

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-250**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH MEYERS, NAVE, RIBACK, SILVER & WILSON (“MEYERS NAVE”), A PROFESSIONAL LAW FIRM, TO PROVIDE CITY ATTORNEY SERVICES FOR THE CITY, APPOINTING JOSE M. SANCHEZ AS CITY ATTORNEY, EFFECTIVE JUNE 2, 2020, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, Meyers Nave has successfully served the City of Modesto as City Attorney and Special Counsel on a wide variety of critical City projects since the Fall of 2013; and

WHEREAS, on May 13, 2014, by Resolution No. 2014-186, Council approved a Legal Services Agreement with Meyers Nave, a professional law firm, to provide City Attorney services for the City, and appointed Adam U. Lindgren as City Attorney; and

WHEREAS, in January 2020, City Attorney Adam Lindgren began a medical leave of absence; and

WHEREAS, in City Attorney Lindgren’s absence, Council appointed the Assistant City Attorney Jose M. Sanchez as Acting City Attorney on February 4, 2020; and

WHEREAS, continuing in his recovery, City Attorney Lindgren requested that Acting City Attorney Sanchez be formally appointed as City Attorney, to replace Attorney Lindgren; and

WHEREAS, on June 2, 2020, City Council reported out of Closed Session that City Attorney Adam U. Lindgren, was doing well in his recovery, would not be returning to the City from his medical leave of absence, and that the Council had selected Jose M. Sanchez as the new City Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Legal Services Agreement with Meyers, Nave, Riback, Silver & Wilson (“Meyers Nave”), a professional law firm, to provide City Attorney services for the City, appointing Jose M. Sanchez as City Attorney, effective June 2, 2020.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the amendment.

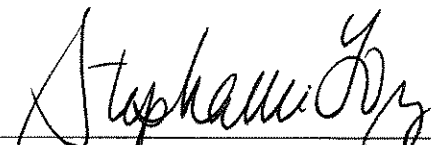
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Madrigal

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-251**

**RESOLUTION AMENDING FISCAL YEAR 2019-2020 ANNUAL OPERATING
AND CAPITAL IMPROVEMENT FUND BUDGETS AND AUTHORIZING THE
CITY MANAGER, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE
PROVISIONS OF THIS RESOLUTION**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2019-20.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2019-20 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

FISCAL YEAR 2019-20

COMMUNITY AND ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of \$3,551,707 is necessary to establish the transfer from Project 101254 – Transfer of NSP2 Funds to CDBG, and budget the transfers in to the following projects:
 - 101219 – Youth Access Center \$478,386
 - 101215 – Kansas House Project \$2,527,942
 - 101209 – PFI South MLK S&R \$295,379
 - 1130-14010-61130-000000-01330 \$250,000

The US Department of Housing and Urban Development (HUD) has authorized these funds to be used in accordance with the approved City CDBG Annual Action Plan. These funds are currently held in project 101254, and a budget adjustment is necessary to create the transfer of funds to the projects listed above and allocate to the projects discretionary expense budgets.

FIRE DEPARTMENT

- A budget adjustment is necessary to amend the Industrial Fire District budget as approved in Fund 6100, JPA-Industrial Fire Fund, by the Industrial Fire Board in December 2019. The revenues are being increased by \$74,910, which is offset by an increase to the expense of the final disbursements to the JPA members by \$74,910.

PARKS RECREATION & NEIGHBORHOODS

- A budget adjustment is necessary to appropriate the revenue and expenditure budget for the Modesto Tourism and Marketing District (MTMD) agreement. This agreement was approved by Council on January 28, 2020 and established a Modesto Tourism Marketing District Owner's Association agreement that provides marketing and promotional programs intended to increase hotel room night sales at all hotels paying into the MTMD. The agreement set up the City as a pass-through agency for the Convention and Visitor's Bureau for this program but when the item was brought forward to Council the resolution to establish appropriation authority was not included. This adjustment will correct that action and establish a revenue budget of \$286,499 and an expenditure budget of \$286,499 in accounts 0100-34301-47056 (Special Assessments - Modesto Tourism Marketing District) and 0100-34301-53505 (Intergovernmental Services - Other), respectively.
- A budget adjustment is necessary to amend the Tuolumne Regional River Park Joint Power Agreement (TRRP JPA) budget in the amount of \$54,418. To increase the operating budget by \$29,059 for tree trimming and to increase the transfer from the TRRP JPA Fund to the TRRP CIP Fund by \$25,039. These adjustments have been approved by the TRRP JPA Commission.
- A budget adjustment is necessary in the amount of \$222,874 for the Little Legion Hall Fire Demo project within the TRRP CIP Fund by recognizing insurance claim proceeds

received from the fire at the Little Legion Hall and programming offsetting expenses for improvements to Legion Hall as approved by the TRRP JPA Commission.

PUBLIC WORKS

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 19-20 for the October 2019 – March 2020 period. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

Fund	Fund Name	Net Impact of Adjustments
1709	Surface Transportation Fleet Replacement	\$227,700
4109	Water Fleet Replacement Fund	\$455,917
4219	Wastewater Fleet Replacement Fund	\$28,974
4489	Storm Drainage Fleet Replacement Fund	\$187,991
5410	GF Equipment Replacement	\$178,699
Total Transfer Outs		\$1,079,281
5409	Transfer In – Fleet Management Fleet Replacement	\$1,079,281
Total Transfer Ins		\$1,079,281

A budget adjustment is necessary to establish a transfer in the amount of \$227,700 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (2) Tractor Loader w/ Backhoe and (2) concrete grinders.

A budget adjustment is necessary to establish a transfer in the amount of \$455,917 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) truck hydro excavator.

A budget adjustment is necessary to establish a transfer in the amount of \$28,974 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Truck ¾ Ton regular cab with long bed.

A budget adjustment is necessary to establish a transfer in the amount of \$187,991 from Storm Drainage Fleet Replacement Fund 4489 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (2) loaders with claw attachments.

A budget adjustment is necessary to establish a transfer in the amount of \$178,699 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Sedan Investigation, (1) Sedan Patrol, (1) Sedan Patrol K-9, (1) Truck ½ ton extended cab, (1) Sedan, and (1) SUV 4x2.

- A budget adjustment is necessary to increase the Fleet Management Fund (5400) revenue (vehicle and equipment maintenance-Interfund account) and expense (professional services account) budget by \$518,727 due to the increase in City vehicle and equipment rentals. As part of the new rental policy and to allow for more appropriate tracking of rentals, all expenses related to equipment and vehicle rentals are incurred within the Fleet Management Fund and are offset with revenue collected through the Fleet monthly O&M billing.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-252**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CYBERSECURITY AUDIT SERVICES TO SECURANCE LLC, OF TAMPA, FL, FOR A TOTAL COST NOT TO EXCEED \$170,376; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Information Technology (IT) Department's focus is to provide technology services that are available, reliable and secure, and

WHEREAS, the cybersecurity audit will provide an assessment of security controls so that they can systematically identify programmatic weaknesses and where necessary, establish targets for continuing improvement of the City of Modesto's security operations, and

WHEREAS, at the completion of the project a detailed security audit report will be provided including an assessment of security policies, practices, procedures, a security gap analysis and a prioritized remediation roadmap, and

WHEREAS, the City of Modesto issued its Request for Proposal (No. 1920-13) for an IT Security Audit on October 9, 2019, and

WHEREAS, an RFP Evaluation Committee, comprised of three staff members from the IT Department proposals, and

WHEREAS, based upon the final scores, the RFP Evaluation Committee recommended awarding the agreement to Securance LLC of Tampa, FL for a total cost not to exceed \$170,376, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures and RFP No. 1920-13 conforms with this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement to Securance LLC, of Tampa, FL, for a total cost not to exceed \$170,376.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-253**

RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE RECREATIONAL TRAILS AND GREENWAYS GRANT PROGRAM IN AN AMOUNT OF \$2,968,885 TO FUND DESIGN AND CONSTRUCTION OF THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVERWALK – GATEWAY TO NEECE DR PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD

WHEREAS, the Recreational Trails and Greenways (RTGG) Grant Program is funded by State of California Parks and Water Bond Act of 2018 (Proposition 68): and

WHEREAS, RTGG funds are made available on a competitive basis to provide assistance to local agencies and community-based organizations with regard to the development non-motorized infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments to encourage health-related active transportation and opportunities for Californians to reconnect with nature: and

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicant's governing board before submission of said application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto:

1. Approves the filing of an application for the TRRP Riverwalk - Gateway to Neece Dr Project; and
2. Certifies that Applicant understands the assurances and certification in the application; and
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes, health and safety codes, and disabled access laws, and that prior to commencement of construction all applicable permits will have been obtained; and
6. Certifies that Applicant will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to accept and utilize the grant award.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-254**

RESOLUTION APPROVING AMENDMENT NO. 2 TO THE SITE LEASE AGREEMENT WITH NCWPCS MPL 24 - YEAR SITES TOWER HOLDINGS LLC, TO INCREASE THE EXISTING CELL TOWER LEASE TERMS AT DAVIS PARK TO ALLOW FOR UP TO SIX ADDITIONAL, FIVE-YEAR RENEWAL OPTIONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto partners with various cellular service providers by leasing city property for cell towers, and

WHEREAS, these partnerships are a benefit to the residents of the City of Modesto by improving cellular service coverage throughout Modesto, improving coverage for the FCC mandated E911 Services, and also provide annual revenue to the City of Modesto to maintain the City park system, and

WHEREAS, on August 10, 1993, by Resolution No. 93-469, Council approved a 5-year lease agreement with Modesto Cellular Partnership for 1,820 square feet at Davis Park including five (5) extensions of five (5) years each, and

WHEREAS, on January 7, 2003, by Resolution No. 2003-15, Council approved the first amendment to the agreement with the new tenant/operator AT&T Wireless Services of California, including updating the payment terms and approving certain site improvements by the tenant, and

WHEREAS, on October 12, 2013 AT&T, with the consent of the City of Modesto, assigned this lease to the management of Crown Castle Corporation, and notified the City that the site ownership has been assigned to the AT&T subsidiary NCWPCS MPL 24 - Year Sites Tower Holdings, LLC, and

WHEREAS, in February 2018, the City of Modesto was notified by Crown Castle that AT&T would like to amend the existing contract to provide long-term security for subleasing, and

WHEREAS, the amendment includes the following terms:

- 1) Term extension: Six (6) additional, five (5) year renewal terms which would extend the final contract expiration term until October 31, 2053.
- 2) Rent escalation: The City has requested a rent escalation of 3% annually on the anniversary of the amendment.
- 3) Signing Bonus: AT&T will pay the City \$12,500 as a signing bonus conditional upon execution of the amendment.
- 4) Revenue Share: AT&T agrees to pay to the City twenty-five percent (25%) of the rental, license or similar payments actually received from future subtenants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 2 to the Site Lease Agreement with NCWPCS MPL 24 - Year Sites Tower Holdings LLC, to increase the existing cell tower lease terms at Davis Park to allow for up to six (6) additional, five-year renewal options.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-255**

**RESOLUTION ACCEPTING PROPOSITION 68 SUSTAINABLE
GROUNDWATER MANAGEMENT GRANT PROGRAM PLANNING – ROUND
3 GRANT AWARD OF \$1,000,000, ON BEHALF OF THE STANISLAUS AND
TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION
GROUNDWATER SUSTAINABILITY AGENCY AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED
DOCUMENTS AND ANY AMENDMENT OR CHANGES THERETO**

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law, the Sustainable Groundwater Management Act of 2014, which changed the method for groundwater management, and

WHEREAS, the Sustainable Groundwater Management Act is a comprehensive three-bill package that sets the framework for statewide sustainable groundwater management by local agencies, and

WHEREAS, the Sustainable Groundwater Management Act requires that a Groundwater Sustainability Agency be formed for all groundwater basins designated by the Department of Water Resources (DWR) as high-priority basins, and

WHEREAS, on January 24, 2017 by Resolution No. 2017-030, Council authorized a Groundwater Sustainability Agency Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA), and

WHEREAS, on August 14, 2019 the STRGBA Groundwater Sustainability Agency (STRGBA GSA) appointed the City to be lead applicant, and

WHEREAS, on October 22, 2019 by Resolution 2019-480, Council approved the submittal of an application on behalf of the STRGBA GSA to the DWR to obtain grant funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of a Proposition 68 Sustainable Groundwater Management Grant Program Planning – Round 3 grant award of \$1,000,000 on behalf of the STRGBA GSA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents and any amendment or changes thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-256**

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH DAVID KEITH TODD CONSULTING ENGINEERS, INC., DBA TODD GROUNDWATER, FOR THE PREPARATION OF A GROUNDWATER SUSTAINABILITY PLAN AND RELATED TECHNICAL STUDIES FOR THE GSP MODESTO SUBBASIN PROJECT IN THE AMOUNT OF \$1,000,000, FOR A NEW NOT TO EXCEED AMOUNT OF \$2,469,296, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, on August 14, 2018, per Resolution No. 2018-340, Council approved an agreement with David Keith Todd Consulting Engineers, Inc., DBA Todd Groundwater for the preparation of a Groundwater Sustainability Plan and Related Technical Studies for the GSP Modesto Subbasin Project, in an amount not to exceed \$1,469,296, and

WHEREAS, on August 14, 2019 the City was appointed lead applicant on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA), and

WHEREAS, on September 9, 2019 the Department of Water Resources (DWR) opened Round 3 of the Proposition 68 Sustainable Groundwater Management Grant Program, and

WHEREAS, on October 22, 2019 by Resolution 2019-480 Council authorized the submittal of an application on behalf to the STRGBA GSA to DWR for additional grant funding, and

WHEREAS, on March 13, 2020 the City, on behalf of the STRGBA GSA received a notice of award for \$1,000,000 in grant funding to cover the cost in full for additional work to be performed by Todd Groundwater.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Agreement with Todd Groundwater, for the preparation of a Groundwater Sustainability Plan and Related Technical Studies for the GSP Modesto Subbasin Project in the amount of \$1,000,000 for the identified scope of services, for a new total not to exceed of \$2,469,296.

BE IT FURTHER RESOLVED that the 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 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-257**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 MULTI-YEAR
PROJECT BUDGET IN THE AMOUNT OF \$1,000,000 TO BE TRANSFERRED
INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO
FULLY FUND THE GROUNDWATER SUSTAINABILITY PLAN MODESTO
SUBBASIN PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of
\$1,000,000, in order to fund the Groundwater Sustainability Plan Modesto Subbasin
Project, and

WHEREAS, the Fiscal Year 2019-2020 Multi-Year Project Budget must be
amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the amendment of the Fiscal Year 2019-2020 Multi-Year Project
Budget as shown in **Exhibit A, attached** hereto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Multi-Year Project 101131 – GSP Modesto Subbasin in the amount of \$1,000,000 to cover expenses associated with a First Amendment to the Agreement with Todd Groundwater for the Preparation of a Groundwater Sustainability Plan and Related Technical Studies for the Modesto Subbasin and to record Proposition 68 Sustainable Groundwater Management Grant Program funds of an equal amount.

	Current Budget	Proposed Adjustment	Revised Budget
Revenue			
Intergov - State Department of Water Resources	\$ 1,000,000.00	\$ 1,000,000.00	\$ 2,000,000.00
Expenses			
Appr Unit C - Discretionary Expenses	\$ 1,776,225.00	\$ 1,000,000.00	\$ 2,776,225.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-258**

**RESOLUTION AUTHORIZING AN AMOUNT OF \$1,171,057 TO A REVISED
TOTAL AMOUNT OF 3,797,057 TO FUND CLAIMS SETTLEMENTS; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE SETTLEMENTS**

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, following notice of the current health plan provider's failure to pay outstanding claims, initiated the need for the City to determine most effective way to negotiate unpaid outstanding claims; and

WHEREAS, by Resolution No. 2019-147, the Council approved an agreement with S&S Healthcare Strategies, Ltd. for negotiation of unpaid medical claims; and

WHEREAS, the Council approved the full reimbursement of employees who paid claims on or before March 1, 2019 that should have been paid by previous plan provider, Riverstone Capital; and

WHEREAS, by Resolution No. 2019-147, the Council approved the use of \$2,626,000 of Employee Benefits Fund reserves for initial funding of employee reimbursement, claims negotiation and settlement in the amount of \$2,626,000; and

WHEREAS, the City began negotiations with providers; and

WHEREAS, negotiations have been successful but additional funds are needed to continue settling outstanding unpaid claims; and

WHEREAS, the City may fund claims settlement through the Employee Benefit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves additional funding in the amount of \$1,171,057 for a total of 3,757,057 for negotiated settlement of remaining outstanding unpaid medical claims with cooperating providers.

BE IT FURTHER RESOLVED that the Director of Human Resources is hereby authorized to serve as the coordinator for the various plans.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary agreements relating to employee and dependent health care to fulfill the intent of this Resolution, in a form approved by Legal Counsel, including such provisions as may be necessary to meet requirements of the Independent Fiduciary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Ridenour, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-259**

RESOLUTION AMENDING THE FISCAL YEAR 2019-20 OPERATING BUDGET IN THE AMOUNT OF \$1,998,200 (\$827,143 FOR FY19 REMAINING BUDGET AND \$1,171,057 FOR THE NEW REQUEST) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS

WHEREAS, funding for the health care contributions mentioned in this agenda item is currently not budgeted in fiscal year 2019-20, and

WHEREAS, certain budgetary actions are required to fulfill this action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the fiscal year 2019-20 Operating Budget in the amount of \$1,998,200.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 2020, by Councilmember Ridenour, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney