if any Bonds are issued and delivered, in no event shall the exercise of the powers herein granted be terminated until all Bonds so issued and delivered and the interest thereon shall have been paid or provision for such payment shall have been made and any other debt incurred with respect to any other financing program established or administered by the Authority has been repaid in full and is no longer outstanding.

6. Powers; Restriction upon Exercise

a. To effectuate its purpose, the Authority shall have the power to exercise any and all powers of the Members or of a joint powers' authority under the Act and other applicable provisions of law, subject, however, to the conditions and restrictions herein contained. Each Member or Associate Member may also separately exercise any and all such powers. The powers of the Authority are limited to those of a general law county.

b. The Authority may adopt, from time to time, such resolutions, guidelines, rules and regulations for the conduct of its meetings and the activities of the Authority as it deems necessary or desirable to accomplish its purpose.

c. The Authority shall have the power to finance the construction, acquisition, improvement, preservation, and rehabilitation of real property and infrastructure, including without limitation the power to purchase, with the amounts received or to be received by it pursuant to a bond purchase agreement, bonds issued by any of its Members or Associate Members and other local agencies at public or negotiated sale, for the purpose set forth herein and in accordance with the Act. All or any part of such bonds so purchased may be held by the Authority or resold to public or private purchasers at public or negotiated sale. The Authority shall set any other terms and conditions of any purchase or sale contemplated herein as it deems necessary or convenient and in furtherance of the Act. The Authority may issue or cause to be issued Bonds or other indebtedness, and pledge any of its property or revenues as security to the extent permitted by resolution of the Board under any applicable provision of law. The Authority may receive funds from any lawful source and may issue Bonds in accordance with the Act in order to raise funds necessary to effectuate its purpose hereunder and may enter into agreements to secure such Bonds. The Authority may issue other forms of indebtedness authorized by the Act or applicable law, and to secure such debt, to further such purpose. Without limiting the generality of the foregoing, the Authority shall be empowered to issue industrial development bonds pursuant to the California Industrial Development Financing Act (Title 10 (commencing with Section 91500) of the Government Code of the State of California). The Authority may utilize other forms of capital, including, but not limited to, the Authority's internal resources, capital markets and other forms of private capital investment authorized by the Act. The Authority shall

further have the power to establish and operate programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse. The Authority may exercise the common powers of the Members and exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for any purpose authorized under this Agreement.

d. The Authority is hereby authorized to do all acts necessary for the exercise of its powers, including, but not limited to:

(1) executing contracts,
(2) employing agents, consultants and employees,
(3) acquiring, constructing or providing for maintenance and operation of any building, work or improvement,
(4) acquiring, holding or disposing of real or personal property wherever located, including property subject to mortgage,
(5) incurring debts, liabilities or obligations,
(6) receiving grants, gifts, contributions and donations of property, funds, services and any other forms of assistance from persons, firms, corporations or governmental entities,
(7) suing and being sued in its own name, and litigating or settling any suits or claims,
(8) doing any and all things necessary or convenient to the exercise of its specific powers and to accomplishing its purpose
(9) establishing and/or administering districts to finance and refinance the acquisition, installation and improvement of energy efficiency, water conservation, wildfire safety, seismic strengthening, and renewable energy improvements, or any other improvements authorized by law, to or on real property and in buildings. The Authority may enter into one or more agreements, including without limitation, participation agreements and implementation agreements to implement such programs.
(10) establishing and administering one or more nonprofit corporations under the Nonprofit Corporations Law (Division 2 (commencing with Section 5000) of the Corporations Code of the State of California) to undertake programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse.

e. Subject to the applicable provisions of any indenture or resolution providing for the investment of monies held thereunder, the Authority shall have the power to invest any of its funds as the Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code of the State of California.

f. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority, except as may be provided otherwise herein or by resolution of the Board.

g. Pursuant to the provisions of Section 6508.1 of the Act, the debts, liabilities and obligations of the Authority shall not be debts, liabilities and obligations of the Members or Associate Members. Any Bonds, together with any interest and premium thereon, shall not constitute debts, liabilities or obligations of any Member. The Members or Associate Members hereby agree that any such Bonds issued by the Authority shall not constitute general obligations of the Authority but shall be payable solely from the moneys pledged to the repayment of principal or interest on such Bonds under the terms of the resolution, indenture, trust, agreement or other instrument pursuant to which such Bonds are issued. Neither the Members or Associate Members nor the Authority shall be obligated to pay the principal of or premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members or Associate Members or the Authority shall be pledged to the payment of the principal of or premium, if any, or interest on the Bonds, nor shall the Members or Associate Members of the Authority be obligated in any manner to make any appropriation for such payment. No covenant or agreement contained in any Bond shall be deemed to be a covenant or agreement of any Delegate, or any officer, agent or employee of the Authority in an individual capacity, and neither the Board nor any officer thereof executing the Bonds or any document related thereto shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

7. Governing Board

a. The Board shall consist of the number of Delegates equal to one representative from each Member.

b. The governing body of each Member shall appoint one of its Supervisors to serve as a Delegate on the Board. A Member's appointment of its Delegate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until he or she is replaced by such governing body or no longer a Supervisor; any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph b..

c. The governing body of each Member of the Board shall appoint a Supervisor as an alternate to serve on the Board in the absence of the Delegate; the alternate may exercise all the rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the Board, and to vote upon any and all matters. No alternate may have more than one vote at any meeting of the Board, and any Member's designation of an alternate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until such alternate is replaced by his or her governing body or is no longer a Supervisor, unless otherwise specified in such appointment. Any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph c..

d. Any person who is not a member of the governing body of a Member and who attends a meeting on behalf of such Member may not vote or be counted toward a quorum but may, at the discretion of the Chair, participate in open meetings he or she attends.

e. Each Associate Member may designate a non-voting representative to the Board

who may not be counted toward a quorum but who may attend open meetings, propose agenda items and otherwise participate in Board Meetings.

f. Delegates shall not receive compensation for serving as Delegates but may claim and receive reimbursement for expenses actually incurred in connection with such service pursuant to rules approved by the Board and subject to the availability of funds.

g. The Board shall have the power, by resolution, to the extent permitted by the Act or any other applicable law, to exercise any powers of the Authority and to delegate any of its functions to the Executive Committee or one or more Delegates, officers or agents of the Authority, and to cause any authorized Delegate, officer or agent to take any actions and execute any documents for and in the name and on behalf of the Board or the Authority.

h. The Board may establish other committees as it deems necessary for any lawful purpose; such committees are advisory only and may not act or purport to act on behalf of the Board or the Authority.

i. The Board shall develop, or cause to be developed, and review, modify as necessary, and adopt each Program.

8. Meetings of the Board

a. The Board shall meet at least once annually but may meet more frequently upon call of any officer or as provided by resolution of the Board.

b. Meetings of the Board shall be called, noticed, held and conducted pursuant to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code of the State of California.

c. The Secretary of the Authority shall cause minutes of all meetings of the Board to be taken and distributed to each Member as soon as possible after each meeting.

d. The lesser of twelve (12) Delegates or a majority of the number of current Delegates shall constitute a quorum for transacting business at any meeting of the Board, except that less than a quorum may act to adjourn a meeting. Each Delegate shall have one vote.

e. Meetings may be held at any location designated in notice properly given for a meeting and may be conducted by telephonic or similar means in any manner otherwise allowed by law.

9. Officers; Duties; Official Bonds

a. The Board shall elect a chair and vice chair from among the Delegates at the Board's annual meeting who shall serve a term of one (1) year or until their respective successor is elected. The chair shall conduct the meetings of the Board and perform such other duties as may be specified by resolution of the Board. The vice chair shall perform such duties in the absence or in the event of the unavailability of the chair.

b. The Board shall contract annually with RCRC to administer the Agreement and to provide administrative services to the Authority, and the President and Chief Executive Officer of RCRC shall serve *ex officio* as Executive Director, Secretary, Treasurer, and Auditor of the Authority. As chief executive of the Authority, the Executive Director is authorized to execute contracts and other obligations of the Authority, and to adopt administrative, personnel, accounting, and similar internal policies for the operation of the Authority, unless prior Board approval is required by a third party, by law or by Board specification, and to perform other duties specified by the Board. The Executive Director may appoint such other officers as may be required for the orderly conduct of the Authority's business and affairs who shall serve at the pleasure of the Executive Director. Subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent, the Executive Director, as Treasurer, is designated as the custodian of the Authority's funds, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Executive Director, as Auditor, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

c. The Legislative Advocate for the Authority shall be the Rural County Representatives of California.

d. The Treasurer and Auditor are public officers who have charge of, handle, or have access to all property of the Authority, and a bond for such officer in the amount of at least one hundred thousand dollars ($100,000.00) shall be obtained at the expense of the Authority and filed with the Executive Director. Such bond may secure the faithful performance of such officer's duties with respect to another public office if such bond in at least the same amount specifically mentions the office of the Authority as required herein. The Treasurer and Auditor shall cause periodic independent audits to be made of the Authority's books by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act.

e. The business of the Authority shall be conducted under the supervision of the Executive Director by RCRC personnel.

10. Executive Committee of the Authority

a. Composition

The Authority shall appoint no fewer than nine (9) and no more than eleven (11) members of its Board to serve on an Executive Committee. The Chair and Vice Chair of the Authority shall serve on the Executive Committee.

b. Powers and Limitations

The Executive Committee shall act in an advisory capacity and make recommendations to the Authority Board. Duties will include, but not be limited to, review of the quarterly and annual budgets, service as the Audit Committee for the Authority, periodically review this Agreement; and complete any other tasks as may be assigned by the Board. The Executive Committee shall be subject to all limitations imposed by this Agreement, other

applicable law, and resolutions of the Board.

c. Quorum

A majority of the Executive Committee shall constitute a quorum for transacting business of the Executive Committee.

11. Disposition of Assets

Upon termination of this Agreement, all remaining assets and liabilities of the Authority shall be distributed to the respective Members in such manner as shall be determined by the Board and in accordance with the law.

12. Agreement Not Exclusive

This Agreement shall not be exclusive, and each Member expressly reserves its rights to carry out other improvements, programs, and projects as provided for by law and to issue other obligations for those purposes. This Agreement shall not be deemed to amend or alter the terms of other agreements among the Members or Associate Members.

13. Conflict of Interest Code

The Authority shall by resolution adopt a Conflict of Interest Code as required by law.

14. Contributions and Advances

Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by any Member, Associate Member or any other public agency to further the purpose of this Agreement. Payment of public funds may be made to defray the cost of any contribution. Any advance may be made subject to repayment, and in that case shall be repaid in the manner agreed upon by the advancing Member, Associate Member or other public agency and the Authority at the time of making the advance.

15. Fiscal Year; Accounts; Reports; Annual Budget; Administrative Expenses

a. The fiscal year of the Authority shall be the period from January 1 of each year to and including the following December 31, except for any partial fiscal year resulting from a change in accounting based on a different fiscal year previously.

b. Prior to the beginning of each fiscal year, the Board shall adopt a budget for the succeeding fiscal year.

c. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles. The books and records of the Authority are public records and shall be open to inspection at all reasonable times by each Member and its representatives.

d. The Auditor shall either make, or contract with a certified public accountant or public accountant to make, an annual audit of the accounts and records of the Authority. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member (and also with the auditor of Sacramento County as the county in which the Authority's office is located) within 12 months after the end of the fiscal year.

e. In any year in which the annual budget of the Authority does not exceed five thousand dollars ($5,000.00), the Board may, upon unanimous approval of the Board, replace the annual audit with an ensuing one-year period, but in no event for a period longer than two fiscal years.

16. Duties of Members or Associate Members; Breach

If any Member or Associate Member shall default in performing any covenant contained herein, such default shall not excuse that Member or Associate Member from fulfilling its other obligations hereunder, and such defaulting Member or Associate Member shall remain liable for the performance of all covenants hereof. Each Member or Associate Member hereby declares that this Agreement is entered into for the benefit of the Authority created hereby, and each Member or Associate Member hereby grants to the Authority the right to enforce, by whatever lawful means the Authority deems appropriate, all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative, and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

17. Indemnification

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Board Delegate, alternate, officer, consultant, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Delegate, alternate, officer, consultant, employee or other agent of the Authority. Such indemnification may be made against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

18. Immunities

All of the privileges and immunities from liabilities, exemptions from law, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the

activity of officers, agents or employees of any of the Members or Associate Members when performing their respective functions, shall apply to them to the same degree and extent while engaged as Delegates or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

19. Amendment

This Agreement may be amended by the adoption of the amendment by the governing bodies of a majority of the Members. The amendment shall become effective on the first day of the month following the last required member agency approval. An amendment may be initiated by the Board, upon approval by a majority of the Board. Any proposed amendment, including the text of the proposed change, shall be given by the Board to each Member's Delegate for presentation and action by each Member's board within 60 days, which time may be extended by the Board.

The list of Members, Attachment 1, may be updated to reflect new and/or withdrawn Members without requiring formal amendment of the Agreement by the Authority Board of Directors.

20. Withdrawal of Member or Associate Member

If a Member withdraws as member of RCRC, its membership in the Authority shall automatically terminate. A Member or Associate Member may withdraw from this Agreement upon written notice to the Board; provided however, that no such withdrawal shall result in the dissolution of the Authority as long as any Bonds or other obligations of the Authority remain outstanding. Any such withdrawal shall become effective thirty (30) days after a resolution adopted by the Member's governing body which authorizes withdrawal is received by the Authority. Notwithstanding the foregoing, any termination of membership or withdrawal from the Authority shall not operate to relieve any terminated or withdrawing Member or Associate Member from Obligations incurred by such terminated or withdrawing Member or Associate Member prior to the time of its termination or withdrawal.

21. Miscellaneous

a. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

b. **Construction.** The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

c. **Approvals.** Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

d. **Jurisdiction; Venue.** This Agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed; any action to enforce or interpret its terms shall be brought in Sacramento County, California.

e. **Integration.** This Agreement is the complete and exclusive statement of the agreement among the parties hereto, and it supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

f. **Successors; Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the Board.

g. **Severability.** Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

The parties hereto have caused this Agreement to be executed and attested by their properly authorized officers.

AS ADOPTED BY THE MEMBERS:

Originally dated July 1, 1993
Amended and restated December 10, 1998
Amended and restated February 18, 1999
Amended and restated September 18, 2002
Amended and restated January 28, 2004
Amended and restated December 10, 2014
Amended and restated May 5, 2015
Amended and restated November 1, 2019

SIGNATURE PAGE FOR NEW ASSOCIATE MEMBERS

ACKNOWLEDGING RECEIPT OF THE GOLDEN STATE FINANCE AUTHORITY AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

CITY OF ____MODESTO_____

By:_____ Dated:_____

Title: _____

Attest:

By _____
Clerk of the City Council

{PLEASE SEND TO:

Golden State Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814}

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-444

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA CONSENTING TO INCLUSION OF COMMERCIAL, INDUSTRIAL AND AGRICULTURAL, PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE GOLDEN STATE FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS, ELECTRIC VEHICLE CHARGING INFRASTRUCTURE, SEISMIC RETROFITTING, FIRE PREVENTION AND OTHER IMPROVEMENTS AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Golden State Finance Authority, a California joint powers authority formerly known as California Home Finance Authority (the "Authority"), has established the Community Facilities District No. 2014-1(Clean Energy) in accordance with the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code (the "Act") and particularly in accordance with sections 53313.5(l) and 53328.1(a) (the "District"); and

WHEREAS, the purpose of the District is to finance or refinance (including the payment of interest) the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property (the "Authorized Improvements"); and

WHEREAS, the City of Modesto is committed to development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in the Act, the Legislature has authorized a parcel within the territory of the District to annex to the District and be subject to the special tax levy of the District only (i) if the city or county within which the parcel is located has consented, by the adoption of a resolution by the applicable city council or county board of supervisors, to the inclusion of parcels within its boundaries in the District and (ii) with the unanimous written approval of the owner or owners of the parcel when it is annexed (the "Unanimous Approval Agreement"), which, as provided in section 53329.6 of the Act, shall constitute the election required by the California Constitution; and

WHEREAS, the City wishes to provide innovative solutions to its commercial, industrial, and agricultural property owners to achieve energy efficiency and water conservation and in doing so cooperate with Authority in order to efficiently and economically assist commercial property owners the City in financing such Authorized Improvements; and

WHEREAS, the Authority has established the District, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by acknowledgement of the JPA Agreement, a copy of which is **attached** as **Exhibit "A"** hereto, to participate in the programs of the JPA and, to assist commercial property owners within the incorporated area of the City in financing the cost of installing Authorized Improvements; and

WHEREAS, the City will not be responsible for the conduct of any special tax proceedings; the levy and collection of special taxes or any required remedial action in

the case of delinquencies in the payment of any special taxes in connection with the District.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that commercial properties in the City's incorporated area will be benefited by the availability of the Authority CFD No. 2014-1 (Clean Energy) to finance the installation of the Authorized Improvements.
2. This City Council consents to inclusion in the Authority CFD No. 2014-1 (Clean Energy) of all of the commercial properties in the incorporated area within the City and to the Authorized Improvements, upon the request of and execution of the Unanimous Approval Agreement by the owners of such commercial properties when such properties are annexed, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.
3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority CFD No. 2014-1 (Clean Energy) and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements.
4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority CFD No. 2014-1 (Clean Energy) within the City, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

GOLDEN STATE FINANCE AUTHORITY

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

(Original date July 1, 1993 and as last amended and restated November 1, 2019)

THIS AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT ("Agreement") is entered into by and among the counties listed on Attachment 1 hereof and incorporated herein by reference. All such counties are referred to herein as "Members" with the respective powers, privileges and restrictions provided herein.

RECITALS

A. WHEREAS, the California Rural Home Mortgage Finance Authority ("CRHMFA") was created by a Joint Exercise of Powers Agreement dated July 1, 1993 pursuant to the Joint Exercise of Powers Act (commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"). By Resolution 2003-02, adopted on January 15, 2003, the name of the authority was changed to CRHMFA Homebuyers Fund. On December 10, 2014, the name of the authority was changed to California Home Finance Authority. On May 5, 2015, the name of the authority was changed to Golden State Finance Authority. The most recent amendment to the Joint Exercise of Powers Agreement was on May 5, 2015.

B. WHEREAS, the Members of Golden State Finance Authority desire to update, reaffirm, clarify and revise certain provisions of the joint powers' agreement, including the renaming of the joint powers authority, as set forth herein.

C. WHEREAS, the Members are each empowered by law to finance the construction, acquisition, improvement, preservation, and rehabilitation of real property and infrastructure.

D. WHEREAS, the Members are each empowered by law to establish and operate programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse.

E. WHEREAS, by this Agreement, the Members desire to create and establish a joint powers authority to exercise their respective powers for the purposes of financing the construction, acquisition, improvement, preservation, and rehabilitation of real property and infrastructure as authorized by the Act, and establishing and operating programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Members individually and collectively agree as follows:

1. Definitions

Unless the context otherwise requires, the following terms shall for purposes of this Agreement have the meanings specified below:

"Act" means the Joint Exercise of Powers Act, commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, including the Marks-Roos Local Bond Pooling Act of 1985, as amended.

"Agreement" means this Joint Exercise of Powers Agreement, as the same now exists or as it may from time to time be amended as provided herein.

"Associate Member" means a county, city or other public agency which is not a voting member of the Rural County Representatives of California, a California nonprofit corporation ("RCRC"), with legal power and authority similar to that of the Members, admitted pursuant to paragraph 4.d. below to associate membership herein by vote of the Board.

"Audit Committee" means a committee made up of the Executive Committee.

"Authority" means Golden State Finance Authority (GSFA) formerly known as California Home Finance Authority ("CHF"), or CRHMFA Homebuyers Fund or California Rural Home Mortgage Finance Authority.

"Board" means the governing board of the Authority as described in Section 7 below.

"Bonds" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other obligation within the meaning of the term "Bonds" under the Act.

"Delegate" means the Supervisor designated by the governing board of each Member to serve on the Board of the Authority.

"Executive Committee" means the Executive Committee of the Board established pursuant to Section 10 hereof.

"Member" means any county which a member of RCRC, has executed this Agreement and has become a member of the Authority.

"Obligations" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other financial or legal obligation of the Authority under the Act.

"Program" or "Project" means any work, improvement, program, project or service undertaken by the Authority.

"Rural County Representatives of California" or "RCRC" means the nonprofit entity incorporated under that name in the State of California.

"Supervisor" means an elected County Supervisor from an RCRC member county.

2. Purpose

The purposes of the Authority are to provide financing for the acquisition, construction, improvement, preservation, and rehabilitation of real property and infrastructure, and to establish and operate programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse, in accordance with applicable provisions of law for the benefit of residents and communities. In pursuit of this purpose, this Agreement provides for the joint exercise of powers common to any of its Members and Associate Members as provided herein, or otherwise authorized by the Act and other applicable laws, including provision of financing and other programs and projects as authorized herein, jointly exercised in the manner set forth herein.

3. Principal Place of Business

The principal office of the Authority shall be 1215 K Street, Suite 1650, Sacramento, California 95814.

4. Creation of Authority; Addition of Members or Associate Members

a. The Authority is hereby created pursuant to the Act. As provided in the Act, the Authority shall be a public entity separate and distinct from the Members or Associate Members.

b. The Authority will cause a notice of this Agreement or any amendment hereto to be prepared and filed with the office of the Secretary of State of California in a timely fashion in the manner set forth in Section 6503.3 of the Act.

c. A county that is a member of RCRC may petition to become a member of the Authority by submitting to the Board a resolution or evidence of other formal action taken by its governing body adopting this Agreement. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board, such county shall immediately become a Member of the Authority.

d. An Associate Member may be added to the Authority upon the affirmative approval of its respective governing board and pursuant to action by the Authority Board upon such terms and conditions, and with such rights, privileges and responsibilities, as may be established from time to time by the Board. Such terms and conditions, and rights, privileges and responsibilities may vary among the Associate Members. Associate Members shall be entitled to participate in one or more programs of the Authority as determined by the Board but shall not be voting members of the Board. The Executive Director of the Authority shall enforce the terms and conditions for prospective Associate Members to the Authority as provided by resolution of the Board and as amended from time to time by the Board. Changes in the terms and conditions for Associate Membership by the Board will not constitute an amendment of this Agreement.

5. Term and Termination of Powers

This Agreement shall become effective from the date hereof until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until the earlier of the time when all Bonds and any interest thereon shall have been paid in full, or provision for such payment shall have been made, or when the Authority shall no longer own or hold any interest in a public capital improvement or program. The Authority shall continue to exercise the powers herein conferred upon it until termination of this Agreement, except that if any Bonds are issued and delivered, in no event shall the exercise of the powers herein granted be terminated until all Bonds so issued and delivered and the interest thereon shall have been paid or provision for such payment shall have been made and any other debt incurred with respect to any other financing program established or administered by the Authority has been repaid in full and is no longer outstanding.

6. Powers; Restriction upon Exercise

a. To effectuate its purpose, the Authority shall have the power to exercise any and all powers of the Members or of a joint powers' authority under the Act and other applicable provisions of law, subject, however, to the conditions and restrictions herein contained. Each Member or Associate Member may also separately exercise any and all such powers. The powers of the Authority are limited to those of a general law county.

b. The Authority may adopt, from time to time, such resolutions, guidelines, rules and regulations for the conduct of its meetings and the activities of the Authority as it deems necessary or desirable to accomplish its purpose.

c. The Authority shall have the power to finance the construction, acquisition, improvement, preservation, and rehabilitation of real property and infrastructure, including without limitation the power to purchase, with the amounts received or to be received by it pursuant to a bond purchase agreement, bonds issued by any of its Members or Associate Members and other local agencies at public or negotiated sale, for the purpose set forth herein and in accordance with the Act. All or any part of such bonds so purchased may be held by the Authority or resold to public or private purchasers at public or negotiated sale. The Authority shall set any other terms and conditions of any purchase or sale contemplated herein as it deems necessary or convenient and in furtherance of the Act. The Authority may issue or cause to be issued Bonds or other indebtedness, and pledge any of its property or revenues as security to the extent permitted by resolution of the Board under any applicable provision of law. The Authority may receive funds from any lawful source and may issue Bonds in accordance with the Act in order to raise funds necessary to effectuate its purpose hereunder and may enter into agreements to secure such Bonds. The Authority may issue other forms of indebtedness authorized by the Act or applicable law, and to secure such debt, to further such purpose. Without limiting the generality of the foregoing, the Authority shall be empowered to issue industrial development bonds pursuant to the California Industrial Development Financing Act (Title 10 (commencing with Section 91500) of the Government Code of the State of California). The Authority may utilize other forms of capital, including, but not limited to, the Authority's internal resources, capital markets and other forms of private capital investment authorized by the Act. The Authority shall

further have the power to establish and operate programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse. The Authority may exercise the common powers of the Members and exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for any purpose authorized under this Agreement.

d. The Authority is hereby authorized to do all acts necessary for the exercise of its powers, including, but not limited to:

(1) executing contracts,
(2) employing agents, consultants and employees,
(3) acquiring, constructing or providing for maintenance and operation of any building, work or improvement,
(4) acquiring, holding or disposing of real or personal property wherever located, including property subject to mortgage,
(5) incurring debts, liabilities or obligations,
(6) receiving grants, gifts, contributions and donations of property, funds, services and any other forms of assistance from persons, firms, corporations or governmental entities,
(7) suing and being sued in its own name, and litigating or settling any suits or claims,
(8) doing any and all things necessary or convenient to the exercise of its specific powers and to accomplishing its purpose
(9) establishing and/or administering districts to finance and refinance the acquisition, installation and improvement of energy efficiency, water conservation, wildfire safety, seismic strengthening, and renewable energy improvements, or any other improvements authorized by law, to or on real property and in buildings. The Authority may enter into one or more agreements, including without limitation, participation agreements and implementation agreements to implement such programs.
(10) establishing and administering one or more nonprofit corporations under the Nonprofit Corporations Law (Division 2 (commencing with Section 5000) of the Corporations Code of the State of California) to undertake programs and projects to promote public safety, economic development, and environmental protection, including without limitation forest resiliency, wildfire risk reduction, air quality improvement, and waste diversion and reuse.

e. Subject to the applicable provisions of any indenture or resolution providing for the investment of monies held thereunder, the Authority shall have the power to invest any of its funds as the Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code of the State of California.

f. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority, except as may be provided otherwise herein or by resolution of the Board.

g. Pursuant to the provisions of Section 6508.1 of the Act, the debts, liabilities and obligations of the Authority shall not be debts, liabilities and obligations of the Members or Associate Members. Any Bonds, together with any interest and premium thereon, shall not constitute debts, liabilities or obligations of any Member. The Members or Associate Members hereby agree that any such Bonds issued by the Authority shall not constitute general obligations of the Authority but shall be payable solely from the moneys pledged to the repayment of principal or interest on such Bonds under the terms of the resolution, indenture, trust, agreement or other instrument pursuant to which such Bonds are issued. Neither the Members or Associate Members nor the Authority shall be obligated to pay the principal of or premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members or Associate Members or the Authority shall be pledged to the payment of the principal of or premium, if any, or interest on the Bonds, nor shall the Members or Associate Members of the Authority be obligated in any manner to make any appropriation for such payment. No covenant or agreement contained in any Bond shall be deemed to be a covenant or agreement of any Delegate, or any officer, agent or employee of the Authority in an individual capacity, and neither the Board nor any officer thereof executing the Bonds or any document related thereto shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

7. Governing Board

a. The Board shall consist of the number of Delegates equal to one representative from each Member.

b. The governing body of each Member shall appoint one of its Supervisors to serve as a Delegate on the Board. A Member's appointment of its Delegate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until he or she is replaced by such governing body or no longer a Supervisor; any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph b..

c. The governing body of each Member of the Board shall appoint a Supervisor as an alternate to serve on the Board in the absence of the Delegate; the alternate may exercise all the rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the Board, and to vote upon any and all matters. No alternate may have more than one vote at any meeting of the Board, and any Member's designation of an alternate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until such alternate is replaced by his or her governing body or is no longer a Supervisor, unless otherwise specified in such appointment. Any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph c..

d. Any person who is not a member of the governing body of a Member and who attends a meeting on behalf of such Member may not vote or be counted toward a quorum but may, at the discretion of the Chair, participate in open meetings he or she attends.

e. Each Associate Member may designate a non-voting representative to the Board

who may not be counted toward a quorum but who may attend open meetings, propose agenda items and otherwise participate in Board Meetings.

f. Delegates shall not receive compensation for serving as Delegates but may claim and receive reimbursement for expenses actually incurred in connection with such service pursuant to rules approved by the Board and subject to the availability of funds.

g. The Board shall have the power, by resolution, to the extent permitted by the Act or any other applicable law, to exercise any powers of the Authority and to delegate any of its functions to the Executive Committee or one or more Delegates, officers or agents of the Authority, and to cause any authorized Delegate, officer or agent to take any actions and execute any documents for and in the name and on behalf of the Board or the Authority.

h. The Board may establish other committees as it deems necessary for any lawful purpose; such committees are advisory only and may not act or purport to act on behalf of the Board or the Authority.

i. The Board shall develop, or cause to be developed, and review, modify as necessary, and adopt each Program.

8. Meetings of the Board

a. The Board shall meet at least once annually but may meet more frequently upon call of any officer or as provided by resolution of the Board.

b. Meetings of the Board shall be called, noticed, held and conducted pursuant to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code of the State of California.

c. The Secretary of the Authority shall cause minutes of all meetings of the Board to be taken and distributed to each Member as soon as possible after each meeting.

d. The lesser of twelve (12) Delegates or a majority of the number of current Delegates shall constitute a quorum for transacting business at any meeting of the Board, except that less than a quorum may act to adjourn a meeting. Each Delegate shall have one vote.

e. Meetings may be held at any location designated in notice properly given for a meeting and may be conducted by telephonic or similar means in any manner otherwise allowed by law.

9. Officers; Duties; Official Bonds

a. The Board shall elect a chair and vice chair from among the Delegates at the Board's annual meeting who shall serve a term of one (1) year or until their respective successor is elected. The chair shall conduct the meetings of the Board and perform such other duties as may be specified by resolution of the Board. The vice chair shall perform such duties in the absence or in the event of the unavailability of the chair.

b. The Board shall contract annually with RCRC to administer the Agreement and to provide administrative services to the Authority, and the President and Chief Executive Officer of RCRC shall serve *ex officio* as Executive Director, Secretary, Treasurer, and Auditor of the Authority. As chief executive of the Authority, the Executive Director is authorized to execute contracts and other obligations of the Authority, and to adopt administrative, personnel, accounting, and similar internal policies for the operation of the Authority, unless prior Board approval is required by a third party, by law or by Board specification, and to perform other duties specified by the Board. The Executive Director may appoint such other officers as may be required for the orderly conduct of the Authority's business and affairs who shall serve at the pleasure of the Executive Director. Subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent, the Executive Director, as Treasurer, is designated as the custodian of the Authority's funds, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Executive Director, as Auditor, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

c. The Legislative Advocate for the Authority shall be the Rural County Representatives of California.

d. The Treasurer and Auditor are public officers who have charge of, handle, or have access to all property of the Authority, and a bond for such officer in the amount of at least one hundred thousand dollars ($100,000.00) shall be obtained at the expense of the Authority and filed with the Executive Director. Such bond may secure the faithful performance of such officer's duties with respect to another public office if such bond in at least the same amount specifically mentions the office of the Authority as required herein. The Treasurer and Auditor shall cause periodic independent audits to be made of the Authority's books by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act.

e. The business of the Authority shall be conducted under the supervision of the Executive Director by RCRC personnel.

10. Executive Committee of the Authority

a. Composition

The Authority shall appoint no fewer than nine (9) and no more than eleven (11) members of its Board to serve on an Executive Committee. The Chair and Vice Chair of the Authority shall serve on the Executive Committee.

b. Powers and Limitations

The Executive Committee shall act in an advisory capacity and make recommendations to the Authority Board. Duties will include, but not be limited to, review of the quarterly and annual budgets, service as the Audit Committee for the Authority, periodically review this Agreement; and complete any other tasks as may be assigned by the Board. The Executive Committee shall be subject to all limitations imposed by this Agreement, other

applicable law, and resolutions of the Board.

c. Quorum

A majority of the Executive Committee shall constitute a quorum for transacting business of the Executive Committee.

11. Disposition of Assets

Upon termination of this Agreement, all remaining assets and liabilities of the Authority shall be distributed to the respective Members in such manner as shall be determined by the Board and in accordance with the law.

12. Agreement Not Exclusive

This Agreement shall not be exclusive, and each Member expressly reserves its rights to carry out other improvements, programs, and projects as provided for by law and to issue other obligations for those purposes. This Agreement shall not be deemed to amend or alter the terms of other agreements among the Members or Associate Members.

13. Conflict of Interest Code

The Authority shall by resolution adopt a Conflict of Interest Code as required by law.

14. Contributions and Advances

Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by any Member, Associate Member or any other public agency to further the purpose of this Agreement. Payment of public funds may be made to defray the cost of any contribution. Any advance may be made subject to repayment, and in that case shall be repaid in the manner agreed upon by the advancing Member, Associate Member or other public agency and the Authority at the time of making the advance.

15. Fiscal Year; Accounts; Reports; Annual Budget; Administrative Expenses

a. The fiscal year of the Authority shall be the period from January 1 of each year to and including the following December 31, except for any partial fiscal year resulting from a change in accounting based on a different fiscal year previously.

b. Prior to the beginning of each fiscal year, the Board shall adopt a budget for the succeeding fiscal year.

c. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles. The books and records of the Authority are public records and shall be open to inspection at all reasonable times by each Member and its representatives.

d. The Auditor shall either make, or contract with a certified public accountant or public accountant to make, an annual audit of the accounts and records of the Authority. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member (and also with the auditor of Sacramento County as the county in which the Authority's office is located) within 12 months after the end of the fiscal year.

e. In any year in which the annual budget of the Authority does not exceed five thousand dollars ($5,000.00), the Board may, upon unanimous approval of the Board, replace the annual audit with an ensuing one-year period, but in no event for a period longer than two fiscal years.

16. Duties of Members or Associate Members; Breach

If any Member or Associate Member shall default in performing any covenant contained herein, such default shall not excuse that Member or Associate Member from fulfilling its other obligations hereunder, and such defaulting Member or Associate Member shall remain liable for the performance of all covenants hereof. Each Member or Associate Member hereby declares that this Agreement is entered into for the benefit of the Authority created hereby, and each Member or Associate Member hereby grants to the Authority the right to enforce, by whatever lawful means the Authority deems appropriate, all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative, and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

17. Indemnification

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Board Delegate, alternate, officer, consultant, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Delegate, alternate, officer, consultant, employee or other agent of the Authority. Such indemnification may be made against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

18. Immunities

All of the privileges and immunities from liabilities, exemptions from law, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the

activity of officers, agents or employees of any of the Members or Associate Members when performing their respective functions, shall apply to them to the same degree and extent while engaged as Delegates or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

19. Amendment

This Agreement may be amended by the adoption of the amendment by the governing bodies of a majority of the Members. The amendment shall become effective on the first day of the month following the last required member agency approval. An amendment may be initiated by the Board, upon approval by a majority of the Board. Any proposed amendment, including the text of the proposed change, shall be given by the Board to each Member's Delegate for presentation and action by each Member's board within 60 days, which time may be extended by the Board.

The list of Members, Attachment 1, may be updated to reflect new and/or withdrawn Members without requiring formal amendment of the Agreement by the Authority Board of Directors.

20. Withdrawal of Member or Associate Member

If a Member withdraws as member of RCRC, its membership in the Authority shall automatically terminate. A Member or Associate Member may withdraw from this Agreement upon written notice to the Board; provided however, that no such withdrawal shall result in the dissolution of the Authority as long as any Bonds or other obligations of the Authority remain outstanding. Any such withdrawal shall become effective thirty (30) days after a resolution adopted by the Member's governing body which authorizes withdrawal is received by the Authority. Notwithstanding the foregoing, any termination of membership or withdrawal from the Authority shall not operate to relieve any terminated or withdrawing Member or Associate Member from Obligations incurred by such terminated or withdrawing Member or Associate Member prior to the time of its termination or withdrawal.

21. Miscellaneous

a. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

b. **Construction.** The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

c. **Approvals.** Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

d. **Jurisdiction; Venue.** This Agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed; any action to enforce or interpret its terms shall be brought in Sacramento County, California.

e. **Integration.** This Agreement is the complete and exclusive statement of the agreement among the parties hereto, and it supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

f. **Successors; Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the Board.

g. **Severability.** Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

The parties hereto have caused this Agreement to be executed and attested by their properly authorized officers.

AS ADOPTED BY THE MEMBERS:

Originally dated July 1, 1993
Amended and restated December 10, 1998
Amended and restated February 18, 1999
Amended and restated September 18, 2002
Amended and restated January 28, 2004
Amended and restated December 10, 2014
Amended and restated May 5, 2015
Amended and restated November 1, 2019

SIGNATURE PAGE FOR NEW ASSOCIATE MEMBERS

ACKNOWLEDGING RECEIPT OF THE GOLDEN STATE FINANCE AUTHORITY AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

CITY OF ____MODESTO_____

By:_____ Dated:_____

Title: _____

Attest:

By _____
Clerk of the City Council

{PLEASE SEND TO:

Golden State Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814}

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-445

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH THE KAMRAR TRUST TO ACQUIRE TWO REAL PROPERTIES LOCATED AT 416 N. JEFFERSON STREET (APN:101-003-005), AND 121 ELM STREET (APN: 101-003-006), FOR THE COMBINED AMOUNT OF $550,000, AND $20,000 IN RELATED CLOSING COSTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE SALE AND CLOSE OF ESCROW

WHEREAS, the City has been researching property acquisition of two properties adjacent to the Corporation Yard Facility, and

WHEREAS, The Kamrar Trust property (APN: 101-003-005) located at 416 N. Jefferson Street, was identified as an ideal supplement to the corporation yard campus, and

WHEREAS, the property at 121 Elm Street has a building on it that is currently leased to a private business, and the building will continue to be used for this purpose until the existing lease expires, at which time the City will evaluate how to best use the property, and

WHEREAS, the property at 416 N Jefferson Street is a paved vacant lot and the City will use this property to park City vehicles. No significant improvements to the vacant lot will occur at this time, and

WHEREAS, the purchase of these properties is exempt from CEQA under the general rule in CEQA Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Since the purchase of the Property will not result in any new use of or improvements on the properties, there is no possibility that the purchase will have a significant effect on the

environment. Any future decision by the City to improve either property or use it for a new use may be subject to further CEQA review.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase and Sale Agreement with The Kamrar Trust for the properties located at 416 N. Jefferson Street (APN 101-003-005) and 121 Elm Street (APN: 101-003-006), for the combined amount of $550,000 and $20,000 in related closing costs.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-446

RESOLUTION AUTHORIZING A BUDGET ADJUSTMENT AMENDING FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROJECT BUDGET TO ESTABLSIH PROJECT 101365 – 416 N JEFFERSON AND 121 ELM STREET IN THE AMOUNT OF $570,000 TO FUND THE PURCHASE AND SALE AGREEMENT FOR APN: 101-003-005 AND APN: 101-003-006; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City has reached an agreement to purchase two properties at 416 N. Jefferson Street and 121 Elm Street for a combined amount of $550,000, plus related expenses, and

WHEREAS, the Fiscal Year 2021-22 Capital Improvement Budget must be amended to establish Project 101365 – 416 N. Jefferson and 121 Elm Street in the amount of $570,000 for revenue and expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Capital Improvement Budget to establish Project 101365 – 416 N Jefferson and 121 Elm Street in the amount of $570,000 to fund the purchase and sale agreement for APN: 101-003-005 and APN: 101-003-006.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSÉ M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-447

RESOLUTION CONTINUING TO AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE CITY OF MODESTO PURSUANT TO ASSEMBLY BILL 361

WHEREAS, the City of Modesto (the "City") is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 19, 2020, the City Council adopted Resolution Number 2020-140, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which allows for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. 2021-370 authorizing remote teleconference meetings pursuant to AB361 (Government Code section 54953(e)); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and whether State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, on November 15, 2021, the Health Officer of the County of Stanislaus reiterated her recommendation that "[i]ncreasing distance during meetings and indoor gatherings to six feet or more can help stop the spread" of COVID-19; and

WHEREAS, the City Council, acting for itself and for the benefit of all of the City's commissions, committees, and other bodies (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2) as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Consideration of State of Emergency. The City Council has considered the conditions of the state of emergency declared pursuant to Government Code section 8625, and determined that such emergency conditions continue to be present in the City.

Section 3. Continued Social Distancing Measures by State and Local Officials. The City Council finds that the County of Stanislaus Health Officer's recommended measures to promote social distancing remain in effect.

Section 4. Remote Teleconference Meetings. The City Council finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-448

RESOLUTION APPROVING A FIRST AMENDMENT TO AN AGREEMENT WITH HARRIS & ASSOCIATES TO PROVIDE ENGINEERING SERVICES FOR THE CITY'S ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS INCREASING THE AGREEMENT AMOUNT BY $205,000 FROM $45,000 TO A TOTAL OF $250,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto's Community Facilities Districts are created to provide a funding and reimbursement mechanism for public facilities and/or services for various Specific Plan areas, and

WHEREAS, Community Facilities Districts are the preferred method of financing infrastructure because no finding of special benefit for each parcel is required, and

WHEREAS, Under the Mello-Roos Community Facilities Act of 1982, a Community Facility District may be used to purchase, construct, expand, rehabilitate or acquire public improvements, or provide public services, and

WHEREAS, in an effort to meet the demands of the unprecedented levels of new development, on July 14, 2021, the City released a Request for Qualifications soliciting qualifications from qualified public sector consulting firms and/or individuals, with demonstrated experience in Community Facilities Districts, special assessment districts, to provide engineering services and infrastructure assessment, and

WHEREAS, after a thorough interdepartmental review of the proposal, the City selected Harris & Associates because of their demonstrated experience in facilities planning and infrastructure financing, cost of scope, and overall familiarity, and

WHEREAS, under the City Manager's authority, the City entered into an agreement with Harris & Associates on September 13, 2021 for a not to exceed amount

of $45,000, evaluate proposed district formations and annexations, preparing cost estimates and improvement plans for needed infrastructure, and other duties related to land development engineering, and

WHEREAS, based on these findings, the City recommends moving forward with an amendment to the agreement with Harris & Associates to continue engineering services as they relate to the City's Assessment and Community Facilities Districts, and

WHEREAS, the Municipal Code generally requires contracts over $50,000 to comply with formal bidding procedures. This agreement is for professional services and is therefore exempt from the public bidding requirement pursuant to Modesto Municipal Code section 8-3.204(a), and

WHEREAS, to continue this project to implement the recommended improvements, the City requires a First Amendment to the agreement increasing the agreement amount by $205,000 from $45,000 for a total of $250,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving a first amendment to an agreement with Harris & Associates to provide engineering services for the City's Assessment and Community Facilities Districts, increasing the agreement amount by $205,000 from $45,000 for a total of $250,000.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee to negotiate and execute the amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-449

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE ROLLING F CREDIT UNION TO INCREASE THE AGREEMENT AMOUNT BY $60,000 FROM $100,000 TO A NEW TOTAL AMOUNT OF $160,000 TO CONTINUE THE RENTAL ASSISTANCE INTAKE PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on December 21, 2020, Congress passed the Consolidated Appropriations Act of 2021 and the Emergency Rental Assistance program made available $25 billion nationwide to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic, and

WHEREAS, the funds are provided directly to States, U.S. Territories, local governments, and Indian tribes and grantees will use the funds to provide assistance to eligible households through existing or newly created rental assistance programs, and

WHEREAS, the Stanislaus Emergency Rental Assistance Program opened to the public on Wednesday, February 24, 2021, and

WHEREAS, ERAP is designed to work in partnership with existing housing support programs and resources and these partners will be able to assist with the application portal, and

WHEREAS, to help direct clients to the correct resource in the most distressed areas in our community to ensure program information is distributed communitywide, and

WHEREAS, Rolling F Credit Union operates the mobile team and has taken a larger responsibility in assisting the community with the program application process, and this larger responsibility requires additional funding to continue in its program until the first Federal Treasury allocation is expended to the community, and

WHEREAS, Rolling F Credit Union assist program applicants in gathering documentation required to submit a complete application, and the credit union also serves as a liaison between the applicant, the Stanislaus Regional Housing Authority and landlords during the application process, and

WHEREAS, staff requests the Council approve the proposed First Amendment to the Rolling F Credit Union Intake of Rental Assistance Applications agreement increasing the contract amount from $100,000 to $160,000 necessary to proceed with assisting program applicants with the intake process and close out the program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Rolling F Credit Union to increase the agreement amount by $60,000 from $100,000 to a new total amount of $160,000 to continue the rental assistance intake program.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-450

RESOLUTION APPROVING THE ADDITION OF CENTRAL VALLEY AG GRINDING, OAKDALE, CA AND INCREASE TO THE PURCHASE ORDERS FOR THE FURNISHING OF STREET SWEEPING MATERIAL RECEIVING SERVICE AND CITY-WIDE DISPOSAL SERVICES WITH BERTOLTTI, DISPOSAL, MODESTO, CA, BERTOLTTI TRANSFER & RECYCLING CENTER, MODESTO, CA, GILTON SOLID WASTE MANAGEMENT, MODESTO, CA, GILTON RESOURCES RECOVERY, MODESTO, CA AND FINK ROAD LANDFILL, CROWS LANDING, CA BY $550,000 FOR AN ESTIMATED REVISED ANNUAL ESTIMATED COST $800,000 TO $1,350,000 AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ADD ADDITIONAL DISPOSAL SITES, IF NEEDED, WITHOUT EXCEEDING THE TOTAL REVISED COMBINED AMOUNT OF $6,200,000 OVER FIVE YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDERS.

WHEREAS, City of Modesto operational departments require services for garbage disposal, recycling, and other types of waste pick-up, disposal, and transfer, to support running their day to day services; and

WHEREAS, since 2019, City staff continues to increase efforts to combat blight caused by growing waste and material accumulation located throughout the City; increased responses in relation to concentrated homeless populations, and the rising use of the City's GoModesto mobile phone application to report areas of blight have all lead to a surge in the need for disposal services; and

WHEREAS, efforts by the Modesto Police Department's (MPD) Blight Abatement Team have led to the collection of significant amounts of garbage due to illegal dumping and/or camping city-wide; and

WHEREAS, the Green Waste Division makes use of material receiving and transfer services to take the piles of pruned refuse and tree brush that are deposited in alleys and curbside to the City Compost Facility for processing; and

WHEREAS, Street Sweeping Program removes materials from City-maintained roads and facilities, as part of the City's Storm Water Protection Plan; and

WHEREAS, on December 8, 2020, under Resolution 2020-515, Council approved the payments for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows Landing, CA for an estimated annual cost of $800,000 and a total amount not to exceed $4,000,000 over five years; and

WHEREAS, the City's grinder equipment has experienced several breakdowns, over the last few months creating a significant extensive backload of material to be grinded for composting; and

WHEREAS, the Street Sweeping team has utilized Gilton for this type of disposal but was notified by Gilton they would no longer accept disposals that included palm trees fronds/leaves at the green waste fee of $17.76; Future loads containing palm would be charged at the standard fee of $64 per ton; and

WHEREAS, City staff identified a new vendor, Central Valley Ag Grinding which provided a fee of $40 per ton, providing a savings of $24 per ton, and translates into monthly savings of approximately $130,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the addition of Central Valley Ag Grinding, Oakdale, CA and increase to the Purchase Orders for the furnishing of street sweeping material receiving service and City-wide disposal services with Bertolotti Disposal Modesto, CA, Bertolotti

Transfer & Recycling Center, Modesto, CA, Gilton Solid Waste Management, Modesto, CA, Gilton Resources Recovery Modesto, CA and Fink Road Landfill, Crows Landing, CA by $550,000 for an estimated revised annual cost from $800,000 to $1,350,000 and authorizing the Director of Finance, or her designee, to add additional disposal sites, if needed, without exceeding the total revised combined amount of $6,200,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-451

CONSIDER APPROVING A FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH NOR CAL FIRE INC., RIPON, CA FOR FIRE EXTINGUISHER INSPECTION AND MAINTENANCE SERVICES BY $23,500 FROM $17,500 TO A NEW ANNUAL AMOUNT OF $41,000 AND AN ADDITIONAL $71,715 OVER THE TERM OF THE AGREEMENT FOR A NEW TOTAL NOT TO EXCEED AMOUNT OF $159,215 AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO ADD ADDITIONAL PARTS IF NEEDED WITHOUT EXCEEDING THE ESTIMATED ANNUAL COST OF $159,215, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City initially inventoried approximately 1,044 fire extinguishers that are used in city vehicles, buildings, and city parking lots, and

WHEREAS, the fire extinguishers are required to be maintained, certified or recharged on an as-needed basis, and

WHEREAS, this bid was created in an effort to combine all services for city-owned fire extinguishers, in buildings as well as vehicles, into a single service agreement allowing staff to obtain the best pricing through economies of scale and also enabling staff to more effectively coordinate maintenance, repair, and replacement of fire extinguishers throughout the City, and

WHEREAS, on January 14, 2020, by Resolution 2020-09, Council approved the award of agreement for fire extinguisher inspection and maintenance service to Nor Cal Fire Inc., Ripon, CA, for a two-year agreement with three one-year extension options for an estimated annual cost of $17,500 and a total combined cost of $87,500 over five years, and

WHEREAS, after the award of agreement to Nor Cal Fire Inc., Ripon, CA, it was discovered that there were several fire extinguishers and miscellaneous items that were not part of the agreement; the initial documented inventory that was included in the initial

Request for bid (RFB) did not capture the actual field quantities and necessary maintenance items, and

WHEREAS, the City of Modesto also expanded fire service to cover both the City of Oakdale and the City of Ceres; the City of Oakdale services includes facility maintenance which encompasses fire extinguishers and the Ceres Fire service expansion does not include facility maintenance which was retained by the City of Ceres, and

WHEREAS, the RFB posted was intended to consolidate all City fire extinguishers (building and vehicle) under a single agreement to leverage economy of scale savings, reduce management oversight of multiple vendors, and to improve accountability for maintaining the fire extinguishers in accordance with Fire Code requirements, and

WHEREAS, the initial inventory of 1,044 posted in the RFB has increased to a current known total of 2,044, and

WHEREAS, the type of extinguishers that were field verified during the initial year of the Agreement did not include the recently discovered gaseous suppression agents and larger dry chemical units, and

WHEREAS, these specialty extinguishers have increased the costs from a typical extinguisher in the amount of $45 each to a range between $260 to $790 each and the annual maintenance of the existing inventory exposed the age of much of the current stock which requires the cannister to be certified to remain in service, and

WHEREAS, replacement of smaller dry chemical extinguishers has been determined to be less costly than to re-certify, and

WHEREAS, below is a listing of the original inventory and a listing of those items to be added, the items' increased quantity and type of extinguishers have increased the estimated budgetary figures significantly which is required to maintain compliance.

Original Equipment Inventory

ITEM #	ITEM/DESCRIPTION	EST. ANNUAL QTY	UNIT OF MEASURE	UNIT PRICE	EXTENDED PRICE
1	Fire Extinguisher Annual Maintenance/Recharge	1096	EA	$6.00	$6,576.00
2	O-Ring (On Recharge)	2000	EA	$0.50	$1,000.00
3	ABC Powder - As Needed	654	LB	$1.50	$981.00
4	5 and 12 Year Hydrostatic Testing - Dry Chemical	80	EA	$12.50	$1,000.00
5	Pull Pins - As Needed	4000	EA	$0.25	$1,000.00
6	Handle Replacement - When too damaged to fix	250	EA	$4.00	$1,000.00
7	195 PSI Gauge - As Needed	333	EA	$3.00	$999.00
8	Hose Replacement - As Needed	400	EA	$2.50	$1,000.00
9	Hose Holder - Band and Clip Replacement	335	EA	$2.99	$1,001.65
10	New Fire Extinguisher - 5 lb. ABC Badger or Amerex	26	EA	$45.00	$1,170.00
11	New Fire Extinguisher - 2.5 lb. ABC Badger or Amerex	26	EA	$39.00	$1,014.00

Additional Equipment Inventory

ITEM #	ITEM/DESCRIPTION	EST. ANNUAL QTY	UNIT OF MEASURE	UNIT PRICE	EXTENDED PRICE
12	New 10# ABC Fire Extinguisher	10	EA	$85.00	$850.00
13	New 20lb ABD Fire Extinguisher	10	EA	$150.00	$1,500.00
14	New 2.5 Gal Water	10	EA	$150.00	$1,500.00
15	New 5# CO2 Steel Shell	5	EA	$790.00	$3,950.00
16	New 10# CO2 Steel Shell	5	EA	$260.00	$1,300.00
17	New 15# CO2 Steel Shell	5	EA	$295.00	$1,475.00
18	New 20# CO2 Steel Shell	5	EA	$350.00	$1,750.00
19	New 5# Halotron	5	EA	$200.00	$1,000.00
20	New 15.5# Halotron	5	EA	$600.00	$3,000.00
21	PTD105 Fire Extinguisher Signs	10	EA	$12.00	$120.00
22	Hydro Test Wet Chem and CO2	20	EA	$150.00	$3,000.00
23	6 year Tear Down (Dry Chem Only)	20	EA	$8.00	$160.00
24	6 year Tear Down (Wet Chem Only)	20	EA	$95.00	$1,900.00
25	Plexiglass for Cabinets (5lb & 10lb)	5	EA	$20.00	$100.00
26	JLL Wall Mount Fire Extinguisher Box 5lb	5	EA	$65.00	$325.00
27	JLL Wall Mount Fire Extinguisher Box 10lb	5	EA	$95.00	$475.00
28	Recharge 5LB Fire Extinguisher	100	EA	$15.00	$1,500.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment increasing the agreement amount with Nor Cal Fire Inc., Ripon, CA for fire extinguisher inspection and maintenance services by $23,500 from $17,500 to a new annual amount of $41,000 and an additional $71,715 over the term of the agreement for a new total not to exceed amount of $159,215.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to add additional parts if needed without exceeding the estimated annual cost of $159,215.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-452

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE AGREEMENT WITH DC FROST AND ASSOCIATES, WALNUT CREEK, CA, TO INCLUDE WASTEWATER PROCESS EQUIPMENT PARTS FOR THE PHASE 2 TERTIARY TREATMENT PLANT FOR AN ESTIMATED ANNUAL AMOUNT OF $39,578 AND A TOTAL AMOUNT NOT TO EXCEED $197,890 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, THE ABILITY TO ADD PARTS BASED ON THE DEPARTMENT'S NEEDS, ENSURING THE TOTAL AMOUNT DOES NOT EXCEED THE AUTHORIZED TOTAL, AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City, Wastewater Services Division, uses a tertiary treatment process for its wastewater, which utilizes several different types of equipment, requiring specific parts that are only available from one vendor. These specific parts are for the Phase 2 tertiary treatment systems which include the aeration diffusers and fine screens. DC Frost and Associates (DC Frost) is the exclusive local distributor for Parkson parts, which are used to operate and maintain the City's tertiary treatment equipment, and

WHEREAS, on December 6, 2016, by Resolution 2016-483, Council authorized the sole source procurement of Parkson parts and Trojan UV lamps and parts to DC Frost, for a two-year purchase agreement with three one-year extension options, for an estimated annual cost of $100,583 and over five years a total cost of $521,382, and

WHEREAS, on August 8, 2017, by Resolution 2017-325, Council authorized an increase of $547,823 over a five-year period to the purchasing agreement with DC Frost and Associates, Walnut Creek, CA to include parts for the Phase 2 Tertiary Treatment Plant for a total agreement amount of $1,069,205, and

WHEREAS, on March 22, 2021, staff was notified that the parts provided for the Trojan Ultraviolet (UV) System would no longer be provided through the local distributor, DC Frost. In fact, orders will need to be placed directly with Trojan

Technologies beginning May 1, 2021. Staff reached out to Trojan Technologies and confirmed they will allow the City to continue buying from DC Frost until a new five-year agreement is in place, and

WHEREAS, the Modesto Municipal Code Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. However, MMC Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Additionally, the purchase of wastewater process equipment parts from DC Frost and Associates should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) because DC Frost and Associates is the exclusive distributor for all Parkson parts for municipal projects in the State of California. Therefore, this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase agreement with DC Frost and Associates, Walnut Creek, CA, to include wastewater process equipment parts for the Phase 2 Tertiary Treatment Plant for an estimated annual amount of $39,578 and a total amount not to exceed $197,890 over five years.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance, or her designee, to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-453

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE AGREEMENT WITH TROJAN TECHNOLOGIES, ONTARIO, CA, FOR THE PROCUREMENT OF ULTRAVIOLET (UV) LAMPS AND PARTS FOR AN ESTIMATED ANNUAL AMOUNT OF $234,300 AND A TOTAL AMOUNT NOT TO EXCEED $1,171,500 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, THE ABILITY TO ADD PARTS BASED ON THE DEPARTMENT'S NEEDS, ENSURING THE TOTAL AMOUNT DOES NOT EXCEED THE AUTHORIZED TOTAL, AND AUTHORIZING THE DIRECTOR OF FINANCE , OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Utilities Department, Wastewater Services Division, utilizes Tertiary Treatment for the treatment of wastewater. The final phase of the Tertiary Treatment is the disinfection process of the wastewater using UV lamps. These lamps have a lifetime of 10,000 hours each; there are currently 970 lamps. The UV lamps must be replaced when they reach 10,000 hours. It is anticipated that each year a minimum of 350 lamps will need to be replaced to ensure the efficiency of the Tertiary Treatment, and

WHEREAS, on December 6, 2016, by Resolution 2016-483, Council authorized the sole source procurement of UV Lamps to DC Frost and Associates, Walnut Creek, CA for a two-year purchase agreement with three one-year extension options, for an estimated annual cost of $100,583 and over five years of $521,382, and

WHEREAS, on August 8, 2017, by Resolution 2017-325, Council authorized an increase of $547,823 over a five-year period to the purchasing agreement with DC Frost and Associates, Walnut Creek, CA to include parts for the Phase 2 Tertiary Treatment Plant for a total agreement amount of $1,069,205, and

WHEREAS, on March 22, 2021, staff was notified that the parts provided for the TrojanUV System would no longer be provided through the local distributor, DC Frost, and that orders will need to be placed directly with Trojan Technologies beginning May

1, 2021. Staff reached out to Trojan Technologies and confirmed they will allow the City to continue buying from DC Frost until a new five-year agreement is in place, and

WHEREAS, the Modesto Municipal Code Section 8-3.203 generally requires all purchases, in excess of fifty thousand dollars ($50,000) to follow formal bid procedures. MMC Section 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. The purchase of the UV lamps and parts from Trojan Technologies should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) because Trojan Technologies is the original equipment manufacturer of the UV lamps and parts. Therefore, this purchase qualifies for exemption from the formal bidding procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase agreement with Trojan Technologies, Ontario, CA, for the procurement of UV lamps and parts for an estimated annual amount of $234,300 and a total amount not to exceed $1,171,500 over five years, and

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is authorized the ability to add parts based on the department's needs, ensuring the total amount does not exceed the authorized total, and authorizing the Director of Finance, or her designee, to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

*Amended

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-454

RESOLUTION APPROVING THE SUBMISSION OF THE FISCAL YEAR 2021 FEDERAL RAILROAD ADMINISTRATION CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS (CRISI) PROGRAM GRANT APPLICATION FOR FUNDS TO ESTABLISH A QUIET ZONE IN THE DOWNTOWN AREA *WITH A 30 PERCENT LOCAL MATCH CONTRIBUTION AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE NECESSARY DOCUMENTS FOR THE GRANT APPLICATION

WHEREAS, the U.S. Department of Transportation's Federal Railroad Administration on August 8, 2021 released a notice of funding opportunity, making available nearly $362 million through its Consolidated Rail Infrastructure and Safety Improvements Grant Program, and

WHEREAS, program supports projects that reduce congestion, improve short-line and regional railroad infrastructure, relocate rail lines, and/or make safety engineering improvements to reduce risk in quiet zones or potential quiet zones, and

WHEREAS, in 2012, City staff studied the possibility of establishing a quiet zone along portions of the railroad in response to noise impacts upon Modesto residents and businesses, and

WHEREAS, in 2016 City staff prepared options for establishing a quiet zone in downtown, however no funding had been identified or allocated to establish a downtown Quiet Zone, and

WHEREAS, in 2021 the Federal Railroad Administration announced funding available for Quiet Zone projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of the Fiscal Year 2021 Federal Railroad

*Amended

Administration's (FRA) Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program grant application for funds to establish a Quiet Zone in the downtown area *with a 30 percent local match contribution.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the necessary documents for the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2021, by Councilmember Wright, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-455

RESOLUTION APPROVING THE REAPPOINTMENT OF VINCE HANSEN, AS THE CREEKSIDE GOLF CLUB REPRESENTATIVE, AND THE APPOINTMENTS OF DOUG LEMKE AND MICHELLE BUER, AS MEMBERS-AT-LARGE, TO THE GOLF COURSES ADVISORY COMMITTEE, FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2025

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

WHEREAS, the Golf Courses Advisory Committee is comprised of five (5) members representing local golf organizations: SIRS Golf Club, Muni-Niners Golf Club, Modesto Golf Club, Creekside Golf Club, and Dryden Park Golf Club, and six Members-At-Large; and

WHEREAS, Vince Hansen, representing the Creekside Golf Club and seeking a second term, was appointed by Resolution No. 2018-327; and

WHEREAS, the Golf Courses Advisory Committee has several Member-At-Large vacancies; and

WHEREAS, the Appointments Committee met on November 4, 2021, and recommended the reappointment of Vince Hansen and the appointments of Doug Lemke and Michelle Buer, as Members-At-Large to the Golf Courses Advisory Committee; and

WHEREAS, each appointed member will serve from January 1, 2022 through December 31, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointment of Vince Hansen, as the Creekside Golf Club representative, to the Golf Courses Advisory Committee, from January 1, 2022 through December 31, 2025.

BE IT FURTHER RESOLVED, that it hereby approves the appointments of Doug Lemke and Michelle Buer, as Members-At Large, to the Golf Courses Advisory Committee from January 1, 2022 through December 31, 2025.

BE IT FURTHER RESOLVED that the Interim City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, ~~City Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-456

RESOLUTION REAPPOINTING THOMAS LOPES, FOR A THIRD TERM, AND TIM FISHER, FOR A SECOND TERM, TO THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2023

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, Resolution No. 2019-201 affirms Council's authority to appoint members to the Modesto Convention and Visitors Bureau's Board of Directors; and

WHEREAS, on May 7, 2019, by Resolution No. 2019-202, Council approved the appointment of Thomas Lopes to the Modesto Convention and Visitors Bureau Board of Directors; and

WHEREAS, on March 3, 2020, by Resolution No. 2020-118, Council approved the reappointment of Thomas Lopes to the Modesto Convention and Visitors Bureau Board of Directors for a second term; and

WHEREAS, Thomas Lopes has expressed a desire to serve a third and final term as permitted by the bylaws; and

WHEREAS, on October 19, 2019, by Resolution No. 2020-468, Council appointed Tim Fisher to the Modesto Convention and Visitors Bureau Board of Directors; and

WHEREAS, Tim Fisher has expressed a desire to serve a second term as permitted by the bylaws.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Thomas Lopes to the Modesto Convention and Visitors Bureau

Board of Directors for a third and final term from January 1, 2022 through December 31, 2023.

BE IT FURTHER RESOLVED, that it hereby reappoints Tim Fisher to the Modesto Convention and Visitors Bureau Board of Directors for a second term from January 1, 2022 through December 31, 2023.

BE IT FURTHER RESOLVED that the Interim City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Convention and Visitors Bureau, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, by Councilmember Escutia-Braaton who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-457

RESOLUTION REAPPOINTING PATRICK CAVANAH TO THE CULTURE COMMISSION WITH TERMS FROM JANUARY 1, 2022 TO DECEMBER 31, 2025

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

WHEREAS, by Resolution No. 2018-153, Council approved the appointment of Patrick Cavanah to the Culture Commission, as a representative of the City of Modesto, from January 1, 2018 through December 31, 2021; and

WHEREAS, Patrick Cavanah is eligible to a serve term commencing on January 1, 2022 through December 31, 2025; and

WHEREAS, the Appointments Committee met on November 4, 2021 and recommended the reappointment of Patrick Cavanah to the Culture Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Patrick Cavanah to the Culture Commission with a term from January 1, 2022 to December 31, 2025.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Mayor Zwahlen, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-458

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2021-22.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 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 December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2021-22

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of $369,700 is necessary to budget for the forgiveness of any Small Business Assistance (SBA) Loans that were issued during prior fiscal years as part of the Community Development Block Grant (CDBG) – Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. Businesses that received an SBA loan agreed to meet specific guidelines for one year after the loan was issued to comply with the terms of the loan agreement. Once compliance is confirmed, these loans will be considered grants, and no repayment is necessary.

POLICE DEPARTMENT

- A budget adjustment is needed in the amount of $198,366 to establish the revenue and expense appropriations for the Community Oriented Policing Services (COPS) De-Escalation Training Grant (Project 101360) awarded to the Modesto Police Department. These funds will provide the de-escalation training to a group of officers who will then train the rest of the officers in these practices.

- A budget adjustment is needed in the amount of $139,368 to establish the revenue and expense appropriations for the 2021 Edward Byrne Memorial Justice Assistance Grant (BJAG) Grant (Project 101363) awarded to the Modesto Police Department. These funds will provide for enhancements to real time in-field communication, analytics, and information as well as interactive training.

PUBLIC WORKS

- A budget adjustment is necessary to recognize the unbudgeted revenue in the amount of $135,000 for Capital Improvement Project #101333 – Install Rectangular Rapid-Flashing Beacon (RRFB) at 10 Locations within Fund 3160, Capital Grants – Streets CIP Projects as funding was recently awarded by the Department of Transportation (Caltrans). In addition, the funding needs to be allocated to the discretionary accounts within the project expense budget.

- A budget adjustment is necessary to recognize the unbudgeted revenue in the amount of $34,000 for Capital Improvement Project #101361 – Install Rectangular Rapid-Flashing Beacon (RRFB) at 3 Locations within Fund 3160, Capital Grants – Streets CIP Projects as funding was recently awarded by the Department of Transportation (Caltrans). In addition, the funding needs to be allocated to the discretionary accounts within the project expense budget.

- A budget adjustment is necessary to recognize the unbudgeted revenue in the amount of $300,000 for Capital Improvement Project #101362 – Install Signal Heads at 70 Intersections within Fund 3160, Capital Grants – Streets CIP Projects as funding was recently awarded by the Department of Transportation (Caltrans). In addition, the funding needs to be allocated to the discretionary accounts within the project expense budget.

- *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 21-22 for the activity through October 2021. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	*Fund Name*	*Net Impact of Adjustments*
1709	Surface Transportation Fleet Replacement	$1,941
4219	Wastewater Fleet Replacement	$445,452
4489	Storm Drainage Fleet Replacement	$1,781,807
5410	General Fund Equipment Fleet Replacement	$453,871
	Total Transfer Outs	**$2,683,071**
5409	Transfer In – Fleet Management Fleet Replacement	$2,683,071
	Total Transfer Ins	**$2,683,071**

A budget adjustment is necessary to establish a transfer in the amount of $1,941 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for a purchase made in FY 21/22 for (1) Vibra Plate.

A budget adjustment is necessary to establish a transfer in the amount of $445,452 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for a purchase made in FY 21/22 for (1) Truck 66.0 Vacuum 3 Axle.

A budget adjustment is necessary to establish a transfer in the amount of $1,781,807 from Storm Drainage Fleet Replacement Fund 4489 to Fleet Replacement Fund 5409 for a purchase made in FY 21/22 for (4) Truck 66.0 Vacuum 3 Axle.

A budget adjustment is necessary to establish a transfer in the amount of $453,871 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for a purchase made in FY 21/22 for (3) Sedan Patrol, (1) Sedan Patrol K-9, (1) Sedan Patrol TPU, (1) Sedan Patrol LP Reader, (3) SUV Patrol, and (2) Motorcycle.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-459

RESOLUTION APPROVING A SIXTH AMENDMENT TO THE AGREEMENT WITH DOKKEN ENGINEERING FOR THE PREPARATION OF THE PLANS, SPECIFICATIONS, AND ESTIMATE AND RIGHT-OF-WAY ACQUISITION FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE - PHASE 2 PROJECT TO INCREASE THE EXISTING AGREEMENT BY $48,906, FROM $3,550,327 TO A TOTAL NOT TO EXCEED AMOUNT OF $3,599,233, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE SIXTH AMENDMENT TO AGREEMENT

WHEREAS, the purpose of this project is to reconstruct the State Route (SR) 99 and Pelandale Avenue Interchange to alleviate congestion and improve operations of both SR 99 and Pelandale Avenue, and

WHEREAS, on March 9, 2010, by Resolution No. 2010-90, Council approved an Agreement with Dokken Engineering to prepare the plans, specifications & estimate (PS&E) for the State Route 99/Pelandale Avenue Interchange reconstruction project in an amount not to exceed $3,011,832, and

WHEREAS, on February 22, 2011, by Resolution No. 2011-045, Council approved the First Amendment to the Agreement to amend contract language per Caltrans request and revise Dokken's contract to a cost-plus-fixed-fee Agreement with no change in compensation, and

WHEREAS, on September 14, 2011, the City Manager approved the Second Amendment to the Agreement to incorporate a Post Award Audit clause to the Agreement with no change in compensation, and

WHEREAS, on February 14, 2012, by Resolution No. 2012-63, Council approved the Third Amendment to the Agreement with Dokken Engineering to incorporate right-of-way engineering and land acquisition services to obtain a required Right-of-Way

Level 2 Certification from Caltrans prior to start of construction in an amount not to exceed $338,000, and

WHEREAS, on January 22, 2013, by Resolution No. 2013-40, Council approved the Fourth Amendment to the Agreement with Dokken Engineering to include additional work for modifying the PS&E to exclude the "Carl's Jr" property from the project's first phase in an amount not to exceed $64,000, and

WHEREAS, the Fourth Amendment to the Agreement reflected a credit of $45,000, although Resolution No. 2013-40 did not, and

WHEREAS, the amount of $64,000 for the Fourth Amendment excludes the remaining contract credited amount of $45,000, for a net increase of $19,000 and a total contract amount of $3,368,832, and

WHEREAS, on April 2, 2019, by Resolution No. 2019-133, Council approved the Fifth Amendment to the Agreement with Dokken Engineering to include the work needed to prepare the plans, specifications and estimate and proceed with right-of-way acquisition for the State Route 99/Pelandale Avenue Interchange – Phase 2 project in an amount not to exceed $181,495, and

WHEREAS, Dokken Engineering's cost proposal for the Fifth Amendment was $249,354, however there were $67,859 in unexpended funds from the original Agreement utilized as a credit in the Fifth Amendment, resulting in a net increase of $181,495 and a total contract amount of $3,550,327, and

WHERAS, the original scope of the State Route 99/Pelandale Avenue Interchange – Phase 2 project required the acquisition of the entire parcel at 4125 Sisk Road, where a Carl's Jr. restaurant currently operates, and

WHEREAS, an appraisal of the required parcel, utility coordination, 95% design plans specifications and estimate reflecting the full acquisition were completed by Dokken Engineering and a 95% plan review was conducted by Caltrans, and

WHERAS, following the completion of the above-mentioned items related to the scope of the Phase 2 project, Dokken Engineering discovered that Caltrans District 10 was requiring a larger factor of safety for the drainage basins on this project than what had been required on other projects in various Caltrans Districts, and

WHEREAS, Dokken Engineering and City staff were able to work with District 10 Caltrans Hydraulics Division staff to receive approval for a reduced storm drainage safety factor, and

WHEREAS, Dokken Engineering was able to show that this reduced safety factor was already met with the existing configuration of storm drainage basins built during the previous phase of the SR99/Pelandale Avenue Interchange project, and

WHEREAS, this approval from Caltrans reduced the right-of-way required from the parcel at 4125 Sisk Road, from a full parcel acquisition to a partial acquisition, that will allow the existing restaurant to remain with some modifications to their parking lot and drive-through, and

WHEREAS, on November 8, 2021, Dokken Engineering submitted to the City a request for a Sixth Amendment to include the preparation of the revised plans,

specifications, and estimate and right-of- way acquisition requirements for the State Route 99/Pelandale Avenue Interchange - Phase 2 project, for a net increase of $48,906 and a total contract amount of $3,599,233, and

WHEREAS, Staff recommends approval of the Sixth Amendment to the Agreement with Dokken Engineering so that the 95% plans, specifications, and estimate prepared for the original scope of the Phase 2 project can be revised to align with the alternate drainage basin storage requirements, and

WHEREAS, this alternate storm drainage basin design will include additional utility coordination with outside utility agencies due to the Carl's Jr. restaurant remaining, and draft and final Storm Water Data Reports with alternate basin storage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sixth Amendment to the Agreement with Dokken Engineering for the preparation of the plans, specifications, and estimate and right-of-way acquisition for the State Route 99/Pelandale Avenue Interchange - Phase 2 project to increase the existing Agreement by $48,906, from $3,550,327 to a total not to exceed amount of $3,599,233.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-460

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND STANISLAUS REGIONAL TRANSIT AUTHORITY FOR A COST-SHARING AGREEMENT FOR A TRANSIT-ORIENTED DEVELOPMENT PLAN

WHEREAS, on June 2, 2020, the City Council of the City of Modesto approved Resolution No. 2020-242, which authorized the Director of Community and Economic Development to apply to the State of California for Local Early Action Planning (LEAP) grant funding, and to execute all necessary grant documents, agreements and MOUs; and

WHEREAS, on November 19, 2020, the State of California Department of Housing and Community Development notified staff that the City of Modesto's application for LEAP grant funding was approved; and

WHEREAS, on August 4, 2021, the City Council of the City of Modesto approved Resolution No. 2021-304, accepting the LEAP grant award in the amount of $500,000; and

WHEREAS, one of several individual projects to be funded by the LEAP grant will be a transit-oriented development (TOD) Plan for the downtown multi-modal transit center site and surrounding blocks; and

WHEREAS, Stanislaus Regional Transit Authority (StanRTA) desires to partner with the City to prepare the TOD Plan because it will affect StanRTA facilities and services; and

WHEREAS, the City of Modesto will contribute $100,000 in LEAP grant funding for the TOD Plan, and StanRTA will contribute an equal $100,000 for the TOD Plan; and

WHEREAS, the proposed Memorandum of Understanding between City of Modesto and StanRTA to document the cost sharing and payment-reimbursement process details is **Exhibit "A", attached** hereto and incorporated by reference; and

WHEREAS, the concept TOD Plan project area, which will be refined during early phases of project work to more precisely define the TOD Plan project boundary, is **Exhibit "B", attached** hereto and incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed MOU as described in **Exhibit "A", attached** hereto and incorporated herein by reference, may be executed on behalf of the City by the Director of Community and Economic Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

EXHIBIT “A”
MOU Between City of Modesto and StanRTA

EXHIBIT “B”
TOD Plan Concept Project Area

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE STANISLAUS REGIONAL TRANSIT AUTHORITY FOR A COST SHARING AGREEMENT FOR A TRANSIT-ORIENTED DEVELOPMENT PLAN

This Memorandum of Understanding between the City of Modesto and the Stanislaus Regional Transit Authority for Multi-Modal Transit Center Concept Development Plan ("MOU") is made and entered into as of December _____, 2021 ("Effective Date"), between the Stanislaus Regional Transit Authority ("AUTHORITY"), a joint powers agency established under California Government Code section 6500 et seq., and the City of Modesto ("CITY"), a municipal corporation. Each entity to this MOU may be referred to as a Party ("PARTY"), collectively they may be referred to as the Parties ("PARTIES"). This MOU is intended to reflect the PARTIES' mutual understanding of the cost-share distribution between the PARTIES as related to the Multi-Modal Transit Center Concept Development Plan ("PLAN").

WHEREAS, the purpose of undertaking the PLAN is to establish a more refined vision for the future of Downtown Modesto on and near the downtown transit center site, which is consistent with the Downtown Master Plan that was adopted by the City's Council in 2020; and

WHEREAS, the vicinity of the PLAN area includes the transit center site and the immediately adjacent and surrounding blocks of the transit center, which is bounded by 8th, 9th, I, and K, Streets in Modesto, California, as shown conceptually on the Map attached herein as Exhibit A ("PROJECT AREA"), which will be used to help define the PLAN area boundary as Phase 1 of project work; and

WHEREAS, the AUTHORITY's transit services will be improved by the development of the PLAN due to Transit Oriented Development (TOD) being a key attribute of increasing convenient access to public transit. Focusing growth around transit stations capitalizes on the public investments in transit and provides many benefits including increased ridership, congestion relief, environmental benefits, and improved safety for pedestrians and cyclists; and

WHEREAS, the PLAN will benefit the CITY because it will help meet General Plan Goal III.F of downtown becoming a more urban, higher-density, mixed-use, pedestrian-oriented, economically vibrant, innovative center for living, working, socializing, and recreating, because the PLAN includes the development or higher density residential properties in the PROJECT AREA; and

WHEREAS, Priority considerations of the PLAN will be the development of residential, urban, and vertical mixed-up development uses in the PROJECT AREA; and

WHEREAS, the PLAN will be delivered in the form of a written report including graphics and exhibits, presenting a comprehensive analysis of needs and opportunities for the desired development, and a strategy to achieve these desired goals. The PLAN will include the following elements:

A. Vision.

This element shall include the gathering of input, ideas, and preferences from stakeholders, the general public, and the greater community as whole. Input shall be sought through hosting public workshops and the enactment of a robust outreach program to affirmatively seek input from the above mentioned groups. Information obtained through these workshops and outreach efforts shall be compiled and memorialized in a draft work product and shall be shared with the public for further input regarding support for the final PLAN.

B. Opportunity Sites.

This element shall include the identification of key vacant and underdeveloped sites, properties, or portions of sites or properties within the VICINITY. Once these sites are identified, analysis shall be conducted to determine the most desirable functionality of these sites or properties by considering the expected need and potential demand for higher density residential uses and the economic feasibility of the desired use.

C. Infrastructure and Services.

This element shall include an assessment of the availability, reliability, and capacity of infrastructure systems necessary for any proposed new development in the PROJECT AREA. This element shall utilize the City's utility master plan to conduct such analysis. The intent of this element is to provide an overview of the existing utility systems and potential expansion of utility systems in order to evaluate the feasibility or needed improvements for the PLAN or provide a recommended strategy to avoid or minimize any potential issues that may arise in the development of the PLAN. This element will also describe and recommend options for proposed street projects in the PROJECT AREA, including relocation of bus circulation patterns, relocation of parking areas, and enhancement of the PROJECT AREA for use by cyclists and pedestrians.

D. Performance Standards and Density Considerations.

This element will evaluate and report the development standards and requirements, especially concerning parking and density, in order to identify methods in which to streamline any associated entitlement process.

E. Barriers to Affordable Housing.

This element shall identify and document any barriers or obstacles that residential developers may experience in development of the PROJECT AREA. This element shall document and memorialize any strategies or specific actions that: (1) may be taken to address these concerns; (2) to reduce to costs of the development; and (3) educate stakeholders regarding these issues.

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms, and conditions contained herein, the Parties agree as follows:

1. THE PLAN.

The PLAN to be developed pursuant to this MOU is the Multi-Modal Transit Center Concept Development Plan as described above. The PLAN includes a deliverable work product of a written report including graphics and exhibits, presenting a comprehensive analysis of needs and opportunities for the desired development, and a strategy to achieve these desired goals.

2. PLAN COSTS.

The total PLAN costs have been determined to be approximately Two Hundred Thousand Dollars ($200,000). The CITY has agreed to contribute One Hundred Thousand Dollars ($100,000) to the PLAN from its State Local Early Action ("LEAP") grant funds. The AUTHORITY has agreed to contribute One Hundred Thousand Dollars ($100,000) to the PLAN from its Transportation Development Act funding. The intent of the PARTIES is to share equally in the funding of the development of the PLAN. Total funding provided by either PARTY shall not exceed One Hundred Thousand Dollars ($100,000), and funding provided by both PARTIES combined shall not exceed Two Hundred Thousand Dollars ($200,000). If development of the PLAN exceeds Two Hundred Thousand Dollars ($200,000), an amendment to this MOU may be entered into by mutual agreement by both PARTIES to reflect this circumstance.

3. PLAN MANAGEMENT AND FORMAL BIDDING.

The CITY shall be responsible for the solicitation of bids for the PLAN, and the award of a contract to the successful bidder, and the administration and supervision of the contract. The PARTIES agree that the AUTHORITY will have at least two positions on the evaluation committee when reviewing proposals from potential CONTRACTORs. The PARTIES acknowledge and agree that a third party contractor ("CONTRACTOR") will perform the work necessary to develop the PLAN, for which the PARTIES will fund. The PARTIES acknowledge and agree that a formal bidding process will be commenced at a later date, and that no obligations under this MOU shall be required until such bidding process is complete and a CONTRACTOR is selected. The PARTIES agree that though the CITY has taken the primary role in managing the PLAN, the AUTHORITY shall significantly participate in the development of the PLAN.

4. PAYMENT BY AUTHORITY TO CITY FOR AUTHORITY SHARE.

It is the intent of the PARTIES that AUTHORITY shall pay a proportionate share of the costs of the PLAN to CITY incrementally as such costs are incurred and upon CITY's presentation of documentation indicating that CITY has incurred such costs under the forthcoming contract with the CONTRACTOR. Such documentation may include receipts, canceled checks, credit card statements, or other evidence acceptable to AUTHORITY, and must clearly document the amount and purpose of the expenditure. CITY shall not request such reimbursements more frequently than once per month. The PARTIES acknowledge that the portion of AUTHORITY's contribution for PLAN costs is approximately fifty percent (50%) of the total PLAN costs; therefore, AUTHORITY shall pay up to fifty percent (50%) of the amounts of the invoices or

receipts submitted by the CONTRACTOR up to a maximum of One Hundred Thousand Dollars ($100,000).

5. TERM.

The Term of this MOU shall commence upon the Effective Date set forth above and terminate upon the delivery of the PLAN by CONTRACTOR to the PARTIES unless otherwise extended by an amendment to this MOU.

6. AMENDMENT.

Any Amendment of this MOU shall be made in writing, signed by both PARTIES hereto.

7. TERMINATION.

This MOU can be terminated by either PARTY by giving the other PARTY ninety (90) days prior written notice of intent to terminate.

8. INDEMNIFICATION.

The CITY shall indemnify, defend and hold harmless AUTHORITY, its officers, agents, employees, and representatives from and against any and all claims, losses, liabilities or damages, demands, and actions, including payment of reasonable attorneys' fees airing out of or resulting from the performance of this MOU, caused by any negligent or willful act or omission of the CITY, its officers, agents, employees, or anyone directly or indirectly acting on behalf of the CITY, regardless of whether caused in part by a party indemnified hereunder.

The AUTHORITY shall indemnify, defend and hold harmless the CITY, its officers, agents, employees, and representatives from and against any and all claims, losses, liabilities, or damages, demands, and actions, including payment of reasonable attorneys' fees, arising out of or resulting from the performance of this MOU, caused by any negligent or willful act or omission of CITY, its officers, agents, employees, or anyone directly or indirectly acting on behalf of AUTHORITY, regardless of whether caused in part by a party indemnified hereunder.

9. NOTICES.

Any notices required herein shall be made in writing and be given personal or by certified mail, return receipt requested, addressed to the respective PARTIES as follows:

TO AUTHORITY: Stanislaus Regional Transit Authority
ATTN: Chief Executive Officer
912 10th Street
Modesto, CA 95354

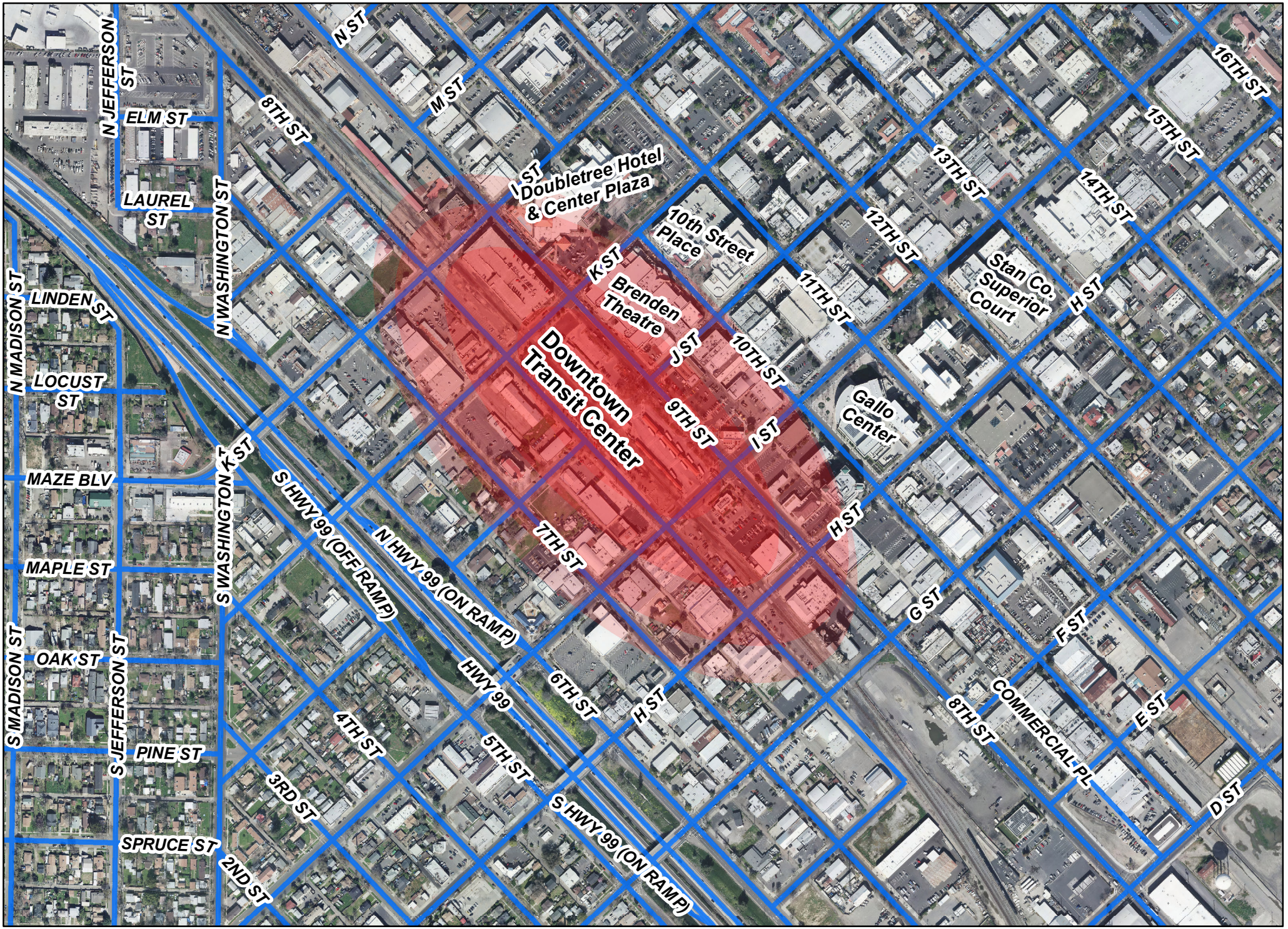
TO CITY: City of Modesto
Community and Economic Development Department
ATTN: Jaylen French, Director
1010 10th Street, Suite 3300
Modesto, CA 95354

10. ENTIRE AGREEMENT.

This MOU is the entire Agreement of the PARTIES. There are no understandings or agreements pertaining to this MOU except as are expressly stated in writing in this MOU.

3888049.3

Exhibit B:



TOD Project Area Concept ** Boundary to be defined through project work

0 250 500 1,000 Feet

N

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-461

RESOLUTION APPROVINGA BUDGET ADJUSTMENT AMENDING FISCAL YEAR 2021-22 NON-CAPITAL PROJECT 101352 – LEAP 2021 PLANNING GRANT IN THE AMOUNT OF $100,000 TO FUND THE COST-SHARING AGREEMENT FOR A TRANSIT ORIENTED DEVELOPMENT PLAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 2, 2020, by Resolution 2020-242, Council authorized staff to apply for Local Early Action Planning (LEAP) grant funding from the State of California; and

WHEREAS, on August 4, 2021, by Resolution 202-304, Council accepted the LEAP grant award in the amount of $500,000, of which $100,000 is for the Transit Oriented Development (TOD) Plan; and

WHEREAS, the TOD Plan project area includes the downtown multi-modal transit center site; and

WHEREAS, Stanislaus Regional Transit Authority (StanRTA) staff is interested in participating in the development of the TOD Plan; and

WHEREAS, the proposed MOU will establish the cost-sharing parameters and payment/reimbursement process details and the City and StanRTA will each contribute up to $100,000 for consultant work to prepare the plan; and

WHEREAS, the project currently has $100,000 budgeted for the portion of the LEAP grant that will be used for the TOD plan; and

WHEREAS, the Fiscal Year 2021-22 Non-Capital Project 101352 – LEAP 2021 Planning Grant Budget must be increased by One Hundred Thousand Dollars ($100,000) in revenue and expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Non-Capital project Budget for Project 101352 – LEAP 2021 Planning Grant in the amount of One Hundred Thousand Dollars ($100,000).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City ~~Attorney~~

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-462

RESOLUTION APPROVING AN AGREEMENT WITH WONDERLIC, INC. FOR A SUBSCRIPTION TO AS-NEEDED PRE-EMPLOYMENT BEHAVIORAL ASSESSMENT SERVICES, WITH AN EXPIRATION DATE OF JUNE 30, 2023, WITH AN ANNUAL ESTIMATED AMOUNT NOT TO EXCEED $8,400, WITH A POTENTIAL EXTENSION OPTION AND TOTAL AMOUNT NOT TO EXCEED $16,800, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, recruiting and hiring Firefighters is a lengthy and complicated process, with candidates having to go through an extensive selection process which includes: several interviews, background investigation, medical examination and psychological examination; and

WHEREAS, a delay in any step may result in losing a candidate or prove costly in delaying the hiring and the beginning of an entire academy class; and

WHEREAS, on June 2, 2015, by Resolution 2015-178, Council approved an agreement with Jocelyn E. Roland, PhD, ABPP for pre-employment psychological evaluation services for $425 per screening at an annual cost of $10,000, and approved an amendment to increase the rate and annual cost for pre-employment psychological screenings from $425 to $450 per screening and $24,750 annually in 2017 by Resolution 2017-531; and

WHEREAS, this contract did not include pre-employment screenings for the Fire Department; and

WHEREAS, the contract was amended once again in 2018 to account for services needed by the Fire Department; and

WHEREAS, on June 2, 2019 by Resolution 2019-256, a secondary agreement with Cordico Psychological Corp. was approved due to a backlog with the then current vendor at a cost of $400 per psychological exam and an annual cost of $10,000; and

WHEREAS, Wonderlic, Inc. (Wonderlic) will provide an on-demand pre-employment testing platform that candidates can complete at home via a secure link with results delivered directly to the employer, and charges an annual fee of $8,4000 that allows for unlimited testing by the employer on an annual basis; and

WHEREAS, the City of Modesto has agreements in place for psychological screening, but neither Cordico Psychological Corp or Jocelyn E. Roland, PhD are flexible enough to meet current and future academy hiring deadlines; and

WHEREAS, the Fire department recommends entering into an agreement with Wonderlic to coincide with the remainder of the agreement terms with Jocelyn E. Roland, PhD, ABPP and Cordico Psychological Corp to address the backlog issue and facilitate a timely hiring process, which would expire June 30, 2023; and

WHEREAS, the annual estimated cost for services provided by Wonderlic is $8,400, and sufficient funds are budgeted in the Fire department's Operating Budget each fiscal year for pre-employment behavioral assessment services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the agreement with Wonderlic, Inc. for a subscription to as-needed pre-employment behavioral services, with an expiration date of June 30, 2023, with an annual estimated amount not to exceed $8,400, with a potential extension option and total amount not to exceed $16,800.

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 December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-463

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT WITH L N CURTIS, WALNUT CREEK, CA FOR PERSONAL PROTECTION EQUIPMENT FOR THE MODESTO FIRE DEPARTMENT, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $260,000, AND A TOTAL COST NOT TO EXCEED $1,300,000 OVER FIVE YEARS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO EXECUTE THE PURCHASING AGREEMENT

WHEREAS, the Modesto Fire Department (MFD) provides personnel protection equipment (PPE) to protect from both known and unknown occupational safety and health hazards; and

WHEREAS, most individual PPE items have a set service life based on National Fire Protection Association's standards, and MFD's current PPE used has a 10-year lifespan and must be replaced after 10 years, regardless of condition; and

WHEREAS, each MFD personnel is provided two sets of PPE, so that when one is contaminated, personnel have a clean set; and

WHEREAS, with the hiring of 19 additional personnel, MFD is in need of 38 sets of PPE, in addition to the annual sets purchased for each personnel already staffed; and

WHEREAS, Request for Bid (RFB) 1516-10 was approved by Council on June 7, 2016 by Resolution No. 2016-266 to be awarded three vendors: L N Curtis, Zen Fire & Safety, and Cascade Fire Equipment, who all offer similar brands; however, L N Curtis is the sole distributor for Gerber and Globe, which MFD has used turnout jackets, pants and structure boots for more than 20 years; and

WHEREAS, of 48 vendors who downloaded RFB 2021-69, issued by the Purchasing Division, for Personal Protection Equipment for MFD, L N Curtis, Walnut Creek, CA was the only vendor to respond; 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 the formal bid procedures. An award of bid and agreement for PPE for MFD to L N Curtis, Walnut Creek, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and L N Curtis was the only responsive and responsible bidder; and

WHEREAS, sufficient funding has been budgeted from four Fiscal Year 2021-2022 funds within the department: Modesto Fire, Oakdale, Ceres, and Staffing for Adequate Fire and Emergency Response (SAFER) Grant. Amounts have been allocated to each fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the award of bid and Purchasing Agreement with L N Curtis, Walnut Creek, CA for Personal Protection Equipment for the Modesto Fire Department, for a two-year Agreement with three one-year extension options, for an annual estimated cost of $260,000, and a total cost not to exceed $1,300,000 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to execute the Purchasing 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 December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-464

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR SLURRY OIL ON AN AS NEEDED BASIS TO VSS EMULTECH, MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $407,768, AND A TOTAL AMOUNT NOT TO EXCEED $2,038,840 OVER FIVE YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the Public Works Streets Division, Street Maintenance Unit is responsible for maintaining residential streets, major arterial and collector streets, and alleys as their primary mandate; and

WHEREAS, part of this function, which is performed by the Street Maintenance Unit, is to ensure the safety and drivability of the roads; this requires preserving that infrastructure by preventing the water intrusion that causes deterioration through our Slurry Seal Program and the frequent use of slurry oil as a vital component of the slurry emulsion; and

WHEREAS, in August 2021, the City went through a formal proposal process for the furnishing of slurry oil, which at that time staff realized that the current agreement needed to be maintained in order to continue uninterrupted daily operations; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bid RFB 2021-42 for Furnishing of Slurry Oil on an as needed basis, for the Public Works Department, Streets Division, Street Maintenance Unit; and

WHEREAS, the Purchasing Division issued RFB 2021-42 based on proposals received September 21, 2021 for “as needed” furnishing of slurry oil; and

WHEREAS, on August 25, 2021, formal notification was given to the proposer by Purchasing of intent to award said proposal and contract for slurry oil to that company.

This company provided a responsive and responsible proposal, as well as, thorough demonstration and sampling of their product(s); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for materials, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase of as needed furnishing of slurry oil from VSS Emultech conforms to the Modesto Municipal Code, 8-3.203; and

WHEREAS, sufficient funds to award this agreement are budgeted in Surface Transportation Fund, account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorized the award of Bid for Purchase and agreement for Furnishing of Slurry Oil on an as needed basis to VSS Emultech, Modesto, CA, for a one-year agreement with four (4) one-year extension options for an annual estimated cost of $407,768 and a total amount not to exceed $2,038,840 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is authorized to issue the Purchase Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-465

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR SLURRY ROCK ON AN AS NEEDED BASIS TO WEST COAST SAND & GRAVEL, MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $506,473, AND A TOTAL AMOUNT NOT TO EXCEED $2,532,365 OVER FIVE YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the Public Works Streets Division, Street Maintenance Unit is responsible for maintaining residential streets, major arterial and collector streets, and alleys as their primary mandate; and

WHEREAS, part of this function, which is performed by the Street Maintenance Unit, is to ensure the safety and drivability of the roads; this requires preserving that infrastructure by preventing the water intrusion that causes deterioration through the City's Slurry Seal Program and the frequent use of slurry rock as a vital component of the slurry emulsion; and

WHEREAS, in August 2021, the City went through a formal proposal process for the furnishing of slurry rock, which at that time staff realized that the current agreement needed to be maintained in order to continue uninterrupted daily operations; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bid RFB 2021-41 for Furnishing of Slurry Rock on an as needed basis, for the Public Works Department, Streets Division, Street Maintenance Unit; and

WHEREAS, the Purchasing Division issued RFB 2021-41 based on proposals received September 14, 2021 for "as needed" furnishing of slurry rock; and

WHEREAS, on August 17, 2021, formal notification was given to the proposer by Purchasing of intent to award said proposal and contract for slurry rock to that

company. This company provided a responsive and responsible proposal, as well as, thorough demonstration and sampling of their product(s); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for materials, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase of as needed furnishing of slurry rock from West Coast Sand & Gravel conforms to the Modesto Municipal Code, 8-3.203; and

WHEREAS, sufficient funds to award this agreement are budgeted in Surface Transportation Fund, account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorized the award of Bid for Purchase and agreement for Furnishing of Slurry Rock on an as needed basis to West Coast Sand & Gravel, Modesto, CA, for a one-year agreement with four (4) one-year extension options for an estimated annual cost of $506,473 and a total amount not to exceed $2,532,365 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is authorized to issue the Purchase Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-466

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR PORTLAND CEMENT CONCRETE ON AN AS NEEDED BASIS TO ALLIED CONCRETE & SUPPLY CO. INC., MODESTO, CA, FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $320,546, AND A TOTAL AMOUNT NOT TO EXCEED $1,602,730, OVER FIVE YEARS, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the Public Works Streets Division, Curbs, Gutters & Sidewalks Unit is responsible for maintaining public sidewalks and curbs and gutters along residential streets, major arterial, and collector streets, as far as damage to aforementioned right-of-way is caused by a City Tree or City Utility as their primary mandate; and

WHEREAS, part of this function, which is performed by the Curbs, Gutters & Sidewalks Unit, is to ensure the safety and accessibility of the curbs, gutters and sidewalks; this requires preserving that infrastructure by patching, grinding, or removing and replacing hazardous sections of sidewalk or curb and gutter to make them safe for residents. This is accomplished through the frequent use of Portland Cement Concrete as a vital component of the concrete mixture poured to replace damaged sidewalks or curbs and gutters; and

WHEREAS, in July 2021, the City went through a formal proposal process for the furnishing of Portland Cement Concrete, which at that time, staff realized that the current agreement needed to be maintained in order to continue uninterrupted daily operation within the Curbs, Gutters & Sidewalks Unit; and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bid RFB 2021-70 for Furnishing of Portland Cement Concrete on an as needed basis, for the Public Works Department, Curb, Gutter & Sidewalks Unit; and

WHEREAS, the Purchasing Division issued RFB 2021-70 based on proposals received July 7, 2021 for "as needed" furnishing of Portland Concrete Cement; and

WHEREAS, on August 17, 2021, formal notification was given to the proposer by Purchasing of intent to award said proposal and contract for Portland Cement Concrete to Allied Concrete & Supply Co. Inc. Allied Concrete & Supply Co. Inc., provided a responsive and responsible proposal, as well as, thorough demonstration and sampling of their product(s); and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for materials, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase of as needed furnishing of Portland Cement Concrete from Allied Concrete & Supply Co. Inc., conforms to the Modesto Municipal Code, 8-3.203; and

WHEREAS, sufficient funds to award this agreement are budgeted in Surface Transportation Fund, account: 1700-53142-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorized the award of Bid for Purchase and agreement for Furnishing of Portland Cement Concrete on an as needed basis to Allied Concrete & Supply Co. Inc., Modesto, CA, for a two-year agreement with three (3) one-year extension options for an annual cost of $320,546 and a total amount not to exceed $1,602,730 over five years.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is authorized to issue the Purchase Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-467

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TRANSIT CENTER IMPROVEMENTS AND TRANSIT CENTER ADDITION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH SIMILE CONSTRUCTION SERVICES, INC., MODESTO, CA, FOR TRANSIT CENTER IMPROVEMENTS AND TRANSIT CENTER ADDITION PROJECT IN THE AMOUNT OF $5,233,576 PLUS $418,686 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF $5,652,262 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, the focus of this project is improving safety and security of the Transportation (Transit) Center Facility; and

WHEREAS, an additional purpose of the project is to repair and upgrade parts of the original Southern Pacific Depot building that sustained various deteriorations due to the age and lack of maintenance; and

WHEREAS, another purpose of the project is making the Transit Center Facility site compliant with Americans with Disabilities Act (ADA); and

WHEREAS, in addition to the interior, exterior and site improvements the south end of the extending building will be also extended; and

WHEREAS, the Project was advertised for bids on August 31, 2021; and

WHERAS, on October 12, 2021, pursuant to City Charter Section 1307, five bids were received and Simile Construction Services, Inc. from Modesto, CA was the responsible bidder with the lowest responsive bid; and

WHEREAS, the Director of Public Works has recommended that the bid of $5,233,576 received from Simile Construction Services, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Simile Construction Services, Inc. from Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for the Transit Center Improvements and Transit Center Addition Project, accepts the bid of $5,233,576 plus $418,686 for contingency (if needed) for a total amount not to exceed $5,652,262 and Simile Construction Services, Inc., of Modesto, CA, the contract for the Transit Center Improvements and Transit Center Addition Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-468

RESOLUTION ACCEPTING THE BANGS AVENUE-TULLY ROAD SEWER & WATER MAIN IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING $1,461,613 TO PRESTON PIPELINES INFRASTRUCTURE, INC., OF MILPITAS, CALIFORNIA

WHEREAS, the Wastewater Collection System Master Plan identified the North Trunk as a priority project necessary to facilitate new development in the Bangs/Tully/Carver area of Modesto, and

WHEREAS, the North Trunk section extended approximately 2,900 linear feet of 27-inch diameter sewer trunk along Bangs Avenue between Carver Road and Tully Road, and

WHEREAS, the project was intended to provide approximately 775 linear feet of 12-inch diameter sewer main along Tully Road, between Bangs Avenue and Pelandale Avenue, and

WHEREAS, on October 22, 2019, by Resolution No. 2019-483, Council approved the plans and specifications for the North Trunk Sewer Project, accepted the bid, and approved a construction contract with Rolfe Construction Company, Atwater, CA, and

WHEREAS, during construction of the North Trunk project, approximately 1,425 lineal feet of 24-inch water transmission main was removed to accommodate the installation of the 27-inch sewer trunk along Bangs Avenue, and

WHEREAS, instead of re-installing the 24-inch main as a part of the North Trunk project, staff determined it was in the best interest of the City to create a new project that would install the 24-inch water main, and

WHEREAS, the Bangs Avenue-Tully Road Sewer & Water Main Improvement project re-installed approximately 1,425 lineal feet of 24-inch Water Transmission Main that was removed as a part of the North Trunk Project on Bangs Avenue, from mid-block between Carver Road and Tully Road, to the Bangs Avenue/Tully Road intersection, and

WHEREAS, additionally, the project installed a 12-inch sewer main and a 12-inch water main along Tully Road from Pelandale Avenue to Bangs Avenue to provide utility improvements necessary for the upcoming Woodglen Development, and

WHEREAS, during design of the 24-inch transmission main, the Water Services Division requested a new 12-inch water main be extended from just north of the Pelandale Avenue/Tully Road intersection approximately 855 lineal feet north to the intersection of Bangs Avenue/Tully Road, and

WHEREAS, the extension of this new water main completes a loop that will provide additional redundancy for North Modesto and comply with a recommendation in the Water Master Plan for this segment to be installed, and

WHEREAS, bids were advertised on December 22, 2020, and were publicly opened on January 26, 2021, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Preston Pipelines Infrastructure, Inc., Milpitas, CA, was the lowest responsive bidder, and

WHEREAS, on March 2, 2021, by Resolution No. 2021-080, Council awarded a contract to Preston Pipelines Infrastructure, Inc., Milpitas, CA, for the construction of the

Bangs Avenue–Tully Road Sewer & Water Main Improvement project in the amount of $1,284,896 plus $321,224 for contingency (if needed) for a total amount not to exceed $1,606,120. The contractor received the Notice to Proceed with a first working day of March 15, 2021. The last working day for Preston Pipelines Infrastructure, Inc., was on June 11, 2021, and

WHEREAS, the total project costs were $1,587,713 which included design, construction, and construction administration costs. The total project amount originally budgeted was $1,836,704 which included $1,284,896 for the construction contract and $321,225 for construction contingency, 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 8% ($102,792) of the original contract price. However, staff requested to increase the contract change order authority to 25% ($321,224) and Council authorized the increase by Resolution No. 2021-181, and

WHEREAS, there were seven change orders on this project with an overall increase of $176,717, 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 Bangs Avenue-Tully Road Sewer & Water Main Improvements project is hereby accepted as complete from contractor, Preston Pipelines Infrastructure, Inc., Milpitas, 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 $1,461,613.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-469

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE HIGH VOLTAGE IMPROVEMENTS AT SUTTER WASTEWATER TREATMENT PLANT (WWTP) PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH CLYDE G. STEAGALL INC, OF LOOMIS, CA, IN THE AMOUNT OF $302,500 PLUS $45,375 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $347,875 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, MID informed the City of Modesto of concerns regarding electrical protection at the Sutter Wastewater Treatment Plant, and

WHEREAS, the current electrical protection at the Sutter WWTP is provided by fuses, which causes improper coordination and service interruptions to neighboring MID customers located downstream, and

WHEREAS, in order to avoid interruption of service to MID customers, as well damage to the Sutter WWTP equipment, improvements to the electrical system are necessary and required, and

WHEREAS, the project was advertised for bids on August 24th, 2021, and

WHERAS, on September 28th, 2021, pursuant to City Charter Section 1307, six bids were received and Clyde G. Steagall Inc, of Loomis, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, the Director of Utilities has recommended that the bid of $302,500 received from Clyde G. Steagall Inc, of Loomis, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to Clyde G. Steagall Inc, of Loomis, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the construction documents for the High Voltage Improvements at Sutter WWTP Project and accepts the bid of $302,500 plus $45,375 for contingency (if needed) for a total amount not to exceed $347,875 and Clyde G. Steagall Inc, of Loomis, CA, the contract for the High Voltage Improvements at Sutter WWTP Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-470

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE HIGH VOLTAGE IMPROVEMENTS AT SUTTER WWTP PROJECT FROM 10% ($30,250) TO 15% ($45,375) OF THE CONSTRUCTION CONTRACT PRICE OF $302,500 WITH CLYDE G. STEAGALL INC, OF LOOMIS, CA

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 budget of 10% for projects with construction amounts equal to and below $1 Million, and

WHEREAS, given the nature of this project being located at a critical facility, as well as due to the construction constrains and unknown conditions, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 10% ($30,250) of the contract amount of $302,500, and

WHEREAS, staff is requesting authorization to increase the contract change order amount to 15% ($45,375) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for High Voltage Improvements at Sutter WWTP from 10% ($30,250) to 15% ($45,375) of the construction contract price of $302,500 with Clyde G. Steagall Inc, of Loomis, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-471

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $414,425 TO BE TRANSFERRED INTO THE PROJECT FROM THE WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE HIGH VOLTAGE IMPROVEMENTS AT SUTTER WWTP PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $414,425, in order to fully fund the construction, contingency, construction administration and design support during construction for the High Voltage Improvements at Sutter WWTP Project, and

WHEREAS, the Fiscal Year 2021-2022 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-2022 Capital Improvement Program Budget in the amount of $414,425 to be transferred into the project from Wastewater Reserves.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-472

RESOLUTION ACCEPTING THE RIVER TRUNK EMERGENCY REPAIR AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES AND AUTHORIZE PAYMENTS TOTALING $197,995 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CALIFORNIA

WHEREAS, Wastewater Collections discovered a collapsed section of the River Trunk on October 25, 2021 following a significant rain event, and

WHEREAS, this is one of the City's main sewer trunk lines that conveys domestic wastewater to the Sutter Plant, and

WHEREAS, City staff initiated an expedited process to secure a Contractor to perform the repair, and

WHEREAS, Section 8-3.102(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the River Trunk required urgent repair in order to prevent sanitary sewer overflows, to protect the public from potential harms, as well as provide continued service, and

WHEREAS, the River Trunk Emergency Repair has been completed by Rolfe Construction Company of Atwater.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the River Trunk Emergency Repair are hereby accepted as complete from said contractor, Rolfe Construction Company of Atwater, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $197,995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-473

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE GRAYSON WELL 69 (REPLACING WELL 274) PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH W.M. LYLES CO., OF FRESNO, CA, IN THE AMOUNT OF $2,683,800 PLUS $268,380 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $2,952,180 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Grayson water service area was acquired from the Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system. The City now operates and maintains two wells and storage tank No. 9 in the outlying service area of Grayson. Elevated nitrate concentrations have been a problem at Well 274, and the water requires treatment for nitrate removal at the Well 295/Tank 9 site. A feasibility study completed in January 2015, addressed nitrate concentrations in Well 274 and recommended a replacement well, because the current well is relatively shallow and was installed in 1967, and

WHEREAS, on November 24, 2015, by Resolution No. 2015-454, Council accepted a 9,945 square foot site from Stanislaus County, expanding the Well 274 site in order to drill a replacement well, and

WHEREAS, on January 10, 2017, by Resolution No. 2017-18, Council approved an agreement with Hazen and Sawyer to provide hydrogeological and design services for Grayson Replacement Well 274, and

WHEREAS, pipe replacement is necessary to reduce maintenance cost and provide a more reliable sewer system, and

WHEREAS, this portion of the project will construct the remaining above-ground portion of the Grayson Well 69, and

WHEREAS, the project was advertised for bids on August 24th, 2021, and

WHEREAS, on September 14th, 2021, pursuant to City Charter Section 1307, four bids were received and W.M. Lyles Co., of Fresno, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,683,800 received from W.M. Lyles Co., of Fresno, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to W.M. Lyles Co., of Fresno, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the construction documents for the Grayson Well 69 (Replacing Well 274) Project and accepts the bid of $2,683,800 plus $268,380 for contingency (if needed) for a total amount not to exceed $2,952,180 and W.M. Lyles Co., of Fresno, CA, the contract for the Grayson Well 69 (Replacing Well 274) Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-474

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WELL 69 (REPLACING WELL 274) PROJECT FROM 8% ($214,704) TO 10% ($268,380) OF THE CONSTRUCTION CONTRACT PRICE OF $2,683,800 WITH W.M. LYLES, OF FRESNO, CA

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 budget of 8% for projects with construction amounts equal to and below $10 Million, and

WHEREAS, given the nature of this project being located at a critical facility, as well as due to the construction constrains and unknown conditions of underlying materials, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($214,704) of the contract amount of $2,683,800, and

WHEREAS, staff is requesting authorization to increase the contract change order amount to 10% ($268,380) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Grayson Well 69 (Replacing Well 274) Project from 8% ($214,704) to 10% ($268,380) of the construction contract price of $2,683,800 with W.M. Lyles Co., of Fresno, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-475

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,017,828 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE GRAYSON WELL 69 (REPLACING WELL 274) PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $1,017,828, in order to fully fund the construction, contingency, construction administration and design support during construction for the Grayson Well 69 (Replacing Well 274) Project, and

WHEREAS, the Fiscal Year 2021-2022 Capital Improvement Program Budget must be amended;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-2022 Capital Improvement Program Budget in the amount of $1,017,828 to be transferred into the project from Water Reserves.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-476

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE TANK 5 AND 12 RECOAT AND REPAIRS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH CAL SIERRA CONSTRUCTION, INC., OF CARMICHAEL, CA, IN THE AMOUNT OF $1,692,500, PLUS $423,125 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $2,115,625 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City currently owns and operates nine water storage tanks throughout the water system of Modesto and one water storage tank in the water system of Grayson. As part of an ongoing maintenance program to extend the lifespan of the steel tanks, an inspection is required by the State Board, Division of Drinking Water, per Title 22 of the California Code of Regulations. Inspections typically are completed on the first year of the coating application and every ten years thereafter, and

WHEREAS, on September 26, 2017, by Resolution No. 2017-270, Council approved an agreement with Tank Industry Consultants (TIC), Indianapolis, IN, for tank inspection and evaluation services for the City's existing Steel Water Storage Tanks, and

WHEREAS, dive inspections and evaluations were completed by TIC for Tanks 4, 5, 6, 7, 8, 9 and 12. Inspections and evaluations reported early signs of rust and or coating issues. TIC provided lists of recommendations and engineer's estimates of the recommended improvements for staff to use to establish Capital Improvement Program (CIP) Projects, and

WHEREAS, Tank 5, built in 1993, is located at 2400 Merle Avenue, Modesto, CA and is approximately 1.3 million gallons in size. The scope includes modifications,

structural repairs, and the preparation and recoating of the interior and exterior of Tank 5, and

WHEREAS, Tank 12, built in 2009, is located at 2616 Elm Way, Modesto, CA and is approximately 4 million gallons in size. The scope is similar to Tank 5 and includes modifications, structural repairs, and the preparation and recoating of the interior and exterior of Tank 12, and

WHEREAS, initially Tank 5 and Tank 12 projects were to be bid separately. The Tank 12 project was advertised for bids on October 13, 2020, and bids were publicly opened on November 10, 2020, pursuant to City Charter Section 1307, and seven bids were received, and

WHEREAS, on January 26, 2021, by Resolution 2021-018, Council approved rejecting all bids for the Tank 5 and 12 Recoat and Repairs Project and authorizing staff to re-advertise the project for bids at a future date, and

WHEREAS, staff has since determined that the City could benefit from economy of scale by bidding both projects together. As part of the Fiscal Year 2021-2022 annual CIP budget approval process, staff proposed the project "Tank 5 and 12 Recoat and Repairs" (CIP 101334), and

WHEREAS, the project was advertised for bids on August 31st, 2021, and

WHEREAS, on September 28th, 2021, pursuant to City Charter Section 1307, four bids were received and Cal Sierra Construction Inc., of Carmichael, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, the Director of Utilities has recommended that the bid of $1,692,500 received from Cal Sierra Construction Inc., of Carmichael, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to Cal Sierra Construction Inc., of Carmichael, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the construction documents for the Tank 5 and 12 Recoat and Repairs Project and accepts the bid of $1,692,500 plus $423,125 for contingency (if needed) for a total amount not to exceed $2,115,625 and Cal Sierra Construction Inc., of Carmichael, CA, the contract for the Tank 5 and 12 Recoat and Repairs Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-477

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE TANK 5 AND 12 RECOAT AND REPAIRS PROJECT FROM 8% ($135,400) TO 25% ($423,125) OF THE CONSTRUCTION CONTRACT PRICE OF $1,692,500 WITH CAL SIERRA CONSTRUCTION, INC., OF CARMICHAEL, CA

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 budget of 8% for projects with construction amounts equal to and below $10 Million, and

WHEREAS, given the nature of this project being located at critical facilities, as well as due to the construction constrains and unknown conditions of underlying materials, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 8% ($135,400) of the contract amount of $1,692,500, and

WHEREAS, when construction begins, the tanks are fully drained and sandblasted to bare metal, which could require a change in the materials used for the recoating if the repairs are more than expected, and

WHEREAS, staff is requesting authorization to increase the contract change order amount to 25% ($423,125) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Tank 5 and 12 Recoat and Repairs Project from 8% ($135,400) to 25% ($423,125) of the construction contract price of $1,692,500 with Cal Sierra, Inc., of Carmichael, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-478

RESOLUTION APPROVING THE WASTEWATER ENGINEER'S REPORT UPDATE PREPARED BY CAROLLO ENGINEERS, INC. AS COMPLETE

WHEREAS, on December 8, 2020, by Resolution No. 2020-523 Council approved an agreement with Carollo Engineers, Inc. for the preparation of the Wastewater Engineer's Report Update, and

WHEREAS, the Wastewater Engineer's Report Update is now complete.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Wastewater Engineer's Report Update prepared by Carollo Engineers, Inc. as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-479

RESOLUTION APPROVING THE SEWER RATE AND FEE STUDY PREPARED BY BARTLE WELLS ASSOCIATES AS COMPLETE

WHEREAS, on December 8, 2020, by Resolution No. 2020-522 Council approved an agreement with Bartle Wells Associates for the preparation of the Sewer Rate and Fee Study, and

WHEREAS, the Sewer Rate and Fee Study is now complete.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sewer Rate and Fee Study prepared by Bartle Wells Associates as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-480

RESOLUTION AUTHORIZING STAFF TO INITIATE A PROPOSITION 218 PROCESS TO ADJUST THE CITY'S SEWER RATES BEGINNING IN FISCAL YEAR 2022-23 THROUGH FISCAL YEAR 2026-27

WHEREAS, on December 8, 2020, by Resolution No. 2020-522 Council approved an agreement with Bartle Wells Associates for the preparation of the Sewer Rate and Fee Study, and

WHEREAS, the Sewer Rate and Fee Study is now complete, and

WHEREAS, Proposition 218, the "Right to Vote on Taxes Act", was approved by California voters in November 1996 and is codified as Articles XIIIC and XIIID of the California Constitution, and

WHEREAS, Proposition 218 establishes requirements for imposing any new or increasing any existing property-related fees and charges, and

WHEREAS, the City's wastewater utility relies almost entirely on customer revenues to sustain its operations, and

WHEREAS, the proposed increases will generate revenue to fund system operational and infrastructure needs identified in the Wastewater Master Plan Updates, and to continue to provide reliable and high-quality wastewater services, and

WHEREAS, the proposed increases will allow the City to maintain its current debt service coverage ratio of over 1.50, which is essential to maintain a strong credit rating and financial health of the Wastewater Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in Fiscal Year 2022-23 through Fiscal Year 2026-27.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-481

RESOLUTION APPOINTING JOSE VASQUEZ TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2026

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

WHEREAS, Planning Commissioner Dennis Smith's second term will be coming to an end on January 1, 2022, leaving a vacancy on the Planning Commission, and

WHEREAS, the Appointments Committee met on November 17, 2021, and recommended the appointment of Jose Vasquez to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it herby appoints Jose Vasquez to the City of Modesto Planning Commission, each with a term expiration of January 1, 2026.

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 14th day of December, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-482

RESOLUTION APPOINTING MICHELLE BUER TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION, WITH A TERM EXPIRATION OF JANUARY 1, 2026

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, Commissioner Matthew Lippert's second term will come to an end on January 1, 2021, leaving a vacancy on the Commission; and

WHEREAS, the Appointments Committee met on November 3, 2021; and recommended appointment of Michelle Buer to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Michelle Buer to the Modesto Landmark Preservation Commission, with a term expiration of January 1, 2026.

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 Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Ricci, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-483

RESOLUTION REAPPOINTING NARAMSEN GORIEL AND APPOINTING MARSHALL RIDDLE TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2026

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, Naramsen Goriel was appointed to the Modesto Board of Zoning Adjustment on December 5, 2017, by Council Resolution No. 2017-481, to a four-year term set to expire on January 1, 2022; and

WHEREAS, Naramsen Goriel is eligible for a second, four-year term; and

WHEREAS, Board Member David Roddick formally resigned from the Board of Zoning Adjustment, effective April 13, 2021, due to relocating outside the jurisdiction of the City, which left a vacancy on the board; and

WHEREAS, the Appointments Committee met on November 17, 2021, and recommended the reappointment of Naramsen Goriel and the appointment of Marshall Riddle 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 Naramsen Goriel and appoints Marshall Riddle to the Modesto Board of Zoning Adjustment, each with a term expiration of January 1, 2026.

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 14th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-484

RESOLUTION CONTINUING TO AUTHORIZE REMOTE TELECONFERENCE MEETINGS OF THE CITY OF MODESTO PURSUANT TO ASSEMBLY BILL 361

WHEREAS, the City of Modesto (the "City") is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 19, 2020, the City Council adopted Resolution Number 2020-140, ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, repealed the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which allows for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or, that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 28, 2021, the City Council adopted Resolution No. 2021-370 authorizing remote teleconference meetings pursuant to AB361 (Government Code section 54953(e)); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and whether State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, on November 15, 2021, the Health Officer of the County of Stanislaus reiterated her recommendation that "[i]ncreasing distance during meetings and indoor gatherings to six feet or more can help stop the spread" of COVID-19; and

WHEREAS, the City Council, acting for itself and for the benefit of all of the City's commissions, committees, and other bodies (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2) as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Consideration of State of Emergency. The City Council has considered the conditions of the state of emergency declared pursuant to Government Code section 8625, and determined that such emergency conditions continue to be present in the City.

Section 3. Continued Social Distancing Measures by State and Local Officials. The City Council finds that the County of Stanislaus Health Officer's recommended measures to promote social distancing remain in effect.

Section 4. Remote Teleconference Meetings. The City Council finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-485

RESOLUTION APPROVING THE NEIGHBORHOOD TRAFFIC CALMING PROGRAM AND RESCINDING RESOLUTION 92-492

WHEREAS, on September 1, 1992, by Resolution No. 92-492, Council adopted a Speed Hump Policy, and

WHEREAS, on November 5, 2019, by Resolution No. 2019-503, Council accepted a 5-Year Measure L Plan, prepared to identify, evaluate and prioritize the City's Measure L local funded projects for FY 2019-20 through 2023-24, and

WHEREAS, the 5-Year Measure L Plan includes a Neighborhood Traffic Calming Program Project, and

WHEREAS, a Neighborhood Traffic Calming Program has been developed with the goal of improving safety and the quality of life for residents by reducing the impacts of speeding vehicles, cut-through traffic and careless drivers in residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Neighborhood Traffic Calming Program.

BE IT FURTHER RESOVLED, that the Council of the City of Modesto hereby rescinds Resolution No. 92-492, which created the City's current Speed Hump Policy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-486

RESOLUTION APPROVING A PERMANENT LOCAL HOUSING ALLOCATION LOAN IN THE AMOUNT OF $500,000 TO THE STANISLAUS REGIONAL HOUSING AUTHORITY FOR THE VINE STREET AFFORDABLE HOUSING PROJECT, $50,000 FOR STAFF ACTIVITY DELIVERY COSTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE NECESSARY AGREEMENT

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2 (SB 2), known as the Building Homes and Jobs Act (Act), which established a $75 recording fee on real estate documents to increase the supply of affordable housing and the Act established the Permanent Local Housing Allocation (PLHA) Program administered by the California Department of Housing and Community Development (HCD), and

WHEREAS, the PLHA Program provides a permanent source of funding to cities and counties to help meet the unmet need for affordable housing and increase the supply of affordable housing units, and

WHEREAS, on July 14, 2020 by Resolution number 2020-318, the City of Modesto adopted the five-year PLHA Plan, and

WHEREAS, on November 6, 2018 by Resolution number 2018-489, the City of Modesto awarded $280,000 in Community Development Block Grant (CDBG) to the Stanislaus Regional Housing Authority for the acquisition of property located on Vine street (APN: 030-010-042), between the Helen White Trail to the west, and S. Martin Luther King Dr to the east, for the future development of 35 affordable housing units, and

WHEREAS, since the acquisition of the property in 2019, the Stanislaus Regional Housing Authority has been further developing the scope of the project and securing

funding in partnership with Stanislaus Behavior Health and Recovery Services (BHRS) – No Place Like Home funds and F&M Bank, and

WHEREAS, will result in 2 separate housing complexes and incidental Vine Street related infrastructure improvements, and

WHEREAS, King Kennedy Veterans Cottages will be a gated development will consist of Twenty-Three (23) 580 sq. ft. one-bedroom detached units with stove, refrigerator, dishwasher, microwave, and laundry unit. As well as one management unit, and

WHEREAS, this development will be a permanent supportive housing complex for veterans with incomes below 50-80% area median income (AMI), and

WHEREAS, Helen White Court will be a gated development will consist of Twelve (12) units available to low-income seniors, and

WHEREAS, these proposed 1 bedroom and 1 bath approximately 650 to 700 sq. ft. attached units that the center of the complex would be the court yard with a large naturalized garden area utilizing boulders and cobblestone to create a rustic setting, and

WHEREAS, Vine Street is not currently a City road since the road was never fully constructed to City's General Plan Standards, and

WHEREAS, as a condition of approval through the City's Planning approval process, the Stanislaus Regional Housing Authority will be responsible for curb, sidewalk, gutter and pavement repairs from South Martin Luther King Drive to the concrete wall at the end of Vine Street that brings road up to City Standard creating a safe space that will support the increase in residential density, and.

WHEREAS, the City desires to provide the Housing Authority with a loan of $500,000 in PLHA funds, and the term of the loan will be 55 years, with 3% simple interest, and all payments deferred until the end of the term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Permanent Local Housing Allocation loan in the amount of $500,000 to the Stanislaus Regional Housing Authority for the Vine Street affordable housing project, $50,000 for staff activity delivery costs.

BE IT FURTHER RESOLVED that the City Manager, or his designee, to authorizing the City Manager or his designee to execute the loan agreement with such changes as determined by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-487

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 MULTI-YEAR FUND BUDGET TO TRANSFER $550,000 FROM FUND (1120) – GRANTS – PLHA PROGRAM TO VINE STREET PROJECT (101185) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto applying to receive entitlement funding from the State of California Housing and Community Development Department (HCD) based on its entitlement status of the U.S. Department of Housing and Urban Development Community Development Block Grant Program, and

WHEREAS, the fiscal year 2021-2022 Multi-Year budget must be amended as outlined in **Exhibit A**, and

WHEREAS, the Program will be funded approximately $5,818,482 over the next five-years for eligible PLHA Program Activities and Administration, and

WHEREAS, these funds are allocated through the 302(C)(4) Plan which is approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto Resolution amending the fiscal year 2021-2022 multi-year fund budget to transfer $550,000 from fund (1120) – Grants – PLHA Program to Vine Street project (101185).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

THIS AFFORDABLE HOUSING LOAN AGREEMENT (this "**Agreement**") is entered into effective as of _____, 2022 (the "**Effective Date**") by and between the City of Modesto, a California charter city ("**City**") and Housing Authority of the County of Stanislaus, a public body corporate and politic ("**Developer**"). City and Developer are hereinafter collectively referred to as the "**Parties**."

RECITALS

A. The City has received funding from the California Department of Housing and Community Development ("HCD") under the Permanent Local Housing Allocation ("PLHA") program.

B. On July 14, 2020, by Resolution number 2020-318, the City Council of the City of Modesto adopted the City's five-year PLHA Plan. The Plan identifies that the City will use the PLHA funds to expand and enhance the access to and number of affordable housing units within the City.

C. Developer owns that certain real property located on Vine Street, between the Helen white Trail to the west and S. Martin Luther King Drive to the east, in the City of Modesto, California, also known as Stanislaus County Assessor Parcel Number 030-010-042, as further described in Exhibit A, attached hereto and incorporated herein (the "Property").

D. Developer intents to construct 35 residential units on the Property (the "Project"). The Project will consist to two parts. One portion of the Project will consist of twenty-three (23) one-bedroom detached units, including one manager's unit ("King Kennedy Veterans Cottages"). The King Kennedy Veterans Cottages will be reserved for veterans. The second portion of the Development will consist of twelve (12) one-bedroom attached units (the "Helen White Court"). Helen White Court will be reserved for seniors.

E. All units in the Project, except for one manager's unit in the King Kennedy Veterans Cottages, are proposed to serve households with incomes that are between fifty percent (50%) and eighty percent (80%) of the Area Median Income for Stanislaus County.

F. The Developer has requested, and the City has agreed to provide the Developer with a loan of Five Hundred Thousand Dollars ($500,000) in PLHA funds (the "Loan"). The Loan shall be for a term of fifty-five (55) years, accruing three percent (3%) simple annual interest. Interest on the Loan shall be deferred until the end of the term of the Loan.

G. The purpose of this Agreement is to establish the terms conditions for advancing the Loan to Developer and, among other things, require mechanisms to secure the City's financial interest in the Project.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

ARTICLE I

DEFINITIONS

1. Definitions. The following terms shall have the meanings set forth in the Sections referenced below whenever used in this Agreement and the Exhibits attached hereto. Additional terms are defined in the Recitals and text of this Agreement.

1.1 "**Claims**" is defined in Section 8.2.

1.2 "**Deed of Trust**" is defined in Section 3.1.

1.3 "**Environmental Laws**" is defined in Section 8.4.

1.4 "**Hazardous Materials**" is defined in Section 8.3.

1.5 "**Indemnitees**" is defined in Section 8.2.

1.6 "**Note**" is defined in Section 3.1.

1.7 "**Project**" is defined in Recital C and in Section 4.1.

1.8 "**Property**" is defined in Recital C.

1.9 "**City Documents**" is defined in Section 2.3.

ARTICLE II

REPRESENTATIONS; EFFECTIVE DATE

2.1 Developer's Representations. Developer represents and warrants to City as follows, and Developer covenants that until the expiration or earlier termination of this Agreement, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 2.1 not to be true, Developer shall immediately give written notice of such fact or condition to City. Developer acknowledges that City shall rely upon Developer's representations made herein notwithstanding any investigation made by or on behalf of City.

(i) Authority. The Developer is a duly organized California public body corporate and politic validly existing and in good standing under the laws of the State of California and has the power and authority to own the Property and carry on its business as now being conducted. Developer has the full right, power and authority to undertake all obligations of Developer as provided herein, and the execution, performance and delivery of this Agreement by

Developer has been duly authorized by all requisite actions. The persons executing this Agreement on behalf of Developer have been duly authorized to do so. This Agreement and the other City Documents constitute valid and binding obligations of Developer.

(ii) No Conflict. Developer's execution, delivery and performance of its obligations under this Agreement will not constitute a default or a breach under any contract, agreement or order to which Developer is a party or by which it is bound.

(iii) No Litigation or Other Proceeding. No litigation or other proceeding (whether administrative or otherwise) is outstanding or has been threatened which would prevent, hinder or delay the ability of Developer to perform its obligations under this Agreement.

(iv) No Developer Bankruptcy. Developer is not the subject of a bankruptcy or insolvency proceeding.

2.2 Effective Date. The obligations of Developer and City hereunder shall be effective as of the Effective Date set forth in the preamble to this Agreement.

2.3 Execution and Delivery of Documents. Developer shall execute, acknowledge as required, and deliver to City or deposit into escrow this Agreement and all other documents required in connection with the transactions contemplated by this Agreement, including without limitation the Note, the Deed of Trust, and the Regulatory Agreement (defined below), all of the foregoing identified hereinafter as the "**City Documents**."

ARTICLE III

CITY FINANCIAL ASSISTANCE

3.1 Loan. In order to assist Developer to develop the Project, City agrees to provide a Loan to Developer in the principal amount of Five Hundred Thousand Dollars ($500,000). The Loan shall be evidenced by a secured promissory note dated as of the Effective Date and executed by Developer substantially in the form attached hereto as Exhibit B (the "**Note**") in the amount of the Loan, upon the terms and conditions and for the purposes set forth in this Agreement. Developer's obligations pursuant to this Agreement will be secured by a Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing to be executed by Developer as Trustor for the benefit of City, substantially in the form attached hereto as Exhibit C (the "**Deed of Trust**") and recorded against the Property to secure repayment of the Loan. The Deed of Trust will be recorded against the Property subordinate only to such liens and encumbrances as City shall approve in writing, pursuant to Section 3.6.

Provided that Developer has complied with all conditions precedent to disbursement of the Loan set forth in Section 3.3, the proceeds of the Loan ("**Loan Proceeds**") shall be disbursed in accordance with Section 3.2 hereof.

3.2 Use and Disbursement of Proceeds. The Loan Proceeds shall be used solely to develop the Project. Upon satisfaction of the conditions set forth in Section 3.3, City shall

deposit the Loan Proceeds into escrow for development of the Project, or to such other fund reasonably acceptable to the City.

3.3 Conditions to Disbursement of Loan Proceeds. City's obligation to provide the Loan and disburse the Loan Proceeds is conditioned upon the satisfaction of all of the following conditions:

(a) Developer's execution and delivery to City of this Agreement, the Note, the Deed of Trust, and the Regulatory Agreement;

(b) Recordation of this Agreement, the Deed of Trust, and the Regulatory Agreement in the Official Records of Stanislaus County (the "**Official Records**");

(c) The closing and loan of financing in an amount which together with the Loan Proceeds will be sufficient to fully finance the development of the Project;

(d) The issuance by an insurer satisfactory to City of an A.L.T.A. lender's policy of title insurance ("**Title Policy**") for the benefit of City in the amount of the Loan, insuring that the lien of the Deed of Trust is subject only to those defects, liens, conditions, encumbrances, restrictions, easements and exceptions as City may approve in writing ("**Permitted Exceptions**") and containing such endorsements as City may reasonably require, with the cost of such Title Policy to be paid by Developer;

(e) Developer's delivery to the City of evidence of property and liability insurance coverage in accordance with the requirements set forth herein;

(f) Developer's delivery to City of each of the following a certified resolution indicating that Developer has authorized this transaction and that the persons executing the City Documents on behalf of Developer have been duly authorized to do so;

(g) Developer's delivery to City of detailed Project plans, consistent with the Project representations made to the City in furtherance of this Loan, and City's approval of same. The City shall have the right to waive any changes in Project plans that it deems appropriate as well as the right to reject any changes that it deems inappropriate;

(h) Developer's delivery, and City's approval, which approval shall not be unreasonably withheld, conditioned or delayed of time frames for: (i) submittal of a full entitlement application for the Project; (ii) commencement of construction of the Project; and (iii) completion of the Project for issuance of a Certificate of Occupancy;

(i) Developer's delivery to City of a Financing Plan for the full development, construction and operation of the Project, satisfactory to City and updated as requested by City; and,

(j) Developer's delivery to City of evidence satisfactory to the City that Developer has obtained all required Project construction financing.

3.4 No Obligation to Disburse Proceeds Upon Default. Notwithstanding any other provision of this Agreement, the City shall have no obligation to disburse or authorize the disbursement of any portion of the Loan Proceeds following:

(i) the failure of any of Developer's representations and warranties made in this Agreement or in connection with the Loan to be true and correct in all material respects when made;

(ii) the termination of this Agreement by mutual agreement of the Parties;

(iii) the failure of Developer to satisfy the conditions to disbursement of the Loan set forth in Section 3.3 within twelve (12) months following the Effective Date unless an extension of such date is approved by City in writing; or

(iv) the occurrence of an Event of Default which remains uncured beyond any applicable cure period.

3.5 Interest Rate; Payment Dates; Maturity Date. The outstanding principal balance of the Note will accrue interest annually at a rate of three percent (3%) simple interest. The entire outstanding principal balance of the Loan and all accrued interest shall be payable in full on the fifty-fifth (55^{th}) anniversary of the date the Loan Proceeds are disbursed, but in no case later than the fifty-seventh (57^{th}) anniversary of the date the Regulatory Agreement is recorded against the Property. Notwithstanding the foregoing, the City shall have the right to accelerate the maturity date and declare all sums payable under the Note upon the occurrence of (i) an Event of Default; (ii) the sale or other Transfer of the Property or any portion thereof (other than as permitted or approved pursuant to Article VI); or (iii) the recapitalization of the Project, other than as permitted or approved by the City.

3.6 Security; Subordination. As security for repayment of the Note, Developer shall execute the Deed of Trust in favor of City as beneficiary pursuant to which City shall be provided a lien against Developer's interest in the Property and the Project. The Deed of Trust may be subordinated only to Permitted Exceptions and such liens and encumbrances as City shall approve in writing. The City agrees that it will not withhold consent to reasonable requests for subordination of this Agreement to deeds of trust provided for the benefit of lenders in a City-approved Financing Plan, provided that the instruments effecting such subordination include reasonable protections for the City in the event of default, including without limitation, extended notice and cure rights. Developer acknowledges that the Deed of Trust secures Developer's performance of Developer's obligations pursuant to this Agreement and the Regulatory Agreement which may survive repayment of the Note, and the Deed of Trust shall not be reconveyed prior to Developer's satisfaction of such obligations.

3.7 Prepayment. Developer shall have the right to prepay the Loan at any time and from time to time, without penalty or premium.

ARTICLE IV

USE OF THE PROPERTY

4.1 Use Restrictions. Developer hereby covenants and agrees, for itself and its successors and assigns, that the Property shall be used solely for the construction and operation of the Project, which shall consist of twenty-three (23) one bedroom detached units twelve (12) one-bedroom attached units. Thirty-four (34) of the units will be reserved for occupancy by households with incomes that are between fifty percent (50%) and eighty percent (80%) of the Area Median Income for Stanislaus County, and one (1) unit will be an unrestricted manager's unit, in accordance with the terms and conditions of this Agreement and an Affordable Housing Regulatory Agreement and Declaration of Restrictive Covenants which the City and Developer shall execute substantially in the form attached hereto as Exhibit D ("Regulatory Agreement") concurrently with the execution of this Agreement, and which shall be recorded in the Official Records. Developer represents and warrants that it has not entered into any agreement that would restrict or compromise its ability to comply with the restrictions set forth in this Agreement, and Developer covenants that it shall not enter into any agreement that is inconsistent with such restrictions without the express written consent of City.

4.2 Occupancy Requirements. For a term of fifty-five (55) years commencing upon the issuance of a Final Certificate of Occupancy for the Project, the Project shall be dedicated for use as affordable rental housing as described in Section 4.1.

4.3 Reports; Inspections. On an annual basis, Developer shall submit a written report ("Annual Report") to the City in a form satisfactory to City. The Annual Report shall, at a minimum, include the following information: (i) total number of Project residents, and (ii) resident income.

Upon not less than forty-eight (48) hours advance notice to Developer or Developer's management agent, Developer shall permit City representatives to enter and inspect the Property and the Project during reasonable business hours in order to monitor compliance with this Agreement.

4.4 Management Responsibilities. Developer shall be responsible for all management functions with respect to the Property and the Project, including without limitation client intake, property maintenance, landscaping, routine and extraordinary repairs, replacement of capital items, and security. City shall have no responsibility for management or maintenance of the Property or the Project.

4.5 Management Entity. City shall have the right to review and approve the qualifications of any management entity proposed by Developer for the Project which approval shall not be unreasonably withheld, conditioned or delayed. The contracting of management services to a management entity shall not relieve Developer of its primary responsibility for proper performance of management duties. City hereby approves Developer as the initial management entity for the Project.

4.6 Maintenance. Developer shall at its own expense, maintain the Property, the improvements located thereon (the "**Improvements**") and related landscaping and common

areas in good physical condition, in good repair, and in decent, safe, sanitary, habitable and tenantable living conditions in conformity with all applicable state, federal, and local laws, ordinances, codes, and regulations. Without limiting the foregoing, Developer agrees to maintain the Project and the Property (including without limitation, the residence, common areas, landscaping, driveways, parking garage and walkways) in a condition free of all waste, nuisance, debris, unmaintained landscaping, graffiti, disrepair, abandoned vehicles/appliances, and illegal activity, and shall take all reasonable steps to prevent the same from occurring on the Property. Developer shall prevent and/or rectify any physical deterioration of the Property and the Project and shall make all repairs, renewals and replacements necessary to keep the Property and the improvements located thereon in good condition and repair. Developer shall provide adequate security services for occupants of the Project.

4.6.1 City's Right to Perform Maintenance. In the event that Developer breaches any of the covenants contained in Section 4.6, and such default continues for a period of ten (10) days after written notice from City (with respect to graffiti, debris, and waste material) or thirty (30) days after written notice from City (with respect to landscaping, building improvements and general maintenance), then City, in addition to any other remedy it may have under this Agreement or at law or in equity, shall have the right, but not the obligation, to enter upon the Property and perform all acts and work necessary to protect, maintain, and preserve the improvements and the landscaped areas on the Property. All costs expended by City in connection with the foregoing, shall constitute an indebtedness secured by the Deed of Trust, and shall be paid by Developer to City upon demand. All such sums remaining unpaid thirty (30) days following delivery of City's invoice therefor shall bear interest at the rate of the lesser of 10% per annum or the maximum rate permitted by law.

4.7 Management Plan. Prior to occupancy of the Project, Developer shall submit for City review and approval, a plan for managing the Property and Project ("**Management Plan**") which approval shall not be unreasonably withheld, conditioned or delayed. The Management Plan shall describe the management team, shall address how the Developer and the management entity plan to manage and maintain the Property and the Project, and shall include the proposed management agreement. Developer shall abide by the terms of the Management Plan in managing and maintaining the Property and the Project, and throughout the term of this Agreement, shall submit proposed modifications to City for its review and approval.

4.8 Taxes and Assessments. Developer shall pay all real and personal property taxes, assessments and charges and all franchise, income, payroll, withholding, sales, and other taxes assessed against the Property and payable by Developer, at such times and in such manner as to prevent any penalty from accruing, or any lien or charge from attaching to the Property; provided, however, that Developer shall have the right to contest in good faith, any such taxes, assessments, or charges. In the event the Developer exercises its right to contest any tax, assessment, or charge, the Developer, on final determination of the proceeding or contest, shall immediately pay or discharge any decision or judgment rendered against it, together with all costs, charges and interest.

4.9 Property Damage or Destruction. If any part of the Project is damaged or destroyed, Developer shall repair or restore the same, consistent with the occupancy

requirements set forth in this Agreement. Such work shall be commenced within one hundred twenty (120) days after the damage or loss occurs and shall be completed within one year thereafter, provided that insurance proceeds are available to be applied to such repairs or restoration within such period and the repair or restoration is financially feasible.

4.10 Obligation to Refrain from Discrimination. Developer shall not restrict the rental, sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Property, or any portion thereof, on the basis of race, color, religion, creed, sex, sexual orientation, disability, marital status, ancestry, or national origin of any person. Developer covenants for itself and all persons claiming under or through it, and this Agreement is made and accepted upon and subject to the condition that there shall be no discrimination against or segregation of any person or of a group of persons on account of race, color, religion, creed, sex, sexual orientation, disability, marital status, ancestry, or national origin in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the Property, or any portion thereof, nor shall Developer or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants, or vendees in the property herein transferred. The foregoing provisions shall run with the land, be binding upon any subcontracting parties, successors, assigns and other transferees under this Agreement and shall remain in effect in perpetuity.

4.11 Compliance with Laws. Developer shall carry out and shall cause its contractors to carry out the Project, including but not limited to, any activities for which the Loan is being provided, in conformity with all applicable federal, state and local laws, rules, ordinances and regulations, including without limitation, all applicable federal and state labor laws and standards (including but not limited to, California Labor Code Section 1720 *et seq.* and the regulations adopted pursuant thereto ("**Prevailing Wage Laws**")), applicable provisions of the California Public Contracts Code (if any), Article 34 of the California Constitution, the City zoning and development standards, building, plumbing, mechanical and electrical codes, all other provisions of the City Code, and all applicable disabled and handicapped access requirements, including without limitation, the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., Government Code Section 4450 *et seq*., Government Code Section 11135 *et seq*., and the Unruh Civil Rights Act, Civil Code Section 51 *et seq*.

ARTICLE V

TERM OF AGREEMENT

5.1 Term of Restrictions. This Agreement shall remain in effect through the fifty-fifth (55^{th}) anniversary of issuance of a Final Certificate of Occupancy for the Project, unless sooner terminated by written instrument executed by City.

ARTICLE VI

LIMITATIONS ON CHANGE IN OWNERSHIP, MANAGEMENT AND CONTROL

6.1 Change Pursuant to this Agreement. Developer and its principals have represented that they possess the necessary expertise, skill and ability to own and operate the Project on the Property pursuant to this Agreement. The qualifications, experience, financial capacity and expertise of Developer and its principals are of particular concern to the City. It is because of these qualifications, experience, financial capacity and expertise that the City has entered into this Agreement with Developer. No voluntary or involuntary successor, assignee or transferee of Developer shall acquire any rights or powers under this Agreement, except as expressly provided herein.

6.2 Prohibition on Transfer. Developer shall not, except as expressly permitted by this Agreement, directly or indirectly, voluntarily, involuntarily or by operation of law make or attempt any total or partial sale, transfer, conveyance, assignment or lease (collectively, "**Transfer**") of the whole or any part of the Property, the Project, the improvements, or this Agreement, without the prior written approval of City. Any such attempt to assign this Agreement without the City's consent shall be null and void and shall confer no rights or privileges upon the purported assignee.

6.3 Permitted Transfers. Notwithstanding any contrary provision hereof, the prohibitions set forth in this Article shall not be deemed to prevent: (i) the granting of temporary easements or permits to facilitate development of the Property; (ii) the lease of individual residences in accordance with the Regulatory Agreement to tenants for occupancy as their principal residence; (iii) assignments creating security interests for the purpose of financing the construction or permanent financing of the Project (iv) the dedication of any property required pursuant to this Agreement; (v) a Transfer to an entity which is under the direct control of Developer; (vi) a Transfer of limited partner interests in Developer; (vii) the removal and replacement of a general partner of Developer for cause by its limited partner pursuant to the terms of Developer's Amended and Restated Agreement of Limited Partnership; or (viii) the exercise of rights under that certain Purchase Option and Right of First Refusal Agreement dated on or about the date hereof.

6.4 Requirements for Proposed Transfers. The City may, in the exercise of its sole discretion, consent to a proposed Transfer of this Agreement, the Property or portion thereof if all of the following requirements are met (provided however, the requirements of this Section 6.4 shall not apply to Transfers described in Section 6.3:

(i) The proposed transferee demonstrates to the City's satisfaction that it has the qualifications, experience and financial resources necessary and adequate as may be reasonably determined by the City to competently manage the Project and to otherwise fulfill the obligations undertaken by the Developer under this Agreement.

(ii) The Developer and the proposed transferee shall submit for City review and approval all instruments and other legal documents proposed to effect any Transfer of this Agreement, the Property or interest therein together with such documentation of the proposed transferee's qualifications as the City may reasonably request.

(iii) The proposed transferee shall expressly assume all of the rights and obligations of the Developer under this Agreement and the other City Documents arising after the effective date of the Transfer and all obligations of Developer arising prior to the effective date of the Transfer (unless Developer expressly remains responsible for such obligations) and shall agree to be subject to and assume all of Developer's obligations and restrictions set forth in this Agreement and the other City Documents.

(iv) The Transfer shall be effectuated pursuant to a written instrument satisfactory to the City in form recordable in the Official Records.

Consent to any proposed Transfer may be given by the City Manager unless the City Manager, in his or her discretion, refers the matter of approval to the City Council. If a proposed Transfer has not been approved by City in writing within thirty (30) days following City's receipt of written request by Developer, it shall be deemed rejected.

6.5 Effect of Transfer without City Consent. In the absence of specific written agreement by the City, no Transfer by Developer other than a Transfer that does not require consent of the City pursuant to Section 8 of the Regulatory Agreement shall be deemed to relieve the Developer or any other party from any obligation under this Agreement. Transfer in violation of this Agreement shall constitute an Event of Default permitting the City to exercise its remedies hereunder.

6.6 Recovery of City Costs. Unless City agrees otherwise in writing, Developer shall reimburse City for all City costs, including but not limited to attorneys' fees, incurred in reviewing instruments and other legal documents proposed to effect a Transfer under this Agreement and in reviewing the qualifications and financial resources of a proposed successor, assignee, or transferee within ten (10) days following City's delivery to Developer of an invoice detailing such costs.

ARTICLE VII

SECURITY FINANCING AND RIGHTS OF MORTGAGEES

7.1 Mortgages and Deeds of Trust for Development. Mortgages and deeds of trust, or any other reasonable security instrument are permitted to be placed upon the Property only for the purpose of securing loans approved by the City in writing for the purpose of financing the construction and operation of the Project. Developer shall not enter into any conveyance for such financing without the prior written approval of City Manager or his or her designee. As used herein, the terms "mortgage" and "deed of trust" shall mean any security instrument used in financing real estate acquisition, construction and land development.

7.1.1 Agreement to be Senior to Mortgages. This Agreement shall be recorded in the Official Records. Developer covenants and agrees that unless otherwise agreed upon by City pursuant to a written instrument and including without limitation, the provisions set forth in Section 7.2 below, this Agreement shall be senior in priority to any mortgage, deed of trust, or

other security instrument recorded against the Property, and that if any such instrument has been recorded against the Property prior to recordation of such instruments, Developer shall promptly secure execution of such subordination agreements as may be necessary to ensure that City's interests shall not be defeated as a result of foreclosure of any such instrument.

7.1.2 Encumbrances. Developer agrees to use best efforts to ensure that any deed of trust secured by the Project for the benefit of a lender other than City ("**Third-Party Lender**") shall contain each of the following provisions: (i) Third-Party Lender shall use its best efforts to provide to City a copy of any notice of default issued to Developer concurrently with provision of such notice to Developer (provided however, the failure to do so shall not impair such Third-Party Lender's rights and remedies); (ii) City shall have the reasonable right, but not the obligation, to cure any default by Developer within the same period of time provided to Developer for such cure extended by an additional sixty (60) days; (iii) provided that City has cured any default under Third-Party Lender's deed of trust and other loan documents, City shall have the right to foreclose City's Deed of Trust and take title to the Project without acceleration of Third-Party Lender's debt; and (iv) City shall have the right to transfer the Project without acceleration of Third-Party Lender's debt to a nonprofit corporation or other entity which shall own and operate the Project as a shelter, subject to the prior written consent of the Third-Party Lender. Developer agrees to provide to City a copy of any notice of default Developer receives from any Third-Party Lender within three (3) business days following Developer's receipt thereof.

7.1.3 Mortgagee Protection. No violation of any provision contained herein shall defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value upon all or any portion of the Project or the Property, and the purchaser at any trustee's sale or foreclosure sale shall not be liable for any violation of any provision hereof occurring prior to the acquisition of title by such purchaser. Such purchaser shall be bound by and subject to this Agreement from and after such trustee's sale or foreclosure sale. Promptly upon determining that a violation of this Agreement has occurred, City shall give written notice to the holders of record of any mortgages or deeds of trust encumbering the Project or the Property that such violation has occurred.

7.2 Notice of Default and Right to Cure. Whenever City delivers any notice of default hereunder, City shall concurrently deliver a copy of such notice to each holder of record of any mortgage or deed of trust secured by the Property provided that City has been provided with the address for delivery of such notice. City shall have no liability to any such holder for any failure by the City to provide such notice to such holder. Each such holder shall have the right, but not the obligation, at its option, within sixty (60) days after the receipt of the notice, to cure or remedy any such default or breach. In the event that possession of the Property (or any portion thereof) is required to effectuate such cure or remedy, the holder shall be deemed to have timely cured or remedied the default if it commences the proceedings necessary to obtain possession of the Property within sixty (60) days after receipt of the City's notice, diligently pursues such proceedings to completion, and after obtaining possession, diligently completes such cure or remedy. A holder who chooses to exercise its right to cure or remedy a default or breach shall first notify City of its intent to exercise such right prior to commencing to cure or remedy such default or breach.

7.3 City's Right to Cure Defaults. In the event of a breach or default by Developer under a mortgage or deed of trust secured by the Property, City may cure the default following prior notice thereof to the holder of such instrument and Developer. In such event, Developer shall be liable for, and City shall be entitled to reimbursement from Developer for all costs and expenses incurred by City associated with and attributable to the curing of the default or breach and such sum shall constitute indebtedness secured by the City's Deed of Trust.

7.4 Holder to be Notified. Developer, for itself, its successors and assigns hereby warrants and agrees that each term contained herein dealing with security financing and rights of holders shall be either inserted into the relevant deed of trust or mortgage or acknowledged by the holder prior to its creating any security right or interest in the Property.

7.5 Modifications to Agreement. City shall not unreasonably withhold its consent to modifications of this Agreement requested by Project lenders or investors provided such modifications do not alter City's substantive rights and obligations under this Agreement.

7.6 Estoppel Certificates. Either Party shall, at any time, and from time to time, within thirty (30) days after receipt of written request from the other Party, execute and deliver to such Party a written statement certifying that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties (if such be the case), (ii) this Agreement has not been amended or modified, or if so amended, identifying the amendments, and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, describing the nature of any such defaults.

ARTICLE VIII

ENVIRONMENTAL MATTERS

8.1 No City Liability; Developer's Covenants. City shall not be responsible for the cost of any soil, groundwater or other environmental remediation or other response activities for any Hazardous Materials existing or occurring on the Property or any portion thereof, and Developer shall be solely responsible for all actions and costs associated with any such activities required for the development of the Project, the Property, or any portion thereof. Upon receipt of any notice regarding the presence, release or discharge of Hazardous Materials in, on or under the Property, or any portion thereof, Developer (as long as Developer owns the property which is the subject of such notice) agrees to timely initiate and diligently pursue and complete all appropriate response, remediation and removal actions for the presence, release or discharge of such Hazardous Materials within such deadlines as specified by applicable Environmental Laws. Developer hereby covenants and agrees that:

(1) Developer shall not knowingly permit the Project or the Property or any portion of either to be a site for the use, generation, treatment, manufacture, storage, disposal or transportation of Hazardous Materials or otherwise knowingly permit the presence or release of Hazardous Materials in, on, under, about or from the Project or the Property with the exception of cleaning supplies and other materials customarily used in

construction, rehabilitation, use or maintenance of residential property and used, stored and disposed of in compliance with Hazardous Materials Laws, and

(2) Developer shall keep and maintain the Project and the Property and each portion thereof in compliance with, and shall not cause or permit the Project or the Property or any portion of either to be in violation of, any Hazardous Materials Laws.

8.2 Environmental Indemnification. Developer shall indemnify, defend (with counsel approved by City and hold the City, and its elected and appointed officers, officials, employees, agents, consultants, and contractors (collectively, the "**Indemnitees**") harmless from and against any and all liability, loss, cost, expense (including without limitation attorneys' fees and costs of litigation), claim, demand, action, suit, judicial or administrative proceeding, penalty, deficiency, fine, order, and damage (all of the foregoing collectively "**Claims**") including without limitation any expenses associated with the investigation, assessment, monitoring, response, removal, treatment, abatement or remediation of Hazardous Materials and administrative, enforcement or judicial proceedings resulting, arising, or based directly or indirectly in whole or in part, upon (i) the presence, release, use, generation, discharge, storage or disposal or the alleged presence, release, discharge, storage or disposal of any Hazardous Materials on, under, in or about, or the transportation of any such Hazardous Materials to or from, the Property, or (ii) the failure of Developer, Developer's employees, agents, contractors, subcontractors, or any person acting on behalf of any of the foregoing to comply with Hazardous Materials Laws or the covenants set forth in Section 8.1. The foregoing indemnity shall further apply to any residual contamination in, on, under or about the Property or affecting any natural resources, and to any contamination of any property or natural resources arising in connection with the generation, use, handling, treatment, storage, transport or disposal of any such Hazardous Materials, and irrespective of whether any of such activities were or will be undertaken in accordance with Hazardous Materials Laws. The provisions of this Section 8.2 shall survive the expiration or earlier termination of this Agreement.

8.2.1 No Limitation. Developer hereby acknowledges and agrees that Developer's duties, obligations and liabilities under this Agreement, including, without limitation, under Section 8.2 above, are in no way limited or otherwise affected by any information the City may have concerning the Property and/or the presence in, on, under or about the Property of any Hazardous Materials, whether the City obtained such information from the Developer or from its own investigations. It is further agreed that City does not and shall not waive any rights against Developer that they may have by reason of this indemnity and hold harmless agreement because of the acceptance by City, or the deposit with City by Developer, of any of the insurance policies described in this Agreement.

8.3 Hazardous Materials. As used herein, the term **"Hazardous Materials"** means any substance, material or waste which is or becomes regulated by any federal, state or local governmental authority, and includes without limitation (i) petroleum or oil or gas or any direct or indirect product or by-product thereof; (ii) asbestos and any material containing asbestos; (iii) any substance, material or waste regulated by or listed (directly or by reference) as a "hazardous substance", "hazardous material", "hazardous waste", "toxic waste", "toxic pollutant", "toxic substance", "solid waste" or "pollutant or contaminant" in or pursuant to, or similarly identified

as hazardous to human health or the environment in or pursuant to, the Toxic Substances Control Act [15 U.S.C. 2601 *et seq.*]; the Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. Section 9601 *et seq.*], the Hazardous Materials Transportation Authorization Act [49 U.S.C. Section 5101 *et seq.*], the Resource Conservation and Recovery Act [42 U.S.C. 6901 *et seq.*], the Federal Water Pollution Control Act [33 U.S.C. Section 1251], the Clean Air Act [42 U.S.C. Section 7401 *et seq.*], the California Underground Storage of Hazardous Substances Act [California Health and Safety Code Section 25280 *et seq.*], the California Hazardous Substances Account Act [California Health and Safety Code Section 25300 *et seq.*], the California Hazardous Waste Act [California Health and Safety Code Section 25100 *et seq.*], the California Safe Drinking Water and Toxic Enforcement Act [California Health and Safety Code Section 25249.5 *et seq.*], and the Porter-Cologne Water Quality Control Act [California Water Code Section 13000 *et seq.*], as they now exist or are hereafter amended, together with any regulations promulgated thereunder; (iv) any substance, material or waste which is defined as such or regulated by any "Superfund" or "Superlien" law, or any Environmental Law; or (v) any other substance, material, chemical, waste or pollutant identified as hazardous or toxic and regulated under any other federal, state or local environmental law, including without limitation, asbestos, polychlorinated biphenyls, petroleum, natural gas and synthetic fuel products and by-products.

8.4 Environmental Laws. As used herein, the term "**Environmental Laws**" means all federal, state or local statutes, ordinances, rules, regulations, orders, decrees, judgments or common law doctrines, and provisions and conditions of permits, licenses and other operating authorizations regulating, or relating to, or imposing liability or standards of conduct concerning (i) pollution or protection of the environment, including natural resources; (ii) exposure of persons, including employees and agents, to Hazardous Materials (as defined above) or other products, raw materials, chemicals or other substances; (iii) protection of the public health or welfare from the effects of by-products, wastes, emissions, discharges or releases of chemical substances from industrial or commercial activities; (iv) the manufacture, use or introduction into commerce of chemical substances, including without limitation, their manufacture, formulation, labeling, distribution, transportation, handling, storage and disposal; or (iv) the use, release or disposal of toxic or hazardous substances or Hazardous Materials or the remediation of air, surface waters, groundwaters or soil, as now or may at any later time be in effect, including but not limited to the Toxic Substances Control Act [15 U.S.C. 2601 *et seq.*]; the Comprehensive Environmental Response, Compensation and Liability Act [42 U.S.C. Section 9601 *et seq.*], the Hazardous Materials Transportation Authorization Act [49 U.S.C. Section 5101 *et seq.*], the Resource Conservation and Recovery Act [42 U.S.C. 6901 *et seq.*], the Federal Water Pollution Control Act [33 U.S.C. Section 1251], the Clean Air Act [42 U.S.C. Section 7401 *et seq.*], the California Underground Storage of Hazardous Substances Act [California Health and Safety Code Section 25280 *et seq.*], the California Hazardous Substances Account Act [California Health and Safety Code Section 25300 *et seq.*], the California Hazardous Waste Act [California Health and Safety Code Section 25100 *et seq.*], the California Safe Drinking Water and Toxic Enforcement Act [California Health and Safety Code Section 25249.5 *et seq.*], and the Porter-Cologne Water Quality Control Act [California Water Code Section 13000 *et seq.*], as each of the foregoing now exist or are hereafter amended, together with any regulations promulgated thereunder.

ARTICLE IX

DEFAULTS, REMEDIES AND TERMINATION

9.1 Events of Default. The following events shall constitute an event of default on the part of Developer ("**Event of Default**"):

(a) A Transfer occurs, either voluntarily or involuntarily, in violation of Article VI;

(b) Developer fails to maintain insurance on the Property and the Project as required pursuant to this Agreement, and Developer fails to cure such default within ten (10) days;

(c) Subject to Developer's right to contest the following charges pursuant to Section 4.8, if Developer fails to pay prior to delinquency taxes or assessments due on the Property or the Project or fails to pay when due any other charge that may result in a lien on the Property or the Project, and Developer fails to cure such default within thirty (30) days of date of delinquency, but in all events upon the imposition of any such tax or other lien;

(d) A default arises under any loan secured by a mortgage, deed of trust or other security instrument recorded against the Property and remains uncured beyond any applicable cure period such that the holder of such security instrument has the right to accelerate repayment of such loan;

(e) Any representation or warranty contained in this Agreement or in any application, financial statement, certificate or report submitted to the City in connection with this Agreement or Developer's request for the Loan proves to have been incorrect in any material and adverse respect when made and continues to be materially adverse to the City;

(f) If, pursuant to or within the meaning of the United States Bankruptcy Code or any other federal or state law relating to insolvency or relief of debtors ("**Bankruptcy Law**"), Developer (i) commences a voluntary case or proceeding; (ii) consents to the entry of an order for relief against Developer in an involuntary case; (iii) consents to the appointment of a trustee, receiver, assignee, liquidator or similar official for Developer; (iv) makes an assignment for the benefit of its creditors; or (v) admits in writing its inability to pay its debts as they become due;

(g) A court of competent jurisdiction shall have made or entered any decree or order (1) adjudging the Developer to be bankrupt or insolvent, (2) approving as properly filed a petition seeking reorganization of the Developer or seeking any arrangement for Developer under bankruptcy law or any other applicable debtor's relief law or statute of the United States or any state or other jurisdiction, (3) appointing a receiver, trustee, liquidator, or assignee of the Developer in bankruptcy or insolvency or for any of its properties, or (4) directing the winding up or liquidation of the Developer;

(h) Developer shall have assigned its assets for the benefit of its creditors (other than pursuant to a mortgage loan) or suffered a sequestration or attachment of or execution on any substantial part of its property, unless the property so assigned, sequestered, attached or executed

upon shall have been returned or released within sixty (60) days after such event (unless a lesser time period is permitted for cure under any other mortgage on the Property, in which event such lesser time period shall apply under this subsection as well) or prior to any sooner sale pursuant to such sequestration, attachment, or execution;

(i) The Developer shall have voluntarily suspended its business or Developer shall have been dissolved or terminated;

(j) An event of default arises under any City Document and remains uncured beyond any applicable cure period; or

(k) Developer defaults in the performance of any term, provision, covenant or agreement contained in this Agreement other than an obligation enumerated in this Section 9.1 and unless a shorter cure period is specified for such default, the default continues for ten (10) days in the event of a monetary default or thirty (30) days in the event of a nonmonetary default after the date upon which City shall have given written notice of the default to Developer; provided however, if the default is of a nature that it cannot be cured within thirty (30) days, a Developer Event of Default shall not arise hereunder if Developer commences to cure the default within thirty (30) days and thereafter prosecutes the curing of such default with due diligence and in good faith to completion and in no event later than sixty (60) days after receipt of notice of the default.

9.2 Remedies. Upon the occurrence of an Event of Default and the expiration of any applicable cure period, City shall have all remedies available to it under law or equity, including, but not limited to the following, and City may, at its election, without notice to or demand upon Developer, except for notices or demands required by law or expressly required pursuant to the City Documents, exercise one or more of the following remedies:

(a) Seek specific performance to enforce the terms of the City Documents;

(b) Foreclose on the Property pursuant to the Deed of Trust;

(c) Pursue any and all other remedies available under law to enforce the terms of the City Documents and City's rights thereunder.

9.3 Remedies Cumulative; No Consequential Damages. Except as otherwise expressly stated in this Agreement, the rights and remedies of the Parties are cumulative, and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different time, of any other rights or remedies for the same or any other default by the other Party. Notwithstanding anything to the contrary set forth herein, a party's right to recover damages in the event of a default shall be limited to actual damages and shall exclude consequential damages.

9.4 Inaction Not a Waiver of Default. No failure or delay by either Party in asserting any of its rights and remedies as to any default shall operate as a waiver of such default or of any

such rights or remedies, nor deprive either Party of its rights to institute and maintain any action or proceeding which it may deem necessary to protect, assert or enforce any such rights or remedies in the same or any subsequent default.

ARTICLE X

INDEMNITY AND INSURANCE.

10.1 Indemnification. To the fullest extent permitted by law, Developer shall indemnify, defend (with counsel approved by City), and hold Indemnitees harmless from and against all losses, damages, fines, deficiencies, penalties, claims, demands, suits, actions, causes of action, legal or administrative proceedings, judgments, costs and expenses (including without limitation reasonable attorneys' fees and court costs) or liabilities of any kind (all of the foregoing, collectively "**Claims**") arising directly or indirectly in any manner in connection with or resulting from (a) any and all predevelopment, development or construction activities conducted in connection with the Property or the Project, including without limitation, site investigations conducted by or for Borrower, (b) any failure of any of Developer's representations or warranties set forth in the City Documents, or made by Developer in connection with the execution and delivery of the City Documents or in any certificate furnished pursuant hereto, or in connection with any request for disbursement of Loan proceeds to be correct in all material respects, (c) any failure of Developer to comply with applicable laws pursuant to Section 4.11, including but not limited to, failure to comply with California Prevailing Wage Laws and (c) any Claim, whether meritorious or not, brought or asserted against any Indemnitee which relates to or arises in connection with the Loan, the City Documents, or any transaction contemplated thereby, or the relationship between Developer and City. Developer's obligations under this Section shall survive the making and disbursement of the Loan and the expiration or termination of this Agreement. It is further agreed that City does not and shall not waive any rights against Developer that it may have by reason of this indemnity and hold harmless agreement because of the acceptance by City, or the deposit with City by Developer, of any of the insurance policies described in this Agreement. Developer's indemnity obligations shall not apply to Claims arising solely as a result of the willful misconduct or gross negligence of the Indemnitees, and shall not be construed to require repayment of principal or interest on the Loan.

10.2 Liability and Workers Compensation Insurance.

(a) Developer shall maintain a commercial general liability policy in the amount of One Million Dollars ($1,000,000) combined single limit per occurrence, Two Million Dollars ($2,000,000) annual aggregate, or such other policy limits as City may require in its reasonable discretion, including coverage for bodily injury, property damage, products, completed operations and contractual liability coverage. Such policy or policies shall be written on an occurrence basis and shall name the Indemnitees as additional insureds.

(b) Developer shall maintain a comprehensive automobile liability coverage in the amount of One Million Dollars ($1,000,000), combined single limit including coverage for owned and non-owned vehicles and shall furnish or cause to be furnished to City evidence satisfactory to City that Developer and any contractor with whom Developer has contracted for the performance of work on the Property or otherwise pursuant to this Agreement carries workers' compensation insurance as required by law. Automobile liability policies shall name the Indemnitees as additional insureds.

(c) Developer shall maintain property insurance covering all risks of loss (other than earthquake), including flood (if required) for not less than ninety percent (90%) of the replacement value of the Project with deductible, if any, in an amount acceptable to City, naming City as loss payee.

(d) Companies writing the insurance required hereunder shall be licensed to do business in the State of California. Insurance shall be placed with insurers with a current A.M. Best's rating of no less than A: VII. The Commercial General Liability and comprehensive automobile policies required hereunder shall name the Indemnitees as additional insureds. Property insurance shall name City as loss payee as its interests may appear.

(e) Developer shall furnish City with certificates of insurance in form acceptable to City evidencing the required insurance coverage and duly executed endorsements evidencing such additional insured status. The certificates shall contain a statement of obligation on the part of the carrier to notify City of any material adverse change, cancellation, termination or non-renewal of the coverage at least thirty (30) days in advance of the effective date of any such material adverse change, cancellation, termination or non-renewal.

(f) If any insurance policy or coverage required hereunder is canceled or reduced, Developer shall, within fifteen (15) days after receipt of notice of such cancellation or reduction in coverage, but in no event later than the effective date of cancellation or reduction, file with City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies. Upon failure to so file such certificate, City may, without further notice and at its option, procure such insurance coverage at Developer’s expense, and Developer shall promptly reimburse City for such expense upon receipt of billing from City.

(g) Coverage provided by Developer shall be primary insurance and shall not be contributing with any insurance, or self-insurance maintained by City, and the policies shall so provide. The insurance policies shall contain a waiver of subrogation for the benefit of the City. Developer shall furnish the required certificates and endorsements to City prior to the commencement of construction of the Project, and shall provide City with certified copies of the required insurance policies upon request of City.

ARTICLE XI

MISCELLANEOUS PROVISIONS

11.1 No Brokers. Each Party warrants and represents to the other that no person or entity can properly claim a right to a real estate commission, brokerage fee, finder's fee, or other compensation with respect to the transactions contemplated by this Agreement. Each Party agrees to defend, indemnify and hold harmless the other Party from any claims, expenses, costs or liabilities arising in connection with a breach of this warranty and representation. The terms of this Section shall survive the expiration or earlier termination of this Agreement.

11.2 Enforced Delay; Extension of Times of Performance. Subject to the limitations set forth below, performance by either Party shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended where delays are due to: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, governmental restrictions or priority, litigation, including court delays, unusually severe weather, acts or omissions of the other Party, acts or failures to act of the City or any other public or governmental agency or entity (other than the acts or failures to act of City which shall not excuse performance by City), or any other cause beyond the affected Party's reasonable control. An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the Party claiming such extension is sent to the other Party within thirty (30) days of the commencement of the cause and such extension is not rejected in writing by the other Party within ten (10) days of receipt of the notice. Neither Party shall unreasonably withhold consent to an extension of time pursuant to this Section.

11.3 Notices. Except as otherwise specified in this Agreement, all notices to be sent pursuant to this Agreement shall be made in writing, and sent to the Parties at their respective addresses specified below or to such other address as a Party may designate by written notice delivered to the other parties in accordance with this Section. All such notices shall be sent by:

(i) personal delivery, in which case notice is effective upon delivery;

(ii) certified or registered mail, return receipt requested, in which case notice shall be deemed delivered on receipt if delivery is confirmed by a return receipt;

(iii) nationally recognized overnight courier, with charges prepaid or charged to the sender's account, in which case notice is effective on delivery if delivery is confirmed by the delivery service;

(iv) facsimile transmission, in which case notice shall be deemed delivered upon transmittal, provided that (a) a duplicate copy of the notice is promptly delivered by first-class or certified mail or by overnight delivery, or (b) a transmission report is generated reflecting the accurate transmission thereof. Any notice given by facsimile shall be considered to have been received on the next business day if it is received after 5:00 p.m. recipient's time or on a nonbusiness day.

City: City of Modesto
1010 Tenth Street, Suite 4400
Modesto, CA 95354
Attn: Community Development Manager

Developer: Housing Authority of the County of Stanislaus
P.O. Box 581918
Modesto, CA 95358
Attn: Executive Director

11.4 Attorneys' Fees. If either Party fails to perform any of its obligations under this Agreement, or if any dispute arises between the Parties concerning the meaning or interpretation of any provision hereof, then the prevailing party in any proceeding in connection with such dispute shall be entitled to the costs and expenses it incurs on account thereof and in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable attorneys' fees and disbursements.

11.5 Waivers; Modification. No waiver of any breach of any covenant or provision of this Agreement shall be deemed a waiver of any other covenant or provision hereof, and no waiver shall be valid unless in writing and executed by the waiving party. An extension of time for performance of any obligation or act shall not be deemed an extension of the time for performance of any other obligation or act, and no extension shall be valid unless in writing and executed by the waiving party. This Agreement may be amended or modified only by a written instrument executed by the Parties.

11.6 Binding on Successors. Subject to the restrictions on Transfers set forth in Article VI, this Agreement shall bind and inure to the benefit of the Parties and their respective permitted successors and assigns. Any reference in this Agreement to a specifically named party shall be deemed to apply to any permitted successor and assign of such party who has acquired an interest in compliance with this Agreement or under law.

11.7 Survival. All representations made by Developer hereunder and Developer's obligations pursuant to Sections 8.2, 10.1, and 11.1 shall survive the expiration or termination of this Agreement.

11.8 Construction. The section headings and captions used herein are solely for convenience and shall not be used to interpret this Agreement. The Parties acknowledge that this Agreement is the product of negotiation and compromise on the part of both Parties, and the Parties agree, that since both Parties have participated in the negotiation and drafting of this Agreement, this Agreement shall not be construed as if prepared by one of the Parties, but rather according to its fair meaning as a whole, as if both Parties had prepared it.

11.9 Action or Approval. Whenever action and/or approval by City is required under this Agreement, the City Manager or his or her designee may act on and/or approve such matter unless specifically provided otherwise herein, or unless the City Manager determines in his or her discretion that such action or approval requires referral to the City Council for consideration.

11.10 Entire Agreement. This Agreement, including Exhibits A through D attached hereto and incorporated herein by this reference, together with the other City Documents, contains

the entire agreement between the Parties with respect to the subject matter hereof, and supersedes all prior written or oral agreements, understandings, representations or statements between the Parties with respect to the subject matter hereof.

11.11 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be an original and all of which taken together shall constitute one instrument.

11.12 Severability. If any term, provision, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in full force and effect unless an essential purpose of this Agreement is defeated by such invalidity or unenforceability.

11.13 No Third Party Beneficiaries. Nothing contained in this Agreement is intended to or shall be deemed to confer upon any person, other than the Parties and their respective successors and assigns, any rights or remedies hereunder.

11.14 Parties Not Co-Venturers. Nothing in this Agreement is intended to or shall establish the Developer and the City as partners, co-venturers, or principal and agent with one another.

11.15 Non-Liability of Officials, Employees and Agents. No officer, official, employee or agent of City shall be personally liable to Developer or its successors in interest in the event of any default or breach by City or for any amount which may become due to Developer or its successors in interest pursuant to this Agreement.

11.16 Time of the Essence; Calculation of Time Periods. Time is of the essence for each condition, term, obligation and provision of this Agreement. Unless otherwise specified, in computing any period of time described in this Agreement, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is not a business day, in which event the period shall run until the next business day. The final day of any such period shall be deemed to end at 5:00 p.m., local time at the Property. For purposes of this Agreement, a "business day" means a day that is not a Friday, Saturday, Sunday, a federal holiday or a state holiday under the laws of California.

11.17 Governing Law; Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California without regard to principles of conflicts of laws. Any action to enforce or interpret this Agreement shall be filed in the Superior Court of Stanislaus County, California or in the Federal District Court for the Eastern District of California.

11.18 Further Assurances. The Parties shall execute, acknowledge and deliver to the other such other documents and instruments, and take such other actions, as either shall reasonably request as may be necessary to carry out the intent of this Agreement; provided, however, that such documents or instruments shall not expand the liability of Developer or City hereunder.

11.19 Refinancing of Senior Debt. Notwithstanding anything to the contrary contained in the City Documents, Borrower may refinance that certain senior loan made by Golden State Finance Authority, as assigned to, Bank of America, N.A. to Developer on or about the date hereof (the "Senior Indebtedness") without the prior consent of the City (the "Refinanced Indebtedness"), and the City hereby agrees to subordinate the Loan and all documents securing or evidencing the Loan, including, but not limited to, the Deed of Trust, the Note, the Regulatory Agreement and this Agreement, to the Refinanced Indebtedness and the lien of any deed of trust or mortgage securing the Refinanced Indebtedness, provided that the principal balance of the Refinanced Indebtedness does not exceed the then outstanding principal balance of the Senior Indebtedness plus the costs of refinancing the Senior Indebtedness.

SIGNATURES ON FOLLOWING PAGE.

IN WITNESS WHEREOF, the Parties have entered into this Agreement effective as of the date first written above.

DEVELOPER:

HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS, a public body, corporate and politic

By: _____
_____, Executive Director

Date: _____

** Corporations - signature of two (2) officers required or one (1) officer plus corporate seal*

** LLC - signature of two (2) officers required*

Partnership - signature of a partner required

Sole Proprietorship - signature of proprietor required

[City Signature Follows]

CITY:

CITY OF MODESTO, a California charter city

By: _____
Joseph Lopez, City Manager

Date: _____

ATTEST:

_____
Dana Sanchez, Acting City Clerk

APPROVED AS TO FORM:

By: _____
Jose M. Sanchez, Acting City Attorney

APPROVED AS TO RISK MANAGEMENT:

By: _____

Exhibit A

LEGAL DESCRIPTION
(Attach Legal Description.)

Exhibit B

FORM OF SECURED PROMISSORY NOTE
(Attach form of Note.)

Exhibit C

FORM OF DEED OF TRUST
(Attach form of Deed of Trust.)

Exhibit D

FORM OF REGULATORY AGREEMENT
(Attach form of Regulatory Agreement.)

5028599.1

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-488

RESOLUTION APPROVING THE CITY OF MODESTO'S PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM YEAR TWO APPLICATION, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION AND ACCEPTANCE OF THE PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SUBMIT THE APPLICATION, APPLICABLE DOCUMENTATION, AND PROVIDE TECHNICAL ALTERATIONS, AS REQUIRED BY HCD, AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2 (SB 2), known as the Building Homes and Jobs Act (Act), which established a $75 recording fee on real estate documents to increase the supply of affordable housing and the Act established the Permanent Local Housing Allocation (PLHA) Program administered by the California Department of Housing and Community Development (HCD), and

WHEREAS, the PLHA Program provides a permanent source of funding to cities and counties to help meet the unmet need for affordable housing and increase the supply of affordable housing units, and

WHEREAS, On May 3, 2021 HCD released the second round of funding under the 2021 Formula NOFA. In order to be eligible for the new allocation of funding the City of Modesto must file the PLHA Annual Report, Compliance with the Housing Element annual reports, commit $500,000 of prior year (round 1) PLHA Grant funds to a project, and

WHEREAS, The City is eligible to receive approximately $5,818,482 of PLHA Program funding for fiscal years 2020-2025, and

WHEREAS, funding for the PLHA is generated through a fee on real estate transactions, which may fluctuate from year to year. According to HCD, the City second-year allocation is $1,507,287, and

WHEREAS, on July 14, 2020 by Resolution number 2020-318, the City of Modesto adopted the five-year PLHA Plan, and

WHEREAS, based on the approved plan the second-year allocation of $1,507,287 will be allocated as noted in **Attachment 1** - PLHA 302(c)(4) Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's Permanent Local Housing Allocation (PLHA) Program Year Two Application.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute any related program agreements, contracts or other documentation required for implementation of this resolution and acceptance of the Permanent Local Housing Allocation (PLHA) Program, and authorized to submit the application, applicable documentation, and provide technical alterations, as required by HCD.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment 3
PLHA Application
302(c)(4) Plan – Year Two

Eligible Applicant Type	*Entitlement*
Local Government Recipient of PLHA Formula Allocation	*City of Modesto*
Approximate 5-year Allocation	*$5,818,482*
Year Two Allocation	*$1,507,287*

§302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities.

Over the next 5 years, the City of Modesto will use the PLHA funds to expand and enhance the access to and number of affordable housing units within the City of Modesto through the following eligible activities. The funding will be used as gap financing for the development of new affordable housing projects and permanent supportive Housing Units within the City limits of Modesto.

Annual Allocations for Year two is $1,507,287 with the allowable amount of $75,364 for administration.

- $859,154 - 301(a)(1) - The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households.
    - This first-year allocation will result in a minimum of 30 units under 80% AMI with a minimum of 10 units being available to individuals under 60% AMI.
- $572,769 - 301(a)(6) - Assisting persons who are experiencing or At risk of homelessness, including, but not limited to, providing new construction, rehabilitation, and preservation of permanent and transitional housing.
- $75,364 Program Administration

§302(c)(4)(B) Provide a description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of Area Median Income (AMI).

The City will partner with local affordable housing developers by competitively awarding PLHA funds through the issuance of Request for Proposals (RFP). The City will prioritize investments that increase the supply of housing for households with incomes from 60% to 120% of the AMI. When issuing RFPs for affordable housing projects under this category, the City may award bonus points for project proposals intended to serve households below 60% AMI.

§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity.

The City's NOFA will release in Spring 2021. This funding will be allocated to projects based on local needs assessed through the City's 2020-2024 Consolidated Plan Needs Assessment, the CoC and City Application Review committee. The scoring is designed to be reviewed with a heavier weight being applied to those projects that can demonstrate its ability to perform and complete projects and assist households within 24 months of funding commitments.

Selected projects will demonstrate that they have the capacity to secure other sources of funding. Reviewed projects are presented to the City's Citizen Housing and Community Development Committee (CH&CDC) and then presented to City Council for approval. All projects will be secured by the loan agreement, promissory note, Deed of Trust and Regulatory Agreement. City staff is well training in on-going project and long-term monitoring to ensure that projects comply throughout the life project and ongoing affordability period. The City will issue a NOFA annually to ensure an ongoing project pipeline.

§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.

§302(c)(4)(E)(i) Provide a description of how allocated funds will be used for each proposed Affordable Rental Housing Activity.

PLHA funds in this category will be allocated for the predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households. This allocation will be made available to affordable housing developers through a competitive Notice of Funding Availability (NOFA) process and/or over the counter application process. Each NOFA will seek development proposals that include new affordable housing units for households with incomes at or below 60% of AMI. The City works closely with the local Continuum of Care

PLHA Application
302(c)(4) Plan – Year Two

(CoC), affordable housing developers, and general community to increase affordable housing units across the housing continuum. The City also gives priority to projects that leverage several sources of funding for the maximum benefit to the community. The City staff is experienced in successfully collaborating with local developers to complete projects on time and within the scope of the funding regulations. In 2015, the City completed 50 units in Tower Park. In recent years, the focus as a City has been on the development of permanent supportive housing units with the completion of such projects as: 4- units Glendale Veterans' Quarters serving 30-50%AMI; 4 - Units at 522 Granger 30%-50% AMI; and 103-Units Kansas House 60%-80% AMI. Under Development 23 – Units King Kennedy Veteran Cottages. Currently the City is actively pursuing the development of 74-units Affordable Housing project to serve households with income 30%-80% AMI.
§301(a)(6) Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
§302(c)(6)(E)(i) Provide a description of how allocated funds will be used for the proposed Activity.
PLHA funds in this category will be to allocated to assisting persons who are experiencing or at risk of homelessness, for the new construction, rehabilitation, and preservation of permanent and transitional housing. This allocation will be made available to affordable housing developers through a competitive Notice of Funding Availability (NOFA) process and/or over the counter application process. Each NOFA will seek development proposals that include new affordable housing units for households with incomes at or below 60% of AMI. The City has extensive experience with these types of developments. The City works closely with the local CoC, affordable housing developers, and general community to increase units across the continuum. The City also gives priority to projects that leverage several sources of funding for the maximum benefit to the community. The City staff is experienced in successfully collaborating with local developers to complete projects on time and within the scope of the funding regulations. In recent years, the focus as a City has been focused on the development of permanent supportive housing units. The City has found that this is an effective method to address the homelessness. These units assist vulnerable populations with stable housing and the services to help strengthen the abilities and capacities of these households to thrive at their best within the community. The City has successfully completed with quick occupancy through the coordinated entry process the following projects: 4- units Glendale Veterans' Quarters serving 30-50%AMI; 4 - Units at 522 Granger 30%-50% AMI; and 103-Units Kansas House 60%-80% AMI. Under Development 23 – Units King Kennedy Veteran Cottages. The City, with its current review of the NOFA, is aware of several proposed projects that will increase the City's affordable housing stock for this subpopulation.

PLHA Application
302(c)(4) Plan – Year Two

§302(c)(4/6)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local Government's Housing Element.
The proposed plan directs 100% of the City's PLHA funding to the development of new affordable housing and permanent supportive housing units. Use of PLHA funds for this unmet housing need is consistent with the City's Adopted 2015-2023 Certified Housing Element Chapter 6 policy 1.1 *Establish and/or support programs to supply below-market housing for extremely low-, very low-, low- and moderate-income households, as well as market-rate housing*.

Regional Housing Needs Allocation (RHNA) – Background and Local Requirements

Table 1 illustrates RHNA allocations imposed during the 2014-2023 Housing Element Cycle for the City of Modesto for Very-low, Low-, Moderate, and Above-Moderate income levels. The City will offer PLHA funds to assist in building units in an effort to address the local RHNA housing allocations.

Table 1. City of Mdesto Regiona Housing Needs Allocation 2014-2023

Effective Date December 31, 2019	**Very-Low Income**	**Low Income**	**Moderate Income**	**Above Moderate Income**	**Total**
RHNA Allocation (Units)	1546	991	1100	2724	6361
Progress (Permitted Units)	232	61	276	584	1153
Remaining Units	1314	930	824	2140	5208

302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Affordable Rental Housing Activity	60%
§301(a)(6) Percentage of Funds Allocated for the new construction, rehabilitation, and preservation of permanent and transitional housing.	40%
302(c)(4/6)(E)(ii) Area Median Income Level Served	30% to 120% AMI
302(c)(4/6)(E)(ii) Unmet share of the RHNA at the AMI Level	3,068 (VL, L, Mod)
302(c)(4)(E)(ii) Projected Number of Households Served	17 (annually)
302(c)(6)(E)(ii) Projected Number of Households Served	7 (annually)
302(c)(4/6)(E)(ii) Period of Affordability for the Proposed Affordable Rental Housing Activity (55 years required for rental housing projects)	55 years

HCD Local 2019 Income Limits for this Porgram

Stanislaus County Area Median Income: $70,700	Extremely Low	15000	17420	21960	26500	31040	35580	40120	44660
	Very Low Income	25000	28550	32100	35650	38550	41400	44250	47100
	Low Income	39950	45650	51350	57050	61650	66200	70750	75350
	Median Income	49500	56550	63650	**70700**	76350	82000	87650	93300
	Moderate Income	59400	67900	76350	84850	91650	98450	105200	112000

Source: CA HCD Income Limits

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-489

RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 MULTI-YEAR FUND BUDGET TO ESTABLISH A PROJECT FOR THE FY2021-2022 PLHA PROGRAM TO BE FUNDED WITH PERMANENT LOCAL HOUSING ALLOCATION PROGRAM GRANT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto applying to receive entitlement funding from the State of California Housing and Community Development Department (HCD) based on its entitlement status of the U.S. Department of Housing and Urban Development Community Development Block Grant Program, and

WHEREAS, the fiscal year 2021-2022 Multi-Year budget must be amended as outlined in **Exhibit A**, and

WHEREAS, the Program will be funded approximately $5,818,482 over the next five years, including $1,507,289 for the current fiscal year for eligible PLHA Program Activities and Administration, and

WHEREAS, these funds are allocated through the 302(C)(4) Plan which is approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto the fiscal year 2021-2022 multi-year fund budget is amended to establish to a project for the fiscal year 2021-2022 PLHA Program to be funded with Permanent Local Housing Allocation Program Grant.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Exhibit A

BUDGET ADJUSTMENT FISCAL YEAR 2021-2022

City of Modesto	**Funds Reimbursed with Entitlement State Funds**	
Community & Economic Development Department	Permanent Local Housing Allocation (PLHA)	
Community Development Division	FUND 1120	
	COST CENTER 14060	
		TOTAL
Direct Grant	$	1,431,923.00
301(B) Admin Exp AUC	$	75,364.00
TOTAL Expenses	$	1,507,287.00
Intergov - State Housing and Community Development	$	1,507,287.00
TOTAL Revenues	$	1,507,287.00
Total	$	-

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-490

RESOLUTION APPROVING A FIRST AMENDMENT INCREASING THE AGREEMENT WITH REDISTRICTING PARTNERS FOR DEMOGRAPHIC AND CENSUS MAPPING CONSULTANT SERVICES BY $33,000 FROM $80,000 TO A NEW TOTAL AMOUNT NOT TO EXCEED $113,000, TO ADD OUTREACH SERVICES AND DISTRICTR DRAWING TOOL FOR THE CITY'S REDISTRICTING PROCESS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, like many cities throughout California, Modesto utilizes a district-based system of electing Council Members; and

WHEREAS, after each decennial U.S. census, cities with district-based systems must "redistrict" to adjust the boundaries of the Council Members' Districts using the new census data; and

WHEREAS, redistricting determines which neighborhoods and communities are grouped together into a district for purposes of electing a Council Member; and

WHEREAS, as part of the redistricting process the City is required to form a Redistricting Commission that will provide the City Council recommendations on how the district boundaries should be drawn; and

WHEREAS, the City Charter requires that "one or more, as necessary, independent consultants experienced and competent in the skills necessary for the districting work shall be utilized to assist the Commission in developing any of the Districting Plans;" and

WHEREAS, Demographic and Census Mapping services are needed to work with the City's Commission and City staff to examine Council district boundaries within an established timeframe and in accordance with the Modesto City Charter and state and federal law; and

WHEREAS, on September 7, 2021, by Resolution No. 2021- 336, Council approved a professional services agreement with Redistricting Partners for Demographic and Census Mapping Consultant services for the City's Redistricting process, for an agreement total not to exceed $80,000; and

WHEREAS, staff proposes a first amendment to the consultant services agreement to add additional services for community outreach and the DistrictR drawing tool; and

WHEREAS, costs for Redistricting Partners will be absorbed within the City Attorney's operating budget in the General Fund, the total agreement amount will not exceed $113,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a first amendment increasing the agreement with Redistricting Partners for Demographic and Census Mapping Consultant services by $33,000 from $80,000 to a new total amount not to exceed $113,000, to add Outreach Services and DistrictR drawing tool for the City's Redistricting process.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-491

RESOLUTION ACCEPTING THE TROY AND BANKS UTILITY AND TELECOMMUNICATION AUDIT REPORT

WHEREAS, the City of Modesto currently maintains approximately 140 electric and gas accounts, 422 active interdepartmental utility billing accounts and approximately 100 telecommunication accounts which include approximately 1200 numbers, fax lines, alarms, communications, etc, and

WHEREAS, on March 5, 2019 under Resolution No. 2019-106, the Council approved a cooperative purchasing agreement with Troy and Banks, Inc (T&B) to perform a forensic audit of the City's numerous utility and telecommunication accounts, and

WHEREAS, the audit focused on the areas Energy, Telecom, Utility Taxes, and Streetlight billings, and

WHEREAS, as part of the results of these audits, several identified opportunities of cost recovery have been summarized below:

1. Energy Audit – Due to billing trend reviews, it was identified Modesto Irrigation District (MID) had incorrect readings and provided the City a credit in the amount of $1,302.29.
2. Telecom Audit – T&B identified recurring charges that should have been reduced due to the cell phones not in use or the account was not closed due to an error. This generated a reduction of annual savings in monthly charges of $22,872.12 and a credit was applied in the amount of $918.77.

3. Sales Tax Audit – Several credits were identified due to the provider billing the City the incorrect taxes which generated an annual savings of $3,797.86.
4. Street Light Audit – With the City's converting most street lights to LED, T&D reviewed the energy/cost savings to ensure it was accurately reflected in the City's billing. The audit including confirming the streetlight billing did not have any duplicate billing of other LED lights, LEDs were incorrectly categorized, and billings were to private property, and

WHEREAS, the review provided by T&B allowed the City to evaluate key areas of our billing and work with the various utility and telecom providers to ensure these incorrect charges do not occur in the future.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Troy and Banks Utility and Telecommunication audit report.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-492

RESOLUTION APPROVING THE EXTENSION OF TERMINATION DATES OF FOUR PURCHASING AGREEMENTS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE AMENDMENTS TO THE IDENTIFIED PURCHASE AGREEMENTS

WHEREAS, City staff continues to review and monitor over 1,000 purchasing items and identify the best and most efficient way to procure the needs of the City, and

WHEREAS, to ensure that goods and services are available to effectively manage the operations of the City, the Purchasing Division is making every attempt to expedite the bidding process and making sure we have new agreements in place before the current agreements expire, and

WHEREAS, the Finance Department provide monthly Purchasing training to educate City staff about the standards that govern the City's purchases, including the City's Charter, Municipal Code, the City's Administrative Directive Purchasing Policy, and updated Purchasing Purchase Manual, and

WHEREAS, the Finance Department continues to work with departments to address the on-going procurement needs of the City and strategizing the best solution to ensure a new agreement can be approved by the time the existing annual purchasing and consultant agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in **Attachment A** – Purchasing Agreement Extension Dates), and

WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the extension of termination dates of four Purchasing Agreements as defined under **Attachment A**; approving termination dates for the services stated herein.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to execute the amendments to the identified Purchase Agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

Attachment A - Purchasing Agreement Extension Dates

No.	Description	Supplier	Agreement Amount	Vendor Invoices Paid or Pending Payment - 09/15/21	Amount Remaining on Agreement	Original Start Date	Original Term Date	Revised Term Date
1	ANNUAL AGREEMENT FOR PARKING GARAGE AUTOMATED SYSTEM EQUIPMENT PER RESO 2014-140, MMC EXCEPTION 8-3.204(B)	AMANO MCGANN INC	$ 180,000	$ 38,342	$ 141,658	3-Apr-2018	2-Apr-22	2-Apr-23
2	ANNUAL AGREEMENT FOR PUMP STATION REJUVENATION SERVICES, RESO 2017-138, RFB 1617-21 - SECONDARY CONTRACTOR	HOWK SYSTEMS	$ 1,000,000	$ 26,928	$ 973,072	11-Apr-2017	10-Apr-22	10-Oct-22
3	ANNUAL AGREEMENT FOR PUMP STATION REJUVENATION SERVICES, RESO 2017-138, RFB 1617-21 - PRIMARY CONTRACTOR	DON PEDRO PUMP INC	$ 2,000,000	$ 1,218,809	$ 781,191	11-Apr-2017	10-Apr-22	10-Oct-22
4	ANNUAL AGREEMENT FOR GENERATOR REPAIR SERVICE AND PREVENTATIVE MAINTENANCE FOR THE WASTEWATER DIVISION PER RESO 2017-188, RFB 1617-09	BAY CITY ELECTRIC WORKS	$ 450,149	$ 3,959	$ 446,190	9-May-2017	10-May-22	10-Nov-22

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-493

RESOLUTION APPROVING THE INCREASE OF A PURCHASE ORDER WITH STRATEGIC PROCUREMENT SOLUTIONS, COLEVILLE, CALIFORNIA, FOR PROCUREMENT ADVISORY SERVICES BY $32,940 FROM $36,600 FOR A REVISED TOTAL AMOUNT NOT TO EXCEED $69,540; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEER, TO INCREASE THE PURCHASE ORDER

WHEREAS, the Purchasing Division continues to look at ways and opportunities to expedite the bidding process and ensure we provide a simplified bid template that clearly identifies the goods and services needed for the City to potential bidders, and

WHEREAS, the Purchasing Division hired a consulting firm to review all City bid, proposal and construction bid templates we have been using for several years and establish a more standardized template structure across the organization, and

WHEREAS, the Purchasing Division solicited informal proposals from two companies and Strategic Procurement Solutions was the recommended proposal for an amount of $36,600, and

WHEREAS, Strategic Procurement Solution has completed about 75% of the original scope of work which includes recommendations on changes to the Construction bid templates; however, after further discussion with the Utilities Department, City staff recommends utilizing the services of Strategic Procurement Solutions to update the City's Construction bid templates based on the proposed recommendations, and

WHEREAS, Strategic Procurement Solution will review and revise the letters the City of Modesto uses to notify bidders about the recommended "award" and "not been awarded" status of an agreement with the goal to improve the communication to our bidders and increase the number of bidders and future bidders in Modesto, and

WHEREAS, this additional scope of work will cost $32,940 with a revised total

amount not to exceed $69,540, and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Exceptions to Formal Bidding Requirements, the agreement is for professional services and, therefore, exempt from the bidding requirement; the approval for the procurement advisory services to Strategic Procurement Solutions conforms to Modesto Municipal Code 8-3.204, subsection (a) as they are providing professional services for procurement municipal bid requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approve the increase of a purchase order with Strategic Procurement Solutions, Coleville, California, for procurement advisory services by $32,940 from $36,600 for a revised total amount not to exceed $69,540.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-494

RESOLUTION REJECTING ALL BIDS FOR REQUEST FOR BID (RFB) NO. 2021-45 FOR TWO AERIAL TRUCKS AND AUTHORIZING STAFF TO RE-EVALUATE IF ISSUING A REBID OR UTILIZING A COOPERATIVE AGREEMENT IS APPROPRIATE

WHEREAS, the Public Works Department, Fleet Division require the replacement of aerial trucks based on age of units and increasing maintenance costs; and

WHEREAS, on March 2, 2021, the Purchasing Division issued RFB 2021-45 for two aerial trucks; and

WHEREAS, on March 30, 2021, bids were formally opened in the City Clerk's office; and

WHEREAS, after review of the specifications it was determined that two vendors were non-responsive; and

WHEREAS, Purchasing contacted the remaining two vendors to confirm pricing and was notified that due to increase in material costs that pricing would be increased: and

WHEREAS, in accordance with Modesto Municipal Code Sec 8-3.204(a), Formal Bid Procedures, the Council shall have the authority to accept or reject any or all bids. The rejection of all bids for RFB 2021-45 for two aerial trucks conforms to the Modesto Municipal Code 8-3.204, subsection (e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for RFB 2021-45 for two Aerial Trucks.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorizing staff to re-evaluate if a rebid or a cooperative agreement is appropriate for this replacement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-495

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2021-22 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 23, 2021, as part of the Annual Budget of the City of Modesto for Fiscal Year 2021-22, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classifications, and

WHEREAS, position changes will be effective the first day of the pay period upon adoption, unless otherwise noted, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2021-22 Operating Budget for various departments as follows:

1. Reallocate one (1) Administrative Office Assistant II (OPN 0466) to one (1) Administrative Office Assistant III in the Administration Division (41010) of the Utilities Department, and reclassify the incumbent accordingly.

2. Reallocate one (1) Administrative Office Assistant III (OPN 0373) to one (1) Administrative Services Technician II in the Electrical Division (53540) of the Public Works Department, and reclassify the incumbent accordingly.
3. Allocate five (5) Heavy Equipment Mechanics in the City Services for StaRTA-Bus Maintenance Facility Division (53243) of the Public Works Department.
4. Allocate one (1) Maintenance Worker I/II in the City Services for StaRTA-Bus Maintenance Facility Division (53243) of the Public Works Department.
5. Allocate one (1) Fleet Procurement Technician in the City Services for StaRTA-Bus Maintenance Facility Division (53243) of the Public Works Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-496

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 OPERATING FLEET MANAGEMENT FUND BUDGET IN THE AMOUNT OF $362,305 TO FUND NEW POSITIONS FOR THE FLEET DIVISION AND AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Public Works Department includes the Fleet Maintenance Division that maintains all City vehicles including maintenance vehicles, heavy equipment, and safety vehicles, and

WHEREAS, at the end of Fiscal Year 2020-21, the City's Transit Division and the County's Transit formed a separate Joint Powers Authority (JPA), Stanislaus Regional Transit Authority (StanRTA), and

WHEREAS, the City entered into an agreement to continue to maintain the bus fleet and charge the JPA for the costs of maintenance including parts and labor, and

WHEREAS, the starting January 1, 2022, StanRTA will be assuming 51 additional buses adding to the existing fleet of 67 for a total of 118 vehicles, and

WHEREAS, in order for the City to provide adequate services to the additional buses, the Fleet Division requires five new Heavy Equipment Mechanics, one new Fleet Procurement Technician, and one new Maintenance Worker II, and

WHEREAS, the new positions will cost $621,095 annually and $362,305 in Fiscal Year 2021-22 and will be budgeted in the Fleet Management Fund and paid through the contract with StanRTA, and

WHEREAS, The City Council shall consider amending the Fiscal Year 2021-22 operating Fleet Management fund budget in the amount of $362,305 to fund new positions for the fleet division.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2021-22 operating Fleet Management fund budget in the amount of $362,305 to fund new positions for the fleet division.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-497

RESOLUTION APPROVING THE THIRD AMENDMENT TO AGREEMENT WITH THE BASEBALL CLUB OF MODESTO, LLC, AS SUCCESSOR IN INTEREST TO HWS BASEBALL IV, LLC, TO REVISE THE EXPIRATION DATE IN THE ACCELERATED TERMINATION PROVISION FROM DECEMBER 31, 2021 TO DECEMBER 31, 2022, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO AGREEMENT

WHEREAS, the City is the owner of the property, stadium, and parking facilities that comprise John Thurman Field; and

WHEREAS, by Resolution No. 2016-503, Council approved a ten (10) year Agreement ("Agreement") with HWS Baseball IV, LLC, aka The Modesto Nuts Baseball Club, ("Club") for the use, operation, and management of John Thurman Field; and

WHEREAS, by Resolution No. 2018-451, Council approved the First Amendment to the Agreement to advance one (1) annual deposit to help fund the replacement of a video board and stadium seating as well as various minor changes; and

WHEREAS, by Resolution No. 2020-007, Council approved the Second Amendment to the Agreement with The Baseball Club of Modesto, LLC, as the successor in interest to HWS Baseball IV, LLC, to extend the term through December 31, 2027, waive the 2020 annual license payment, and defer the fiscal year 2020-2021 Capital Improvement Project deposit to Fiscal Year 2025-2026; and

WHEREAS, the City and the Club desire to amend the Agreement to revise the expiration date in the accelerated termination provision from December 31, 2021 to December 31, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment to the Agreement with the Baseball Club of Modesto, LLC, as successor in interest to HWS Baseball IV, LLC, to revise the expiration date in the accelerated termination provision from December 31, 2021 to December 31, 2022.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-498

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR CONCRETE SERVICES FOR HIGH VOLTAGE REPAIRS AND MISC. TRAFFIC ELECTRICAL REPAIRS TO TBS CONTRACTORS, MERCED, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $170,273 AND A TOTAL AMOUNT NOT TO EXCEED $851,365 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, as of January 2019, the City had a total of 11,576 street lights, of which 539 were high voltage, and

WHEREAS, the remaining 539 high voltage lights were on 29 high voltage circuits (HVC) that were between 51 to 117 years old, and

WHEREAS, Council recommended the approach to replace 150 high voltage street lights each year at an anticipated cost of $1,000,000 annually, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs, and

WHEREAS, on September 8, 2021, the Purchasing Division issued RFB 2021-21 for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs, and

WHEREAS, on October 5, 2021, bids were formally opened by the City Clerk and one vendor chose to respond, none of which were local vendors, and

WHEREAS, based on providing the only responsive and responsible bid, staff recommends the award of bid to TBS Contractors, Merced, CA, 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 the formal bid procedures.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the award of bid and agreement for Concrete Services for High Voltage Repairs and Misc. Traffic Electrical Repairs to TBS Contractors, Merced, CA, for a one-year agreement with four one-year extension options, for an annual estimated cost of $170,273 and a total amount not to exceed $851,365 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-499

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR RECTANGULAR RAPID FLASHING BEACON INSTALLATION PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO GRUENDEL INC. DBA RAY'S ELECTRIC OF OAKLAND, CA. IN THE AMOUNT OF $744,555 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Rectangular Rapid Flashing Beacon (RRFB) Installation project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the RRFB Installation Project, were publicly opened at 11:00 a.m. on October 19, 2021, and later tabulated by the Director of Public Works for the consideration of Council, and

WHEREAS, the Director of Public Works has recommended that the bid of $744,555 received from Gruendel Inc. DBA Ray's Electric of Oakland, CA be accepted as the lowest responsible and responsive bid and that the contract be awarded to Gruendel Inc. DBA Ray's Electric, 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 the formal bid procedures, and

WHEREAS, an award of $744,555 and agreement for construction for Public Works Department to use Gruendel Inc. DBA Ray's Electric of Oakland, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Gruendel Inc. DBA Ray's Electric of Oakland, CA**,** was the lowest responsive bidder, 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 budget of 10% for construction contracts at least $250,000 but less than $1,000,000.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Rectangular Rapid Flashing Beacon (RRFB) Installation project, accepts the bid of Gruendel Inc. DBA Ray's Electric of Oakland, CA, in the amount of $744,555 and awards Gruendel Inc. DBA Ray's Electric the contract for the RRFB Installation project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-500

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROGRAM BUDGET, PROJECT 101175, 101122, 101176, AND 101179 IN THE AMOUNT OF $641,861 TO FUND THE RECTANGULAR RAPID FLASHING BEACONS INSTALLATION PROJECT TO INSTALL RRFBS AT TEN SCHOOL LOCATIONS THROUGHTOUT THE CITY

WHEREAS, the Rectangular Rapid Flashing Beacon (RRFB) Installation Project will install RRFBs at ten school locations throughout the City, and

WHEREAS, funding for the construction, contingency, construction administration, and City staff engineering/design/administration support will be budgeted in project 101175, and

WHEREAS, the funds will come from the local control Measure L Traffic Management category and the total anticipated expenditures for design and construction is $986,861, and

WHEREAS, the project will be housed under project number 101175, but will be combining budget from project 101122, 101176, and 101179, and

WHEREAS, the City Council shall consider amending the 2021-22 Capital Improvement Program Budget to adjust capital projects 101175, 101122, 101176, and 101179 in the amount of $641,861 to fully fund the rectangular rapid flashing beacons (RRFB) project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2021-22 Capital Improvement Program Budget to adjust capital projects 101175, 101122, 101176, and 101179 in the amount of $641,861 for revenue and expenses.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby

authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-501

RESOLUTION APPROVING MODIFICATIONS TO THE TURF REBATE PROGRAM

WHEREAS, water is a precious resource, and

WHEREAS, previous droughts across the state put the subject of water conservation into focus and forced State water agencies to mandate reduction in water use by urban systems, and

WHEREAS, the City's Water Conservation Program is focused on encouraging customers to use water responsibly and eliminating water waste, and

WHEREAS, on June 23, 2015, by Resolution No. 2015-214, Council approved the addition of the Residential Turf Replacement Program for customers who receive their water from the City's water system, at an annual cost of $100,000, and

WHEREAS, in accordance with state legislation SB 606 and AB 1668, the State is mandating water agencies to set and meet urban efficiency standards for indoor use, outdoor use, and water loss due to leak, and

WHEREAS, these state regulations will become effective as of November 2023, and

WHEREAS, the current Turf Replacement Rebate Program Application states that the area to be converted must have grass or traditional sprinkler intact at the Pre-Inspection appointment in order to qualify for the rebate. The application also states "Do not begin your conversion until after approval at the pre-inspection," and

WHEREAS, despite extensive efforts to inform the community about the turf rebates through multiple media outlets staff recognizes that some customers may have begun turf replacement prior to submitting an application for pre-approval, and

WHEREAS, in an effort to acknowledge those customers who have not met the pre-approval requirement, staff is requesting authorization to implement the Turf Replacement Rebate Program – Expanded Eligibility, and

WHEREAS, Expanded Eligibility would be an addition to the existing Turf Rebate Program, and would allow customers who failed to receive pre-inspection approval to apply for rebates for qualifying projects completed between January 1, 2021and June 30, 2022, and

WHEREAS, the Expanded Eligibility rebate would be at 50% of the current rebate rate, in this case $1.00 per square foot, for up to 1,500 square feet of turf replacement, and

WHEREAS, beginning July 1, 2022, Expanded Eligibility will be restricted to applications that are received by the City within 120 days of project commencement, and

WHEREAS, the existing Turf Replacement Rebates will continue to be available to customers who receive pre-inspection approval, and

WHEREAS, funding is available in the Water Fund in the FY 21/22 Budget, in account 4100-45065-53007, and

WHEREAS, this item was considered by the Finance Committee at the November 22, 2021 meeting where it was recommended that it be forwarded to Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the modifications to the Turf Rebate Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-502

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE ATS REPLACEMENT AT SUTTER WWTP PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH CLYDE G. STEAGALL INC, OF LOOMIS, CA, IN THE AMOUNT OF $606,491 PLUS $72,779 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $679,270 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Plant Operations & Maintenance personnel informed the engineering division of concerns regarding the five existing Automatic Transfer Switches (ATS) at the Sutter Wastewater Treatment Plant, and

WHEREAS, the current switches are dated and obsolete, making it very difficult to obtain replacement parts, and

WHEREAS, in order to avoid interruption to the Sutter Wastewater Treatment Plant (WWTP), the old switches will need to be replaced with new technology switches, and

WHEREAS, the project was advertised for bids on September 28th, 2021, and

WHERAS, on October 26th, 2021, pursuant to City Charter Section 1307, two bids were received and Clyde G. Steagall Inc, of Loomis, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, the Director of Utilities has recommended that the bid of $606,491 received from Clyde G. Steagall Inc, of Loomis, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to Clyde G. Steagall Inc, of Loomis, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the construction documents for the ATS Replacement at Sutter WWTP Project and accepts the bid of $606,491 plus $72,779 for contingency (if needed) for a total amount not to exceed $679,270 and Clyde G. Steagall Inc, of Loomis, CA, the contract for the ATS Replacement at Sutter WWTP Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-503

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE ATS REPLACEMENT AT SUTTER WWTP PROJECT FROM 10% ($60,649) TO 12% ($72,779) OF THE CONSTRUCTION CONTRACT PRICE OF $606,491 WITH CLYDE G. STEAGALL INC, OF LOOMIS, CA

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 budget of 10% for projects with construction amounts equal to and below $1 Million, and

WHEREAS, given the nature of this project being located at a critical facility, as well as due to the construction constraints and unknown conditions, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 10% ($60,649) of the contract amount of $606,491, and

WHEREAS, staff is requesting authorization to increase the contract change order amount to 12% ($72,779) due to the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for ATS Replacement at Sutter WWTP from 10% ($60,649) to 12% ($72,779) of the construction contract price of $606,491 with Clyde G. Steagall Inc, of Loomis, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-504

RESOLUTION AMENDING THE FISCAL YEAR 2021-22 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $169,420 TO BE TRANSFERRED INTO THE PROJECT FROM THE WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE ATS REPLACEMENT AT SUTTER WWTP PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $169,420, in order to fully fund the construction, contingency, construction administration and engineering support during construction for the ATS Replacement at Sutter WWTP Project, and

WHEREAS, the Fiscal Year 2021-22 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-22 Capital Improvement Program Budget in the amount of $169,420 to be transferred into the project from Wastewater Reserves.

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 14th day of December, 2021, by Councilmember Kenoyer, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-505

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE REBID RIVER TRUNK GRAVITY SYSTEM PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH RANGER PIPELINES INC, OF SAN FRANCISCO, CA, IN THE AMOUNT OF $20,720,263 PLUS $2,072,026 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED $22,792,289 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing River Trunk does not provide adequate capacity to convey peak wet weather flows, exposing the City of Modesto to the risk of public health impacts and fines from sewer system overflows, and

WHEREAS, additional flow capacity is required for the River Trunk pipeline to prevent SSOs in highly environmentally sensitive areas, such as Dry Creek and the Tuolumne River, and

WHEREAS, the Rebid River Trunk Realignment Gravity System Project will reroute the gravity pipelines onto Tuolumne Boulevard and Colorado Avenue, down to the West Trunk Junction Structure at the Sutter Treatment Plant, and

WHEREAS, specifications have been prepared for the Rebid River Trunk Gravity System Project, and

WHEREAS, the Project was re-advertised for bids on July 20, 2021, and

WHERAS, on August 31, 2021, Bids were publicly opened, pursuant to City Charter Section 1307, three bids were received and Ranger Pipelines Inc, of San Francisco, CA, was the responsible bidder with the lowest responsive bid, and

WHEREAS, MMC 8-3.203 states that all purchases, in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000) or less, shall follow formal bid procedures, and

WHEREAS, and the award of bid for the Rebid River Trunk Gravity System Project conforms to the Modesto Municipal code based on providing the overall lowest cost, while providing improved service, and

WHEREAS, the Project includes Bid Alternate No. 1 consisting of sewer fly-lines on Colorado Avenue, and

WHEREAS, the costs for Bid Alternate No. 1 will be paid for by Stanislaus County using Community Development Block Grant (CDBG) funds, and therefore this portion of the Project will be subject to separate agreement including all CDBG requirements, and

WHEREAS, the Director of Utilities has recommended that the bid of $20,720,263 received from Ranger Pipelines Inc, of San Francisco, CA, be accepted as the lowest responsible and responsive bid and the contract be awarded to Ranger Pipelines Inc, of San Francisco, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Rebid River Trunk Gravity System Project and accepts the bid of $20,720,263 plus $2,072,026 for contingency (if needed) for a total amount not to exceed $22,792,289 and Ranger Pipelines Inc, of San Francisco, CA, the contract for the Rebid River Trunk Gravity System Project.

BE IT FURTHER RESOLVED, that the Project will be awarded in two contracts, one contract for Bid Alternate No. 1 in the amount of $748,000, and one contract for the remainder of the Project in the amount of $19,971, 463.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-506

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE REBID RIVER TRUNK GRAVITY SYSTEM PROJECT FROM 6% ($1,243,216) TO 10% ($2,072,026) OF THE CONSTRUCTION CONTRACT PRICE OF $20,720,263 WITH RANGER PIPELINES INC, OF SAN FRANCISCO, CA

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 budget of 6% for projects over $10 Million, and

WHEREAS, given the nature of this project being a highly traveled road that will involve road closures, deep shoring and excavation, additional work may be needed to address unexpected conditions that require changes in the project scope that may exceed the Director's Authority of 6% ($1,243,216) of the contract amount of $20,720,263, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 10% ($2,072,026) due to the nature of the project and the unknown challenges.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for Rebid River Trunk Gravity System Project from 6% ($1,243,216) to 10% ($2,072,026) of the construction contract price of $20,720,263 with Ranger Pipelines Inc, of San Francisco, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-507

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., OF WALNUT CREEK, CA, FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR THE REBID RIVER TRUNK GRAVITY SYSTEM PROJECT, IN AN AMOUNT NOT TO EXCEED $964,650 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $96,465 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A MAXIMUM TOTAL AMOUNT OF $1,061,115 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Treatment Master Plan (WWMP) identified the existing River Trunk as not providing adequate capacity to convey peak wet weather flows, exposing the City of Modesto to the risk of public health impacts and fines from sewer system overflows (SSO's), and

WHEREAS, to remedy the hydraulic deficiencies of the existing sewer trunk, this project will reroute the gravity pipelines onto Tuolumne Boulevard and Colorado Avenue, down to the West Trunk Junction Structure at the Sutter Treatment Plant, and

WHEREAS, on April 4th, 2014, by Resolution No. 2014-121, Council approved an agreement with Carollo Engineers, Inc., (Carollo) for the preparation of a Preliminary Design Report, which serves as the basis of design for the Project, and

WHEREAS, on March 22nd, 2016 by Resolution No. 2016-125, Council approved an agreement with Carollo for Final Design Services for the River Trunk Gravity System Project, and

WHEREAS, considering the size and complexity of the project, and that Carollo is the Engineer-of-Record for the project, Engineering Services During Construction will be needed from Carollo to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Administrative Directive 3.1 allows for an accelerated selection process, if in the best interest of the City, where a consultant may be secured for specific projects to provide professional services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, Inc., for Engineering Services During Construction for the Rebid River Trunk Gravity System Project in an amount not to exceed $964,650, for the identified scope of services, plus $96,465 for additional services, if needed, for a maximum total amount of $1,061,115.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-508

RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY FOR CONSTRUCTION COSTS AND SERVICES ASSOCIATED WITH THE WEST MODESTO – COUNTY AREA 9 - SEWER INFRASTRUCTURE PROJECT – ROUSE-COLORADO NEIGHBORHOOD – COLORADO AVENUE SEWER FLY-LINE PHASE IN AN AMOUNT NOT TO EXCEED $898,560 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on March 28, 2017, the Stanislaus County (County) Board of Supervisors approved the allocation of Community Development Block Grant (CDBG) funds to prioritized unincorporated County Low-income Neighborhoods (Spencer/Marshall, Beverly/Waverly, and Rouse/Colorado) for sewer infrastructure improvements in the West Modesto Sewer Infrastructure Project areas, and

WHEREAS, on July 17, 2018, the County Board of Supervisors adopted a Negative Declaration for the West Modesto Sewer Infrastructure Project, and

WHEREAS, pursuant to such grant and to the Board of Supervisors Board Resolution No. 2017-363, authorizing expenditure of funds for the West Modesto Sewer Infrastructure Project, Planning has the need for services involving contract and construction management for the above referenced project, and

WHEREAS, the Rouse-Colorado neighborhood ("Rouse-Colorado") is an unincorporated, disadvantaged community located on southwest side of the City of Modesto with approximately 333 Parcels that rely on septic systems for treatment of sewage, and

WHEREAS, the Rouse-Colorado neighborhood's septic systems are failing and pose a threat to the public health and ground water, and

Whereas, the City will be installing a new sewer trunk line (River Trunk Realignment – Gravity System Project) within the Colorado Avenue street right-of-way in the

unincorporated area, between South and Garden Avenues, in advance of the whole Rouse-Colorado sewer infrastructure project, and

WHEREAS, the City will own and operate the sanitary sewer system adjacent to, in the Rouse-Colorado neighborhood, and is willing to provide sewer services to the Rouse-Colorado neighborhood, and

WHEREAS, Stanislaus County will be installing new sanitary sewer lines and lateral lines to serve individual properties in the unincorporated Rouse-Colorado Neighborhood, and

WHEREAS, the Parties desire to construct the Colorado Avenue Sewer Fly Line Project that will be adjacent to a part of the River Trunk Realignment Project; and under this Agreement, sanitary sewer services will be constructed for approximately 42 parcels along Colorado Avenue in the Rouse-Colorado; neighborhood, and

WHEREAS, the City and County desire to minimize disruption to vehicular and pedestrian access and circulation from construction along the Colorado Avenue street right-way, while also minimizing costs by reconstructing Colorado Avenue street pavement once, and

WHEREAS, the City and County have prepared an Agreement whereby the County's Colorado Avenue Sewer Fly Line Project has been included in the bid for the City's River Trunk Realignment – Gravity System Project and whereby the County will reimburse the City for associated construction costs and services associated with the West Modesto - County Area 9 Sewer Infrastructure Project – Rouse-Colorado Neighborhood – Colorado Avenue Sewer Fly-Line Phase in a not to exceed amount of $898,560, and

WHEREAS, the mutual promises, covenants, terms and conditions between the City and County are contained within the Agreement referred to as "West Modesto –

County Area 9 - Sewer Infrastructure Project - Rouse-Colorado Neighborhood - Colorado Avenue Sewer Fly-Line Phase".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Stanislaus County for construction costs and services associated with the West Modesto - County Area 9 Sewer Infrastructure Project – Rouse-Colorado Neighborhood – Colorado Avenue Sewer Fly-Line Phase in a not to exceed amount of $898,560.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-509

RESOLUTION AMENDING THE FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $24,438,624 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE REBID RIVER TRUNK GRAVITY SYSTEM PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on August 31, 2021, bids were publicly opened, pursuant to City Charter Section 1307, three bids were received and due to the large size and complexity of the project, and

WHEREAS, certain budgetary transactions are necessary in the amount of $24,438,624, in order to fully fund the construction, contingency, construction administration and design support during construction for the Rebid River Trunk Gravity System Project, and

WHEREAS, the Fiscal Year 2021-2022 Capital Improvement Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2021-2022 Capital Improvement Program Budget in the amount of $24,438,624 to be transferred into the project from Wastewater Reserves.

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 14th day of December, 2021, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2021-510

RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2020-2021 AND MAKING FINDINGS RELATED TO EACH OF THE FEE CATEGORIES

WHEREAS, the City of Modesto imposes fees to mitigate the impacts of development, pursuant to Government Code section 66000 *et seq*., and

WHEREAS, California Government Code sections 66001 and 66006 require cities to annually make certain fee-related information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City, in accordance with Government Code section 66006(a) and Section 8-1.904 of the Modesto Municipal Code, established Capital Facilities Fees (CFF) for the purpose collecting fees to fund the construction of public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, by Resolution No. 2011-105, Council established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2020-464 on September 22, 2020, and

WHEREAS, the following fees were established by Resolution No. 2020-407:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and
- The Public Transportation CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and

- The Air Quality Mitigation CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, pedestrian accesses as well as land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings, and
- The Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and
- The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and
- The General Government CFF Fund was established to accrue funds for the debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and

WHEREAS, the following policy was established by Resolution No. 2020-407, an Accessory Dwelling Units (ADU) less than 750 sq. ft. is exempt from local impact fees, and an ADU of 750 sq. ft. or greater must be charged proportionately in relation to the square footage of the primary dwelling unit, and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2020-21 has been completed and is on file with the City Clerk and is **attached** as **Attachment 2**, and

WHEREAS, a public hearing notice was posted in the Modesto Bee on December 3, 2021, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 14, 2021, to enable the public to have the opportunity to comment on the CFF collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories:

1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2020-407, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development.
2) The Capital Facilities Fee Annual Report for Fiscal Year 2020-21 **(Attachment 2)** reports on the below information for each of the fee categories:
    a. The amount of the fee. (Table 1)
    b. The beginning and ending balance of the account or fund. (Table 2)
    c. The amount of the fees collected and the interest earned. (Table 2)
    d. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Table 10)
3) The CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that

there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.

4) The anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.

5) The necessary funds for constructing and/or purchasing the following have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2020-407, and therefore fees should still be collected for the following purposes:

- Additional fire stations, fire vehicles, and a new training station, and
- An additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer-aided dispatch system, and an expanded radio system, and
- Development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure Country Place, and
- Debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and
- Reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails, and
- Arterial roadways, intersections, expressway, freeway interchanges and all of their associated landscaping, and
- Expansion of the transit system.

6) All reportable fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the California Government Code and all other applicable laws for the Fiscal Year 2020-21.

7) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2020-21 Capital Facilities Fees Report as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

City of Modesto Capital Facilities Fees Annual Report Fiscal Year 2020-21

Prepared By:

Community & Economic Development
Infrastructure Financing Program

December 2021

MODESTO
CALIFORNIA

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LEGAL REQUIREMENTS

A. What Are Impact Fees?

California Government Code §66000 allows a local jurisdiction to establish an impact fee to mitigate the impacts of new development. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities, and must be consistent with the adopted fee program, which is updated every five years.

New development increases the demand for health and safety service provided by a city, affects the quality of the community's infrastructure, and increases the need for public facilities. Typically, impact fees are paid to a city at the time a building permit is issued and assist in paying for the cumulative impact of new development through infrastructure improvements and additions. Facilities partly funded by impact fees include police, fire and administrative buildings, park sites, bike trails, public landscape areas, community centers, transportation and transit facilities and roadway improvements. Impact fees cannot be used for maintenance of existing or future city facilities.

B. Establishing An Impact Fee Program

The City of Modesto ("City") impact fee program, more commonly known as the Capital Facilities Fees Program ("CFF Program"), was established in 1987 and has been updated periodically to reflect the changes in land values, projects and costs. Impact fees imposed on new development must have the proper nexus to any project on which they are imposed. The CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan for build-out. Estimated project costs and the summary of fee apportionment for each CFF Program fee category are identified in the 2003, 2011, 2019 and 2020 CFF Program updates.

C. Adoption of a Capital Improvement Program

California Government Code §66002 requires local agencies that have implemented an impact fee program to adopt a Capital Improvement Program (CIP) indicating the approximate location, size, and time of projects, plus an estimate for the costs of all facilities or improvements to be financed by the impact fees. At a minimum, a formal CIP is recommended as a five-year plan. The City annually produces a five-year CIP which assists in maintaining and updating the City's General Plan.

The City's CIP connects annual capital expenditures to a long-range plan for public improvements. The City's CIP also assists in maximizing the funds available, connecting the plan for public improvements to the City's capacity for funding, and projecting expenditures over a period of years. This type of fiscal management is particularly

important during periods where budgetary demands exceed financial resources. The City's CIP is financed in part by the impact fees collected through the CFF Program.

D. Reporting

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Describe the type of impact fee in the account or fund.
- Identify the amount of the impact fee.
- Provide the beginning and ending balance of the account or fund.
- Provide the amount of impact fees collected and interest earned.
- Identify each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identify an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Describe each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned impact fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- Provide the amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

If an agency no longer needs the funds for the purposes collected or fails to make the required findings or perform certain administrative tasks prescribed, the agency may be required to refund, on a prorated basis to owners of the properties upon which the impact fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which is it charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

DESCRIPTION OF CAPITAL FACILITIES FEES

The CFF Program mitigates the impacts associated with new development on certain public facilities. The CFF Program is used to finance the acquisition, construction, and improvement of public facilities as a result of new development. The City has the following seven (7) CFF Program fee categories:

Streets Capital Facilities Fee – Fund 3410
This fee is collected for roadway improvements such as expressways, interchanges, arterial and collector roads, turn lanes, intersections and traffic signals.

Public Transportation Capital Facilities Fee – Fund 3420
This fee is collected for new buses, bus shelters, bus stops, the bus maintenance facility, and the northeast transfer station.

Air Quality and Parks Facilities Fee – Fund 3432
This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling, carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses as well as land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

Police Capital Facilities Fee – Fund 3440
This fee is collected for the Police Tactical Training Center, police vehicles, parking facilities, communication systems, special equipment, and the future Northeast Area Precinct (to be shared with Fire).

Fire Capital Facilities Fee – Fund 3450
This fee is collected for fire facility expansions, fire vehicles, special equipment, and the future Northeast Area Precinct (to be shared with Police).

City Hall and Other Government Facilities Capital Facilities Fee – Fund 3470
This fee is collected for debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles, and the City's information technology expansion.

Administration Capital Facilities Fee – Fund 3480
This fee is collected for the administration of the CFF Program. This includes preparation of an Annual CFF Program Report, preparation of a Five-Year CFF Report, day-to-day management of the CFF Program including preparation of annual CIP budgets, CFF Program annual inflationary updates, land value analyses and updates and CFF Program Proformas.

Approved on October 8, 2019, the current CFF Program combined two prior CFF Funds, Air Quality and Parks Facilities, into one fund. Prior to the current CFF Program, Air Quality and Parks Facilities were separate funds, as part of the 2011 CFF Fees Program. However, because CFF is applied based on the date the Building Application is received, there are still a number of permits issued prior to the effective date of the current CFF Program, January 1, 2020, that remain open.

The following funds were part of the 2011 CFF Fees Program:

Air Quality Mitigation Capital Facilities Fee – Fund 3430
This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling, carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses.

Parks Capital Facilities Fee – Fund 3460
This fee is collected for land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

FY 2020-2021 CURRENT FEE SCHEDULES & POLICIES AND PROCEDURES UPDATE

The current CFF Program allows for an annual inflationary adjustment equal to the increase in the annual change in the San Francisco Bay Area Engineering News Record Construction

Cost Index through the month of December of the preceding year. Table 1 was adopted on October 8, 2019 per Resolution 2019-464.

In Fiscal Year 2020-21, the City Council approved Resolution No. 2020-407 modifying the capital facilities fees policies and procedures that went into effect on January 1, 2021. The update was approved by the City Council on September 22, 2020 which included the following:

California law (Government Code §65852.2) exempts Accessory Dwelling Units (ADU) less than 750 sq. ft. from local impact fees and requires that fees for an ADU of 750 sq. ft. or greater must be charged proportionately in relation to the square footage of the primary dwelling unit. Table 11 has been included with this year's report to identify ADUs and the CFF fees exempted due to this new requirement.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES[1]

The Combining Statement of Revenues, Expenditures and Changes in Fund Balances provided in Table 2 outlines the beginning and ending balance of each fund for Fiscal Year 2020-21. Expenditures are identified by general categories. All revenue, unless collected under the deferral program, is collected at the time a building permit is issued. Since the CFF Program is a "pay-as-you-go" program, the City must accrue enough revenue prior to commencing construction of a project, resulting in an "aging" of fund balances. The aging or accumulation occurs until enough revenue has been collected to construct a project.

FIVE YEAR REVENUE AND EXPENSE HISTORY

As previously discussed, most revenue is collected when a building permit is issued for new development. Tables 3 and 4 provide a five-year snapshot of the CFF Program revenues and expenditures, respectively. Table 5 offers a combined picture of revenues, expenses and fund balance levels over the past five years.

DEFERRED CAPITAL FACILITIES FEES

Multi-Family, Commercial and Industrial
CFF Deferral Programs for Multi-Family, Commercial, and Industrial developments have been in place since 1991. Deferrals assist in off-setting the cost of new development by allowing applicants to pay a portion of the CFF due at the time of building permit issuance and the balance, plus interest, over a predetermined period of time. Table 6 details the five (5) active deferrals in Fiscal Year 2020-21.

Single-Family Residential
The single-family deferral program allows applicants to pay a portion of their fees due at the time of building permit issuance and defer payment of the CFF, water connection and waste-water capacity fees until final inspection. There were no Single-Family Residential Deferrals in Fiscal Year 2020-21.

EXEMPTIONS

The City of Modesto encourages the construction of Very Low and Low Income Housing development projects within the City. CFF exemptions can be provided to the Housing Authority of Stanislaus or to Community Housing Development Organizations (CHDO) for the development of low and very-low income households (under 60% of the area median income).

[1] Financial data is current as of November 1, 2021.

As Table 7a indicates, there was one exemption processed in Fiscal Year 2020-21. Archway Commons II, located at 1101 Carver Road, Modesto, provides 74 senior and family units, providing affordable housing to low income households, and will have a fifty-five-year affordability covenant, with an overall average of 49% Area Median Income.

REFUNDS

CFF may be refunded if a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced. In addition, CFF paid for placement of Trailers may be refunded if requested in writing within six years of payment, minus the administration component. There was one CFF refund made in Fiscal Year 2020-21, found on Table 7b.

CREDITS

CFF credits are granted when previously existing building(s) are removed and new building(s) are constructed. These credits may off-set up to but not more than 100% of the CFF due for the new development. Table 8 details the credits provided in Fiscal Year 2020-21.

TRANSFERS

A total of seven (7) inter-fund transfers occurred in Fiscal Year 2020-21. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS[2]

Information on projects funded by the CFF Program can be found in Table 10. The information in the table includes a listing of current projects, estimated construction start and end dates, estimated project costs, percentage of project funded by the CFF Program and general accounting information.

REDUCTION OF CAPITAL FACILITIES FEES

An applicant may request a reduction in the CFF if it is determined that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current CFF. Any such fee reduction must be based on a trip generation study, using accepted methodology, as determined by the City. The fee reduction shall be no greater than a proportionate reduction in trips demonstrated in the trip generation study. Any such reduction shall be approved by the City Manager. There were no CFF Fee reductions granted Fiscal Year 2020-21.

[2] Financial data is current as of November 1, 2021.

Table 1: Fee Schedules Effective July 1, 2020 through June 30, 2021

FY 2020-2021 CFF PROGRAM - Development within City Limits									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 6,822	$ 99	$ 6,248	$ 634	$ 395	$ 522	$ 296	**$ 15,016**
Multi-Family Residential	Dwelling Unit	$ 4,725	$ 69	$ 4,299	$ 382	$ 182	$ 320	$ 160	**$ 10,137**
Senior Housing	Dwelling Unit	$ 4,117	$ 37	$ 4,193	$ 372	$ 178	$ 314	$ 113	**$ 9,324**
Hotel/Motel	Room	$ 3,547	$ 62	$ -	$ 144	$ 69	$ 121	$ 90	**$ 4,033**
Retail <50,000 SF	1,000 SF	$ 10,256	$ 204	$ -	$ 172	$ 83	$ 145	$ 277	**$ 11,137**
Retail 50,000-100,000 SF	1,000 SF	$ 8,514	$ 168	$ -	$ 172	$ 82	$ 144	$ 230	**$ 9,310**
Retail 100,000-300,000 SF	1,000 SF	$ 7,186	$ 142	$ -	$ 173	$ 83	$ 145	$ 195	**$ 7,924**
Retail >300,000 SF	1,000 SF	$ 6,704	$ 130	$ -	$ 172	$ 82	$ 145	$ 183	**$ 7,416**
Medical Office	1,000 SF	$ 12,955	$ 259	$ -	$ 287	$ 138	$ 240	$ 357	**$ 14,236**
General Office	1,000 SF	$ 6,269	$ 111	$ -	$ 287	$ 138	$ 241	$ 162	**$ 7,208**
Hospital	1,000 SF	$ 9,085	$ 160	$ -	$ 287	$ 138	$ 241	$ 226	**$ 10,137**
Daycare	1,000 SF	$ 5,016	$ 88	$ -	$ 287	$ 138	$ 241	$ 131	**$ 5,901**
Church	1,000 SF	$ 1,069	$ 19	$ -	$ 291	$ 139	$ 245	$ 37	**$ 1,800**
Nursing Home	1,000 SF	$ 1,565	$ 27	$ -	$ 290	$ 139	$ 244	$ 48	**$ 2,313**
Industrial (Manufacturing)	1,000 SF	$ 2,430	$ 42	$ -	$ 123	$ 59	$ 103	$ 63	**$ 2,820**
Industrial (Warehousing)	1,000 SF	$ 1,704	$ 30	$ -	$ 124	$ 59	$ 103	$ 46	**$ 2,066**

Table 1, cont'd: Fee Schedules Effective July 1, 2020 through June 30, 2021

FY 2020-2021 CFF PROGRAM - Development within City's Sphere of Influence									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 7,417	$ 79	$ 1,504	$ -	$ -	$ -	$ 191	**$ 9,191**
Multi-Family Residential	Dwelling Unit	$ 5,338	$ 57	$ 953	$ -	$ -	$ -	$ 130	**$ 6,478**
Senior Housing	Dwelling Unit	$ 3,123	$ 34	$ 1,043	$ -	$ -	$ -	$ 104	**$ 4,304**
Hotel/Motel	Room	$ 3,739	$ 39	$ -	$ -	$ -	$ -	$ 56	**$ 3,834**
Retail <50,000 SF	1,000 SF	$ 10,669	$ 112	$ -	$ -	$ -	$ -	$ 155	**$ 10,936**
Retail 50,000-100,000 SF	1,000 SF	$ 8,883	$ 93	$ -	$ -	$ -	$ -	$ 130	**$ 9,106**
Retail 100,000-300,000 SF	1,000 SF	$ 7,530	$ 80	$ -	$ -	$ -	$ -	$ 110	**$ 7,720**
Retail >300,000 SF	1,000 SF	$ 7,034	$ 76	$ -	$ -	$ -	$ -	$ 103	**$ 7,213**
Medical Office	1,000 SF	$ 13,564	$ 144	$ -	$ -	$ -	$ -	$ 199	**$ 13,907**
General Office	1,000 SF	$ 6,639	$ 69	$ -	$ -	$ -	$ -	$ 102	**$ 6,810**
Hospital	1,000 SF	$ 9,500	$ 100	$ -	$ -	$ -	$ -	$ 143	**$ 9,743**
Daycare	1,000 SF	$ 5,357	$ 57	$ -	$ -	$ -	$ -	$ 82	**$ 5,496**
Church	1,000 SF	$ 1,282	$ 13	$ -	$ -	$ -	$ -	$ 28	**$ 1,323**
Nursing Home	1,000 SF	$ 1,808	$ 19	$ -	$ -	$ -	$ -	$ 34	**$ 1,861**
Industrial (Manufacturing)	1,000 SF	$ 2,584	$ 27	$ -	$ -	$ -	$ -	$ 39	**$ 2,650**
Industrial (Warehousing)	1,000 SF	$ 1,844	$ 20	$ -	$ -	$ -	$ -	$ 29	**$ 1,893**

Table 1, cont'd: Fee Schedules Effective July 1, 2020 through June 30, 2021

FY 2020-2021 CFF PROGRAM - Development within the Downtown Economic Incentives Program									
Fee Category	Unit Measure Per	Streets	Transit	Parks and Air Quality	Police	Fire	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ -	$ 99	$ 6,248	$ 634	$ 395	$ 522	$ 296	**$ 8,194**
Multi-Family Residential	Dwelling Unit	$ -	$ 69	$ 4,299	$ 382	$ 182	$ 320	$ 159	**$ 5,412**
Senior Housing	Dwelling Unit	$ -	$ 37	$ 4,193	$ 372	$ 178	$ 314	$ 113	**$ 5,207**
Hotel/Motel	Room	$ -	$ 62	$ -	$ 144	$ 69	$ 121	$ 89	**$ 486**
Retail <50,000 SF	1,000 SF	$ -	$ 204	$ -	$ 172	$ 83	$ 145	$ 277	**$ 881**
Retail 50,000-100,000 SF	1,000 SF	$ -	$ 168	$ -	$ 172	$ 82	$ 144	$ 231	**$ 796**
Retail 100,000-300,000 SF	1,000 SF	$ -	$ 142	$ -	$ 173	$ 83	$ 145	$ 196	**$ 738**
Retail >300,000 SF	1,000 SF	$ -	$ 130	$ -	$ 172	$ 82	$ 145	$ 183	**$ 712**
Medical Office	1,000 SF	$ -	$ 259	$ -	$ 287	$ 138	$ 240	$ 357	**$ 1,281**
General Office	1,000 SF	$ -	$ 111	$ -	$ 287	$ 138	$ 241	$ 161	**$ 938**
Hospital	1,000 SF	$ -	$ 160	$ -	$ 287	$ 138	$ 241	$ 226	**$ 1,051**
Daycare	1,000 SF	$ -	$ 88	$ -	$ 287	$ 138	$ 241	$ 130	**$ 885**
Church	1,000 SF	$ -	$ 19	$ -	$ 291	$ 139	$ 245	$ 37	**$ 731**
Nursing Home	1,000 SF	$ -	$ 27	$ -	$ 290	$ 139	$ 244	$ 49	**$ 748**
Industrial (Manufacturing)	1,000 SF	$ -	$ 42	$ -	$ 123	$ 59	$ 103	$ 62	**$ 390**
Industrial (Warehousing)	1,000 SF	$ -	$ 30	$ -	$ 124	$ 59	$ 103	$ 46	**$ 362**

Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2021[3]

FY 2020-21	3410 Streets	3420 Public Transp.	3430 Air Quality	3432 Parks & Air Quality	3440 Police	3450 Fire	3460 Parks	3470 General Gov't	3480 Admin.	Total
REVENUES:										
Intergovernmental	$ (3,495,247)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ (3,495,247)
Fees Collected	$ 3,522,904	$ 54,546	$ 25,814	$ 1,168,952	$ 251,079	$ 125,491	$ 202,188	$ 190,097	$ 110,676	$ 5,651,747
Interest and Rent	$ 231,733	$ 3,991	$ 4,414	$ 10,450	$ 3,145	$ 1,711	$ 66,258	$ 1,927	$ 736	$ 324,365
Net Change in Fair Value of Investments	$ (217,028)	$ (3,865)	$ (4,301)	$ (8,978)	$ (3,759)	$ (1,852)	$ (64,865)	$ (2,335)	$ (675)	$ (307,658)
Miscellaneous	$ 11,960	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 11,960
TOTAL REVENUES	**$ 54,322**	**$ 54,672**	**$ 25,927**	**$ 1,170,424**	**$ 250,465**	**$ 125,350**	**$ 203,581**	**$ 189,689**	**$ 110,737**	**$ 2,185,167**
EXPENDITURES:										
Current:										
General Gov't.										$ -
Community Development	$ -	$ -	$ -	$ -	$ -	$ -	$ 59,613	$ -	$ 76,394	$ 136,007
Highways and Streets	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Public Works	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Parks and Recreation	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Public Safety	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Capital Outlay:										
Community Development	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Highways and Streets	$ 1,752,997	$ -	$ 8,431	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,761,428
Parks and Recreation	$ -	$ -	$ -	$ -	$ -	$ -	$ 80,874	$ -	$ -	$ 80,874
TOTAL EXPENDITURES	**$ 1,752,997**	**$ -**	**$ 8,431**	**$ -**	**$ -**	**$ -**	**$ 140,487**	**$ -**	**$ 76,394**	**$ 1,978,309**
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	**$ (1,698,675)**	**$ 54,672**	**$ 17,496**	**$ 1,170,424**	**$ 250,465**	**$ 125,350**	**$ 63,094**	**$ 189,689**	**$ 34,343**	**$ 206,858**
OTHER FINANCING SOURCES (USES)										
Transfers In*	$ -	$ -	$ 13,802	$ -	$ -	$ -	$ 103,474	$ -	$ -	$ 117,276
Transfers Out*	$ (18,238)	$ -	$ -	$ -	$ (215,000)	$ (18,675)	$ -	$ (180,000)	$ -	$ (431,913)
Sale of Assets	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL OTHER FINANCING SOURCES	**$ (18,238)**	**$ -**	**$ 13,802**	**$ -**	**$ (215,000)**	**$ (18,675)**	**$ 103,474**	**$ (180,000)**	**$ -**	**$ (314,637)**
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	$ (1,716,913)	$ 54,672	$ 31,298	$ 1,170,424	$ 35,465	$ 106,675	$ 166,568	$ 9,689	$ 34,343	$ (107,779)
FUND BALANCES, July 1	$ 28,881,198	$ 392,359	$ 470,444	$ 512,266	$ 332,276	$ (665,473)	$ 7,085,685	$ 214,808	$ 84,140	$ 37,307,703
PRIOR PERIOD ADJUSTMENT										$ -
FUND BALANCES, June 30	**$ 27,164,285**	**$ 447,031**	**$ 501,742**	**$ 1,682,690**	**$ 367,741**	**$ (558,798)**	**$ 7,252,253**	**$ 224,497**	**$ 118,483**	**$ 37,199,924**

[3] Financial data is current as of November 1, 2021 – see Table 9 for Transfers.

Table 3: Five Year Revenue History

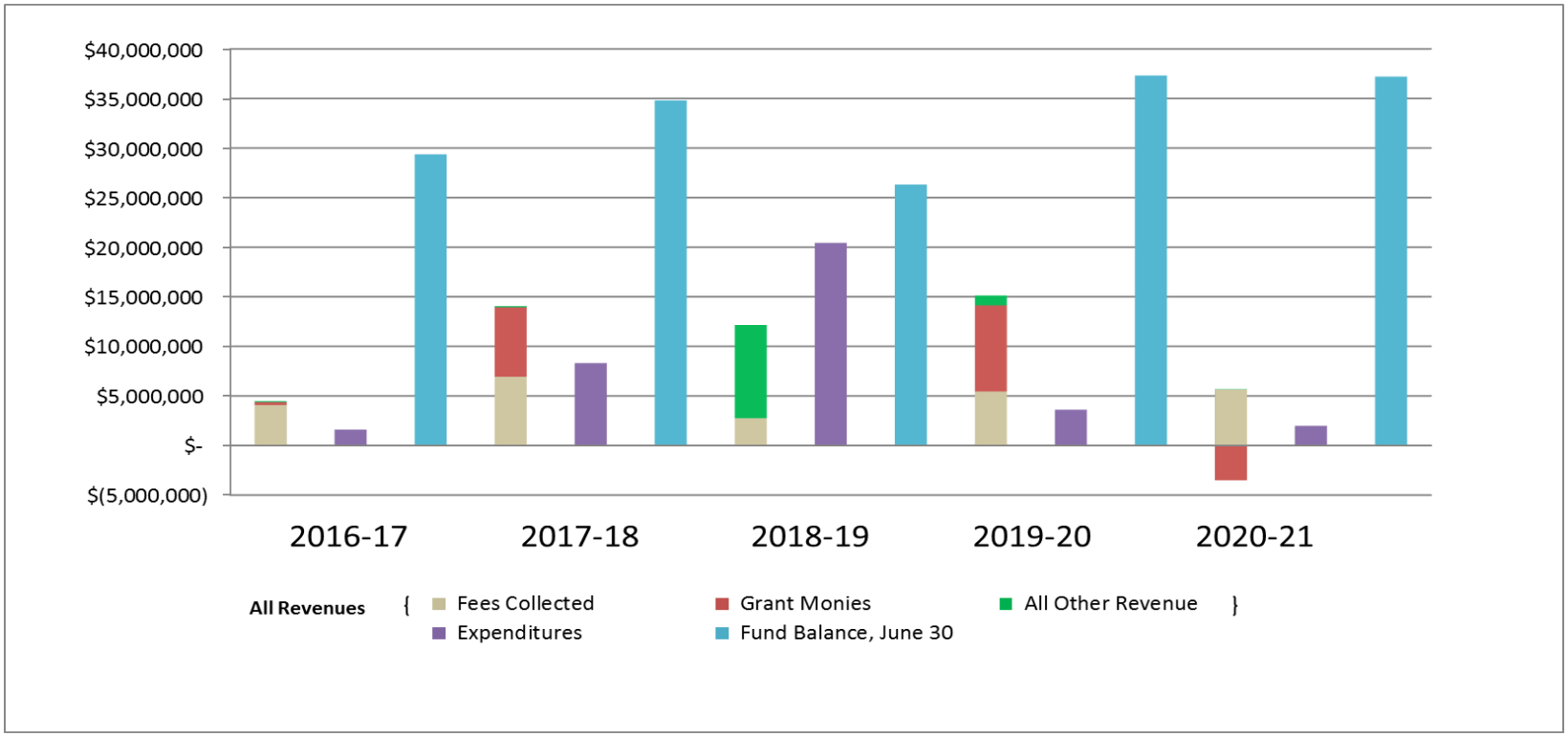
Fund	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Five Year Total
FUND 3410 – STREETS						
Fees Collected	$ 2,777,286	$ 4,452,343	$ 1,600,387	$ 2,902,289	$ 3,522,904	**$ 15,255,209**
Grant Monies	$ 257,056	$ 6,485,930	$ -	$ 8,672,922	$ (3,495,247)	**$ 11,920,661**
All Other Revenue Sources	$ 223,723	$ 253,321	$ 9,190,803	$ 686,256	$ 26,665	**$ 10,380,768**
Subtotal	**$ 3,258,065**	**$ 11,191,594**	**$ 10,791,190**	**$ 12,261,467**	**$ 54,322**	**$ 37,556,638**
FUND 3420 – PUBLIC TRANSPORTATION						
Fees Collected	$ 39,413	$ 72,618	$ 25,113	$ 45,152	$ 54,546	**$ 236,842**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 1,940	$ 2,943	$ 8,694	$ 13,128	$ 126	**$ 26,831**
Subtotal	**$ 41,353**	**$ 75,561**	**$ 33,807**	**$ 58,280**	**$ 54,672**	**$ 263,673**
FUND 3430 – AIR QUALITY MITIGATION						
Fees Collected	$ 71,743	$ 170,138	$ 75,705	$ 161,162	$ 25,814	**$ 504,562**
Grant Monies	$ 30,526	$ 517,997	$ -	$ 12,879	$ -	**$ 561,402**
All Other Revenue Sources	$ 746	$ (1,336)	$ 31,056	$ 14,453	$ 113	**$ 45,032**
Subtotal	**$ 103,015**	**$ 686,799**	**$ 106,761**	**$ 188,494**	**$ 25,927**	**$ 1,110,996**
FUND 3432 – PARKS AND AIR QUALITY						
Fees Collected				$ 500,440	$ 1,168,952	**$ 1,669,392**
Grant Monies				$ -	$ -	**$ -**
All Other Revenue Sources				$ 11,826	$ 1,472	**$ 13,298**
Subtotal	**$ -**	**$ -**	**$ -**	**$ 512,266**	**$ 1,170,424**	**$ 1,682,690**
FUND 3440 – POLICE						
Fees Collected	$ 178,304	$ 389,376	$ 152,870	$ 300,057	$ 251,079	**$ 1,271,686**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 2,568	$ 5,027	$ 9,986	$ 20,163	$ (614)	**$ 37,130**
Subtotal	**$ 180,872**	**$ 394,403**	**$ 162,856**	**$ 320,220**	**$ 250,465**	**$ 1,308,816**
FUND 3450 – FIRE						
Fees Collected	$ 70,398	$ 145,364	$ 61,022	$ 126,470	$ 125,491	**$ 528,745**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 1,097	$ 2,419	$ 5,361	$ 7,477	$ (141)	**$ 16,213**
Subtotal	**$ 71,495**	**$ 147,783**	**$ 66,383**	**$ 133,947**	**$ 125,350**	**$ 544,958**
FUND 3460 – PARKS						
Fees Collected	$ 764,012	$ 1,343,507	$ 692,884	$ 1,121,876	$ 202,188	**$ 4,124,467**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 30,471	$ 46,990	$ 146,123	$ 223,592	$ 1,393	**$ 448,569**
Subtotal	**$ 794,483**	**$ 1,390,497**	**$ 839,007**	**$ 1,345,468**	**$ 203,581**	**$ 4,573,036**
FUND 3470 – GENERAL GOVERNMENT						
Fees Collected	$ 100,986	$ 221,271	$ 86,494	$ 184,949	$ 190,097	**$ 783,797**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 682	$ 2,759	$ 7,511	$ 12,316	$ (408)	**$ 22,860**
Subtotal	**$ 101,668**	**$ 224,030**	**$ 94,005**	**$ 197,265**	**$ 189,689**	**$ 806,657**
FUND 3480 – ADMINISTRATION						
Fees Collected	$ 76,673	$ 138,953	$ 54,770	$ 104,020	$ 110,676	**$ 485,092**
Grant Monies	$ -	$ -	$ -	$ -	$ -	**$ -**
All Other Revenue Sources	$ 508	$ 877	$ 1,700	$ 2,221	$ 61	**$ 5,367**
Subtotal	**$ 77,181**	**$ 139,830**	**$ 56,470**	**$ 106,241**	**$ 110,737**	**$ 490,459**
TOTAL	**$ 4,628,132**	**$ 14,250,497**	**$ 12,150,479**	**$ 15,123,648**	**$ 2,185,167**	**$ 48,337,923**

Table 4: Five Year Expenditure History[4]

Fund	2016-17	2017-18	2018-19	2019-20	2020-21	Five Year Total
Fund 3410 – Streets	$ (1,200,904)	$ (7,587,438)	$ (19,909,526)	$ (3,308,019)	$ (1,752,997)	$ (33,758,884)
Fund 3420 – Public Transportation	$ -	$ -	$ -	$ -	$ -	$ -
Fund 3430 – Air Quality Mitigation	$ (318,813)	$ (618,128)	$ (13,243)	$ (8,228)	$ (8,431)	$ (966,843)
Fund 3432 – Parks and Air Quality	-	-	$ -	$ -	$ -	$ -
Fund 3440 – Police	-	-	$ -	$ -	$ -	$ -
Fund 3450 – Fire	-	-	$ -	$ -	$ -	$ -
Fund 3460 – Parks	$ (230)	$ (81)	$ (428,046)	$ (201,162)	$ (140,487)	$ (770,006)
Fund 3470 – General Government	-	-	$ -	$ -	$ -	$ -
Fund 3480 – Administration	$ (84,066)	$ (107,582)	$ (87,478)	$ (90,888)	$ (76,394)	$ (446,408)
TOTAL	**$ (1,604,013)**	**$ (8,313,229)**	**$ (20,438,293)**	**$ (3,608,297)**	**$ (1,978,309)**	**$ (35,942,141)**

[4] Financial data is current as of November 1, 2021.

Table 5: Five Year Revenue and Expenditure History[5]



[5] Financial data is current as of November 1, 2021.

Table 6: Multifamily, Commercial and Industrial Deferrals[6]

Receivable Fund	Applicant	Address	Agreement Start Date	Agreement End Date	Years Remaining	Balance as of 30-Jun-20	Payoffs	Outstanding Balance 30-Jun-21
Fund 3410 Streets	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ 33,913.38	$ 17,852.03	$ 16,061.35
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 53,549.37	$ 12,077.86	$ 41,471.51
	Osiel & Karina Luna	605 Maze Blvd.	10/29/2020	12/1/2025	5	$ 4,270.30	$ -	$ 4,270.30
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 25,571.96	$ -	$ 25,571.96
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 7,306.27	$ 7,306.27	$ -
					Subtotal	**$ 124,611.28**	**$ 37,236.16**	**$ 87,375.12**
Fund 3420 Public Transportation	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ 671.10	$ 353.27	$ 317.83
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 783.02	$ 176.61	$ 606.41
	Osiel & Karina Luna	605 Maze Blvd.	10/29/2020	12/1/2025	5	$ 45.61		$ 45.61
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 375.20	$ -	$ 375.20
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 106.84	$ 106.84	$ -
					Subtotal	**$ 1,981.77**	**$ 636.72**	**$ 1,345.05**
Fund 3430 Air Quality Mitigation	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ -	$ -	$ -
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 8,899.57	$ 2,007.27	$ 6,892.30
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 4,250.18	$ -	$ 4,250.18
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 1,215.05	$ 1,215.05	$ -
					Subtotal	**$ 14,364.80**	**$ 3,222.32**	**$ 11,142.48**
Fund 3432 Parks and Air Quality	Osiel & Karina Luna	605 Maze Blvd.	10/29/2020	12/1/2025	5	$ 761.68	$ -	$ 762.33
						$ -	$ -	$ -
					Subtotal	**$ 761.68**	**$ -**	**$ 762.33**

[6] Donaxi Ruthford Deferral was executed on October 20, 2020 and paid off on April 1, 2021.

Table 6 cont'd: Multifamily, Commercial and Industrial Deferrals

Fund 3440 Police	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ 941.69	$ 495.70	$ 445.99
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 6,332.46	$ 1,428.26	$ 4,904.20
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 3,024.00	$ -	
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 864.25	$ 864.25	
					Subtotal	**$ 11,162.40**	**$ 2,788.21**	**$ 5,350.19**
Fund 3450 Fire	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ 309.52	$ 162.93	$ 146.59
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 2,063.91	$ 465.51	$ 1,598.40
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 985.60	$ -	$ -
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 282.24	$ 282.24	$ -
					Subtotal	**$ 3,641.27**	**$ 910.68**	**$ 1,744.99**
Fund 3460 Parks	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ -	$ -	$ -
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 39,811.42	$ 8,979.32	$ 30,832.10
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 19,009.87	$ -	$ 19,009.87
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 5,432.67	$ 5,432.67	$ -
					Subtotal	**$ 64,253.96**	**$ 14,411.99**	**$ 49,841.97**
Fund 3470 General Government	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ 541.86	$ 285.24	$ 256.62
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 3,623.57	$ 817.28	$ 2,806.29
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 1,730.40	$ -	$ 1,730.40
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 494.31	$ 494.31	$ -
					Subtotal	**$ 6,390.14**	**$ 1,596.83**	**$ 4,793.31**
Fund 3480 Administration	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	$ 916.69	$ 482.54	$ 434.15
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	1	$ 1,805.63	$ 407.25	$ 1,398.38
	Osiel & Karina Luna	605 Maze Blvd.	10/29/2020	12/1/2025	5	$ 104.17		$ 104.17
	J & J Development	112 James St.	10/14/2020	10/1/2025	5	$ 862.40	$ -	$ 862.40
	Donaxi Ruthford*	3604 E. Orangeburg Ave.	10/6/2020	4/1/2021	0	$ 243.97	$ 243.97	$ -
					Subtotal	**$ 3,932.86**	**$ 1,133.76**	**$ 2,799.10**
					TOTAL	**$ 231,100.16**	**$ 61,936.67**	**$ 165,154.54**

Table 7a: Low Income Deferrals/Exemptions

Fund	Applicant / Project	CFF Due	CFF Credit	CFF Paid
Fund 3410	Archway Commons II - 1101 Carver Rd.	$ 349,639.32	$ (349,639.32)	$ -
Streets			$ -	$ -
Subtotal		$ 349,639.32	$ (349,639.32)	$ -
Fund 3420	Archway Commons II - 1101 Carver Rd.	$ 5,100.94	$ (5,100.94)	$ -
Public Transportation			$ -	$ -
Subtotal		$ 5,100.94	$ (5,100.94)	$ -
Fund 3432	Archway Commons II - 1101 Carver Rd.	$ 318,133.53	$ (318,133.53)	$ -
Parks and Air Quality			$ -	$ -
Subtotal		$ 318,133.53	$ (318,133.53)	$ -
Fund 3440	Archway Commons II - 1101 Carver Rd.	$ 28,280.20	$ (28,280.20)	$ -
Police			$ -	$ -
Subtotal		$ 28,280.20	$ (28,280.20)	$ -
Fund 3450	Archway Commons II - 1101 Carver Rd.	$ 13,502.48	$ (13,502.48)	$ -
Fire			$ -	$ -
Subtotal		$ 13,502.48	$ (13,502.48)	$ -
Fund 3470	Archway Commons II - 1101 Carver Rd.	$ 23,704.36	$ (23,704.36)	$ -
General Govt.			$ -	$ -
Subtotal		$ 23,704.36	$ (23,704.36)	$ -
Fund 3480	Archway Commons II - 1101 Carver Rd.	$ 11,777.17	$ (11,777.17)	$ -
Administration			$ -	$ -
Subtotal		$ 11,777.17	$ (11,777.17)	$ -
TOTAL	**Total**	$ 750,138.00	$ (750,138.00)	$ -

Table 7b: Refunds

Fund	Applicant / Project	CFF Due	CFF Credit	CFF Paid
Fund 3410	Industrial Electric Co. - 1417 Coldwell Ave.	$ 511.21	$ (511.21)	$ -
Streets			$ -	$ -
Subtotal		$ 511.21	$ (511.21)	$ -
Fund 3420	Industrial Electric Co. - 1417 Coldwell Ave.	$ 8.99	$ (8.99)	$ -
Public Transportation			$ -	$ -
Subtotal		$ 8.99	$ (8.99)	$ -
Fund 3430	Industrial Electric Co. - 1417 Coldwell Ave.		$ -	$ -
Air Quality Mitigation			$ -	$ -
Subtotal		$ -	$ -	$ -
Fund 3440	Industrial Electric Co. - 1417 Coldwell Ave.	$ 37.19	$ (37.19)	$ -
Police			$ -	$ -
Subtotal		$ 37.19	$ (37.19)	$ -
Fund 3450	Industrial Electric Co. - 1417 Coldwell Ave.	$ 17.73	$ (17.73)	$ -
Fire			$ -	$ -
Subtotal		$ 17.73	$ (17.73)	$ -
Fund 3460	Industrial Electric Co. - 1417 Coldwell Ave.		$ -	$ -
Parks			$ -	$ -
Subtotal		$ -	$ -	$ -
Fund 3470	Industrial Electric Co. - 1417 Coldwell Ave.	$ 30.93	$ (30.93)	$ -
General Government			$ -	$ -
Subtotal		$ 30.93	$ (30.93)	$ -
Fund 3480	Industrial Electric Co. - 1417 Coldwell Ave.	$ 13.75	$ (13.75)	$ -
Administration			$ -	$ -
Subtotal		$ 13.75	$ (13.75)	$ -
TOTAL	**Total**	$ 619.80	$ (619.80)	$ -

Table 8: Credits for Previously Existing Buildings

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410	1229 Boulder Ave.	$ 6,591.76	$ (6,591.76)	$ -
Streets	2004 Miller Ave.	$ 6,821.77	$ (6,821.77)	$ -
	1010 Alamo Ave.	$ 6,591.76	$ (6,591.76)	$ -
	402 Rosedale Ave.	$ 4,567.42	$ (4,567.42)	$ -
	220 Rue De Yoe	$ 6,821.77	$ (6,821.77)	$ -
	224 Rue De Yoe	$ 6,821.77	$ (6,821.77)	$ -
	618 Kerr Ave.	$ 6,821.77	$ (6,821.77)	$ -
	530 James St.	$ 6,821.77	$ (6,821.77)	$ -
	208 E Coolidge Ave.	$ 6,821.77	$ (6,821.77)	$ -
	1316 Yosemite Blvd.	$ 38,650.04	$ (38,650.04)	$ -
	1224 Scenic Dr.	$ 223,511.55	$ (223,511.55)	$ -
	906 J St.	$ 1,504.99	$ (1,504.99)	$ -
Subtotal		$ 322,348.14	$ (322,348.14)	$ -
Fund 3420	1229 Boulder Ave.	$ 96.15	$ (96.15)	$ -
Public	2004 Miller Ave.	$ 99.11	$ (99.11)	$ -
Transportation	1010 Alamo Ave.	$ 96.15	$ (96.15)	$ -
	402 Rosedale Ave.	$ 66.77	$ (66.77)	$ -
	220 Rue De Yoe	$ 99.11	$ (99.11)	$ -
	224 Rue De Yoe	$ 99.11	$ (99.11)	$ -
	618 Kerr Ave.	$ 99.11	$ (99.11)	$ -
	530 James St.	$ 99.11	$ (99.11)	$ -
	208 E Coolidge Ave.	$ 99.11	$ (99.11)	$ -
	1316 Yosemite Blvd.	$ 769.28	$ (769.28)	$ -
	1224 Scenic Dr.	$ 4,329.10	$ (4,329.10)	$ -
	906 J St.	$ 29.91	$ (29.91)	$ -
Subtotal		$ 5,982.02	$ (5,982.02)	$ -
Fund 3430	1229 Boulder Ave.	$ 575.45	$ (575.45)	$ -
Air Quality	1010 Alamo Ave.	$ 575.45	$ (575.45)	$ -
Mitigation	402 Rosedale Ave.	$ 759.41	$ (759.41)	$ -
Subtotal		$ 1,910.31	$ (1,910.31)	$ -
Fund 3432	2004 Miller Ave.	$ 6,248.16	$ (6,248.16)	$ -
Parks and	220 Rue De Yoe	$ 6,248.16	$ (6,248.16)	$ -
Air Quality	224 Rue De Yoe	$ 6,248.16	$ (6,248.16)	$ -
	618 Kerr Ave.	$ 6,248.16	$ (6,248.16)	$ -
	530 James St.	$ 6,248.16	$ (6,248.16)	$ -
	208 E Coolidge Ave.	$ 6,248.16	$ (6,248.16)	$ -
Subtotal		$ 37,488.96	$ (37,488.96)	$ -

Table 8, cont'd: Credits for Previously Existing Buildings

Fund 3440	1229 Boulder Ave.	$ 896.46	$ (896.46)	$ -
Police	2004 Miller Ave.	$ 633.68	$ (633.68)	$ -
	1010 Alamo Ave.	$ 896.46	$ (896.46)	$ -
	402 Rosedale Ave.	$ 540.16	$ (540.16)	$ -
	220 Rue De Yoe	$ 633.68	$ (633.68)	$ -
	224 Rue De Yoe	$ 633.68	$ (633.68)	$ -
	618 Kerr Ave.	$ 633.68	$ (633.68)	$ -
	1224 Scenic Dr.	$ 6,789.01	$ (6,789.01)	$ -
	530 James St.	$ 633.68	$ (633.68)	$ -
	208 E Coolidge Ave.	$ 633.68	$ (633.68)	$ -
	1316 Yosemite Blvd.	$ 946.81	$ (946.81)	$ -
	906 J St.	$ 25.17	$ (25.17)	$ -
Subtotal		$ 13,896.15	$ (13,896.15)	$ -
Fund 3450	1229 Boulder Ave.	$ 381.66	$ (381.66)	$ -
Fire	2004 Miller Ave.	$ 394.92	$ (394.92)	$ -
	1010 Alamo Ave.	$ 381.66	$ (381.66)	$ -
	402 Rosedale Ave.	$ 176.40	$ (176.40)	$ -
	220 Rue De Yoe	$ 394.92	$ (394.92)	$ -
	224 Rue De Yoe	$ 394.92	$ (394.92)	$ -
	618 Kerr Ave.	$ 394.92	$ (394.92)	$ -
	1224 Scenic Dr.	$ 3,262.69	$ (3,262.69)	$ -
	530 James St.	$ 394.92	$ (394.92)	$ -
	208 E Coolidge Ave.	$ 394.92	$ (394.92)	$ -
	1316 Yosemite Blvd.	$ 312.78	$ (312.78)	$ -
	906 J St.	$ 12.26	$ (12.26)	$ -
Subtotal		$ 6,896.97	$ (6,896.97)	$ -
Fund 3460	1229 Boulder Ave.	$ 5,461.58	$ (5,461.58)	$ -
Parks	1010 Alamo Ave.	$ 5,461.58	$ (5,461.58)	$ -
	402 Rosedale Ave.	$ 3,395.42	$ (3,395.42)	$ -
Subtotal		$ 14,318.58	$ (14,318.58)	$ -
Fund 3470	1229 Boulder Ave.	$ 504.44	$ (504.44)	$ -
General	2004 Miller Ave.	$ 522.56	$ (522.56)	$ -
Government	1010 Alamo Ave.	$ 504.44	$ (504.44)	$ -
	402 Rosedale Ave.	$ 308.95	$ (308.95)	$ -
	220 Rue De Yoe	$ 522.56	$ (522.56)	$ -
	224 Rue De Yoe	$ 522.56	$ (522.56)	$ -
	618 Kerr Ave.	$ 522.56	$ (522.56)	$ -
	1224 Scenic Dr.	$ 5,688.62	$ (5,688.62)	$ -
	530 James St.	$ 522.56	$ (522.56)	$ -
	208 E Coolidge Ave.	$ 522.56	$ (522.56)	$ -

Table 8, cont'd: Credits for Previously Existing Buildings

	1316 Yosemite Blvd.	$ 545.26	$ (545.26)	$ -
	906 J St.	$ 21.25	$ (21.25)	$ -
Subtotal		$ 10,708.32	$ (10,708.32)	$ -
Fund 3480	1229 Boulder Ave.	$ 285.50	$ (285.50)	$ -
Administration	2004 Miller Ave.	$ 295.80	$ (295.80)	$ -
	1010 Alamo Ave.	$ 285.50	$ (285.50)	$ -
	402 Rosedale Ave.	$ 151.47	$ (151.47)	$ -
	220 Rue De Yoe	$ 295.80	$ (295.80)	$ -
	224 Rue De Yoe	$ 295.80	$ (295.80)	$ -
	618 Kerr Ave.	$ 295.80	$ (295.80)	$ -
	1224 Scenic Dr.	$ 6,063.28	$ (6,063.28)	$ -
	530 James St.	$ 295.80	$ (295.80)	$ -
	208 E Coolidge Ave.	$ 295.80	$ (295.80)	$ -
	1316 Yosemite Blvd.	$ 1,044.03	$ (1,044.03)	$ -
	906 J St.	$ 40.68	$ (40.68)	$ -
Subtotal		$ 9,645.26	$ (9,645.26)	$ -
TOTAL		$ 423,194.71	$ (423,194.71)	$ -

Table 9: Transfers within Capital Facilities Fees Funds[7]

Fund	Transfer Description	Loan Maturity Date	Rate of Interest	Transfer Amount
Fund 3410 - Streets	Transfer Out - Fund 3160 - SR 132 West Expressway - CON			$ (18,238)
				$ (18,238)
Fund 3420 - Public Transportation				$ -
				$ -
Fund 3430 - Air Quality				$ -
				$ -
Fund 3432 - Parks & Air Quality				$ -
				$ -
Fund 3440 - Police	Transfer Out - Fund 0100 - Police Department Headquarters			$ (215,000)
				$ (215,000)
Fund 3450 - Fire	Transfer Out - Fund 0100 - Fire Station #11			$ (105,000)
				$ (105,000)
Fund 3460 - Parks	Transfer Out - Fund 3140 - Dry Creek to TRRP Trail Connection			$ (7,166)
	Transfer Out - Fund 6710 - TRRP River Pavilion			$ (6,815)
	Transfer Out - Fund 6710 - TRRP Riverwalk Gateway to Legion			$ (45,633)
				$ (59,614)
Fund 3470 - General	Transfer Out - Fund 0100 - Fire Station #11			$ (180,000)
				$ (180,000)
Fund 3480 - Administration				
				$ -
			TOTAL	**$ (577,853)**

[7] Financial data is current as of November 1, 2021.

Table 10: Capital Improvement Program (CIP) Expenditures[8]

Fund	CIP Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Previous FY's Expenditures	Committed Funds	FY 2020/21 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100046	Pelandale Interch at SR99	71%	29%	$ 9,509,987	$ 8,803,388	$ 381,528	$ (2,579)	$ 327,650	2004/15	2022/23
	100048	Claratina/McHenry Plan Lane	100%	0%	$ 341,500	$ 39,005	$ -	$ -	$ 302,495	2022/23	2023/24
	100051	Claratina: McHenry/Coffee 4 Ln	100%	0%	$ 6,062,911	$ 4,155,210	$ 585,466	$ 25,501	$ 1,296,734	2023/24	2024/25
	100586	CED - 7th St Bridge Tuolumne	92%	8%	$ 1,023,600	$ 312,842	$ -	$ 118,939	$ 591,819	2022/23	2024/25
	100614	State Route 132 W. Express	26%	74%	$ 34,437,560	$ 29,433,990	$ 225,458	$ 1,002,191	$ 3,775,921	2019/20	2022/23
	100632	Rt Turn Ln McHenry to Briggs	36%	64%	$ 3,021,892	$ 1,298,457	$ 40,410	$ 558,360	$ 1,124,665	2020/21	2021/22
	100944	Tuolumne, 7th & B Intersection	100%	0%	$ 350,000	$ 471	$ -	$ 37	$ 349,492	2022/23	2023/24
	100945	Hetch-Hetchy Crossing	100%	0%	$ 5,070,000	$ 425,671	$ 33,512	$ 28,741	$ 4,582,076	2022/23	2023/24
	101181	Claus Road Plan Line	100%	0%	$ 250,000	$ -	$ -	$ -	$ 250,000	2023/24	2024/25
	101182	Standiford Interchange PID	31%	69%	$ 1,598,000	$ 10,742	$ -	$ 19,627	$ 1,567,631	2028/29	2029/30
Subtotal								**$ 1,750,816**			
Fund 3460 Parks	101017	Mary Grogan Park - Phase 2	100%	0%	$ 2,963,588	$ 28,165	$ 191,000	$ 55,991	$ 2,688,432	2022/23	2023/24
Subtotal								**$ 55,991**			
TOTAL								**$ 1,806,807**			

[8] Financial data is current as of November 1, 2021.

Table 11: Exemptions for Accessory Dwelling Units

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410	526 Covena Ave.	$ 4,724.86	$ (4,724.86)	$ -
Streets	102 Lane St.	$ 4,567.42	$ (4,567.42)	$ -
	2248 Lambert St.	$ 4,724.86	$ (897.72)	$ 3,827.14
	2531 Crommelin Ave.	$ 4,724.86	$ (4,724.86)	$ -
	511 Tuolumne Blvd.	$ 4,724.86	$ (4,724.86)	$ -
	1625 Teresa St.	$ 4,724.86	$ (4,724.86)	$ -
	2305 McRitchie Way	$ 4,724.86	$ (4,724.86)	$ -
	2117 Regent Ct.	$ 4,724.86	$ (4,724.86)	$ -
	3321 Mesquite Way	$ 4,724.86	$ (4,724.86)	$ -
	201 Santa Barbara Ave.	$ 4,724.86	$ (4,724.86)	$ -
	208 Palm Ave.	$ 4,724.86	$ (4,724.86)	$ -
	527 Melrose St. (2 ADUs)	$ 9,449.71	$ (9,449.71)	$ -
	208 Ash St.	$ 4,724.86	$ (4,724.86)	$ -
	2001 Durango Ln.	$ 4,724.86	$ (4,724.86)	$ -
	609 El Vecino Ave.	$ 8,211.98	$ (8,211.98)	$ -
	2402 Monte Vista Ave.	$ 4,724.86	$ (4,724.86)	$ -
Subtotal		$ 83,652.29	$ (79,825.15)	$ 3,827.14
Fund 3420	526 Covena Ave.	$ 68.93	$ (68.93)	$ -
Public	102 Lane St.	$ 66.77	$ (66.77)	$ -
Transportation	2248 Lambert St.	$ 68.93	$ (13.10)	$ 55.83
	2531 Crommelin Ave.	$ 68.93	$ (68.93)	$ -
	511 Tuolumne Blvd.	$ 68.93	$ (68.93)	$ -
	1625 Teresa St.	$ 68.93	$ (68.93)	$ -
	2305 McRitchie Way	$ 68.93	$ (68.93)	$ -
	2117 Regent Ct.	$ 68.93	$ (68.93)	$ -
	3321 Mesquite Way	$ 68.93	$ (68.93)	$ -
	201 Santa Barbara Ave.	$ 68.93	$ (68.93)	$ -
	208 Palm Ave.	$ 68.93	$ (68.93)	$ -
	527 Melrose St. (2 ADUs)	$ 137.86	$ (137.86)	$ -
	208 Ash St.	$ 68.93	$ (68.93)	$ -
	2001 Durango Ln.	$ 68.93	$ (68.93)	$ -
	609 El Vecino Ave.	$ 87.70	$ (87.70)	$ -
	2402 Monte Vista Ave.	$ 68.93	$ (68.93)	$ -
Subtotal		$ 1,188.42	$ (1,132.59)	$ 55.83
Fund 3430	102 Lane St.	$ 759.41	$ (759.41)	$ -
Air Quality	609 El Vecino Ave.	$ 1,466.00	$ (1,466.00)	$ -
Subtotal		$ 2,225.41	$ (2,225.41)	$ -
Fund 3432	526 Covena Ave.	$ 4,299.10	$ (4,299.10)	$ -
Parks and Air	102 Lane St.	$ -	$ -	$ -
Quality	2248 Lambert St.	$ 4,299.10	$ (816.83)	$ 3,482.27
	2531 Crommelin Ave.	$ 4,299.10	$ (4,299.10)	$ -
	511 Tuolumne Blvd.	$ 4,299.10	$ (4,299.10)	$ -
	1625 Teresa St.	$ 4,299.10	$ (4,299.10)	$ -

Table 11, cont'd: Exemptions for Accessory Dwelling Units

	2305 McRitchie Way	$	4,299.10	$	(4,299.10)	$	-
	2117 Regent Ct.	$	4,299.10	$	(4,299.10)	$	-
	3321 Mesquite Way	$	4,299.10	$	(4,299.10)	$	-
	201 Santa Barbara Ave.	$	4,299.10	$	(4,299.10)	$	-
	208 Palm Ave.	$	4,299.10	$	(4,299.10)	$	-
	527 Melrose St. (2 ADUs)	$	8,598.20	$	(8,598.20)	$	-
	208 Ash St.	$	4,299.10	$	(4,299.10)	$	-
	2001 Durango Ln.	$	4,299.10	$	(4,299.10)	$	-
	609 El Vecino Ave.	$	-	$	-	$	-
	2402 Monte Vista Ave.	$	4,299.10	$	(4,299.10)	$	-
Subtotal		$	64,486.50	$	(61,004.23)	$	3,482.27
Fund 3440	526 Covena Ave.	$	382.16	$	(382.16)	$	-
Police	102 Lane St.	$	540.16	$	(540.16)	$	-
	2248 Lambert St.	$	382.16	$	(234.36)	$	147.80
	2531 Crommelin Ave.	$	382.16	$	(382.16)	$	-
	511 Tuolumne Blvd.	$	382.16	$	(382.16)	$	-
	1625 Teresa St.	$	382.16	$	(382.16)	$	-
	2305 McRitchie Way	$	382.16	$	(382.16)	$	-
	2117 Regent Ct.	$	382.16	$	(382.16)	$	-
	3321 Mesquite Way	$	382.16	$	(382.16)	$	-
	201 Santa Barbara Ave.	$	382.16	$	(382.16)	$	-
	208 Palm Ave.	$	382.16	$	(382.16)	$	-
	527 Melrose St. (2 ADUs)	$	364.93	$	(364.93)	$	-
	208 Ash St.	$	382.16	$	(382.16)	$	-
	2001 Durango Ln.	$	382.16	$	(382.16)	$	-
	609 El Vecino Ave.	$	-	$	-	$	-
	2402 Monte Vista Ave.	$	382.16	$	(382.16)	$	-
Subtotal		$	5,873.17	$	(5,725.37)	$	147.80
Fund 3450	526 Covena Ave.	$	182.47	$	(182.47)	$	-
Fire	102 Lane St.	$	176.40	$	(176.40)	$	-
	2248 Lambert St.	$	182.47	$	(182.47)	$	-
	2531 Crommelin Ave.	$	182.47	$	(182.47)	$	-
	511 Tuolumne Blvd.	$	182.47	$	(182.47)	$	-
	1625 Teresa St.	$	182.47	$	(182.47)	$	-
	2305 McRitchie Way	$	182.47	$	(182.47)	$	-
	2117 Regent Ct.	$	182.47	$	(182.47)	$	-
	3321 Mesquite Way	$	182.47	$	(182.47)	$	-
	201 Santa Barbara Ave.	$	182.47	$	(182.47)	$	-
	208 Palm Ave.	$	182.47	$	(182.47)	$	-
	527 Melrose St. (2 ADUs)	$	764.33	$	(764.33)	$	-
	208 Ash St.	$	182.47	$	(182.47)	$	-
	2001 Durango Ln.	$	182.47	$	(182.47)	$	-
	609 El Vecino Ave.	$	-	$	-	$	-
	2402 Monte Vista Ave.	$	182.47	$	(182.47)	$	-
Subtotal		$	3,312.84	$	(3,312.84)	$	-

Table 11, cont'd: Exemptions for Accessory Dwelling Units

Fund 3460 Parks	526 Covena Ave.	$	-	$	-	$	-
	102 Lane St.	$	3,395.42	$	(3,395.42)	$	-
	2248 Lambert St.	$	-	$	-	$	-
	2531 Crommelin Ave.	$	-	$	-	$	-
	511 Tuolumne Blvd.	$	-	$	-	$	-
	1625 Teresa St.	$	-	$	-	$	-
	2305 McRitchie Way	$	-	$	-	$	-
	2117 Regent Ct.	$	-	$	-	$	-
	3321 Mesquite Way	$	-	$	-	$	-
	201 Santa Barbara Ave.	$	-	$	-	$	-
	208 Palm Ave.	$	-	$	-	$	-
	527 Melrose St. (2 ADUs)	$	-	$	-	$	-
	208 Ash St.	$	-	$	-	$	-
	2001 Durango Ln.	$	-	$	-	$	-
	609 El Vecino Ave.	$	-	$	-	$	-
	2402 Monte Vista Ave.	$	-	$	-	$	-
Subtotal		$	3,395.42	$	(3,395.42)	$	-
Fund 3470 General Government	526 Covena Ave.	$	320.33	$	(320.33)	$	-
	102 Lane St.	$	308.95	$	(308.95)	$	-
	2248 Lambert St.	$	320.33	$	(60.86)	$	259.47
	2531 Crommelin Ave.	$	320.33	$	(320.33)	$	-
	511 Tuolumne Blvd.	$	320.33	$	(320.33)	$	-
	1625 Teresa St.	$	320.33	$	(320.33)	$	-
	2305 McRitchie Way	$	320.33	$	(320.33)	$	-
	2117 Regent Ct.	$	320.33	$	(320.33)	$	-
	3321 Mesquite Way	$	320.33	$	(320.33)	$	-
	201 Santa Barbara Ave.	$	320.33	$	(320.33)	$	-
	208 Palm Ave.	$	320.33	$	(320.33)	$	-
	527 Melrose St. (2 ADUs)	$	640.66	$	(640.66)	$	-
	208 Ash St.	$	320.33	$	(320.33)	$	-
	2001 Durango Ln.	$	320.33	$	(320.33)	$	-
	609 El Vecino Ave.	$	-	$	-	$	-
	2402 Monte Vista Ave.	$	320.33	$	(320.33)	$	-
Subtotal		$	5,113.90	$	(4,854.43)	$	259.47
Fund 3480 Administration	526 Covena Ave.	$	159.15	$	(159.15)	$	-
	102 Lane St.	$	151.47	$	(151.47)	$	-
	2248 Lambert St.	$	159.15	$	(30.23)	$	128.92
	2531 Crommelin Ave.	$	159.15	$	(159.15)	$	-
	511 Tuolumne Blvd.	$	159.15	$	(159.15)	$	-
	1625 Teresa St.	$	159.15	$	(159.15)	$	-
	2305 McRitchie Way	$	159.15	$	(159.15)	$	-
	2117 Regent Ct.	$	159.15	$	(159.15)	$	-

Table 11, cont'd: Exemptions for Accessory Dwelling Units

	3321 Mesquite Way	$ 159.15	$ (159.15)	$ -
	201 Santa Barbara Ave.	$ 159.15	$ (159.15)	$ -
	208 Palm Ave.	$ 159.15	$ (159.15)	$ -
	527 Melrose St. (2 ADUs)	$ 318.31	$ (318.31)	$ -
	208 Ash St.	$ 159.15	$ (159.15)	$ -
	2001 Durango Ln.	$ 159.15	$ (159.15)	$ -
	609 El Vecino Ave.	$ 200.32	$ (200.32)	$ -
	2402 Monte Vista Ave.	$ 159.15	$ (159.15)	$ -
Subtotal		$ 2,739.05	$ (2,610.13)	$ 128.92
TOTAL		$ 171,987.00	$ (164,085.57)	$ 7,901.43

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021- 511

RESOLUTION ACCEPTING THE FISCAL YEAR 2020-21 ANNUAL REPORT OF FUNDS HELD FOR FUTURE IMPROVEMENTS, AND MAKING FINDINGS RELATED TO EACH SECURITY ON FILE

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development, and

WHEREAS, $2,500 in impact fees were paid by Fuentes Construction on March 8, 2001, as a condition of approval for Project #100782 located at 1024 Florence Avenue, Modesto, for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, and

WHEREAS, $29,393.72 in impact fees were collected from American Home Builders as a condition of approval for Project #100783 located at 3055 Floyd Avenue, Modesto, on June 20, 2005, for future improvements including the expansion of Beta Street to the north of the property, and

WHEREAS, $27,165 in impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for Project #100784 located at 3019 Floyd Avenue, Modesto, for future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway, and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received, and

WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 14, 2021, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the impact fees collected for future improvements are necessary to fund future infrastructure needed for new development.

1. That the revenue anticipated for the full development of infrastructure improvements required for these projects have not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties.
2. That the anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City.
3. That the funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.
4. That the timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is

not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

5. That the timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Ricci, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-512

RESOLUTION APPROVING THE ADOPTION OF THE MODESTO SUBBASIN GROUNDWATER SUSTAINABILITY PLAN AND AUTHORIZING THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER SUSTAINABILITY ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY TO SUBMIT THE MODESTO SUBBASIN GROUNDWATER SUSTAINABILITY PLAN TO THE DEPARTMENT OF WATER RESOURCES

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 (SGMA), which changed groundwater management in California. SGMA is a comprehensive package of legislation that sets the framework for statewide sustainable groundwater management and declares that such authority be given to local public agencies that have either water supply, land use authority, or both, and

WHEREAS, SGMA requires the formation of Groundwater Sustainability Agencies (GSAs) made up of local public agencies, and

WHEREAS, GSAs are the local agencies responsible for the development and implementation of the Groundwater Sustainability Plans (GSPs), ultimately aimed at ensuring groundwater sustainability over a 20-year implementation period, and

WHEREAS, the City of Modesto overlies the Modesto Subbasin and the Turlock Subbasin, which are designated as high priority, non-critically overdrafted groundwater basins by the State. The regulatory deadline for the completion of the GSPs for the Modesto Subbasin and Turlock Subbasin is January 31, 2022, and

WHEREAS, on January 24, 2017, by Resolution No. 2017-30, Council authorized a Groundwater Sustainability Agency Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) member agencies and approved the formation of the Stanislaus and Tuolumne Rivers

Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA). The STRGBA GSA was officially formed on February 16, 2017. The STRGBA GSA is a partnership consisting of the cities of Modesto, Oakdale, Riverbank and Waterford; the Oakdale Irrigation District, Modesto Irrigation District and Stanislaus County, and

WHEREAS, due to the structure of the Memorandum of Understanding governing the administration of the STRGBA GSA, all member agencies must approve and adopt the Modesto Subbasin GSP by their respective governing bodies. All member agencies of the STRGBA GSA and the Tuolumne County GSA, will be taking action to approve and adopt the Modesto Subbasin GSP, and

WHEREAS, this proposed action is in compliance with State legislation known as the "Sustainable Groundwater Management Act" which mandates the adoption of a Groundwater Sustainability Plan for groundwater basins categorized as high priority, but not in a condition of critical overdraft, by January 31, 2022, and

WHEREAS, failure to adopt such GSP would result in the groundwater resources of the basin being subject to regulation by the State of California Water Resources Control Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of the Modesto Subbasin Groundwater Sustainability Plan and authorizes the Stanislaus and Tuolumne Rivers Groundwater Sustainability Association Groundwater Sustainability Agency to submit the Modesto Subbasin Groundwater Sustainability Plan to the Department of Water Resources.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, by Councilmember Madrigal, 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:	Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2021-513

RESOLUTION APPROVING THE CITY OF MODESTO REPRESENTATIVE TO ADOPT THE TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY PLAN AND SUBMIT IT TO DEPARTMENT OF WATER RESOURCES

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 (SGMA), which changed groundwater management in California. SGMA is a comprehensive package of legislation that sets the framework for statewide sustainable groundwater management and declares that such authority be given to local public agencies that have either water supply, land use authority, or both, and

WHEREAS, SGMA requires the formation of Groundwater Sustainability Agencies (GSAs) made up of local public agencies, and

WHEREAS, GSAs are the local agencies responsible for the development and implementation of the Groundwater Sustainability Plans (GSPs), ultimately aimed at ensuring groundwater sustainability over a 20-year implementation period, and

WHEREAS, the City of Modesto overlies the Modesto Subbasin and the Turlock Subbasin, which are designated as high priority, non-critically overdrafted groundwater basins by the State. The regulatory deadline for the completion of the GSPs for the Modesto Subbasin and Turlock Subbasin is January 31, 2022, and

WHEREAS, on December 6, 2016, by Resolution No. 2016-480, Council approved the Joint Powers Agreement for the formation of the West Turlock Subbasin Groundwater Sustainability Agency (WTS GSA) and authorized the City of Modesto to participate as a Governing Board member. The WTS GSA was officially formed on March 2, 2017; a partnership consisting of, the cities of Modesto, Ceres, Hughson, and

Turlock; the Delhi County Water District, Denair Community Services District, Hilmar County Water District, Merced County, Stanislaus County, Turlock Irrigation District as Board Members and the City of Waterford for Hickman, Monterey Park Tract Community Services District, Stevinson Water District and Keyes Community Services District as Associate Members. In the Turlock Subbasin the East Turlock Subbasin Groundwater Sustainability Agency was also formed, which is coordinating with WTS GSA to develop a single GSP for the Turlock Subbasin, and

WHEREAS, the WTS GSA will be holding a public hearing and will be adopting the Turlock Subbasin GSP currently scheduled for January 6, 2022, and

WHEREAS, this proposed action is in compliance with State legislation known as the "Sustainable Groundwater Management Act" which mandates the adoption of a Groundwater Sustainability Plan for groundwater basins categorized as high priority, but not in a condition of critical overdraft, by January 31, 2022, and

WHEREAS, failure to adopt such GSP would result in the groundwater resources of the basin being subject to regulation by the State of California Water Resources Control Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto representative to adopt the Turlock Subbasin Groundwater Sustainability Plan and submit it to Department of Water Resources.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2021, 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, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
JOSE M. SANCHEZ, City Attorney