

**MODESTO CITY COUNCIL
RESOLUTION NO. 2021-163**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF AN AERIAL TRUCK TO ALTEC INDUSTRIES INC., ELIZABETHTOWN, KY FOR A TOTAL COST NOT TO EXCEED \$204,974 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department require the replacement of a One-Ton Truck with Aerial Bucket; and

WHEREAS, this vehicle is used to reach street lights, traffic lights and other facilities to make electrical repairs as needed; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, on October 27, 2020 the Purchasing Division issued RFB 2021-26 for an Aerial Truck on the City's website under commodity codes 07053-Trucks with Specialized Bodies, 06505-Aerial Ladders and Towers and 54539-Lifts, Platforms, Telescoping and Laterally Powered; and

WHEREAS, four (4) companies chose to download the RFB document, two (2) companies chose to submit bids, there were no local bids received: and

WHEREAS, on December 1, 2020 bids were formally opened in the City Clerk's office and Altec Industries Inc., Elizabethtown, KY was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for an Aerial Truck to Altec Industries Inc., Elizabethtown, KY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of an Aerial Truck from Altec Industries Inc., Elizabethtown, KY for a total amount not to exceed \$204,974.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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. 2021-164**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) ONE-TON TRUCKS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL COST NOT TO EXCEED \$174,029 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Public Works Department requires the replacement of three (3) one-ton trucks; and

WHEREAS, these vehicles are used to haul crews and equipment to various locations; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed \$50,000 for material equipment or contractual services to be formally bid; and

WHEREAS, on February 9, 2021 the Purchasing Division issued RFB 1920-61RB for three (3) One-Ton Trucks on the City's website under commodity codes 07051-Trucks (over One-Ton Capacity) and 07053-Trucks with Specialized Bodies; and

WHEREAS, fourteen (14) companies chose to download the RFB document, one (1) vendor submitted a bid, there was no local bids received: and

WHEREAS, staff conducted an internal review to determine the limited response to the bid, it was discovered that pricing for 2022 vehicles was not yet available and there is a limited number of computer chips for the engines which limited the production of 2021 vehicles; and

WHEREAS, on March 2, 2021 bids were formally opened in the City Clerk's office and Towne Ford, Redwood City, CA was the only responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for three (3) One-Ton Trucks to Towne Ford, Redwood City, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of three (3) One-Ton Trucks from Towne Ford, Redwood City, CA for a total amount not to exceed \$174,029.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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. 2021-165**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) HALF-TON PICK-UP TRUCKS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL COST NOT TO EXCEED \$85,347 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Modesto Police Department requires the new additional of two (2) half-ton trucks; and

WHEREAS, these vehicles will be used to haul crews and equipment to homeless populations throughout the City; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases, which meet or exceed \$50,000 to be formally bid; and

WHEREAS, on February 9, 2021 the Purchasing Division issued RFB 2021-35 for two (2) Half-Ton Trucks on the City's website under commodity codes 07048-Trucks (One-Ton and Less Capacity) and 07053-Trucks with Specialized Bodies; and

WHEREAS, eleven (11) companies chose to download the RFB document, one (1) vendor submitted a bid, there was no local bids received; and

WHEREAS, staff conducted an internal review to determine the limited response to the bid, it was discovered that pricing for 2022 vehicles was not yet available and there is a limited number of computer chips for the engines which limited the production of the 2021 vehicles; and

WHEREAS, on March 2, 2021 bids were formally opened in the City Clerk's office and Towne Ford, Redwood City, CA was the only responsive and responsible bidder; and

WHEREAS, based on providing the lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203 City staff recommends the award of bid for two (2) Half-Ton Trucks to Towne Ford, Redwood City, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of two (2) Half-Ton Trucks from Towne Ford, Redwood City, CA for a total amount not to exceed \$85,347.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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. 2021-166**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A BACKHOE LOADER TO PAPE MACHINERY, FRENCH CAMP, CA FOR A TOTAL COST NOT TO EXCEED \$135,199 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the Utilities Department require the replacement of a Backhoe Loader; and

WHEREAS, this vehicle is used daily for repairs, maintenance and new construction for potable water delivery system; and

WHEREAS, Modesto Municipal Section 8-3.203 requires all purchases which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, however, exceptions to the formal bidding process are granted in MMC 8-3.204(d) “Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, MMC 8-3.202(d) permits the Purchasing Manager to utilize the “piggyback” from a competitive bid process when the best cost savings interest of the City would be served; and

WHEREAS, on January 31, 2019 Sourcewell issued Request for Proposals #032119 for Heavy Construction Equipment with Related Accessories, Attachments and Supplies; and

WHEREAS, fifteen (15) companies chose to respond, on March 22, 2019 proposals were formally opened at the Sourcewell offices, nine (9) contracts were awarded; and

WHEREAS, City staff recommends the award of a Backhoe Loader to Pape Machinery, French Camp, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Backhoe Loader from Pape Machinery, French Camp, CA for a total amount not to exceed \$135,199.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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

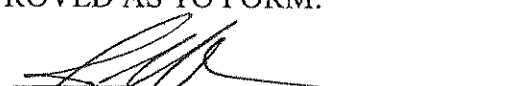
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:


JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2021-167**

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH BADGER METER, INC. FOR THE PURCHASE OF BADGER WATER METERS, AUTOMATED METER READERS, AND RELATED PARTS FOR A (2) TWO-YEAR AGREEMENT WITH (3) THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF \$600,880 AND A TOTAL AMOUNT NOT TO EXCEED \$3,059,022 OVER FIVE (5) YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, ABILITY TO ADD PARTS BASED ON THE DEPARTMENTS NEEDS, ENSURING THE TOTAL COST DOES NOT EXCEED THE AUTHORIZED AMOUNT, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City is in the process of installing water meters and automated meter reading equipment on all service connections within the City's service area, and

WHEREAS, the Water Services Division has contracted with Badger Meter, Inc. since 2006 for residential and industrial meters and automated meter reading equipment, and

WHEREAS, on June 7, 2016, by Resolution No. 2016-235, Council authorized the Sole Brand purchase of Badger Meter water meters, automated meter readers, and related parts to Badger Meter, Inc. (formerly National Meter and Automation, Inc.), for an amount not to exceed \$3,646,665 over five years, and

WHEREAS, on January 23, 2018, by Resolution No. 2018-44, Council amended the agreement for the purchase of additional water meters and parts for a new total amount not to exceed \$4,100,327 over five years, and

WHEREAS, Badger meters are installed on nearly 75,000 of the service connections in Modesto and outlying systems, or over 97% of existing meters, and

WHEREAS, the current agreement for purchase of Badger meters and associated parts will expire in June 2021, and over the next two years, Water Services Division staff

expect to finalize meter installations in the City of Modesto water distribution system,
and

WHEREAS, on December 8, 2020 by Resolution No. 2020-528, Council authorized the sole brand purchase and implementation of Badger Meter Brand BEACON AMA Software and associated hardware, which is proprietary and can only be used with Badger Meter brand water meters and automated readers, and

WHEREAS, seeking bids for an alternate water meter vendor would be cost-prohibitive in that it would require implementation of a distinct and separate meter program that would be incompatible with over 97% of the existing water meter system, and would require staff to simultaneously implement two different programs for repairs, installations, replacements, meter reading, software hosting, and data management, and

WHEREAS, Water Services Division staff will work with Engineering over the next several years to identify best options, and advanced technology for future meter management solutions, and

WHEREAS, Modesto Municipal Code Section 8-3.204 generally requires all purchases in excess of fifty thousand dollars (\$50,000) to follow formal bid procedures. However, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process. Additionally, MMC 8-3.204(d) provides that a purchase may also be exempted where the Purchasing Manager, in her discretion, determines 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. Here, Badger Meter is exempt from the formal bidding procedure in

accordance with Modesto Municipal Code 8-3.204(b) because they are the original manufacturer of the equipment and only vendor who is able to provide the meters, meter readers, and associated parts for 97% of the City's water system, and

WHEREAS, funds have been budgeted in the following Water Fund cost centers, 4100-45020-53150, 4100-45040-53150, 4100-45060-53150, and various Water Fund CIP's.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole brand agreement with Badger Meter, Inc., Santa Rosa, CA, for the purchase of Badger brand water meters, automated meter readers, and related parts for a (2) two-year agreement with (3) three one-year extension options, for an annual estimated cost of \$600,880 and a total amount not to exceed \$3,059,022 over five (5) years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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

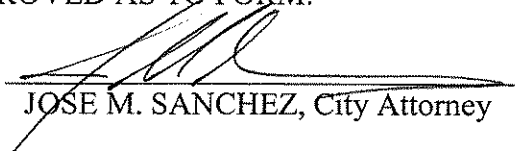
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2021-168**

RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2021 CAL FIRE RURAL FIRE CAPACITY PROGRAM GRANT, IN AN AMOUNT THAT WILL NOT EXCEED \$40,000, WHICH INCLUDES A 50% LOCAL MATCH, FOR THE PROCUREMENT OF WILDLAND FIREFIGHTING EQUIPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

WHEREAS, the Cal Fire Rural Fire Capacity Program Grant provides funding to organize, train and equip fire departments in rural areas and rural communities to prevent and suppress fires; and

WHEREAS, the Modesto Fire Department intends to apply for the replacement of wildland firefighting equipment in order to replace aging and outdated wildland equipment that is no longer in service or does not meet current standards; and

WHEREAS, the grant amount will not exceed \$40,000, which includes a 50% local match for the procurement of wildland firefighting equipment; and

WHEREAS, the Modesto Fire Department would fund the \$20,000 match within its adopted budget; and

WHEREAS, without this grant, the Fire Department will bear the cost of the full \$40,000 to replace equipment.

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 2021 Cal Fire Rural Fire Capacity Program Grant, in an amount that will not exceed \$40,000, which includes a 50% local match, for the procurement of wildland firefighting equipment.

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 4th day of May, 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. 2021-169**

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR ENGINEERING SERVICES FOR THE OPERATIONS GUIDANCE MODEL PROJECT IN THE AMOUNT OF \$182,925 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$18,293 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$201,218; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, wastewater operations staff has identified the need for a fully customizable simulation and optimization model that will assist in the management of complex wastewater infrastructure, treatment, conveyance, and distribution systems, and

WHEREAS, the development of an Operations Guidance Model will provide staff with an electronic simulation tool where variables can be inputted, and then computed, to predict the effects and impacts on the wastewater system as a whole, assist in identifying the sources of process interruptions, recommend operational changes in an effort to optimize overall efficiency and provide training opportunities for new staff, and

WHEREAS, the completed model will include the existing primary, secondary and tertiary treatment facilities and can be expanded to include facilities planned in the foreseeable future, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement; However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, based on their previous project experience staff is recommending approval of an agreement with Carollo Engineers, Inc. for engineering services for the Operations Guidance Model Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers, Inc., of Walnut Creek, CA for Engineering Services for the Operations Guidance Model Project in the amount of \$182,925, for the identified scope of services, plus \$18,293 in additional services, if needed, for a total not to exceed amount of \$201,218.

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 4th day of May, 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. 2021-170**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-21 MULTI-YEAR
PROGRAM BUDGET IN THE AMOUNT OF \$73,218 TO BE TRANSFERRED IN
TO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO
FUND THE OPERATIONS GUIDANCE MODEL PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$73,218, in order to fully fund the Operations Guidance Model Project, and

WHEREAS, the Fiscal Year 2020-21 Multi-Year Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2020-21 Multi-Year Program 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 4th day of May, 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:

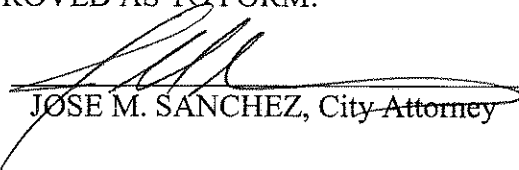
BY: 
JOSE M. SANCHEZ, City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Multi-Year Program Project 101281 – WWTP Ops Guidance Program in the amount of \$73,218 to cover staff time and consultant expenses associated with the project:

101281 - Ops Guidance Program

	<u>Budget</u>		<u>Budget Adjustment</u>		<u>Revised Budget</u>
AUC - EDA	\$ 138,000.00	\$	73,218.00	\$	211,218.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2021-171**

RESOLUTION APPROVING THE TRANSFER OF REAL PROPERTY (APN: 136-036-089) OF A WELL SITE IN SALIDA FROM STANISLAUS COUNTY TO THE CITY OF MODESTO PER QUIT-CLAIM DEED AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CERTIFICATE OF ACCEPTANCE

WHEREAS, the City of Modesto purchased the Del Este water system from Beard Industrial in 1995, and

WHEREAS, at the time of the sale the grant deed transferring the well site, known as Well 299, to the City of Modesto was inadvertently not recorded, and

WHEREAS, as a result of the grant deed not being recorded ownership of the Del Este water system well site reverted to Stanislaus County, and

WHEREAS, Stanislaus County has proposed to transfer ownership of the former Del Este water system well site to the City of Modesto at no cost to the City of Modesto via quit-claim deed, and

WHEREAS, it is necessary for the City of Modesto to certify acceptance of the deed to the real property by executing a certificate of acceptance and delivering the certificate of acceptance to Stanislaus County for recording.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approves the real property transferred from Stanislaus County to the City of Modesto known as APN 136-036-089 located in the community of Salida, CA per quit-claim deed.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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. 2021-172**

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH GROVER LANDSCAPE SERVICES, INC., MODESTO, CA, FOR LANDSCAPE SERVICES BY \$3,457,775 FROM \$9,584,472, TO A NEW TOTAL AMOUNT OF \$13,042,247, AND EXTENDING THE TERM OF THE AGREEMENT FOR ONE YEAR FROM OCTOBER 24, 2021 TO OCTOBER 24, 2022; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT.

WHEREAS, on October 25, 2016, by Resolution No. 2016-436, Council awarded the bid and five-year agreement for Landscape Maintenance Services to Grover Landscape Services, Inc. for a total amount of \$8,331,208, and

WHEREAS, on February 5, 2019, by Resolution No. 2019-46, Council approved the First Amendment to the Agreement increasing the amount by \$1,253,264 to a new total amount of \$9,584,472, for site changes, additional repairs and service level increases, and

WHEREAS, in January 2021, staff learned the Agreement was nearing the end of its funding with one year remaining, and

WHEREAS, the City wishes to extend the agreement for (1) additional year through October 24,2022 to allow enough time to prepare a Request for Proposals for Landscape Maintenance services, and

WHEREAS, staff is requesting to remove budget thresholds for service level increases, irrigation repairs and miscellaneous repairs and additional unanticipated repairs/extra work, and

WHEREAS, staff is requesting compensation for the Agreement to be increased by \$3,457,775 to provide sufficient funding for landscape services through the extension of the agreement, and

WHEREAS, amending the agreement will allow uninterrupted services until the agreement expires on October 24, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the second amendment to the agreement with Grover Landscape Services, Inc., for landscape maintenance services, by \$3,457,775 from \$9,584,472 to \$13,042,247 and extends the term of the agreement for one year from October 24, 2021 to October 24, 2022.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amended 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 4th day of May, 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