

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-083**

**RESOLUTION REAPPOINTING JAMES LIBERTO TO THE CITY OF  
MODESTO HOUSING REHABILITATION LOAN COMMITTEE WITH A  
TERM EXPIRATION OF DECEMBER 31, 2024**

WHEREAS, section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, on March 1, 2016 by Resolution No. 2016-66, James Liberto was appointed to the Housing Rehabilitation Loan Committee with an initial term of March 1, 2016 through December 31, 2019, and

WHEREAS, James Liberto is eligible to serve a second 4-year term.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints James Liberto to the Modesto Housing Rehabilitation Loan Committee with a term expiration of December 31, 2024.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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. 2021-084**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 ANNUAL  
OPERATING AND CAPITAL IMPROVEMENT PROJECT 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 2020-2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2020-2021 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 March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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 2020-21**

**CITY MANAGER**

- A budget adjustment is necessary to increase the non-capital project expenditure budget for project 101305 (Centre Plaza Vaccination Site – COVID-19) in the amount of \$250,000. Of this amount \$37,500 will be budgeted to Appr Unit A – Police Overtime, \$150,000 will be budgeted to Appr Unit C – Services City Forces, \$50,000 will be budgeted to Appr Unit C – Business Expenses, and \$12,500 will be budgeted to Appr Unit C – Professional Services. These funds will be used to cover city staff time and other costs associated with City assistance at the COVID-19 Vaccination clinic in coordination with Stanislaus County. The costs will ultimately be reimbursed through County and Federal funding.

**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 20-21 for the October 2020 – December 2020 period. Below is a table showing the net effect in each sub-fund as a result of the various adjustments.*

<b>Fund</b>	<b>Fund Name</b>	<b>Net Impact of Adjustments</b>
<b>4109</b>	Water Fleet Replacement Fund	\$94,745
<b>5410</b>	GF Equipment Replacement	\$67,837
<b>5809</b>	Building Services Fleet Replacement Fund	\$47,119
	<b>Total Transfer Outs</b>	<b>\$209,701</b>
5409	Transfer In – Fleet Management Fleet Replacement	\$209,701
	<b>Total Transfer Ins</b>	<b>\$209,701</b>

A budget adjustment is necessary to establish a transfer in the amount of \$94,745 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Utility Truck ¾ Ton Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$67,837 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Truck ¾ Ton Ext. Cab with ACO Body.

A budget adjustment is necessary to establish a transfer in the amount of \$47,119 from Building Services Fleet Replacement Fund 5809 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Utility Truck 1 Ton Cab.

- A budget adjustment in the amount of \$246,000 is necessary to fund 4510-Bus Fixed Route fund, project 101134 - BMF Compressed Natural Gas Upgrade to increase Local Transportation Funds. This will upgrade the Bus Maintenance Facility to be compliant for Compressed Natural Gas vehicles. Appropriations will be updated as follows:

<i>Account Description</i>	<i>Budget</i>	<i>Adjustment</i>	<i>Revised Budget</i>
Funish & Office Equip >\$5,000	\$ 10,000	\$ (10,000)	\$ -
Landscape Maintenance	\$ 40,000	\$ (40,000)	\$ -
Office Furniture <\$5,000	\$ 7,500	\$ (7,500)	\$ -
Professional Services	\$ 70,000	\$ (70,000)	\$ -
Repair & Maint - Outside Svcs	\$ 116,500	\$ (116,500)	\$ -
Tools & Field Supplies <\$5,000	\$ 10,000	\$ (10,000)	\$ -
Repair & Maint - Real Property	\$ -	\$ 500,000	\$ 500,000
	<b>Net Changes</b>	<b>\$ 246,000</b>	

- A budget adjustment in the amount of \$100,000 to fund 4510-Bus Fixed Route, project 101023 - Bus Stop Improvements/Repairs 2017 to increase Federal Transportation Administration revenues and reduce Local Transportation Fund revenues. This project will replace and repair existing bus shelters throughout the City of Modesto.
- A budget adjustment in the amount of \$63,000 to fund 4510-Bus Fixed Route, project 100982 - MAX ITS Equipment Purchase is necessary to establish budget for reimbursement from City of Escalon to install Avail equipment in buses for Escalon routes.
- A budget adjustment in the amount of \$854,881 is necessary to fund 4510-Bus Fixed Route, project 101162-MAX Traffic Signal Priority to reduce the remaining Local Transportation Funds revenue budget and appropriations for project closure.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-085**

**RESOLUTION APPROVING A FIRST AMENDMENT TO THE SECOND  
RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE,  
VAN EGMOND & HEITLINGER IN AN AMOUNT NOT TO EXCEED \$260,000,  
FOR A TOTAL NOT TO EXCEED AMOUNT OF \$500,000 TO CONTINUE  
REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND  
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE  
THE AGREEMENT**

WHEREAS, the City Attorney's Office is in need of outside counsel services; and

WHEREAS, on June 24, 2014, by Resolution No. 2014-241, Council approved an agreement with Arata, Swingle, Van Egmond & Goodwin, to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases for a total agreement amount not to exceed \$790,000, including amendments; and

WHEREAS, on December 12, 2017, by Resolution No. 2017-500, Council approved a Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin for the same services, for a total agreement amount not to exceed \$650,000, including amendments, and

WHEREAS, on January 28, 2020, by Resolution 2020-029, Council approved a Second Restated Legal Services Agreement with Arata, in the amount of \$240,000 for continued representation, and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Second Restated Legal Services agreement with Arata, Swingle, Van Egmond and Heitlinger for continued representation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Second Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Heitlinger, in an amount not to exceed

\$260,000, for a total not to exceed amount of \$500,000 to continue representing the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are 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 March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney



## **FIRST AMENDMENT TO THE SECOND RESTATED LEGAL SERVICES AGREEMENT**

This First Amendment to the Second Restated Legal Services (this “**First Amendment**”), is made and entered into on the 9th day of March 2021 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **ARATA, SWINGLE, VAN EGMOND & HEITLINGER**, a Professional Corporation (“**Attorney**”), located at 1207 I Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the “**Parties**,” and singularly as “**Party**”.

### **RECITALS**

**WHEREAS**, City and Attorney entered into a Second Restated Legal Services Agreement (“**Agreement**”) to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

**WHEREAS**, Attorney is specially trained, experienced and competent to perform such services; and

**WHEREAS**, the public interest, economy and general welfare will be served by the Agreement; and

**WHEREAS**, City and Attorney desire to amend the Second Restated Agreement for further service by increasing the previously approved amount of fees from \$240,000 to \$500,000.

**NOW, THEREFORE**, it is hereby agreed that the Restated Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Egmond and Heitlinger dated January 28, 2020 authorized by Resolution No.2020-029, is amended as follows:

1. Section 2(a) of Paragraph 2, “Fees and Costs,” Hourly Rates is amended to state as follows:

“The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of five hundred thousand dollars (\$500,000).”

2. **Entire Agreement.** The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated January 28, 2020, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority.** The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

**CITY OF MODESTO,**  
A Municipal Corporation

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

Print name: Joseph P. Lopez

Title: City Manager

**APPROVED TO AS FORM:**

\_\_\_\_\_  
Jose M. Sanchez, City Attorney

**ATTEST:**

\_\_\_\_\_  
Stephanie Lopez, City Clerk

\_\_\_\_\_  
Jiles Smith, Risk Manager

**[Signatures Continued on Next Page.]**

**ATTORNEY:**  
**ARATA, SWINGLE, VAN EGMOND & HEITLINGER**  
a Professional Corporation

\_\_\_\_\_

\_\_\_\_\_

Federal I.D. No.

\_\_\_\_\_

State I.D. No.

\_\_\_\_\_

City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY (*check one*):

- \_\_\_\_\_ Individual/Sole Proprietor
- \_\_\_\_\_ Partnership
- \_\_\_\_\_ Corporation
- \_\_\_\_\_ Limited Liability Company
- \_\_\_\_\_ Other (*please specify:* \_\_\_\_\_)

\_\_\_\_\_

**Signature of Authorized Person**

\_\_\_\_\_

Title

\_\_\_\_\_

Additional Signature (*if required*)

\_\_\_\_\_

Title

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-086**

**RESOLUTION APPROVING AN EMERGENCY SOLUTIONS GRANT CARES ACT (ESG-CV1) TO THE SALVATION ARMY, MODESTO CITADEL FOR THE OPERATION OF THE BERBERIAN EMERGENCY SHELTER LOCATED AT 320 9<sup>TH</sup> STREET, MODESTO CA 95351 IN AN AMOUNT NOT TO EXCEED \$200,000, AND \$5,000 IN ACTIVITY DELIVERY COSTS TO PREVENT, MITIGATE, AND RESPOND TO THE SPREAD OF COVID-19, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto is an entitlement community under three U.S. Department of Housing and Urban Development (HUD) programs within its Office of Community Planning and Development (CPD), and

WHEREAS, as an entitlement community, the City annually receives entitlement funds from the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program (HOME) programs, and

WHEREAS, on March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act – H.R. 748), and

WHEREAS, through the first round of funding, the City of Modesto was awarded \$1,118,269 in CDBG-CV1 and \$567,410 in ESG-CV1, and

WHEREAS, this funding was programmed by 2019-2020 Annual Action Plan Amendment #3 approved by City Council on April 28, 2020 by Resolution 2020-206, and

WHEREAS, the City's current 2020-2025 Consolidated Plan identifies homelessness and housing as the highest priorities, and

WHEREAS, addressing homelessness in the midst of a pandemic takes a global approach with many community partners and the City departments coming together to create a holistic approach to keeping the most vulnerable in the community safe from

COVID-19 and to continue the effort to assist these individuals on a path that brings them closer to a life off the streets and part of our local community, and

WHEREAS, the City has been working with its partners in allocating CARES Act resources to address this priority while responding to the COVID-19 threat to the community, and

WHEREAS, emergency shelters such as Salvation Army's Berberian Shelter play an important role in providing shelter to homeless individuals in the community, and

WHEREAS, to assist in the operational response to COVID-19 and assist unhoused individuals, the City will provide ESG-CV1 funds in an amount not to exceed \$200,000 for the operations of the Berberian Emergency Shelter to prevent the spread of COVID-19 among homeless individuals and the general public, and

WHEREAS, the Salvation Army will coordinate with public health to ensure shelter management is updated with the most current COVID- 19 protocols, and

WHEREAS, the Salvation Army will make investments that improve the Berberian Shelter's ability to prevent, mitigate, and respond to the spread of infection such as ramping up shelter operations costs to pay for enhanced sanitation and hygiene measures or adding additional non-congregate shelter options to decompress congregate shelter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approving an Emergency Solutions Grant CARES Act Round 1 (ESG-CV1) grant agreement to The Salvation Army Modesto Citadel in an amount not to exceed \$200,000 plus \$5,000 in activity delivery costs to prevent, mitigate, and respond to the spread of COVID-19.

BE IT FURTHER RESOLVED; authorize the City Manager or his designee to execute any documents and/or agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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. 2021-087**

**RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) NETWORK COMMUNICATIONS EQUIPMENT TO NETXPERTS INC., WALNUT CREEK, CA, FOR A TOTAL AMOUNT NOT TO EXCEED \$113,225; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE A PURCHASE ORDER**

WHEREAS, the Utilities Department, Wastewater Division is requesting the purchase of SCADA Network Communications Equipment; and

WHEREAS, the current network communications equipment used for SCADA throughout the Sutter and Jennings Wastewater Treatment Plants are at End of Life (EOL) and no longer supported by the manufacturer. The equipment will be used by the Utilities Department, Wastewater Treatment Division to maintain current operations within the Division; and

WHEREAS, the purchase of this SCADA Network Communications Equipment will replace all EOL network equipment with new devices that meet City IT requirements for availability, security and network management functionality; and

WHEREAS, on October 13, 2020 the Purchasing Division issued RFB 2021-07 on the Planet bids via the City's website under various commodity codes associated with SCADA Network Communications Equipment, and

WHEREAS, on November 17, 2020, in an effort to slow the spread of COVID-19 bids were formally opened by the City Clerk and broadcast via Microsoft Teams Livestream, and

WHEREAS, five (5) vendors chose to respond, one (1) was a local vendor. Four (4) of the five (5) vendors are responsive and responsible bidders, one (1) vendor was deemed non-responsive, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award for the procurement of SCADA Network Communications Equipment to NetXperts Inc., Walnut Creek, CA., for a total cost not to exceed \$113,225; 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 RFB No. 2021-07 conforms to this MMC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the SCADA Network Communications Equipment to NetXperts Inc., Walnut Creek, CA for the procurement of SCADA Network Communications Equipment, for a total cost not to exceed of \$113,225.

BE IT FURTHER RESOLVED, that the Purchasing Manager or her designee is hereby authorized to execute a purchase order.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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. 2021-088**

**RESOLUTION RATIFYING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2020 ASSISTANCE TO FIREFIGHTERS GRANT IN AN AMOUNT THAT WILL NOT EXCEED \$45,251.41, WHICH INCLUDES A 10% LOCAL MATCH FOR THE PROCUREMENT OF FIRE HOSES AND NOZZLES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION**

WHEREAS, the Assistance to Firefighters Grant (AFG) Program provides financial assistance directly to eligible fire departments for critical training and equipment; and

WHEREAS, the Modesto Fire Department intends to apply for the replacement of fire hoses and nozzles in order to replace aging and outdated fire hoses and nozzles on five remaining fire engines not yet updated; and

WHEREAS, the National Fire Protection Agency (NFPA) recommends replacing fire hoses at 10-year intervals; and

WHEREAS, MFD would replace all remaining fire hoses that require updating if awarded this grant; and

WHEREAS, the grant amount will not exceed \$45,251.41, which includes a 10% local match for the procurement of fire hoses and nozzles; and

WHEREAS, costs to pursue the grant include staff time to research, prepare and submit the application which are part of the applicable staff's job responsibilities, and the local match of 10%, and

WHEREAS, the Notice of Funding Opportunity was posted on grants.gov on Tuesday, December 29, 2020. The application period opened January 4, 2021 and closed February 12, 2021. Due to the deadline passing before this Council meeting, the Modesto

Fire Department has already submitted the application and is requesting that Council ratify the submission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby ratifies the submission of an application for the Fiscal Year 2020 Assistance to Firefighters Grant in an amount that will not exceed \$45,251.41, which includes a 10% local match, for the procurement of fire hoses and nozzles.

BE IT FURTHER RESOLVED that the City Manager or designee is hereby authorized to execute the application, 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 March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

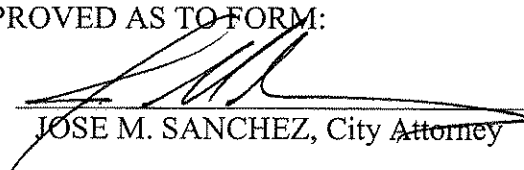
ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-089**

**RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2020 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSER (SAFER) GRANT TO FUND NINE (9) FIREFIGHTER POSITIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION**

WHEREAS, the Staffing for Adequate Fire and Emergency Response (SAFER) grant awards grants directly to eligible fire departments to assist with staffing and deployment capabilities to respond to emergencies; and

WHEREAS, the Modesto Fire Department (MFD) is requesting permission to apply for nine (9) firefighter positions through the SAFER grant; and

WHEREAS, MFD will be able to maintain constant staffing as well as add six (6) relief firefighter to relieve the burden of overtime and additional work hours for our firefighters; and

WHEREAS, the grant is 100% funded for Step B Firefighter wages and salary benefits for the three-year grant period; and

WHEREAS, step increases for years two and three will be the responsibility of the City; however, the reduction in overtime with the relief firefighter positions will net the City's savings a total of \$1,496,335 over three years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of an application for the Fiscal Year 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fund nine (9) firefighter positions.

BE IT FURTHER RESOLVED that the City Manager or designee is hereby authorized to execute the application, 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 March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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. 2021-090**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE  
MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY FOR  
THE PURPOSE OF PROPERLY ADMINISTERING FEDERAL TRANSIT  
ADMINISTRATION SECTION 5307 GRANT FUNDS AND SUB-AWARDS  
WITH STANISLAUS COUNTY, AND AUTHORIZING THE CITY MANAGER,  
OR HIS DESIGNEE, TO SIGN THE AMENDMENT**

WHEREAS, on November 25, 2014, by Resolution 2014-486, the City and Stanislaus County entered into a Memorandum of Understanding (MOU) to identify the roles and responsibilities for the City as the grant recipient and Stanislaus County as the subrecipient for Federal Transit Administration (FTA) Section 5307 grant funds received by Modesto in accordance with P.L. 112-141, Moving Ahead for Progress in the 21st Century (MAP-21), and

WHEREAS, the City is required to ensure that all supported activities in which the Stanislaus County engages as the subrecipient comply with all regulations, grant agreements, circulars and other guidance issued by federal regulatory agencies, and

WHEREAS, the City's auditors conducted a review of the Transit Division's internal controls during the annual fiscal audit and noticed that some language was not included in the original MOU between Modesto and the County, and

WHEREAS, upon receiving the information to add the additional language to the MOU, the City worked with Stanislaus County to explain the missing language that needed to be added to the MOU and mutually agreed to the change.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Memorandum of Understanding with

Stanislaus County for the purpose of properly administering Federal Transit Administration Section 5307 grant funds and sub-awards with Stanislaus County.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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. 2021-091**

**RESOLUTION ACCEPTING THE 2017-2018 SANITARY SEWER  
COLLECTION SYSTEM REPLACEMENT PROJECT AS COMPLETE,  
AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY  
RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS  
TOTALING \$928,851 TO ROLFE CONSTRUCTION, INC., ATWATER,  
CALIFORNIA**

WHEREAS, this project was a priority project due to the essential utility improvements required at the D Street and 10th Street (Salvation Army location) as well as installation of sewer clean-outs at various locations within the City, and

WHEREAS, this project included replacing an existing 6-inch diameter sewer main with a new 8-inch diameter sewer main to improve hydraulic deficiencies, constructing new manholes, and installing 61 cleanouts throughout the City, and

WHEREAS, bids were advertised on October 8, 2019, and were publicly opened on October 22, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Rolfe Construction, Inc., Atwater, California, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on November 5, 2019, by Resolution No. 2019-496, Council awarded a contract to Rolfe Construction, Inc., Atwater, California, for the construction of the 2017-2018 Sanitary Sewer Collection System Replacement project in the amount of \$691,296 plus \$103,694 for contingency (if needed) for a total amount of \$794,990, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of November 18, 2019, and all contract work was completed by July 13, 2020, and

WHEREAS, the total project costs were \$1,061,921 which included design, construction, and construction administration costs. The total project amount originally



budgeted was \$1,129,676 which included \$794,990 for the construction contract and contingency with Rolfe Construction, Inc., and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, and updated by Resolution No. 2019-497 on November 5, 2019, established a contract change order authority of 10% (\$69,130) of the original contract price. However, staff requested authorization to increase the contract change order authority to 15% (\$103,694) due to the construction location, the urgency and size of the project, and unforeseen field conditions, and

WHEREAS, on June 23, 2020, the Directors Authority was increased to 43%, \$297,257 by Resolution No. 2020-270, and

WHEREAS, there were six change orders on this project with an overall increase of \$237,555, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2017-2018 Sanitary Sewer Collection System Replacement project is hereby accepted as complete from contractor, Rolfe Construction, Inc., Atwater, California, and that the City Clerk is authorized to complete all necessary steps to file the appropriate notices and documents with the County Recorder, release securities, and authorize payments totaling \$928,851.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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. 2021-092**

**RESOLUTION APPROVING THE APPLICATION OF FALCON CRITICAL CARE, AND AUTHORIZING THE ISSUANCE OF A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO**

WHEREAS, Falcon Critical Care has submitted an application to provide non-emergency medical transport services within the City of Modesto, and

WHEREAS, Falcon Critical Care has paid the required \$1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed background investigations regarding Falcon Critical Care per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Falcon Critical Care to function as a non-emergency medical transport service provider within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on March 9, 2021, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to Falcon Critical Care for non-emergency medical transport service within the City of Modesto, and

WHEREAS, Modesto City Council finds that Falcon Critical Care will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Falcon Critical Care and issues Falcon Critical

Care a permit to operate as a non-emergency medical transport company in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

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. 2021-093**

**RESOLUTION ADOPTING THE 2021-2024 SMART CITY STRATEGY, AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT  
THE NECESSARY STEPS TO ACHIEVE THE PRIORITIES IDENTIFIED IN  
THE STRATEGY**

WHEREAS, a strategic planning process is an organization's process by which it ensures that its resources and priorities reflect the priorities of the community and the City Council; and

WHEREAS, on October 8, 2019 the City Council adopted the Five-Year Strategic Plan strategic plan identifying several areas of focus; and

WHEREAS, the 2021-2024 Smart City Strategic Plan supports many goals within the Areas of Focus of the Five-Year Strategic Plan; and

WHEREAS, the smart city planning process included meetings with the senior executive team, interviews with key community stakeholders, and comprehensive staff research; and

WHEREAS, the City of Modesto Smart City Team (SCT) identified three (3) Areas of Focus: Efficiency and Effectiveness, Building a Data Culture, and Improving Community Well-Being, each of which has corresponding goals and strategies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2021-2024 Smart City Strategic Plan, and the City Manager, or his designee, are hereby authorized to carry out the necessary steps to achieve the priorities identified in the 2021-2023 Smart City Strategic Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 2021, by Councilmember Wright, 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: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney