

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-382**

**RESOLUTION APPROVING AN AGREEMENT WITH PUBLIC FINANCIAL
MANAGEMENT (PFM) FINANCIAL ADVISORS LLC, SAN FRANCISCO,
CALIFORNIA, FOR 3 YEARS WITH 2 ONE-YEAR EXTENSION OPTIONS AT
AN ANNUAL COST NOT TO EXCEED \$75,000 AND A TOTAL COST OF
\$375,000 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, Municipal Code Section 8-4.301, the City may issue bonds or refund bonds based on the financing needs for the City which will, in the long-term, benefit the City's debt financing portfolio strategy, and

WHEREAS, the City utilizes a financial advisory services company to assist in monitoring the City's debt portfolio of over \$400.8 million in a fiduciary capacity with oversight by the Director of Finance, and

WHEREAS, Public Financial Management (PFM) will assist the City in identifying the best financing strategies to optimize the lowest financing cost based on the guidelines defined under the City's Debt Management Policy and State statutes, and

WHEREAS, these services include the following:

1. Services related to the Financial Planning and Policy Development upon request of the City and as directed by the City Manager or his designee
2. Assist in the annual updating of our Debt Management Policy to ensure revisions are based on new regulatory requirements
3. Review existing debt for the possibility of refunding debt to generate savings
4. Analyze financial and economic factors to determine if the issuance of bonds is appropriate

5. Review the terms, conditions and structure of any proposed debt offering undertaken by the City and provide suggestions, modifications and enhancements where appropriate and necessary to reflect the constraints or current financial policy and fiscal capability
6. Assist with credit rating presentations including review and comment on presentation strategies and content
7. Assist with the procurement of other services relating to debt issuance such as underwriting services, printing, paying agent, registrar, trustee, etc.
8. As applicable, advise the City on the condition of the bond market at the time of sale, including volume, timing considerations, competing offerings, and general economic considerations, and

WHEREAS, in April 1, 1995, the City awarded the financial advisory services contract to PFM to provide services associated with determining a method and finance structures for capital projects, review of refunding opportunities, and other projects as requested by the City, and

WHEREAS, with over 22 years of services for the City, PFM has a long-term history of our debt financing structure and continues to identify opportunities to reduce our financing costs associated with the City's debt structure without exposing the City to any unnecessary risk, and

WHEREAS, in reviewing the competitive bidding process for the City of Fortuna, their Finance Department accepted two (2) proposals for review; the selection of PFM was made based on documented experience of the PFM staff who were assigned to their

account for support for the financial advisory services and their extensive experience managing government debt financing for California cities and other public agencies, and

WHEREAS, Modesto Municipal Code authorizes entities to rely on terms that have already been competitively bid “piggybacking” in certain situations; based on the review of the bidding process for the City of Fortuna, the City will be “piggybacking” on their bid, and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, current estimated annual financial advisory service costs are approximately \$75,000 and vary each year depending on the complexity and number of debt transactions; the City shall pay PFM the following hourly rates for services based on the debt financing needs of the organization for the various services performed during each fiscal year; the hourly rates based on the work performed by PFM shall be:

- Managing Director - \$350
- Senior Managing Consultant - \$275
- Senior Analyst or Analyst - \$225

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an agreement with Public Financial Management (PFM) Financial Advisor LLC, San Francisco, CA for a term of 3 years with 2 one-year extension options at an annual cost not to exceed \$75,000 and a total cost of \$375,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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. 2017-383**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF
MODESTO TO AMEND THE TITLE OF PUBLIC INFORMATION
COORDINATOR TO COMMUNITY AND MEDIA RELATIONS OFFICER AND
CREATE THE CLASSIFICATION OF PUBLIC SAFETY INFORMATION
COORDINATOR**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2008-681 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to amend the title of Public Information Coordinator to Community and Media Relations Officer and create the classification of Public Safety Information Coordinator to salary range 436.

2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

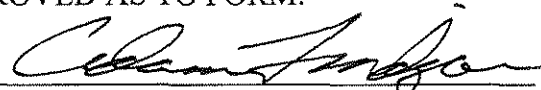
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-384**

**RESOLUTION AMENDING THE CLASS RANGE TABLE FOR REPRESENTED
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO AMEND
THE TITLE OF PUBLIC INFORMATION COORDINATOR TO COMMUNITY
AND MEDIA RELATIONS OFFICER AND ADD PUBLIC SAFETY
INFORMATION COORDINATOR TO SALARY RANGE 436**

WHEREAS, the City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 27, 2017 was adopted by Modesto City Council Resolution No. 2017-255, and

WHEREAS, the City Council desires to amend **Attachment 10** of Resolution No. 2017-255, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes Effective June 27, 2017, and

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

1. AMENDMENT TO RESOLUTION NO. 2017-255. **Attachment 10** entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 27, 2017”, of Resolution No. 2017-255, is hereby amended and replaced with **Exhibit A attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

A. **Exhibit “A”** entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 3, 2017”, is amended to:

- i. Add Public Safety Information Coordinator to salary range 436
- ii. Amend title of Public Information Coordinator to Community and Media Relations Officer at salary range 440

2. EFFECTIVE DATE. This resolution shall become effective on and after October 3, 2017.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the Interim City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **October 3, 2017**

RANGE	TITLE
410	Administrative Office Assistant II (Confidential) Account Clerk I (Confidential)
412	Police Clerk II (Confidential) Account Clerk II (Confidential)
414	Administrative Office Assistant III (Confidential)
417	Legal Secretary I
418	Systems Technician I Senior Administrative Office Assistant (Confidential)
420	Workers' Compensation Claims Assistant
421	Administrative Services Technician I (Confidential) Legal Secretary II Executive Assistant
422	Deputy City Clerk Homeless Management Information System (HMIS) Technician Systems Technician II
423	Account Technician (Confidential) Custodian Supervisor Senior Legal Secretary Workers' Compensation Claims Examiner I
424	Buyer
425	Administrative Services Technician II (Confidential) Office Supervisor
426	Central Stores Supervisor Employee Benefits Coordinator Financial Analyst I Homeless Management Information System (HMIS) Program Coordinator Senior Systems Technician
427	Administrative Analyst I Technology Solutions Analyst I

RANGE TITLE

Utility Dispatch Supervisor

428 Animal Control Supervisor
 Human Resources Analyst I
 Workers' Compensation Claims Examiner II

429 Assistant Planner
 Parking Adjudication Program Coordinator
 Parking Services Supervisor
 Police Range and Training Center Coordinator

430 Assistant City Clerk
 Financial Analyst II
 Senior Buyer
 Software Analyst I
 Systems Engineer I

431 Administrative Analyst II
 Events Coordinator
 Police Civilian Supervisor
 Technology Solutions Analyst II

432 Human Resources Analyst II
 Junior Engineer
 Neighborhood Preservation Supervisor
 Senior Workers' Compensation Claims Examiner

433 Assistant Surveyor
 Associate Planner
 Water Resources Analyst

434 Compost Facility Supervisor
 Financial Analyst III
 Operations Supervisor
 Recreation Supervisor
 Recycling Program Coordinator
 Software Analyst II
 Systems Engineer II

435 Assistant Transportation Planner
 Business Analyst
 Cultural Services Program Manager
 Customer Services Supervisor

RANGE TITLE

- Emergency Medical Services Coordinator
- Management Analyst
- Organizational Development Coordinator
- Parks Project Coordinator
- Transit Analyst
- Weed and Seed Program Coordinator

- 436** Assistant Engineer
- Housing Rehabilitation Supervisor
- Public Safety Information Coordinator**
- Senior Crime and Intelligence Analyst

- 438** Economic Development Marketing Specialist
- Electrical Supervisor
- Plant Maintenance Supervisor
- Property Agent
- Public Safety Business Services Analyst
- Risk and Loss Control Coordinator
- Senior Community Development Program Specialist
- Senior Financial Analyst
- Senior Human Resources Analyst
- Senior Software Analyst
- Senior Systems Engineer

- 439** Administrative Services Officer
- Associate Land Surveyor
- Associate Transportation Planner
- Electrical Supervisor – Utilities
- Senior Business Analyst
- Senior Planner

- 440** Associate Engineer
- Environmental Services Supervisor
- Integrated Waste Specialist
- Materials Management Superintendent/City Arborist
- Community and Media Relations Officer**
- Utilities Services Supervisor
- Utilities Plant Operations Supervisor

- 441** Housing and Urban Development Supervisor
- Infrastructure Financing Program Supervisor
- Laboratory Supervisor
- Police Civilian Manager

RANGE TITLE

442 Centre Plaza Manager
 Construction Inspection Supervisor
 Principal Information Technology Administrator
 Purchasing Manager

443 Associate Civil/Traffic Engineer
 Customer Services Manager
 Parks Planning and Development Manager
 Senior Transportation Planner

444 Building Safety Program Coordinator
 Building Inspection Supervisor
 Environmental Regulatory Compliance Manager
 Plant Maintenance Superintendent
 Recreation Program Manager
 Water Superintendent

445 Airport Manager
 Deputy Fire Marshal
 Fleet Manager
 Senior Land Surveyor
 Streets Manager

446 Accounting Manager

447 Principal Planner
 Traffic Operations Engineer

448 Recreation and Neighborhoods Services Manager
 Transit Manager
 Solid Waste Program Manager

449 Assistant Chief Building Official
 Information Technology Manager

450 Business Center Manager
 Community Development Manager
 Planning Manager
 Senior Civil Engineer
 Wastewater Collections Systems Manager
 Water Quality Control Plant Manager
 Water Systems Manager

RANGE	TITLE
-------	-------

451	Operations Manager
-----	--------------------

452	Traffic Engineer
-----	------------------

453	Chief Building Official Parks Recreation & Neighborhoods Operations Manager
-----	--

459	City Engineer Engineering Division Manager
-----	---

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-385**

**RESOLUTION AMENDING THE FISCAL YEAR 2017-18 POSITION
ALLOCATION FOR THE CITY MANAGER'S OFFICE**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 27, 2017, as part of the Annual Budget of the City of Modesto for Fiscal Year 2017-2018, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, (Pay Period beginning October 3, 2017), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2017-18 Position Allocation for the City Manager's Office as follows:

1. Reallocate one (1) Public Information Coordinator to one (1) Community and Media Relations Officer in the Administration Division of the City Manager's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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. 2017-386**

**RESOLUTION APPROVING AN AMENDMENT TO THE MONTH-TO-MONTH
LEASE AGREEMENT WITH STANISLAUS IMPLEMENT & HARDWARE
COMPANY LTD, FOR THE USE OF ITS PARKING LOT FOR \$1,500 PER
MONTH; AUTHORIZING THE INTERIM CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS; AND
RESCINDING RESOLUTION NO. 2015-138**

WHEREAS, the City Council previously approved Resolution No. 2015-138 authorizing the City Manager, or his designee, to execute a lease agreement to allow the Modesto Police Department (MPD) to use the parking lot owned by Stanislaus Implement & Hardware Company Ltd.; and

WHEREAS, the amendment to the lease agreement is on a month-to-month basis, and if approved by Council, will commence September 1, 2017, in the amount of \$1,500; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the amendment to the Lease Agreement with Stanislaus Implement & Hardware Company, LTD. for use of its parking lot for One Thousand Five Hundred Dollars (\$1,500) a month on a month-to-month basis, and rescinds Resolution No. 2015-138.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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. 2017-387**

**RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT OF
NITRATE ANALYZER EQUIPMENT AND FIELD SERVICES TO HACH
COMPANY, LOVELAND, CO, FOR A THREE-YEAR AGREEMENT WITH AN
ANNUAL COST OF \$84,098, AND A TOTAL OF UP TO \$252,294 OVER THREE
YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS
DESIGNEE, TO ISSUE A PURCHASE AGREEMENT**

WHEREAS, on November 25, 2014, by Resolution No. 2014-493, Council authorized the award of a sole source procurement nitrate analyzer equipment and services with Hach Company, Loveland, CO. The current Agreement No. 70304 expires November 30, 2017, and

WHEREAS, in 2006, the installation of nitrate analyzers was mandated by the State Water Resources Control Board (SWRCB) and the operating permit requires nitrate concentrations be monitored continuously by an online nitrate analyzer at facilities with high nitrate concentration levels, and

WHEREAS, the Interim City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for nitrate analyzer equipment and services, and

WHEREAS, Hach Company was chosen by staff because of its reliability, ease of use, and accuracy and is the sole manufacturer for nitrate analyzer equipment and service, and the service and maintenance must be done by a Hach certified technician or the warranty will be voided, and

WHEREAS, City staff recommends the purchase of nitrate analyzers and services from Hach Company, Loveland, CO, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services

to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(b), is available where the Purchasing Agency's requirements can be met solely by a single article or process. The Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and that there are no competitors. In addition, service and maintenance must be done by a Hach certified technician or the warranty will be voided. The sole source award of an agreement to Hach Company, Loveland, CO, will conform to Modesto Municipal Code 8-3.204(b), and

WHEREAS, the cost for these services will be covered by the Water funds through existing budget in the following cost centers and projects:

4100-45050-53300	Professional Services	\$ 113,000
4180-59999-100799	Nitrate Analyzer Installation	<u>\$ 139,294</u>
	TOTAL	\$ 252,294

WHEREAS, pricing will remain firm the first year of this agreement; however subsequent years two and three there will be a 3% increase per year for both equipment and field services and has been included in this estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source procurement of nitrate analyzer equipment and field services to Hach Company, Loveland, CO, for a three-year agreement with an annual cost of \$84,098, and a total up to \$252,294 over three years.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to issue a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

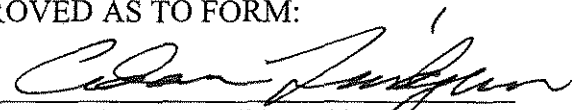
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-388**

**RESOLUTION DECLARING A CITY-OWNED PROPERTY AS SURPLUS
PROPERTY, LOCATED ON 1024 NEEDHAM STREET (APN 105-032-001)**

WHEREAS, the City of Modesto owns real property on 1024 Needham Street (APN 105-032-001), and

WHEREAS, this property, a former City pump station, is no longer used by the City and there are no other uses for this property by the City, and

WHEREAS, this property, due to its size of less than 5,000 square feet, is exempt surplus land, and

WHEREAS, staff recommends the unused property be declared as surplus property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the property located on 1024 Needham Street (APN 105-032-001) be declared as surplus property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

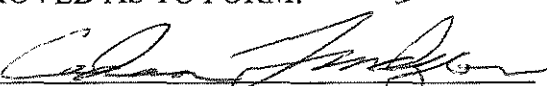
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-389**

**RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH
MICHAEL CUNHA AND TAMMY CUNHA, FOR CITY-OWNED REAL
PROPERTY LOCATED AT 1024 NEEDHAM STREET (APN 105-032-001), IN
THE AMOUNT OF \$92,005 AND AUTHORIZING THE INTERIM CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL
NECESSARY DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto owns real property on 1024 Needham Street in Modesto (APN 105-032-001), and

WHEREAS, this property was purchased by the City for the construction of Pump Station No. 9 in 1930, and

WHEREAS, Pump Station No. 9 was closed in the 1990's is no longer used by the City and there are no other uses for this property by the City, and

WHEREAS, according to our standard practice, the property was appraised by an independent professional appraiser and the appraiser reported a value of \$60,000, and

WHEREAS, in addition, the appraisal report identified a number of deferred maintenance items which were due to the City's lack of budget for building repairs and,

WHEREAS, when the property was listed on the multiple listing service, the broker received several calls of interest with only a few offers slightly above the asking price of \$60,000, and

WHEREAS, two serious buyers quickly emerged increasing the offer price and the current tenant was the successful highest bidder offering \$92,005, and

WHEREAS, the buyer is aware of the repair items and agreed to purchase the property "As Is" and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase and Sale Agreement with Michael Cunha and Tammy Cunha, for City-Owned Real Property located at 1024 Needham Street (APN 105-032-001), in the amount of \$92,005.

BE IT FURTHER RESOVLED that the Interim City Manager, or his designee, is authorized to execute the Purchase and Sale Agreement, the Grant Deed, and all necessary sale documents required for the sale of the real property (APN 105-032-001) and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

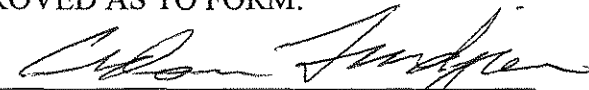
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-390**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH NORTH STAR ENGINEERING GROUP, INC., FOR FINAL DESIGN SERVICES FOR THE DEL RIO TANK, PUMP STATION, AND NEW WELL PROJECT IN AN AMOUNT NOT TO EXCEED \$229,402 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$35,039 FOR ADDITIONAL SERVICES (IF NEEDED), UP TO A TOTAL AMOUNT OF \$264,441, FOR AN AGREEMENT AMOUNT OF \$614,833 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, per the City of Modesto's 2010 Water System Engineer's Report a hydraulic assessment of the system was performed to evaluate the system's ability to meet the community's current and build-out demands, and

WHEREAS, this assessment identified the need to correct existing supply and pressure deficiencies, and

WHEREAS, the City was obligated to provide this improvement by January 31, 2014, in accordance with the amended terms of a Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, project delays occurred due to litigation, while staff continued to work with the Del Rio Community Association to extend the deadline, and

WHEREAS, in consideration of the Settlement Agreement with the Del Rio Community Association, and the City's obligation to complete the recommended improvements to meet the existing Del Rio water system needs, the Utilities Department Director informed staff to move forward with final design in the summer of 2017, and

WHEREAS, the scope of work for the final design services amended agreement is comprehensive, consistent with the Final Environmental Impact Report and the negotiated amended fee is reasonable, and

WHEREAS, given the unique and specialized expertise required for design of tanks and pump stations, and consideration of the amount of work that was already completed, it was determined by staff to be in the City's best interest to proceed with allowing North Star and Carollo to continue with the final design responsibilities, and

WHEREAS, North Star and Carollo will be required to deliver a complete set of 100% biddable set of construction documents that includes improvement plans, specifications and cost estimates, and

WHEREAS, Carollo has agreed to continue to freeze its billing rates at the original 2013 rates until the project is completed; this may result in lower billing rates than the City would have paid if it terminated and reopened this contract, 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 North Star Engineering Group, Inc., for Final Design Service for the Del Rio Tank, Pump Station and New Well project in an amount not to exceed \$229,402 for the identified scope of services, plus \$35,039 for additional services (if needed), up to a total amount of \$264,441, for an agreement total of \$614,833.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

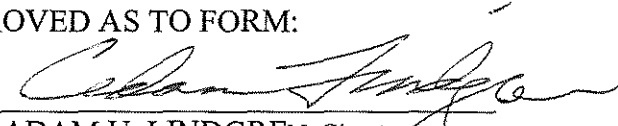
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-391**

**RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED
OCTOBER 2012 FOR THE DEL RIO TANK, PUMP STATION AND NEW
WELL PROJECT AS COMPLETE**

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, per the City of Modesto's 2010 Water System Engineer's Report a hydraulic assessment of the system was performed to evaluate the system's ability to meet the community's current and build-out demands, and

WHEREAS, this assessment identified the need to correct existing deficiencies in the system, and

WHEREAS, on June 12, 2012, by Resolution No. 2012-242, Council approved an agreement with NorthStar Engineering Group, Inc. (NorthStar), for preparation of a Preliminary Design Report (PDR) for the Del Rio Tank, Pump Station and New Well project, and

WHEREAS, the PDR was approved by Council Resolution No. 2012-496 but due to a lawsuit by the North Modesto Groundwater Alliance in 2012, Council rescinded the PDR by Resolution No. 2013-414 and,

WHEREAS, on September 5, 2017, Council certified the Final Environmental Impact Report for the Del Rio Tank and Wells Project by Resolution 2017-347 and,

WHEREAS, staff recommends acceptance of the PDR as complete as it has been determined that the PDR for the Del Rio Tank, Pump Station and New Well project meets the City's operational need and,

WHEREAS, upon acceptance of the report by City Council, NorthStar is intended to proceed with the completion of final design documents.

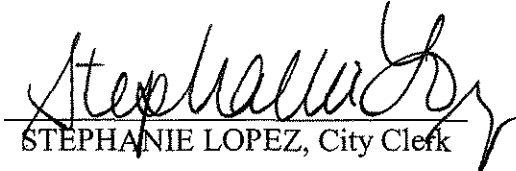
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the PDR dated October 2012 for the Del Rio Tank, Pump Station and New Well project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

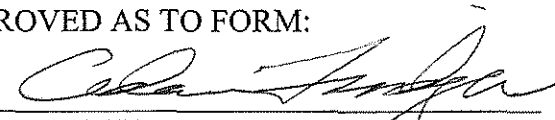
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-392**

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND THE FAMILY OF SERGEANT MICHAEL PERSHALL, FOR
THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, IKE;
AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE AGREEMENT**

WHEREAS, the Police Chief for the City of Modesto, from time to time,
officially retires police canines from departmental service, and

WHEREAS, the Modesto Police Department wishes to retire Ike from active
service as a police service dog, and

WHEREAS, it is the desire of the former handler's family to purchase the canine
and assume possession of his assigned canine, Ike, upon the dog's official retirement,
and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of a
City of Modesto police canine by its former assigned handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the agreement between the City of Modesto and Sergeant Michael
Pershall's family for the purchase of retired police canine, Ike.

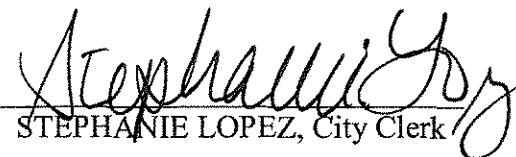
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is
hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Ridenour, 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

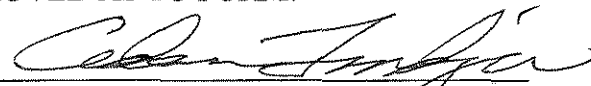
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-393**

RESOLUTION AMENDING THE PARKING FEE STRUCTURE FOR SINGLE SPACE VEHICLES TO \$1.25 PER HOUR, 24 HOURS PER DAY, AND RESCINDING RESOLUTION NO. 2016-432

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, and

WHEREAS, by Resolution No. 2016-432, Council established the current parking rates, and

WHEREAS, the Healthy Economy Committee met on September 13, 2017 and discussed changing the parking fee structure in an effort to help continue the revitalization of the downtown area at the same time maintaining the City's revenue base and,

WHEREAS, the Healthy Economy Committee, as well as staff, supports the recommendation of the following parking fee structure:

1. GARAGE PARKING FACILITIES

- (1) The following municipal garage parking facilities are: Eleventh Street Garage (Lot 28) west side of 11th Street between I and J Streets;

(2) Ninth Street Garage (Lot 43) west side of 9th Street between K and L Streets;

(3) Tenth Street Garage (Lot 44) west side of 11th Street between J and K Streets

(a) Vehicular parking on said parking facilities shall be controlled and regulated as follows:

(1) A \$1.25 per hour fee, 24 hours per day, 7 days per week (up to a possible daily maximum of \$15). The 24-hour period maximum fee will be \$15 unless validated in accordance with the provisions of Section 3.2.1604.

(2) Flat fee pre-pay entry charges will continue to be utilized for large events for safety and efficiency of ingress and egress in the parking facilities as deemed necessary by the Parking Supervisor.

(3) Replacement of a lost ticket will be the daily maximum fee of \$15.

(b) The price for validation tickets to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, will be \$132 for a packet of one hundred validations.

(c) The Parking Supervisor may designate spaces in said garage parking facilities for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(d) Monthly parking passes may be authorized by the Parking Supervisor at said garage parking facilities when it does not encroach on the needs of commercial parking and/or other parking agreements. The monthly charge for such passes for the three parking garages (Lots 28, 43 and 44) shall be \$80.

(e) From time to time, the promoters of special events have the need to use the street level floor of the Eleventh Street parking garage for their events. The charges for such “buy-out” rentals shall be \$225 per 24-hour period or portion thereof. The “buy-out” for the entire Eleventh Street parking garage would be \$1,665 per 24-hour period or portion thereof.

(f) In order to accommodate patrons who are unable to locate a parking space, a twenty-minute free grace period shall be allowed.

2. SURFACE PARKING LOTS

(a) For the purposes of this section, municipal off-street parking facilities shall continue to be defined as those that are equipped with automated collection devices and/or are staffed. Parking lots described in Section 3 below shall be excluded.

(b) Vehicular parking in said parking facilities shall be controlled and regulated as follows:

(1) \$1.25 per hour, 24 hours per day, 7 days per week (up to a possible daily maximum of \$15). The 24-hour period maximum fee will be \$15 unless validated in accordance with the provisions of Section 3.2.1604.

(2) Flat fee pre-pay entry charges will continue to be utilized for large events for safety and efficiency of ingress and egress in the parking facilities as deemed necessary by the Parking Supervisor.

(c) The price for validation tickets to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be \$132 for a packet of one hundred validations.

(d) The Parking Supervisor may designate spaces in said parking facilities for the free

parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Parking Supervisor for any surface parking lot when it does not encroach on the needs of commercial parking. The monthly charges for such passes shall be \$80.

(f) Recreational Vehicles (RVs) may be allowed to park on surface lots as designated by the Parking Supervisor. The charges per 24- hour period, or portion thereof, shall be \$20.

(g) Buses and commercial trucks may be allowed to park on surface lots as designated by the Parking Supervisor. The charges per twenty-four hour period, or portion thereof, shall be \$30.

(h) From time to time, the promoters of special events have the need to use an entire surface lot for their event. The charges for such “buy-out” rentals shall be \$275 for the surface lot at 9th and I (55 spaces), \$210 for the surface lot at 9th and J (42 spaces), \$225 for the street level floor of the Eleventh Street garage (45 Spaces), \$1665 for the entire Eleventh Street garage (333 spaces) and \$750 for the Centre Plaza surface lot (150 spaces). In addition, a discount of \$1 per space shall be provided at the Centre Plaza lot when the rental of the Centre Plaza lot is in conjunction with an event at the Modesto Centre Plaza. In that case, the rate will be \$600, with \$75 of that amount going to the Centre Plaza operating fund.

(i) Additional surface parking facilities and/or hours of operation, including weekends, may be authorized by the Parking Supervisor as appropriate to meet parking needs, comply with existing agreements, or allow for collection of fees for special events.

3. FREE PARKING LOTS

(a) The following municipal off-street parking facilities shall be free parking lots:

- (1) Lot 13, north side of H Street between 15th and 16th Streets (Stanislaus County Library);

4. DISABLED PERSONS

Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

5. JURY PARKING

Persons ordered to appear for jury duty may park exclusively in the municipal off-street parking facility on the east side of 8th Street between K and L streets in compliance with the fees and regulations specified in this resolution.

NOW THEREFORE BE IT RESOLVED by Council of the City of Modesto that it hereby approves amending the parking fee structure for single space vehicles to \$1.25 per hour, 24 hours per day.

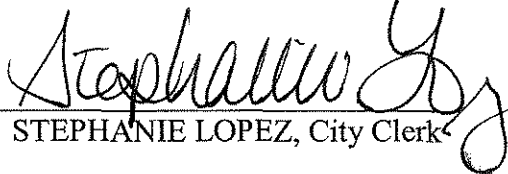
BE IT FURTHER RESOLVED that Resolution No. 2016-432 is hereby rescinded and replaced by this new parking fee structure, as set forth herein, effective on Tuesday, November 14, 2017 at 12:00 a.m.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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

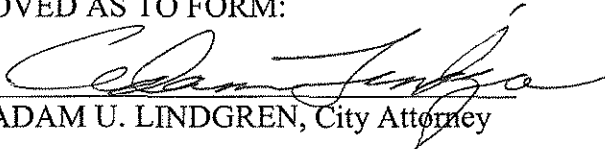
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-394**

**RESOLUTION APPROVING SUMMARY ABATEMENT OF PROPERTY AT
624 9TH STREET (APN 106-043-010) AND AUTHORIZING INTERIM CITY
MANAGER, OR HIS DESIGNEE, TO PAY NECESSARY COSTS RELATING
TO SUMMARY ABATEMENT IN AN AMOUNT NOT TO EXCEED \$150,000**

WHEREAS, the property located at 624 9th Street (APN 106-043-010) (Property), which has a 29 unit apartment complex has been the subject of a code enforcement action since at least May 18, 2017, and

WHEREAS, on August 2, 2017, Council approved through Resolution No. 2017-307 payment of Relocation Benefits pursuant to Modesto Municipal Code 4-12.501 *et seq.* to the legal tenants of the Property, and

WHEREAS, as a result of the ongoing substandard condition of the Property, the City condemned the building and issued a 72-hour Notice to Vacate on Tuesday, August 29, 2017, and

WHEREAS, on Friday, September 1, 2017, all of the units were vacated and City staff ensured that the building was boarded and secured, and

WHEREAS, on Monday, October 2, 2017, a fire occurred at the Property which caused, among other things, the destruction of the roof structure and ceiling joist, the collapse of the roof onto the second floor of the structure, approximately one quarter of the second floor joist, subfloor and walls to collapse into the undeveloped first floor of the structure, the exterior wall covering, and the interior walls used to support the exterior unreinforced masonry brick, and

WHEREAS, the Chief Building Official for the City of Modesto has inspected the Property and has determined that the cost of rehabilitation of the Property would exceed the value of the Property by more than 75%, and

WHEREAS, the Chief Building Official recommends immediate summary abatement of the Property due to the imminent danger of further collapse of the interior and exterior walls of the structure on the Property, the openness of the Property, the susceptibility of the Property to homeless and vandals, and the potential for damage to surrounding properties, and

WHEREAS, the Modesto Board of Building Appeals authorized through Resolution No. 2017-05, among other things, the abatement of the nuisance by razing or removing the buildings, and

WHEREAS, pursuant to Modesto Municipal Code section 1-6.604, the Chief Building Official and the Director of Community and Economic Development have determined that an imminent life safety hazard exists that requires immediate elimination, and

WHEREAS, the City is authorized to seek recovery of the costs of summary abatement against the Property owners through the nuisance abatement lien procedure in Modesto Municipal Code section 1-6.702, in addition to any other method authorized by law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the summary abatement of Property at 624 9th Street (APN 106-043-010).

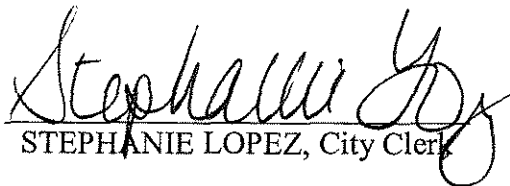
BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to pay the necessary costs relating to summary abatement, in an amount not to exceed \$150,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

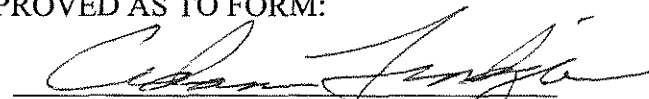
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney