

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-31**

**RESOLUTION ACCEPTING THE RESIGNATION OF RICHARD MAGGARD
FROM THE CITY OF MODESTO'S CITIZENS' HOUSING AND COMMUNITY
DEVELOPMENT COMMITTEE**

WHEREAS, the Citizens' Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs, and

WHEREAS, on February 23, 2016, by Resolution No. 2016-65, Richard Maggard was appointed to the City of Modesto's Citizens' Housing and Community Development Committee, and

WHEREAS, Richard Maggard submitted his resignation on January 9, 2017 as he will no longer be able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council accepts the resignation of Richard Maggard from the City of Modesto's 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 7th day of February, 2017, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

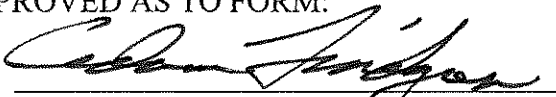
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-32**

**RESOLUTION APPOINTING JAY LOMELI AND JACOB EDWARDS TO THE
DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF
JANUARY 1, 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 Appointments Committee, met on January 12, 2017, and recommended the appointment of Jay Lomeli and Jacob Edwards to the Disabled Access Appeals Board,

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

1: Jay Lomeli is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 2021.

2: Jacob Edwards is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 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 Building Appeals, 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 February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

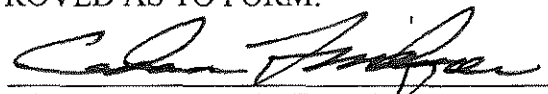
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-33**

**RESOLUTION ACCEPTING THE RESIGNATION OF WILLIAM GAINES
FROM THE CITY OF MODESTO EQUAL OPPORTUNITY/DISABILITY AND
HUMAN RELATIONS COMMISSION, EFFECTIVE MARCH 15, 2016**

WHEREAS, WILLIAM GAINES was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, WILLIAM GAINES has tendered his resignation from the Equal Opportunity/Disability and Human Relations effective March 15, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of WILLIAM GAINES is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to WILLIAM GAINES for his service to the community.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-34**

**RESOLUTION APPOINTING DOUGLASS PARMAN TO THE EQUAL
OPPORTUNITY/DISABILITY AND HUMAN RELATIONS COMMISSION FOR
A TERM TO EXPIRE ON AUGUST 11, 2017**

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 August 24, 2016, and recommended appointment of Douglass Parman to serve jointly on the Equal Opportunity/ Disability Commission and Human Relations Commission.

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

- I. Douglass Parman is hereby appointed to serve jointly on the Equal Opportunity/Disability and Human Relations Commission with a term expiration of August 11, 2017.
2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-35**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE ROSELLE AVENUE WIDENING PROJECT, ACCEPTING THE BID, APPROVING THE CONTRACT WITH DSS COMPANY (DBA KNIFE RIVER CONSTRUCTION) OF STOCKTON, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONSTRUCTION AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY, IN THE AMOUNT OF \$3,249,779.40

WHEREAS, plans and specifications have been prepared for the Roselle Avenue Widening Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Roselle Avenue Widening Project were publicly opened at 11:00 a.m. on December 20, 2016 for the consideration of the Council, and

WHEREAS, in 2009 the City Council approved an Initial Study, Environmental Assessment No. EA/PW 2009-13, which concluded that the potential effects of the project have been adequately addressed within the context of the previously-certified Village One Program EIR (SCH No. 90020181), and that no further environmental review is required, and

WHEREAS, all applicable mitigation measures contained within the previously-certified Village One Program EIR will be applied to the project, and

WHEREAS, the Director of Community and Economic Development and the City Manager have recommended that the bid of \$3,249,779.40 received from DSS Company dba Knife River Construction of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to DSS Company dba Knife River Construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Roselle Avenue Widening Project.

BE IT FURTHER RESOLVED, that the Council accepts the bid of DSS Company dba Knife River Construction of Stockton, California and approves the contract with DSS Company dba Knife River Construction of Stockton, California for the Roselle Avenue Widening Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the construction agreement, in a form approved by the City Attorney, in the amount of \$3,249,779.40.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-36

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET TO TRANSFER A TOTAL OF \$213,234 FROM THE FOLLOWING LINE ITEMS: CONSTRUCTION (CON) AND LAND ACQUISITION (LA) TO CONSTRUCTION ADMINISTRATION (CA), CITY CONSTRUCT FORCE (CFF), CONTINGENCY (CTGY), AND ENGINEERING/DESIGN/ ADMINISTRATION (EDA) LINE ITEMS

WHEREAS, certain budgetary transactions are necessary in the amounts shown in **Exhibit A**, in order to fund construction, contingency, construction administration and engineering support during construction for the Roselle Avenue Widening Project, and

WHEREAS, the Fiscal Year 2016-2017 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 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto, in order to transfer a total of \$213,234 from the following line items: Construction (CON) and Land Acquisition (LA) to Construction Administration (CA), City Construct Force (CFF), Contingency (CTGY), and Engineering/Design/Administration (EDA) line items.

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 7th day of February, 2017, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

100106 – CED – Roselle Avenue between Sylvan/Floyd

EXPENSES	Available Current Budget	Increase / Decrease	Revised Budget
CA - Construction Administration	\$221,329	\$103,649	\$324,978
CCF - City Construct Force	-\$6,701	\$16,701	\$10,000
CON - Construction	\$3,488,700	-\$188,801	\$3,299,899
CTGY - Contingency - CIP	\$300,000	\$89,974	\$389,974
EDA - Eng/Design/Admin	-\$2,910	\$2,910	\$0
LA - Land Acquisition	\$24,433	-\$24,433	\$0
Total	\$4,024,851	\$0	\$4,024,851

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-37**

**RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO ISSUE
CHANGE ORDERS ON THE ROSELLE AVENUE WIDENING PROJECT, IN
THE TOTAL AMOUNT OF \$389,974 (12% OF THE ORIGINAL CONTRACT
PRICE)**

WHEREAS, On July 19, 1994, City Council adopted by Resolution No. 94-443, a Change Order Approval Policy which provides Director authority to issue change orders in an amount of 8% for any single contract of at least \$1,000,000, but less than \$10,000,000, and

WHEREAS, the Change Order Approval Policy also states that variance from limitations may be requested at time of bid award for unforeseen conditions which may arise in the field, and

WHEREAS, the contingency cost for Roselle Avenue Widening Project has been estimated to be \$389,974, 12% of the original contract price, due to unusually poor soil conditions and the complexity of existing conditions in the project area, and

WHEREAS, the Director of Utilities is requesting authority to approve change orders up to the cumulative amount of \$389,974.

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 on the Roselle Avenue Widening Project in the total amount of \$389,974 (12% 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 7th day of February, 2017, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-38**

RESOLUTION AUTHORIZING THE AWARD OF BID FOR CONSTRUCTION OF THE DRY UTILITIES RELOCATION FOR THE FUTURE COURTHOUSE PROJECT, AND APPROVING A CONTRACT WITH R&R PACIFIC CONSTRUCTION OF WOODLAND, CALIFORNIA IN THE AMOUNT OF \$217,850 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE THE AGREEMENT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY

WHEREAS, on November 19, 2014 a Property Acquisition Agreement was signed between the City of Modesto and the Judicial Council of California, and

WHEREAS, the agreement required the city to relocate the utilities from the property being sold to the state, and the funds to relocate the utilities are being held in an escrow account until 45 days after the utilities have been relocated, and

WHEREAS, the City has until May 15, 2017 to complete the project per an agreement between the City and the Judicial Council of California , and

WHEREAS this project will relocate the overhead utilities that are located in the alley located between G and H Streets and 9th and 10th Streets, and

WHEREAS, staff advertised this project for bid on December 23, 2016, and

WHEREAS, the bids received for the Dry Utilities Relocation for the Future Court House Project were opened at 11:00 a.m. on January 17, 2017 for the consideration of the Council, and

WHEREAS, the City Manager has recommended that the bid of \$217,850 received from R&R Pacific Construction, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to R&R Pacific Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of \$217,850 and awards R&R Pacific Construction of

Woodland, CA, the contract for the Dry Utilities Relocation for the Future Court House 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 February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

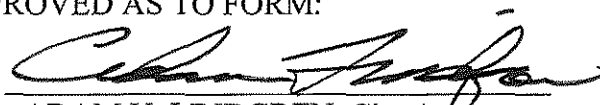
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-39**

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS FOR THE DRY UTILITIES RELOCATION FOR THE FUTURE COURTHOUSE PROJECT FROM \$25,000 TO 25% (\$54,463) OF THE CONSTRUCTION CONTRACT PRICE OF \$217,850 WITH R&R PACIFIC CONSTRUCTION, OF WOODLAND, CALIFORNIA

WHEREAS, on February 7, 2017, the City Council is concurrently awarding a \$217,850 contract to R&R Pacific Construction of Woodland, California for the construction of the Dry Utilities Relocation for the Future Courthouse Project, and

WHEREAS, this project will relocate the overhead utilities that are located in the alley located between G and H Streets and 9th and 10th Streets, and

WHEREAS, there are many unknowns under the street that may require unforeseen additional work, and

WHEREAS, this project is under a tight time frame to complete this work per an agreement with the Judicial Council of California and will not have time to return to council to request addition funds, and

WHEREAS, City staff is requesting authorization to increase the Director's Authority to 25% to provide for additional material and/or labor that may be needed for this project, and

WHEREAS, the additional costs could exceed the Director's authority of \$25,000 cumulative change orders for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443,

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 Dry

Utilities Relocation for the Future Courthouse Project from \$25,000 to 25% (\$54,463) of the construction contract price of \$218,850 with R&R Pacific Construction of Woodland, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-40**

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 NON - CAPITAL PROGRAM MULTI YEAR BUDGET (PROJECT # 100859) IN THE AMOUNT OF \$367,000 TO BE TEMPORARILY TRANSFERRED INTO THE PROJECT FROM GENERAL FUND RESERVES IN ORDER TO FULLY FUND THE PROJECT UNTIL THE ESCROW FUNDS ARE RELEASED AND REIMBURSED TO THE GENERAL FUND RESERVES

WHEREAS, certain budgetary transactions are necessary in the amount of \$367,000, in order to fund construction, contingency, and City construction forces for the Dry Utilities Relocation for the Future Courthouse Project, and

WHEREAS, the City of Modesto entered into an agreement to sell property to the Judicial Council of California, and

WHEREAS, the agreement placed \$367,000 into an escrow account until the utilities located on the property were relocated and the alley abandoned, and

WHEREAS, the escrow funds will not be released until 45 days after the utilities are fully relocated, and

WHEREAS, it could take up to 60 days to relocate the utilities after the conduit is placed, and

WHEREAS, the contractor that installed the conduit for the utility relocation will need to be paid before the utilities can be relocated and the escrow funds released, and

WHEREAS, the Fiscal Year 2016-2017 Non - Capital 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 2016-2017 Non - Capital Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Deputy 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 February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction funds being held in an escrow account and not being released until the utilities are fully relocated around the property purchased by the Judicial Council of California from the City of Modesto, funds need to be temporarily transferred from General Fund Reserves to pay for construction work required prior to the utilities relocating their services, line item increases/decreases are necessary for Fiscal Year 2016-17 Non - Capital Program Multi Year Budget (project # 100859) and the total project costs need to be increased by \$367,000.

To fund the above account, \$367,000 will be transferred from General Fund Reserves into Fiscal Year 2016-17 Non - Capital Program Multi Year Budget (project # 100859). Once the \$367,000 of escrow funds are released they will be deposited into the General Fund Reserves.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-41**

**RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT BUDGET**

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 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy 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 February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is to recognize and appropriate revenue received that exceeded the initial project budget amounts. The revenue received is from the State Department of Courts and is being used for the relocation expenses required by the agreement with the State of California. This adjustment will recognize \$172,302 in additional revenue to for the project and appropriate the same amount in expense budget under the Professional Services account in project 100859 (Courthouse Project).

A Budget Adjustment is necessary to add unspent Emergency Solutions Grant (ESG) funds in the amount of \$57,262.64 to the Fiscal Year 2016-2017 Operating Budget for Fund 1180. ESG grantees have 24 months to expend these funds.

PUBLIC WORKS

A budget adjustment is necessary to recognize \$743,000 of unbudgeted Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Revenue for Project # 100982, MAX Intelligent Transportation System Equipment Purchase and Installation, in Fund 4510, Bus Fixed Route, and reallocate said funds to the project's discretionary accounts for the purchase and installation of Intelligent Transportation Systems equipment for the City's MAX bus fleet.

UTILITIES

A budget adjustment of \$1,000,000 is necessary to create and establish the operating budget for the Council approved Water Rate Assistance Program (WRAP). These funds will come from Water Fund revenue collected by the City Utility Billing and Collections Division as late payments and delinquency charges on City utility bills.

A budget adjustment is necessary to reduce the General Fund expense budget in account 54425 (Senior/Disabled Discount Charges) by \$210,000. An adjustment will then increase the expense budget in cost center 41410 (Water General) by \$210,000 to fund the Senior/ Disabled Low Income Discount program with revenue collected by the City Utility Billing and Collections Division as late payments and delinquency charges on City utility bills.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-42**

RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL, RANCHO CORDOVA, CA, FOR DESIGN AND CONSTRUCTION SERVICES FOR THE REPLACEMENT WELL 226 PROJECT, IN AN AMOUNT NOT TO EXCEED \$175,197 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$17,520 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$192,717, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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, Well 226 was originally drilled in 1954, and is strategically located near the Highway Village neighborhood, and

WHEREAS, on April 7, 2009, by Resolution 2009-149, Council approved a short-list of hydrogeologists to be used on a rotating, as-needed basis, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, Brown and Caldwell (B&C) was selected as the most qualified to provide design services for well remediation at Well 226, and

WHEREAS, on November 24, 2009, by Resolution No. 2009-554, Council approved an agreement with B&C for Design Services for Well Remediation at Well 226, and

WHEREAS, a new, deeper well was proposed to be drilled on the existing site, built to current well construction standards, and

WHEREAS, 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, in 2011, plans and specifications for removal and replacement of Well 226 were prepared, but the project was deferred due to lack of funding, and

WHEREAS, the agreement with B&C was subsequently closed, and

WHEREAS, on June 28, 2016, by Resolution 2016-270, Council approved the specifications for destruction of certain water wells, and awarded a contract to Howk Systems of Modesto, CA, and

WHEREAS, Well 226 was destroyed as part of this work, and

WHEREAS, in the interest of efficiency and due to the fact that B&C was previously selected to provide design services for the replacement of Well 226, a further selection process was not deemed necessary, and

WHEREAS, at the Utilities Department staff request, B&C submitted a proposal to update the plans and specifications to meet the City's current operational needs and current standards, and to provide bid and construction services, and

WHEREAS, B&C's proposal cost and scope were reviewed and determined to be reasonable to provide design and construction services, and

WHEREAS, the scope of services to be provided under the agreement includes:

1) Revise well drilling design; 2) Well equipping design; 3) Bid period services; 4) Engineering support during construction; and 5) Permitting support, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement, and

WHEREAS, therefore, staff recommends approval of the agreement with B&C for design and construction services for the Replacement Well 226,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Resolution approving an Agreement with Brown and Caldwell, Rancho Cordova, CA, for design and construction services for the Replacement Well 226 Project, in an amount not to exceed \$175,197 for the identified scope of services, plus \$17,520 for additional services (if needed), for a maximum total amount of \$192,717.

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 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

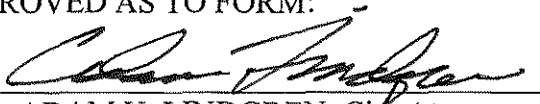
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-43**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., PLEASANTON, CA, FOR ON-CALL HYDRAULIC WATER SYSTEM MODELING SUPPORT SERVICES FOR A TERM OF TWO YEARS WITH TWO ONE-YEAR EXTENSIONS AT THE SOLE DISCRETION OF THE CITY, NOT TO EXCEED \$75,000 PER YEAR FOR A TOTAL COST OF \$300,000 OVER THE TERM OF THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO, ONE-YEAR EXTENSIONS

WHEREAS, Utilities Department staff has developed a hydraulic model of the City's water distribution system, and

WHEREAS, the model has been used over time to analyze the current system and evaluate proposed improvements, and

WHEREAS, on September 2, 2014, by Resolution 2014-336, City Council approved an agreement with West Yost Associates, Inc., for consultant services to develop a Water Master Plan, and

WHEREAS, the scope of work included recalibrating the City's current hydraulic model and reallocating system demands based on new meter data, and

WHEREAS, modeling support is needed for timely analysis related to design of water infrastructure and to assist/optimize water system operations, and

WHEREAS, West Yost Associates, Inc. (West Yost), has been providing water system hydraulic modeling support for several years, typically related to a specific task, such as the Water Engineer's Report and Water Master Plan, and

WHEREAS, West Yost was previously selected as being the most qualified to provide services that included updating the hydraulic model of the water system, and is

also deemed most qualified to provide the necessary on-call hydraulic water system modeling support, and

WHEREAS, West Yost has the hardware and software, including an updated version of the City's current water system infrastructure, and

WHEREAS, establishing an on-call service agreement will provide a method of timely support, 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, there are no fiscal impacts at this time, and to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific Capital Improvement Program (CIP) project account as the task is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Engineering Design Division staff, and

WHEREAS, costs for on-call hydraulic water system modeling services will not exceed the allotted amount for each year for two years with two, one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call hydraulic water system modeling support services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until Engineering Design Division management has approved the proposed specific task order and a written

Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement, and

WHEREAS, total cost for four years is not to exceed \$300,000, and

WHEREAS, therefore, staff recommends approval of the above on-call consultant agreement for hydraulic water system modeling support services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc., Pleasanton, CA, for On-Call Hydraulic Water System Modeling Support Services for a term of two years with two one-year extensions at the sole discretion of the City, not to exceed \$75,000 per year for a total cost of \$300,000 over the term of the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, and up to two, one-year extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

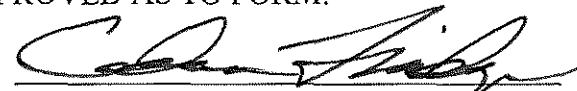
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney