

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-265**

**RESOLUTION APPOINTING JOSEPH P. LOPEZ AS INTERIM CITY  
MANAGER AND AMENDING RESOLUTION 2017-164 TO REFLECT THE  
NEW TITLE**

**WHEREAS**, on May 2, 2017 the City Council adopted Resolution 2017-164, setting the salary and benefits for Joe Lopez as Acting City Manager; and

**WHEREAS**, Joe Lopez has served as Acting City Manager since that date; and

**WHEREAS**, the City Council now desires to change his title to “Interim City Manager;” and

**WHEREAS**, this Resolution will formally appoint Joe Lopez as Interim City Manager and amend Resolution 2017-164 to simply change the title from “Acting City Manager” to “Interim City Manager;” and

**WHEREAS**, this Resolution will not change the salary or any benefit previously approved by the City Council for the Acting City Manager position.

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

1. Joe Lopez is appointed as Interim City Manager effective immediately.
2. Joe Lopez’ assignment as Interim City Manager is subject to the complete discretion of the City Council, and such assignment may be terminated by the City Council at any time for any or no reason. At such time that the City Council terminates such assignment, Joe Lopez shall return to his Deputy City Manager position at the salary and benefits previously set.
3. Resolution 2017-164, is hereby amended to change its applicability from the position of “Acting City Manager” to “Interim City Manager.” The salary and

benefits will all remain the same and will now apply to Joe Lopez as Interim City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2017-266**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED SERVICE AGREEMENT FOR THE SUPPLY AND ACCEPTANCE OF SOLID WASTE BETWEEN COVANTA STANISLAUS, INC. AND THE CONTRACTING COMMUNITIES, THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS WITH AN EFFECTIVE DATE OF JULY 5, 2017, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT**

WHEREAS, in 1989 Covanta Stanislaus, Inc. began operating a Waste-to-Energy (WTE) Facility off of Interstate 5 in Crows Landing, California, under a Service Agreement with the County of Stanislaus and the City of Modesto (“Contracting Communities”), and

WHEREAS, a Joint Powers Authority (JPA) between the Contracting Communities was formed, with two representatives of the Stanislaus County Board of Supervisors and two members of the Modesto City Council as Committee members, and

WHEREAS, the Waste-to-Energy Facility receives 243,000 tons of the Contracting Communities’ waste annually and processes it as fuel for the plan to generate up to 22.5 megawatts of electricity per year, and

WHEREAS, July 1, 2012 the Contracting Communities and Covanta negotiated the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste and have been operating under that Service Agreement, and

WHEREAS, in the fall of 2016, Covanta requested that the Contracting Communities consider an amendment to the Service Agreement to increase the allowable tonnage of Special Waste that Covanta can procure from 12,200 tons per contract year to 30,000 tons per year, and

WHEREAS, during negotiating sessions the Contracting Communities requested

that Covanta accept an amendment that changes the liability of Unforeseen Circumstance Costs from the Contracting Communities bearing 25% and Covanta bearing 75%, to the Contracting Communities bearing 0% and Covanta bearing 100% of the Unforeseen Circumstance Costs risk, and

WHEREAS, the Contracting Communities and Covanta reached a mutual agreement to amend the terms of the Service Agreement as stated, and

WHEREAS, these amendments will have a positive fiscal impact on the Contracting Communities as they will alleviate future financial burden on the Contracting Communities for Unforeseen Circumstances Costs, and

WHEREAS, this was presented at the regularly scheduled meeting of the Stanislaus County/City of Modesto Waste-to-Energy JPA Committee on June 15, 2017, and

WHEREAS, the Stanislaus County/City of Modesto WTE JPA Committee approved the First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste , and recommend forwarding it to the Modesto City Council and the Stanislaus County Board of Supervisors for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the **attached** First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste between Covanta Stanislaus Inc. and the Contracting Communities, the City of Modesto and County of Stanislaus with an effective date of July 5, 2017.

BE IT FURTHER RESOLVED, that the Acting City Manager, or his designee, is hereby authorized to execute the First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste, 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 5<sup>th</sup> day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

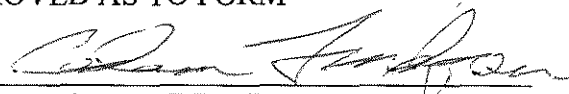
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM

By:   
ADAM U. LINDGREN, City Attorney

**FIRST AMENDMENT TO**  
**AMENDED AND RESTATED SERVICE AGREEMENT**  
**FOR THE SUPPLY AND ACCEPTANCE**  
**OF SOLID WASTE**

This First Amendment to Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste (this "*Amendment*") is entered into as of July \_\_, 2017 (the "*Effective Date*"), by and among the County of Stanislaus, a political subdivision of the State of California, acting by and through its Board of Supervisors (the "*County*"), the City of Modesto, a municipal corporation, acting by and through its City Council (the "*City*"), and Covanta Stanislaus, Inc., a California corporation (the "*Company*"). The County and City are collectively referred to herein as the "*Contracting Communities*."

**Recitals**

- A. The Contracting Communities and the Company are parties to that certain Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste dated as of July 1, 2012 (the "*Service Agreement*"); capitalized terms used but not defined in this Amendment shall have the meanings given them in the Service Agreement;
- B. The Contracting Communities and the Company wish to amend the Service Agreement as provided in this Amendment.

**Agreement**

NOW, THEREFORE, for and in consideration of the mutual covenants in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, and intending to be legally bound, the Contracting Communities and the Company hereby agree as follows:

1. Special Waste. (a) Section 4.03(d)(ii) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

*"(ii) From July \_\_, 2017 until the expiration or termination of this Agreement, up to 30,000 Tons per Contract Year of Special Waste arranged by the Company shall have priority over Contracting Communities Excess Waste. Contracting Communities will incur no liability if Company accepts Excess Waste from Contracting Communities that effectively limits Company's ability to reach 30,000 tons per Contract Year of Special Waste.*

*Special Waste deliveries to the Facility arranged by the Company shall in no event exceed the amounts set forth in Section 4.03(d)(i) and (ii) above for the periods set forth therein."*

(b) Section 4.03(c) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

*"(c) Fees from Excess Waste and Special Waste. If the Company is procuring for the Facility from third parties Excess Waste that constitutes the first 30,000 Tons per Contract Year of Special Waste, then the Company shall retain for its own account the entire Third Party Tipping Fee for that Special Waste. For all other Excess Waste so procured (including Special Waste in excess of 30,000 Tons per Contract Year), (i) the Company shall retain for its own account the portion of the Third Party Tipping Fee for such Excess Waste up to the then applicable Excess Waste Tipping Fee, and (ii) the portion of such Third Party Tipping Fee in excess of the then applicable Excess Waste Tipping Fee shall be split 60% to the Company and 40% to Contracting Communities. The Company agrees that the Contracting Communities may dispose at the Facility, free of charge, Special Waste arising out of governmental activities occurring within Stanislaus County, such as illegal drugs confiscated by law enforcement agencies"*

(c) The following sentence is hereby added to the end of Section 4.01(a) of the Service Agreement:

*"From July \_\_\_\_, 2017 until the expiration or termination of this Agreement, the Company and the Contracting Communities, by mutual written agreement, may agree to reduce the Guaranteed Tonnage on such terms and conditions as they may agree, in each party's sole individual discretion."*

2. Unforeseen Circumstances. (a) Section 6.05(c)(3) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

*"From July \_\_\_\_, 2017 until the expiration or termination of this Agreement:*

*(i) The Company shall bear 100% of Unforeseen Circumstance Costs and the Contracting Communities shall bear 0% of Unforeseen Circumstance Costs.*

*(ii) If upon expiration or termination of this Agreement on or after January 2, 2016 there is any balance of Excess Electric Revenues remaining, then such balance shall be for the account of the Company."*

*(iii) As of the date of execution of this agreement, Unforeseen Circumstances Costs attributable to Contracting Communities are \$0.00.*

(b) Section 6.05(d) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

*“(d) Unforeseen Circumstance Cost Limit. If the cumulative total of Unforeseen Circumstance Costs incurred from and after the Service Commencement Date by the Company exceeds \$15,000,000, excluding Excess Electric Revenues applied pursuant to Section 6.05(c)(3)(ii) above (such net amount being the “**Initial UCC Termination Threshold**”), then the Company shall have the right to terminate this Agreement without payment of any termination fee (a “**UCC Termination**”) by providing written notice of termination to the Contracting Communities within 90 days after having provided to the Contracting Communities written notice that such Initial UCC Termination Threshold has been reached. The Contracting Communities, acting jointly, shall have the right to avoid the UCC Termination by agreeing in writing to pay, and paying to the Company, within 30 days after receipt of the termination notice as to amounts already then incurred by the Company (and when and as incurred as to amounts incurred thereafter), the amount incurred by the Company in excess of the Initial UCC Termination Threshold (the “**Termination Avoidance Amount**”). If the Company does not exercise an applicable UCC Termination or if the Contracting Communities avoid the UCC Termination pursuant to the immediately preceding sentence, then this Agreement shall continue uninterrupted and in full force and effect, unless and until additional Unforeseen Circumstance Costs, in excess of the Initial UCC Termination Threshold, incurred by the Company exceed a cumulative total of \$1,500,000 (a “**Subsequent UCC Termination Threshold**”), at which time a UCC Termination right shall arise for the Company again in accordance with the foregoing provisions of this Section 6.05(d), based on a Subsequent UCC Termination Threshold amount of \$1,500,000 (rather than the Initial UCC Termination Threshold) and including the termination avoidance provisions. If the Company does not timely exercise the UCC Termination when the Subsequent UCC Termination Threshold is reached, or if the Contracting Communities avoid the UCC Termination pursuant to the immediately preceding sentence, then this same process shall apply each time a new Subsequent UCC Termination Threshold is reached during the Service Term.”*

(c) Section 6.05(e) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

*“(e) Constructive Total Loss. If the Second UCC Notice states that the Unforeseen Circumstance is expected to result in aggregate Capital Costs together with net increases in operation and maintenance costs of the Facility, over the remainder of the Service Term in each case (“**Restoration Costs**”) in excess of \$22 million (the “**Loss Termination Threshold**”), the Company shall include clear and convincing evidence of such Restoration Costs in the Second UCC Notice. The Contracting Communities will state in their response notice, to be delivered within 20 days of receipt of the Second UCC Notice, whether they agree or disagree that the Restoration Costs will exceed the Loss Termination Threshold. If the Contracting Communities do not so agree, then such disagreement will be subject to dispute resolution pursuant to Section 9.20. If the Contracting Communities state in their response notice that they agree that the Restoration Costs will be greater than the Loss Termination Threshold, or the decision delivered in the arbitration so determines, as applicable (either being a “**Restoration***



*Cost Substantiation”), then the Company shall have the right to terminate this Agreement without paying any termination fee by providing to the Contracting Communities no less than 180 days and no more than 240 days written notice of termination (a “Termination Notice”). Such Termination Notice shall be delivered within 30 days after Restoration Cost Substantiation. Upon the effective date of the termination, the Facility Site Lease Agreement shall terminate, Section 7.04 of the Facility Site Lease Agreement will apply and neither the Contracting Communities nor the Company shall have any further rights or obligations under this Agreement, except for any rights or obligations which expressly survive termination of this Agreement.”*

3. Ratification. Except as otherwise provided in this Amendment, the Service Agreement remains in full force and effect, and the Company and the Contracting Communities hereby ratify and confirm the Service Agreement, as amended by this Amendment.

*[Signatures appear next page]*

EXECUTED as of the Effective Date

COUNTY OF STANISLAUS  
Department of Environmental Resources

Covanta Stanislaus, Inc.

By: \_\_\_\_\_  
Stan Risen, Chief Executive Officer

“County”

By: \_\_\_\_\_  
Title: \_\_\_\_\_

“Covanta”

APPROVED AS TO FORM:  
John D. Doering, County Counsel

By: \_\_\_\_\_  
Amanda DeHart, Deputy County Counsel

CITY OF MODESTO

By: \_\_\_\_\_  
Joseph P. Lopez, Acting City Manager

“City”

CITY OF MODESTO

By: \_\_\_\_\_  
Adam U. Lindgren, City Attorney

“City”

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-267**

**RESOLUTION APPROVING THE PURCHASE OF PIPE SADDLES TO FERGUSON WATERWORKS, MODESTO, CA, AND PACE SUPPLY CORPORATION, STOCKTON, CA, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF \$70,000, AND \$350,000 OVER FIVE YEARS, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING AGREEMENT**

WHEREAS, the City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for purchase of pipe saddles, and

WHEREAS, on April 12, 2017, the Purchasing Division issued RFB No. 1617-27 for the purchase of Pipe Saddles on the City's website under the commodity codes for pipe, tubing and accessories, nine companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two companies chose to respond. All companies provided responsive and responsible bids, and one local vendor responded, and

WHEREAS, based on providing lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, and based on the pricing submitted, the local vendor, Ferguson Waterworks, didn't qualify for local vendor preference under the Modesto Municipal Code, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City. As allowed by the resolution, the City Manager's Office approved an exception to this freeze for this procurement. Justification for this exception is based upon the need of the Utilities Department to strengthen and maintain a safe infrastructure of water supply and sewers to

ensure reliable fire protection, water and storm/sewer service to City of Modesto customers.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. The award of bids for the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, the cost for these services will be covered by the Water funds through existing budget cost centers 4100-45020, 45040 and various CIP projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$70,000 and \$350,000 over five years in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to issue and enter into a purchasing agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

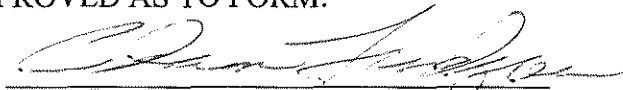
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-268**

**RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR FINAL DESIGN REPORT FOR THE RIVER TRUNK REHABILITATION (GALLO) AND THE CANNERY SEGREGATION DIVERSION STRUCTURE PROJECTS IN THE AMOUNT OF \$41,676, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT**

WHEREAS, to provide reliability to the River Trunk sewer and Cannery Segregation Trunk sewer, a diversion structure is necessary to allow the bypass of flows in the event one of these trunks experiences a failure, and

WHEREAS, the diversion structures will allow flow to be redirected to one of the trunks to maintain service while repairs can be made, and

WHEREAS, additionally, a section of the River Trunk between the Beard Brook Siphon junction structure and Santa Cruz Avenue was discovered to be severely corroded at the crown of the pipe, and

WHEREAS, the damaged section of the River Trunk consists of 2,160 feet of 45 to 48-inch unlined reinforced concrete pipe that runs through the Gallo Winery property, and

WHEREAS, immediate repairs were needed to prevent the pipe from collapsing and to restore reliability for this critical sewer trunk, and

WHEREAS, the goal of the project is to restore the structural integrity of the pipe and provide a plastic lining that will resist future corrosion, and

WHEREAS, on April 14, 2015, by Resolution No. 2015-118, Council approved an agreement with Carollo Engineers, Inc. (Carollo) to provide design, bid and

engineering during construction services for the River Trunk Rehabilitation (Gallo) and the Cannery Segregation Diversion Structure Projects, and

WHEREAS, during the bid phase of the Cannery Segregation Diversion Structure Project, City staff discovered the project would require coordination with the concurrently planned Tuolumne Regional River Park (TRRP) Phase 2 Project, and

WHEREAS, as part of the TRRP Phase 2 Project, the Parks Department was designing a bike trail project within the Cannery Segregation Diversion Structure project limits, and

WHEREAS, additional coordination efforts were required to merge final grading of both projects, and to address the soil loading issues associated with the bike trail grading on the River Trunk and Cannery Segregation Trunk, and

WHEREAS, a revised grading design was prepared along with revised bid items and construction cost estimates, and

WHEREAS, additionally, during the first bid phase of the River Trunk Rehabilitation Project within the Gallo facility, the City received a bid protest resulting in the project needing to be rebid, and

WHEREAS, the plans and specifications were revised to provide clarification, and

WHEREAS, the additional coordination and construction document revisions resulted in extended effort in the following tasks: 1) Project Management; 2) Bid Phase Services; and 3) Engineering Services During Construction, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to the freeze for this procurement, and

WHEREAS, justification for this exception is that the projects were previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable utilities, and a budget transfer from reserves, to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the first amendment to the agreement is for professional services and, therefore, exempt from the bid requirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Final Design Report for the River Trunk Rehabilitation (Gallo) and the Cannery Segregation Diversion Structure Projects in the amount of \$41,676.

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



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

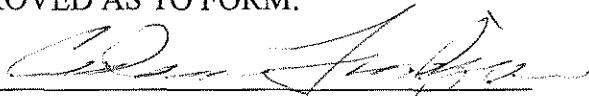
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-269**

**RESOLUTION APPROVING A LIST OF PROJECTS TO BE FUNDED WITH  
MEASURE L TAX PROCEEDS IN FISCAL YEAR 2017-2018, INCLUDING  
CERTAIN PROJECTS IN THE FISCAL YEAR 2017-2018 CAPITAL  
IMPROVEMENT PROGRAM AND APPROVING THE BUDGET  
ADJUSTMENT FOR EACH PROJECT**

WHEREAS, in November, 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase for transportation and pavement rehabilitation projects known as Measure L, and

WHEREAS, the City of Modesto's estimated share of Measure L funds is approximately \$8.9 Million, and

WHEREAS, on October 4, 2016, the City Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission ("Commission"). The Commission will consist of eleven members appointed by the City Council, and

WHEREAS, the Commission has not yet been formed and in order to avoid delaying the design and construction of the first Measure L projects, staff is seeking City Council approval of a list of proposed projects and the necessary budget adjustments, and

WHEREAS, the local Measure L funds that the City will receive are divided into three categories, and

WHEREAS, the City anticipates receiving \$6.87 Million annually for the Local Streets and Roads category which is to be used exclusively for repair and maintenance of our City streets, and

WHEREAS, the City anticipates receiving \$1.37 Million annually for the Traffic Management category which is to be used to upgrade intersections, widen roads, signalize intersections, install traffic calming devices, etc., and

WHEREAS, the City anticipates receiving \$687,000 annually for the Bike and Pedestrian Improvement category which is to be used for local connectivity between communities, local schools, trails and recreation facilities, and

WHEREAS, on May 24, 2016, by Resolution 2016-220 the City Council approved a list of proposed projects to be funded upon the successful passage of Measure L within the first 5 years, which is shown in **Exhibit A, attached** hereto, and

WHEREAS, staff reviewed the list and is recommending a more specific and expanded list of projects, which is shown in **Exhibit C, attached** hereto, to be funded with Measure L funds in Fiscal Year 2017-2018, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit B, attached** hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018, including the projects in the Fiscal Year 2017-2018 Capital Improvement Program shown in **Exhibit C, attached** hereto.

BE IT FURTHER RESOLVED that Council hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit B** in order to fund the various Capital Improvement Projects with Measure L proceeds.

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 5<sup>th</sup> day of July, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 page 1 of 3

Local Streets and Roads (50%)

StanCOG Expenditure Plan Project List  
Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
<b>Local Streets and Roads (50%)</b>					
Pavement Rehabilitation	Carpenter Rd.	1.75 CL miles of Overlay, Mill/Fill or Reconstruction	\$2.9 M	July 2017	November 2018
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	100 lane miles of Slurry or 24 lane-miles of Rubber Cape Seal	\$3.9 M	July 2017	November 2018
Pavement Rehabilitation	Claus Rd., La Loma Ave., Tully Rd.	3.5 CL miles of Overlay, Mill/Fill or Reconstruction	\$3.4 M	July 2018	November 2019
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	87 lane miles of Slurry or 15 lane-miles of Mill/Fill	\$3.4 M	July 2018	November 2019
Pavement Rehabilitation	Oakdale Rd, Orangeburg Ave	3.25 CL miles of Overlay, Mill/Fill or Reconstruction	\$3.1M	July 2019	November 2020
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	90 lane miles of Slurry or 21 lane-miles of Rubber Cape Seal or 14 lane-miles of Mill/Fill	\$3.5M	July 2019	November 2020
Pavement Rehabilitation	Prescott Rd	1.7 CL miles of Overlay and Mill/Fill	\$2.1M	July 2020	November 2021
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	120 lane miles of Slurry or 29 lane-miles of Rubber Cape Seal or 19 lane-miles of Mill/Fill	\$4.7M	July 2020	November 2021
Pavement Maintenance and/or Rehabilitation	Various Residential, Collector and Arterial Streets	175 lane miles of Slurry or 42 lane-miles of Rubber Cape Seal or 27 lane-miles of Mill/Fill or 9 lane-miles of Reconstruction or some combination thereof	\$6.8M annually until 2041	Annually	Annually
<b>Total</b>			<b>\$171,868,971</b>		

StanCOG Expenditure Plan Project List

Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
<b>Traffic Management (10%)</b>					
Traffic Management - Safety	Improve traffic flow and safety around schools	Improve traffic flow and safety around schools (i.e. Modesto High School, Garrison Elementary, Johansen High, Orchard Elementary, Burbank Elementary, Orville Wright Elementary, etc)		July 2017	June 2044
Traffic Management - Safety	Intersection Improvements for Traffic Safety and Traffic Flow	Intersection improvements for traffic safety and flow at various intersections (i.e. Orangeburg/Coffee, Standiford/Hahn, etc)		July 2017	June 2044
Traffic Management - Congestion	Expansion of Existing Advanced Traffic Management System (ATMS)	Expansion of existing Advanced Traffic Management System (ATMS) to allow for communication from the Traffic Operations Center (TOC) to traffic signal locations.		July 2017	June 2044
Traffic Management - Safety	Safety Improvements at High Collision Locations	Safety Improvements at locations where collision history shows a pattern or at high collision frequency locations		July 2017	June 2044
Traffic Management - Safety	Installation and Upgrade to EVP - for Fire and Police	Installation and Upgrades to the Emergency Vehicle Pre-Emption equipment for the Fire Department and Police Department		July 2017	June 2044
Traffic Management - Safety and Congestion	Installation and Maintenance of Intersection Control Devices	Installation and maintenance of traffic control devices at various locations (i.e. traffic signals, roundabouts, etc)		July 2017	June 2044
Traffic Management - Safety and Congestion	Collision Database software program	Purchase and implementation of a Collision Database software program to provide trends and track collision patterns throughout the City of Modesto		July 2017	June 2044
Traffic Management - Safety and Congestion	Traffic Adaptive	Upgrade to Traffic Adaptive communications		July 2025	June 2044
<b>TOTAL</b>			<b>\$34,373,800</b>		

**StanCOG Expenditure Plan Project List**  
**Agency: City of Modesto**

Type	Projects	Description	Budget	Start	Complete
<b>Bike/Pedestrian (5%)</b>					
Bike/Pedestrian	Bike/Pedestrian (Non-motorized) Master Plan	Bike/Pedestrian (Non-motorized) Master Plan		July 2017	June 2019
Bike/Pedestrian	MJC Class 1 Bike Path -Phase 3	Complete MJC East and West cycle track to Virginia Corridor		July 2018	June 2019
Bike/Pedestrian	Dry Creek Trail Maintenance	Ongoing trail maintenance		Ongoing	
Bike/Pedestrian	G St Bicycle Facility	Improve from Paradise to Burney		July 2019	June 2020
Bike/Pedestrian	H St Bicycle Facility	Improve from Paradise to 19th		July 2020	June 2021
Bike/Pedestrian	Virginia Corridor Trail Maintenance	Ongoing trail maintenance		Ongoing	
Bike/Pedestrian	Projects to be determined following approval of the Bike/Pedestrian Master Plan	TBD		TBD	
<b>TOTAL:</b>			<b>\$17,186,897</b>		

## Exhibit B

### Measure L funding request FY 17/18

CIP #	Project Name	Task	Amount	From Measure L Cost Center
101036	Carpenter Rd. Street Improvements	EDA	\$435,000	
		CA	\$246,500	
		CON	<u>\$2,218,500</u>	
		Total	<b>\$2,900,000</b>	14625(Local Streets & Roads)
101037	Lakewood Neighborhood Street Improvements	EDA	\$250,000	
		CA	\$162,500	
		CON	<u>\$1,462,500</u>	
		Total	<b>\$1,875,000</b>	14625(Local Streets & Roads)
101038	Wylie, Floyd and Carver Street Improvements	EDA	<b>\$300,000</b>	14625(Local Streets & Roads)
101039	Task Force to establish school safety needs	EDA	<b>\$45,000</b>	14626(Traffic Management)
101040	Improve Traffic Flow and Safety @ Orville Wright Elementary	EDA	\$70,000	
		CA	\$25,000	
		CON	<u>\$225,000</u>	
		Total	<b>\$320,000</b>	14626(Traffic Management)
101043	Replace 120 obsolete traffic controllers	CON	<b>\$585,000</b>	14626(Traffic Management)
100884	HSIP-5059(204)Emergency Vehicle Preemption	CON	<b>\$61,500</b>	14626(Traffic Management)
100719	CML-5059(190) New Traffic Signals Floyd/Millbrook, Prescott/Mt. Vernon, Roselle/Belharbour	CON	<b>\$160,000</b>	14626(Traffic Management)
100634	CML-5059(185) Upgrade Traffic Signals 9th/B, 7th/G, 7th/H, 7th/I	CON	<b>\$175,000</b>	14626(Traffic Management)
100990	System Safety Analysis Report Program	EDA	<b>\$25,000</b>	14626(Traffic Management)
100882	ATPL-5059(209) MJC Bike Path Phase II	CON	<b>\$300,000</b>	14627(Bike and Pedestrian)
101041	Non-motorized master plan (Active Transportation Plan)	EDA	<b>\$300,000</b>	14627(Bike and Pedestrian)
101042	Paradise Rd. - environmental documents for ATP Project	ENV	<b>\$25,000</b>	14627(Bike and Pedestrian)
<b>Subtotal of request</b>				
			\$5,075,000	14625(Local Streets & Roads)
			\$1,371,500	14626(Traffic Management)
			<u>\$625,000</u>	14627(Bike and Pedestrian)
			<b>\$7,071,500</b>	



## Exhibit C page 1 of 3 City of Modesto Proposed Fiscal Year 2017/18 Measure L Projects

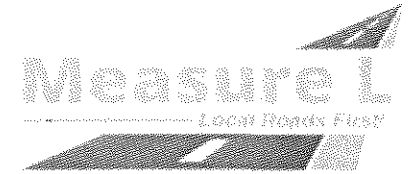


**Local Streets & Roads (Annual Budget - \$6,874,758/yr.)**

Type of Work	Project	Design	Construction	Total Budget	Notes
Pvmt. Rehab.	<b>Carpenter Rd. Street Improvements</b>	\$435,000	\$2,465,000	<b>\$2,900,000</b>	
	Design - City Staff/Consultant	\$369,750			
	Topographic Survey & Monumentation Preservation - City Staff/Consultant	\$65,250			
Pvmt. Rehab.	<b>Lakewood Neighborhood Street Improvements (Residential Streets)</b>	\$250,000	\$1,625,000	<b>\$1,875,000</b>	
	Pavement Rehabilitation & ADA Curb Ramp Improvements				
	Design - City Staff/Consultant	\$212,500			
	Topographic Survey & Monumentation Preservation - City Staff/Consultant	\$37,500			
Pvmt. Rehab.	<b>Portions of Wylie Dr., Floyd Ave., and Carver Ave. Street Impv. (Collector Streets)</b>	\$300,000		<b>\$300,000</b>	
	Pavement Rehabilitation & ADA Curb Ramp Improvements				Construction in FY 18/19 with designated Measure L funds in the amount of \$1,700,000.
	Design - City Staff/Consultant	\$255,000			
Topographic Survey & Monumentation Preservation - City Staff Consultant	\$45,000				
Pvmt. Rehab.	<b>Annual Slurry Program with PW staff (Residential Streets)</b>		\$1,345,000	<b>\$1,345,000</b>	On-going annual cost for PW to slurry 75-lane-miles = \$865,000
	Place 75 lane-miles of Type II Slurry on residential streets				
	New 5-man slurry crew		\$365,000		
	Material cost		\$500,000		
	One-time cost for FY17/18 for truck, sander, & traffic grinder		\$480,000		
Pvmt. Rehab.	<b>Annual Striping Program with PW staff</b>		\$413,000	<b>\$413,000</b>	
	2 new Traffic Operation Technicians		\$151,000		
	1 new Maintenance Worker (M)		\$57,000		
	2 new 1,000-hour employees for paint crew		\$20,000		
	One-time cost for FY17/18 for paint truck & equipment		\$175,000		
<b>TOTAL:</b>				<b>\$5,075,000</b>	

To be discussed at a later date

Exhibit C page 2 of 3  
**City of Modesto**  
 Proposed Fiscal Year 2017/18 Measure L Projects



**Traffic Management (Annual Budget - \$1,374,952/yr.)**

Type of Work	Project	Design	Construction	Total Budget	Notes
Traffic Mgt. - Safety	Task Force coordination to establish school safety needs.	\$45,000		\$45,000	
	City Staff	\$45,000			
Traffic Mgt. - Safety	Improve Traffic Flow and Safety @ Orville Wright Elementary School	\$70,000	\$250,000	\$320,000	
	Design - City Staff/Consultant	\$50,000			Construction funds to be programmed in FY 18-19
	Topographic Survey & Monumentation Preservation - City Staff Consultant	\$20,000			
Traffic Mgt. - Safety	Replace 120 Obsolete Traffic Controllers		\$585,000	\$585,000	
	Replace 120 of 157 existing obsolete traffic controllers with modern model 2070 controllers to improve citywide traffic flow		\$585,000		
Traffic Mgt. - Safety	HSIP 5059 (204) - Emergency Vehicle Preemption		\$61,500	\$61,500	
	Needed Match money		\$61,500		Match Funds, Construction Ready
Traffic Mgt. - Safety	CML 5059 (190) - New Traffic Signal 2013 - (Floyd Ave./Millbrook Ave., Prescott Rd./Mt. Vernon and Roselle/Belharbour		\$160,000	\$160,000	
	Needed Match money		\$160,000		Match Funds, Construction Ready
Traffic Mgt. - Safety	CML 5059 (185) - Upgrade Traffic Signals 2013 - (9th/B St., 7th/G St., 7th/H St., & 7th/I St. intersections)		\$175,000	\$175,000	
	Needed Match money		\$175,000		Match Funds
Traffic Mgt. - Safety	System Safety Analysis Report Program (SSARP)	\$25,000.00		\$25,000	
	Grant will allow the city to perform a "Systematic Safety Analysis". City will hire a consultant to evaluate our road network and to identify and recommend safety projects for future Highway Safety Improvement Program (HSIP) funding opportunities.	\$25,000			City Match - \$25,000, SSARP Allocation - \$225,000, Total - \$250,000
<b>TOTAL:</b>				<b>\$1,371,500</b>	

**Exhibit C page 3 of 3**  
**City of Modesto**  
**Proposed Fiscal Year 2017/18 Measure L Projects**



**Bike/Pedestrian (Annual Budget - \$685,000/yr.)**

Type of Work	Project	Design	Construction	Total Budget	Notes
Bike /Ped.	ATPL-5059(209) MJC Phase II Bike Path		\$300,000	\$300,000	Match Funds, Construction Ready
	Needed Match money		\$300,000		
Bike /Ped.	Non-motorized master plan - consultant	\$300,000		\$300,000	
	Hire consultant to prepare the non-motorized master plan	\$300,000			
Bike /Ped.	ATP Cycle III - Paradise Road - Environmental (NEPA/CEQA)	\$25,000		\$25,000	
	Needed Match money	\$25,000			Match Funds Will need construction match in FY19/20
		<b>TOTAL:</b>		<b>\$625,000</b>	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-270**

**RESOLUTION ACCEPTING AN UPDATE REPORT OF EMERGENCY FLOOD  
REPAIRS TO THE RIVER TRUNK SEWER SYTEM**

WHEREAS recent emergency release of flows from the Don Pedro Reservoir in February 2017, resulted in emergency repairs, including the River Trunk, and

WHEREAS, the River Trunk conveys approximately 50% of the City's sewer flows to the Sutter Avenue Primary Treatment Plant, and

WHEREAS, the repairs resulted in substantial Utilities staff labor, equipment charges, and several emergency construction contracts to assist the City with necessary repairs, and

WHEREAS, the report documents the activities as well as serves as the background information to inform City Manager and Council of emergency repairs and contracts in accordance with Section 8-3.102(e) of the Modesto Municipal Code, and

WHEREAS, Section 8-3.102(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of \$200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the City Manager reported the circumstances of the emergency to City Council within ten days of the emergency, and

WHEREAS, given this was an emergency condition with critical operational impacts to the wastewater systems there was not sufficient time to follow the standard bid process to procuring construction contracts, and

WHEREAS, the two locations that sustained damage; the Calaveras Sewer Subtrunk break at Tuolumne Boulevard and the River Trunk collapse at Neece Drive,

required urgent repair in order to provide continued operational service of the River Trunk sewer system, and

WHEREAS, City staff received approval for FEMA reimbursement of the emergency response and repairs resulting from the flood events, and

WHEREAS, City staff is coordinating with FEMA representatives on the reimbursement requirements, and

WHEREAS, the emergency repairs have been completed and City staff will be recommending acceptance of the repairs at a future Council Meeting, once all work has been completed and all costs have been tabulated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an update report of emergency flood repairs to the River Trunk sewer system be accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 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