

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-39**

**RESOLUTION ACCEPTING THE RESIGNATION OF ABIMAEEL CHAVEZ-HERNANDEZ FROM THE CITIZENS' SALARY SETTING COMMISSION**

WHEREAS, the Citizens' Salary Setting Commission was established to recommend compensation for the Mayor and members of the City Council; and

WHEREAS, pursuant to the City of Modesto's Charter, Section 703(a), the Citizens' Salary Setting Commission convenes March 1<sup>st</sup> through April 30<sup>th</sup> of even-numbered years; and

WHEREAS, the Commission consists of five members and will this March; and

WHEREAS, on November 7, 2023, by Resolution No. 2023-482, Abimael Chavez-Hernandez was appointed to serve as a member of the Citizens' Salary Setting Commission, and

WHEREAS, Abimael Chavez-Hernandez tendered his resignation from the Citizens' Salary Setting Commission, effective February 2, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Abimael Chavez-Hernandez from the Citizens' Salary Setting Commission with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Williams, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-40**

**RESOLUTION APPOINTING SETH SIMAS TO SERVE AN UNEXPIRED  
PARTIAL TERM WITH AN EXPIRATION OF DECEMBER 31, 2028 TO SERVE  
ON THE CITIZENS' SALARY SETTING COMMISSION**

WHEREAS, Section 703(b) of the City of Modesto's Charter established the formation of a Citizens' Salary Setting Commission whose function is to recommend the compensation for the Mayor and members of the Council. According to the Charter, the Commission shall meet between March 1st and April 30th of every even-numbered year; and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards, Commissions, and Committees with the recommendation of the City's Appointments Committee; and

WHEREAS, the Citizens' Salary Setting Commission shall consist of five qualified electors residing within the City; and

WHEREAS, Commissioner Abimael Chavez-Hernandez resigned in February 2, 2026 leaving a vacancy with an unexpired term end date of December 31, 2028; and

WHEREAS, the Appointments Committee met on February 9, 2026, and recommended the appointment of Seth Simas to serve an unexpired partial term with an expiration of December 31, 2028 to serve on the on the Citizens' Salary Setting Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment Seth Simas to serve an unexpired partial term with an expiration of December 31, 2028 to serve on the Citizens' Salary Setting Commission.

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' Salary Setting Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Vice-Mayor Williams, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARES-PEREZ, OMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2025-41**

**RESOLUTION APPROVING THE APPOINTMENT OF MARGIE JOHNSON TO  
THE HOUSING REHABILITATION LOAN COMMITTEE AS A CITIZEN'S  
HOUSING AND COMMUNITY DEVELOPMENT (CH&CDC)  
REPRESENTATIVE, WITH A TERM EXPIRATION OF DECEMBER 31, 2026**

WHEREAS, Modesto's Citizen's Housing and Community Development Committee (CH&CDC) consists of 11 members appointed by the City Council. The CH&CDC serves as an advisory group to the City Council on matters related to housing and community development; and

WHEREAS, this committee provides an overall review of the City's housing and homelessness initiatives and making policy and funding recommendations which may include Community Development Block Grant (CDBG), Emergency Solution Grant (ESG), HOME Investment Partnerships (HOME), and other local, State, and Federal funded programs to the City Council; and

WHEREAS, according to Section 3.06 of Article III of the Citizen's Housing and Community Development Committee bylaws, one member of this committee shall be appointed as an alternate to the Housing Rehabilitation Loan Committee (HRLC) by the Committee Chairperson; and

WHEREAS, HRLC Committee includes seven (7) members that are appointed by the City Council for a 4-year term, with one (1) alternate member from the Citizens Housing and Community Development Committee (CH&CDC); and

WHEREAS, to ensure adequate representation on HRLC, City staff is recommending the appointment of a current CH&CDC committee member to be its representative to the HRLC; and

WHEREAS, by a majority vote of the CH&CDC, it is recommended that the appointment of Margie Johnson to serve as a representative to the HRLC; and

WHEREAS, if approved, Margie Johnson will serve as the CH&CDC representative on the HRLC for calendar year 2026 with a term expiration date of December 31, 2026.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Margie Johnson to the Housing Rehabilitation Loan Committee as a Citizen's Housing and Community Development (CH&CDC) representative, with a term expiration of December 31, 2026.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Citizens' Housing and Community Development 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 24th day of February, 2026, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-42**

**RESOLUTION APPROVING THE SALE OF 10,000 SQUARE FEET OF SURPLUS EXEMPT PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 133-001-026 LOCATED AT FRAZINE RD. IN THE AMOUNT OF \$75,000 TO TROY NOLAN WELLS AND AUTHORIZING THE CITY MANAGER, OR HIS DESGINEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION**

WHEREAS, the City of Modesto has completed the process of inventorying its real estate property assets. The City wishes to continue the process of evaluating and selling surplus and/or underutilized properties in its portfolio; and

WHEREAS, the Surplus Land Act (Government Code sections 54220-54234; "SLA") requires local agencies to offer surplus land for sale or lease to affordable housing developers and certain other entities through a process described therein before selling or leasing the land or engaging in negotiations to dispose of the land; and

WHEREAS, the City Staff has identified various properties as potential surplus property which are exempt and non-exempt. While the City is permitted to negotiate with multiple entities on the same property at the same time, given the limited staff resources, and variety in size, shape, topography and development potential of each property, it is expected that once the properties are declared surplus, they will follow individual schedules for property negotiation, rezoning and ultimately disposition; and

WHEREAS, on September 23, 2025, by Resolution No. 2025-334, the City Council declared certain properties from the "surplus land" list as exempt surplus so that the City may begin the process to sell or lease such properties through the Surplus Land Act Process; and

WHEREAS, the City has determined that the property identified as Assessor's Parcel Number 133-001-026 located at Frazine Rd. is exempt surplus property pursuant to Government Code section 54221(f)(1)(B) because it is only 10,000 square feet; and

WHEREAS, a broker's opinion of value was prepared by PMZ Real Estate to establish an appropriate sale price, which has been met by the prospective buyer. Any proceeds from the sale of this surplus property will be deposited into the fund from which the property was originally purchased; and

WHEREAS, following City Council approval of this sale agreement, staff will submit the City's Notice of Exemption determination to the State Department of Housing and Community Development in compliance with state law, which requires notification at least 30 days prior to final disposition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of the 10,000 square feet of surplus exempt property identified assessor's parcel number 133-001-026 located at Frazine Rd. in the amount of \$75,000 to Troy Nolan Wells.


BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the Purchase and Sale Agreement and all related documents required to complete the transaction, 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 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-43**

**RESOLUTION APPROVING THE SALE OF 2,474 SQUARE FEET OF SURPLUS EXEMPT PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 029-012-050 LOCATED AT CARPENTER RD. IN THE AMOUNT OF \$10,000 TO JASON SCHLARB AND AUTHORIZING THE CITY MANAGER, OR HIS DESGINEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE TRANSACTION**

WHEREAS, the City of Modesto has completed the process of inventorying its real estate property assets. The City wishes to continue the process of evaluating and selling surplus and/or underutilized properties in its portfolio; and

WHEREAS, the Surplus Land Act (Government Code sections 54220-54234; "SLA") requires local agencies to offer surplus land for sale or lease to affordable housing developers and certain other entities through a process described therein before selling or leasing the land or engaging in negotiations to dispose of the land; and

WHEREAS, the City Staff has identified various properties as potential surplus property which are exempt and non-exempt. While the City is permitted to negotiate with multiple entities on the same property at the same time, given the limited staff resources, and variety in size, shape, topography and development potential of each property, it is expected that once the properties are declared surplus, they will follow individual schedules for property negotiation, rezoning and ultimately disposition; and

WHEREAS, on September 23, 2025, by Resolution No. 2025-334, the City Council declared certain properties from the "surplus land" list as exempt surplus so that the City may begin the process to sell or lease such properties through the Surplus Land Act Process; and

WHEREAS, the City has determined that the property identified as Assessor's Parcel Number 029-012-050 located at Carpenter Rd. is exempt surplus property pursuant to Government Code section 54221(f)(1)(B) because it is only 2,474 square feet; and

WHEREAS, a broker's opinion of value was prepared by PMZ Real Estate to establish an appropriate sale price, which has been met by the prospective buyer. Any proceeds from the sale of this surplus property will be deposited into the fund from which the property was originally purchased; and

WHEREAS, following City Council approval of this sale agreement, staff will submit the City's Notice of Exemption determination to the State Department of Housing and Community Development in compliance with state law, which requires notification at least 30 days prior to final disposition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of the 2,474 square feet of surplus exempt property identified assessor's parcel number 029-012-050 located at Carpenter Rd. in the amount of \$10,000 to Jason Schlarb.

BE IT FURTHER RESOLVED, that the City Manager, or his designee is hereby authorized to execute the Purchase and Sale Agreement and all related documents required to complete the transaction, 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 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-44**

**RESOLUTION APPROVING THE FISCAL YEAR 2024-25 WRITE-OFF AND  
ADJUSTMENT REPORTS THROUGH FISCAL YEAR-END JUNE 30, 2025, IN  
THE TOTAL AMOUNT OF \$113,621 AND DIRECTING A REPORT OF  
DISPOSITION TO BE FILED WITH THE CITY CLERK**

WHEREAS, the City is an entitlement grantee under the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) which allocates program funds to the City of Modesto through a formula-based allocation for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) which supports a range of community initiatives – including Housing Rehabilitation, Affordable Housing, Small Business Assistance, and Downpayment Assistance – in the form of a loan; and

WHEREAS, the City’s Community Development Division tracks and records funds owed to the City using a third-party vendor, and it is City’s policy to actively pursue collection of past-due accounts and write-off amounts deemed to be uncollectible; and

WHEREAS, on May 6, 2025, the City Manager approved Administrative Directive (AD) 7.33, Loan Management Policy for Community Development, which outlines various reasons where an account may be deemed uncollectible after applicable collection procedures have been exhausted and/or the debt has been discharged through legal actions like bankruptcy or court judgement; and

WHEREAS, the City has reviewed its full loan portfolio and assessed loan delinquency mitigation measures in accordance with AD 7.33; and

WHEREAS, the City's Annual Comprehensive Financial Report (ACFR) requires that the City follow Governmental Accounting Standards (GASB) which requires that the City report any write-offs; and

WHEREAS, City staff has identified six (6) loans that are eligible to be written-off in accordance with AD 7.33 in the amount of \$113,621; and

WHEREAS, the amount to be written off of \$113,621 will not impact recognized revenue for Fiscal Year 2024-25 due to an annual adjustment that is recorded on the City's financial statements to record any revenue from uncollectible accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fiscal Year 2024-25 Write-off and Adjustments report through Fiscal Year-End June 30, 2025, in the total amount of \$113,621.

BE IT FURTHER RESOLVED that the City Manager is directed to file a report of disposition with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-45**

**RESOLUTION APPROVING A SECOND AMENDMENT WITH KOSMONT COMPANIES TO EXPAND THE SCOPE OF SERVICES TO INCLUDE FISCAL AND ECONOMIC IMPACT ANALYSIS, MARKET AND FINANCIAL FEASIBILITY REVIEW, PUBLIC FUNDING AND FINANCING ADVISORY, AND NEGOTIATION SUPPORT RELATED TO A PROPOSED SPORTS AND MULTI-USE DEVELOPMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SECOND AMENDMENT**

WHEREAS, the City of Modesto (“City”) has engaged Kosmont Companies (“Kosmont”) since 2022 to evaluate the feasibility of establishing an Enhanced Infrastructure Financing District (EIFD) to support infrastructure investment and economic development; and

WHEREAS, on September 29, 2021, the City posted (RFP) INF-22-02 for an EIFD Feasibility Study to qualified companies with demonstrated experience in providing EIFD consulting services; and

WHEREAS, under the City Manager’s authority, the City entered into a Professional Services Agreement for an Enhanced Infrastructure Financing District Feasibility Study on February 8, 2022 with Kosmont Companies with a fixed price of \$49,734; and

WHEREAS, since completion of the EIFD Feasibility Study, City staff has presented this item during an Economic Development Committee Meeting in September 2022; and

WHEREAS, as a result of the Committee’s discussion and subsequent discussion with City management, City Council, and Stanislaus County, additional questions arose regarding additional EIFD boundary options, tax increment allocation, and potential County participation; and

WHEREAS, to address these issues, on July 11, 2023, by Resolution No. 2023-332, Council approved a First Amendment to the Professional Services Agreement with Kosmont Companies, which expanded the scope of services under the original Agreement and captured an increase and change in the not-to-exceed agreement amount of \$200,000; and

WHEREAS, the First Amendment provided for additional EIFD boundary alternatives analysis, evaluation of fiscal impacts to participating taxing entities, additional stakeholder coordination, and EIFD implementation; and

WHEREAS, since that time, the City of Modesto has engaged in active discussions and negotiations with professional sports organization regarding the potential development of a sports and multi-use facility, including potential ancillary commercial, hospitality, and residential components (“Project”); and

WHEREAS, given the potential scale and complexity of this Project, City staff has identified a need for independent fiscal, financial, and public financing advisory services to support informed decision-making evaluation of potential financial options; and

WHEREAS, given that Kosmont Companies worked closely with city staff in the performance of the EIFD Feasibility Study and Kosmont’s experience and expertise, and familiarity with the specifics of a potential Modesto EIFD formation, staff recommends amending the existing Professional Services Agreement with Kosmont to include this additional advisory scope for this Project; and

WHEREAS, the proposed Second Amendment would expand Kosmont’s scope of work to include fiscal and economic impact analysis, market and financial feasibility

review, public funding and financing advisory, and negotiation support related to a proposed sports and multi-use development project; and

WHEREAS, all advisory services under this Second Amendment are intended to support City staff in advancing evaluation of the Project and facilitating informed discussions that are necessary to move the sports and multi-use development project forward; and

WHEREAS, Modesto Municipal Code (MMC) 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, in accordance with MMC 8-3.204 (f), “Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.”; and

WHEREAS, the proposed Second Amendment expands the scope of the existing agreement to include related fiscal, financial, and public financing advisory services that build upon Kosmont’s prior work on the City’s EIFD Feasibility Study and therefore conforms to Modesto Municipal Code Section 8.3.204(f); and

WHEREAS, the original Professional Services Agreement with Kosmont Companies for the EIFD Feasibility Study in the amount of \$49,734 was funded by a Council-approved American Rescue Plan Act (ARPA) grant allocation; and

WHEREAS, the First Amendment to the Agreement was funded by the remaining balance in the Modesto Forward EIFD ARPA grant allocation, Project Number 101406, increasing the total contract amount to \$200,000; and

WHEREAS, approximately \$93,894 remains available within Project 101406, and the proposed Second Amendment to the Professional Services Agreement with Kosmont expands the scope of services to include fiscal, financial, and public financing advisory services related to a proposed sports and multi-use development project; and

WHEREAS, there is sufficient funding in the contract to complete the added scope; and

WHEREAS, approval of the Second Amendment does not increase the total not-to-exceed amount of the Agreement, which will remain at \$200,000, and will not result in an additional fiscal impact to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment with Kosmont Companies to expand the scope of services to include fiscal and economic impact analysis, market and financial feasibility review, public funding and financing advisory, and negotiation support related to a proposed sports and multi-use development project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, are 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 24th day of February, 2026, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

RECUSED: Councilmembers: Williams

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-46**

**RESOLUTION APPROVING TWO (2) NON-EXCLUSIVE EASEMENTS TO  
MODESTO IRRIGATION DISTRICT FOR ELECTRICAL UTILITY ACCESS ON  
A PORTION OF CÉSAR E. CHAVEZ PARK (APN 103-018-001) AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE  
THE EASEMENTS**

WHEREAS, the Cesar E. Chavez Park Renovation Project includes construction of a new aquatic center which increases the electrical power demand above the existing park facilities; and

WHEREAS, a secondary power transformer is required to meet the additional demand and will be located adjacent to the pool equipment mechanical building; and

WHEREAS, new underground power utilities are necessary to transmit power from the primary power transformer source to the secondary power transformer unit; and

WHEREAS, the electrical utility provider, Modesto Irrigation District (MID), requires the owner (City of Modesto) to provide easements where new electrical utilities reside, and provide long-term maintenance access to all electrical utility facilities that are located on the City property; and

WHEREAS, the plans have been reviewed and approved by the Modesto Irrigation District (MID) and City staff and the easements will provide the necessary legal access for construction and ongoing maintenance of the utility infrastructure, ensuring compatibility with the aquatic center and supporting the City's infrastructure needs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves two (2) non-exclusive easements to Modesto Irrigation District for electrical utility access on a portion of César E. Chavez Park (APN 103-018-001).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the easements, 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 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-47**

**RESOLUTION APPROVING THE DEDICATION AND ACCEPTANCE OF A PUBLIC UTILITY EASEMENT AND IRRIGATION EASEMENT ON CITY-OWNED PROPERTY (ASSESSOR'S PARCEL NUMBER 085-003-093) NEAR THE NORTHWEST CORNER OF BRIGGSMORE AVENUE AND CLAUS ROAD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND RECORD THE NECESSARY DOCUMENTS**

WHEREAS, the development plan for Precise Plan Area 34 within the Village One Specific Plan was approved by the City Council in 1998, and multiple subdivisions have since been constructed within the plan area; and

WHEREAS, on January 23, 2006, the City Planning Commission approved Tentative Subdivision Map No. TSM-05-007 by Resolution No. 2006-04, and as a condition of approval the property owner dedicated Assessor's Parcel Number 085-003-093 to the City of Modesto for the future construction of the Claus Road Expressway and the planned urban interchange at Claus Road and Briggsmore Avenue; and

WHEREAS, on January 23, 2024, the City Council adopted Resolution No. 2024-022 amending the Circulation Element of the General Plan, which reclassified Claus Road, between Sylvan Avenue and East Briggsmore Avenue, and East Briggsmore Avenue, from Claus Road to the BNSF Railroad crossing, from Expressways to four-lane Principal Arterial Streets; and

WHEREAS, as a result of this reclassification, the previously planned Claus Road Expressway and associated urban interchange at Claus Road and Briggsmore Avenue are no longer proposed, and the right-of-way footprint required for future roadway improvements has been reduced; and

WHEREAS, the reduced right-of-way need allows City-owned Assessor's Parcel No. 085-003-093 to be used for stormwater management purposes, including construction

of a stormwater detention and percolation basin to retain and infiltrate runoff from Claus Road as part of the DR Horton “The Crossings” residential development project; and

WHEREAS, an existing irrigation line is located within the proposed stormwater basin area and must be relocated prior to construction of the basin; and

WHEREAS, an Irrigation and Public Utility Easement is required across a portion of City-owned property to allow for the relocation, operation, access, and long-term maintenance of irrigation facilities and associated utilities; and

WHEREAS, DR Horton has retained a registered civil engineer to prepare improvement plans for the irrigation line relocation, and the plans have been reviewed and approved by the Modesto Irrigation District (MID) and City staff; and

WHEREAS, dedication and acceptance of the Irrigation and Public Utility Easement will provide the necessary legal access for construction and ongoing maintenance of the relocated facilities, support compatibility with the planned stormwater basin, and further the City’s infrastructure and drainage objectives.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the dedication and acceptance of a portion of City owned Accessor’s Parcel Number 085-003-093 as an irrigation and public utility easement, as more particularly described and depicted in the legal description and plat attached hereto as **Exhibit A**.


BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute any documents necessary to effectuate the dedication and recordation of the easement, 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 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**EXHIBIT "A"**  
LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, BEING A PORTION OF LOT "A" AS SHOWN ON THAT CERTAIN MAP FILED IN BOOK 43 OF MAPS AT PAGE 39, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEING A 10-FOOT-WIDE STRIP OF LAND, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF ABOVE SAID LOT "A," SAID POINT ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF CLAUD ROAD WITH THE NORTH RIGHT-OF-WAY LINE OF MODESTO IRRIGATION DISTRICT LATERAL NO. 3; THENCE ALONG THE SOUTH LINE OF SAID LOT "A" SOUTH 89°53'20" WEST, A DISTANCE OF 66.18 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID SOUTH LINE NORTH 0°06'40" WEST, A DISTANCE OF 8.00 FEET; THENCE NORTH 89°53'02" EAST, A DISTANCE OF 47.22 FEET; THENCE NORTH 0°40'11" WEST, A DISTANCE OF 410.26 FEET; THENCE SOUTH 87°39'55" EAST, A DISTANCE OF 258.54 FEET TO A POINT ON THE WEST LINE OF SAID LOT "A" AND THE **POINT OF TERMINATION**.

THE SIDELINES OF SAID STRIP SHALL BE EXTENDED OR SHORTENED AS NECESSARY TO TERMINATE AT THE SOUTH AND WEST LINES OF SAID LOT "A."

**CONTAINING** 7,240 SQUARE FEET, MORE OR LESS.

**SUBJECT TO** ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ATTACHED HERETO AND MADE A PART HEREOF IS A PLAT ENTITLED EXHIBIT "B."

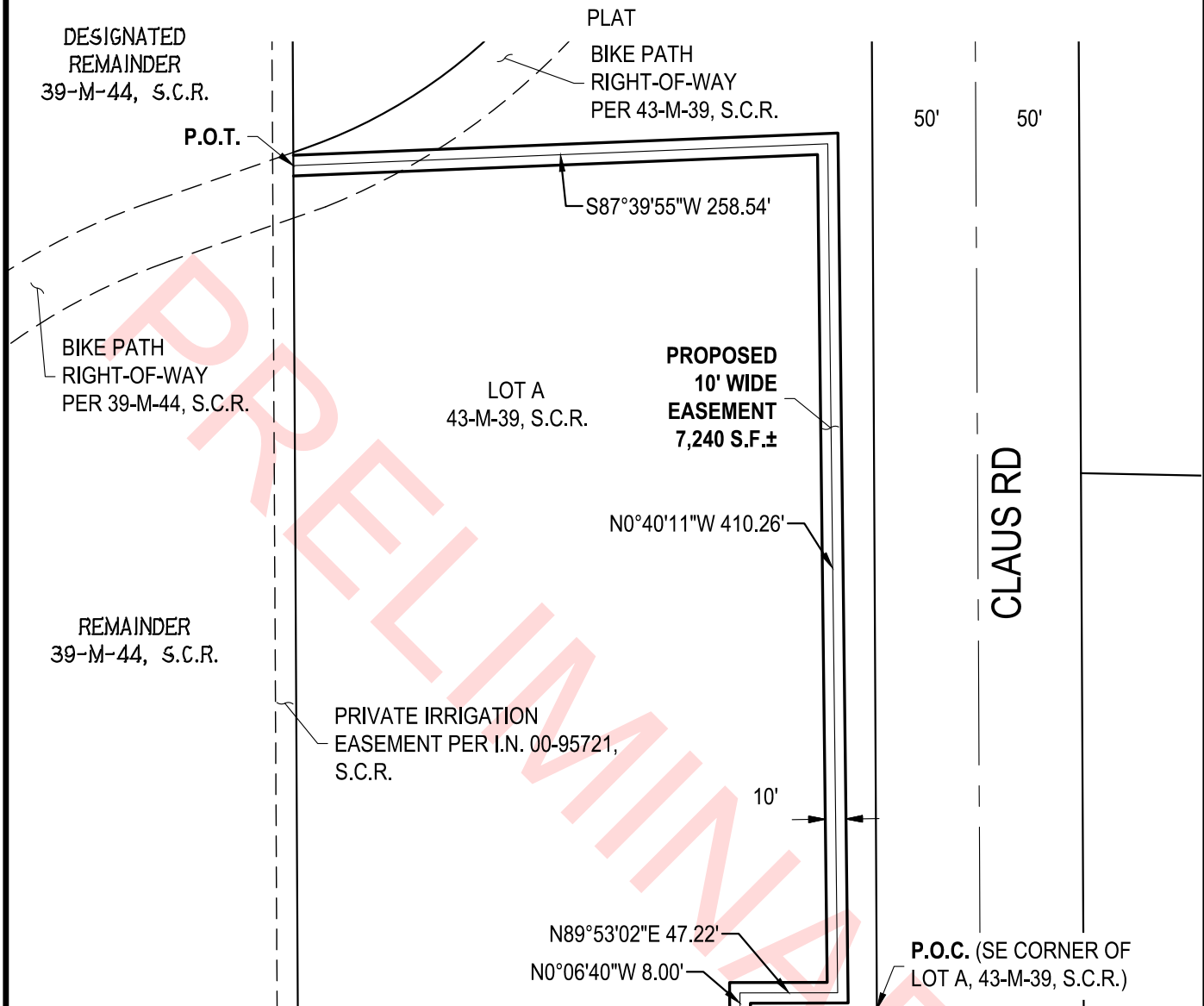
THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.

---

KEVIN J. GENASCI, P.L.S. 8660  
OCTOBER 22, 2025

C:\ONE\_DRIVE\SIEGFRIED\ENGINEERING\SIEGFRIED\ENGINEERING - DOCUMENTS\SEI-CAD\03\_SEI-TITLEBLOCK\8X11 PORTRAIT.DWG -----

**EXHIBIT B**

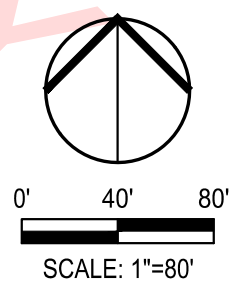


CLAUS RD

MODESTO IRRIGATION DISTRICT  
LATERAL NO. 3

**LEGEND**

DOC	DOCUMENT
I.N.	INSTRUMENT NUMBER, S.C.R.
M	BOOK & PAGE OF MAPS, S.C.R.
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.O.T.	POINT OF TERMINATION
S.C.R.	STANISLAUS COUNTY RECORDS
S.F.	SQUARE FEET



DATE	10/22/2025
DESIGN	KJG
DRAWN	SRS
JOB NO.	22020

**SIEGFRIED**

3428 Brookside Road, Stockton, California 95219  
209-943-2021 www.siegfriedeng.com Fx: 209-942-0214

- CIVIL
- STRUCTURAL
- LANDSCAPE ARCHITECTURE
- SURVEYING
- PLANNING
- ATHLETIC FACILITY DESIGN
- GEOTECHNICAL

SCALE:	AS SHOWN
SHEET	1
	OF: 1

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-48**

**RESOLUTION APPROVING AN ADDITIONAL PAYMENT OF \$70,150 FOR A  
TOTAL AMOUNT NOT TO EXCEED \$350,872 TO PACIFIC GAS & ELECTRIC  
FOR RELOCATION OF GAS LINE INFRASTRUCTURE FOR THE STATE  
ROUTE 132 PHASE 1 PROJECT**

WHEREAS, the State Route 132 West Freeway Express Project is approximately four miles in length and allows for construction of the ultimate multi-lane freeway in the future; and

WHEREAS, Phase 1 replaced the existing 2-lane highway segment of SR-132 along Maze Boulevard from SR 99 to Dakota Avenue; and

WHEREAS, the City is the lead agency on behalf of the region and is primarily responsible for the implementation of Phase 1 of the Project; and

WHEREAS, a construction contract was awarded to Bay Cities Paving and Grading (Bay Cities) on September 24, 2019 per Resolution 2019-439; and

WHEREAS, construction began in December of 2019 and was accepted as complete in June 2025 per Resolution 2025-226; and

WHEREAS, relocation of the PG&E gas line facilities was required so that improvements needed for the Project could be constructed; and

WHEREAS, several existing PG&E gas lines conflicted with the proposed improvements and were required to be relocated; and

WHEREAS, the cost to design and installation for this work was originally estimated at \$561,444; and

WHEREAS, this agreement specifies that the cost for this work be split between the City and PG&E at a 50/50 percentage rate; and

WHEREAS, the City's share per the Agreement was \$280,722 and was authorized per Resolution 2020-93 on February 25, 2020; and

WHEREAS, during construction of the SR-132 Project, the PG&E relocation work encountered additional unforeseen circumstances including conflicts with sewer and storm drain facilities and additional paving requirements that lead to increased costs; and

WHEREAS, under the terms of the existing Utility Agreement, increases up to 25% above the original estimate can be made without triggering an amendment to the existing agreement; and

WHEREAS, after a thorough review of the documentation and negotiations with PG&E staff and legal counsel, Staff recommends the authorization of an additional \$70,150 for PG&E infrastructure relocations for a total not to exceed \$350,872; and

WHEREAS, to settle the final payment, PG&E has requested the final payment be issued as a joint payment through PG&E's legal counsel Urrabazo Law, P.C.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an additional payment of \$70,150 for a total amount not to exceed of \$350,872 to Pacific Gas & Electric for Relocation of Gas Line Infrastructure for the State Route 132 Phase 1 Project.

BE IT FURTHER RESOLVED the City Manager or authorized designee is authorized to issue joint payment to Pacific Gas and Electric Company and Urrabazo Law, P.C. and to take all other actions necessary 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 24th day of February, 2026, 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: Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

RECUSED: Councilmembers: Alvarez

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-49**

**RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR CITY-WIDE SHREDDING SERVICES TO PACIFIC STORAGE COMPANY, MODESTO, CA FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$33,000, AND A TOTAL AMOUNT NOT TO EXCEED \$165,000 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

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

WHEREAS, the specific 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, customer, employee and other confidential information which require these documents to be destroyed through a secured destruction process; and

WHEREAS, on March 4, 2025, the City Manager authorized the Purchasing Manager to solicit the procurement for City-Wide Shredding Services; and

WHEREAS, on May 16, 2025, the Purchasing Division issued Invitation for Bids (IFB)-00010 for the Shredding Services on the City's OpenGov public bidding website under various commodity codes; and

WHEREAS, bids were formally opened by the City Clerk on July 15, 2025; and

WHEREAS, three (3) bids choose to respond and as part of the review of the bids, City staff determined additional clarification was needed on the pricing schedule due to the variance in pricing from the prospective bidders; and

WHEREAS, City staff determined to reject the bids and revised the bid specification which included revised the pricing schedule; and

WHEREAS, on September 24, 2025, the Purchasing Division reissued IFB-00010RFB for Shredding Services on the City's OpenGov public bidding website; and

WHEREAS, 465 Prospective bidders were notified online which included four (4) local vendors and via email of the bid opportunity and 30 companies downloaded the IFB document from OpenGov; and

WHEREAS, on November 4, 2025, bids were formally opened in the City Clerk's office and broadcast via Microsoft Teams Livestream; and

WHEREAS, three (3) chose to respond, there was one (1) local bid received and based on providing the lowest responsive and responsible bid, City staff recommended to award Shredding Services to Pacific Storage, Modesto, CA for two (2) year agreement with three (3) one-year extension options for a total estimated annual cost not to exceed \$33,000, and \$165,000; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to be formally 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 City-wide Shredding Services to Pacific Storage Company, Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Award of Bid and Agreement for City-Wide Shredding Services to Pacific Storage Company, Modesto, CA for two (2) year agreement with

three (3) one-year extension options, for an estimated annual amount of \$33,000 and a total amount not to exceed \$165,000 over five (5) years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-50**

**RESOLUTION APPROVING THE USE OF PROCEEDS, CREDITS, OR REIMBURSEMENTS, FROM THE SALE OR RECYCLING OF EXPENDED BRASS SHELL CASINGS, WITH ANY VENDOR PROVIDING SUCH SERVICES, INCLUDING THE EXISTING CREDIT OF \$16,990 WITH MIWALL CORPORATION, GRASS VALLEY, CA, TO BE APPLIED TOWARD THE PURCHASE OF NEW AMMUNITION FOR THE MODESTO POLICE DEPARTMENT**

WHEREAS, the Modesto Police Department operates a Tactical Gun Firing Range at 3000 West Main Street, Turlock, California where law enforcement personnel routinely conduct firearms training and proficiency exercises; and

WHEREAS, as part of ongoing maintenance of the firing range, expended brass shell casings are collected and provided to third-party vendors or recycling facilities in exchange for monetary proceeds, credit, or reimbursement. These proceeds, credits, or reimbursements may be applied to offset the cost of future ammunition purchases; and

WHEREAS, currently, the Department maintains a credit balance from prior brass exchanges valued at approximately \$16,990 with Miwall Corporation, Grass Valley, CA; and

WHEREAS, this balance cannot be used until the City Council authorizes its allocation outside of the General Fund, due to the Modesto Municipal Code requirements governing surplus property sales; and

WHEREAS, Modesto Municipal Code Section 8-3.501(d) requires that proceeds from the sale of surplus property be deposited into the General Fund, except where established accounting procedures require the deposit of proceeds in some special fund of the City; and

WHEREAS, the Police Department is requesting authorization for an exception to this requirement to allow any proceeds, credits, or reimbursements received from the sale or recycling of expended shell casings, with any vendor providing such services, to be directly applied toward the purchase of new ammunition for the Department, rather than being deposited into the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the use of proceeds, credits, or reimbursements, from the sale or recycling of expended brass shell casings, with any vendor providing such services, including the existing credit of \$16,990 with Miwall Corporation, Grass Valley, CA, to be applied toward the purchase of new ammunition for the Modesto Police Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-51**

**RESOLUTION APPROVING THE PURCHASING AGREEMENTS WITH AG TRANSMISSION REPAIR, OAKDALE, CA, VALLEY TRANSMISSION, MODESTO, CA AND MELLO TRANSMISSION COMPANY, INC., MODESTO, CA FOR TRANSMISSION PARTS AND REPAIR SERVICES FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$150,000 AND A TOTAL AMOUNT NOT TO EXCEED \$750,000 OVER FIVE YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE, TO ADJUST AGREEMENT TOTALS BETWEEN AGREEMENTS AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS**

WHEREAS, the City Fleet Service Division (Fleet) maintains and services approximately 1,580 vehicles, including heavy equipment, buses, fire trucks, trailers, and other miscellaneous equipment citywide. Additionally, Fleet has contract maintenance services with Stanislaus Regional Transit Authority (StanRTA) for countywide transit buses and five fire districts; and

WHEREAS, each vehicle or piece of equipment has numerous parts to make the unit function safely and efficiently; and

WHEREAS, components can fail or break on any piece of equipment. Many times, it is impossible to predict these failures; therefore, preparing a list of parts that will be required in any given Fiscal Year is not feasible; and

WHEREAS, downtime for any piece of equipment means that a crew or individual cannot perform their job duties, which adversely impacts operations and service delivery to the community; and

WHEREAS, establishing these new agreements will allow Fleet to obtain the parts required to maintain and

repair vehicles and equipment in a timely manner, and the repair services will provide additional support for in-house mechanics, reducing downtime for equipment and staff; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services 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; and

WHEREAS, these agreements are all with local vendors that can provide transmission parts and services required to repair, rebuild (overhaul), or exchange the impacted transmission This includes performing preventative maintenance tasks on the impacted transmission; and

WHEREAS, additionally, AG Transmission Repair and Mello Transmission Company, Inc. are the only local vendors that are Authorized Allison transmission repair shops. These transmissions are used in approximately 90% of the City's heavy-duty vehicles, as well as in the City maintained StanRTA transit fleet; and

WHEREAS, the proposed agreements have an estimated annual amount of \$150,000 and the total amount for the length of these agreements not to exceed \$750,000; and

WHEREAS, sufficient funds are budgeted in Fiscal Year (FY) 2025-26 to cover the cost for these agreements. The primary funding source for these agreements will be funded by the Fleet Fund and secondary funding sources will include outside service agreements such as fire service contracts and StanRTA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Agreement with AG Transmission Repair, Oakdale, CA, Valley Transmission, Modesto, CA and Mello Transmission Company, Inc., Modesto, CA for transmission parts and repair services for a two-year agreement with three one-year extension options, for an estimated annual amount of \$150,000 and a total amount not to exceed \$750,000 over five years.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is authorized to adjust agreement totals between agreements and department's needs, ensuring the combined total amount does not change.

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 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-52**

**RESOLUTION APPROVING THE FIRST AMENDMENT WITH CALIFORNIA MATERIALS INC., FOR MATERIAL HAULING SERVICES, INCREASING THE AGREEMENT AMOUNT BY \$621,746, TO A NEW ESTIMATED ANNUAL AMOUNT OF \$280,437, WITH A NEW TOTAL AMOUNT NOT TO EXCEED \$1,246,746 OVER THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the Public Works and Utilities Departments require material hauling services for asphalt, dirt, asphalt grindings, rock, road base material, compost overs, and concrete; and

WHEREAS, on December 5, 2023, by Resolution 2023-530, Council approved a two-year agreement with three one-year extension options with California Materials Inc. of Stockton, CA, for a total not to exceed \$625,000 over five years; and

WHEREAS, the Compost Facility initially anticipated an annual spend of \$75,000 per year, accounting for \$375,000 of the total; and

WHEREAS, the City's Compost Facility is currently addressing two violations identified by the Central Valley Water Board; and

WHEREAS, increasing waste hauling services will help address these violations by enabling the Compost Facility to remove contaminants more rapidly, thereby freeing operational space and allowing necessary surface repairs to proceed; and

WHEREAS, the Compost Facility has already started processing large amounts of material and has removed approximately seven piles, each with 3,000 to 4,000 tons; and

WHEREAS, the need for the increase in waste hauling service will continue at this rate for the next year before stabilizing at a rate higher than originally anticipated

due to increased green waste loads delivered to the Facility; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204 where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment with California Materials Inc., for material hauling services, increasing the agreement amount by \$621,746, to a new estimated annual amount of \$280,437, with a new total amount not to exceed \$1,246,746 over the term of the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized 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 24th day of February, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-53**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE HIGHWAY 99 WATER MAIN CROSSINGS IMPROVEMENTS PROJECT, ACCEPTING THE BID AND AWARDING A CONSTRUCTION CONTRACT TO ROLFE CONSTRUCTION INC., OF ATWATER, CA IN THE AMOUNT OF \$1,436,035, AUTHORIZING THE DIRECTOR OF ENGINEERING SERVICES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$287,207, 20% OF THE ORIGINAL CONTRACT PRICE, FOR A TOTAL PAYMENT AMOUNT NOT TO EXCEED \$1,723,242 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, the existing water mains along I Street, G Street, and Sierra Drive, from 5<sup>th</sup> Street to 6<sup>th</sup> Street are aging steel mains which are prone to leaks and low water pressure; and

WHEREAS, this project will upgrade approximately 1,240 linear feet of water mains, and the associated valves and fire hydrants; and

WHEREAS, the result of this work will be improved system reliability, along with increased water pressure and fire flows; and

WHEREAS, the project was advertised for bids on November 7, 2025; and

WHEREAS, on December 30, 2025, bids were publicly opened, pursuant to City Charter Section 1307; and

WHEREAS, nine bids were received; and

WHEREAS, Rolfe Construction, Inc., of Atwater, CA, was the responsible bidder with the lowest responsive bid; and

WHEREAS Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to follow the formal bid procedures; and

WHEREAS the award of a Contract for the construction of the Highway 99 Water Main Crossings Improvements Project to Rolfe Construction, Inc., of Atwater, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Rolfe Construction, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, given the nature of this Project where unforeseen conditions may exist when dealing with existing construction, and other unaccounted for issues may arise, the City Council desires to increase the Director's authority to issue change orders to 20% (\$287,207) of the Construction Contract amount.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Highway 99 Water Main Crossings Improvements Project, accepts the bid of \$1,436,035, authorizes the Director of Engineering Services to approve Change Orders up to the cumulative amount of \$287,207, 20% of the original Contract price, for a total payment amount not to exceed \$1,723,242, and awards a Construction Contract to Rolfe Construction, Inc., of Atwater, CA.

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 24th day of February, 2026, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

RECUSED: Councilmembers: Williams

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-54**

**RESOLUTION AMENDING THE FISCAL YEAR 2025-26 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$1,849,505 TO  
FUND THE CONSTRUCTION PHASE OF THE HIGHWAY 99 WATER MAIN  
CROSSINGS IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY  
MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISION OF THE  
RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$1,849,505, in order to fund the construction phase of the Highway 99 Water Main Crossings Improvements Project; and

WHEREAS, the Fiscal Year 2025-26 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 2025-26 Capital Improvement Program Budget in the amount of \$1,849,505.

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 24th day of February, 2026, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None


RECUSED: Councilmembers: Williams

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney