

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-173**

**RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 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 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 11th 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

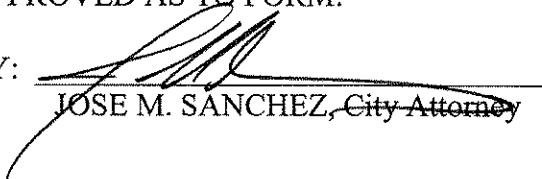
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

## EXHIBIT A

### FISCAL YEAR 2020-21

#### **COMMUNITY & ECONOMIC DEVELOPMENT**

- A budget adjustment in the amount of \$128,780 is necessary to establish a transfer-in from Project 101254 – Transfer of NSP2 funds to CDBG to 1130-14010-61130-000000-01330 to transfer program income, which has been authorized by the US Department of Housing and Urban Development (HUD) to be used in accordance with the approved City CDBG Annual Action plan.
- A budget adjustment in the amount of \$87,000 is necessary to establish a transfer from Fund 1160 – Housing Economic Development Fund to Fund 1155 – Revolving Loan Fund Program Income. The Division is looking to consolidate funds that share a similar funding source, and will be using Fund 1155 for funding all future projects.
- A budget adjustment in the amount of \$187,735 is necessary to budget for the forgiveness of any Small Business Assistance (SBA) Loans that were issued during the prior fiscal year as part of the CDBG - CARES Act funding. Businesses that received an SBA loan agreed to meet specific guidelines for one year after the loan was issued to comply with the terms of the loan agreement. Once compliance is confirmed, these loans will be considered grants, and no repayment is necessary.

#### **PARKS, RECREATION & NEIGHBORHOODS**

- A budget adjustment is necessary in the amount of \$450,000 to Project #101294 – Dryden Golf Course Rehabilitation revenue and expenditure budget to appropriate revenue received from the insurance provider related to the claim for the fire at the Dryden Course Clubhouse. These revenues will cover expenditures related to the renovations being completed at the clubhouse.

#### **POLICE DEPARTMENT**

- In FY 2017 there was a transfer out from General Fund to the Modesto Police Department Records Management System Upgrade project. The project has been completed and it came in under budget so a budget adjustment is necessary to reduce the consultant charges by \$136,944 and establish a transfer out from the project back to General Fund.

#### **PUBLIC WORKS**

- A budget adjustment is necessary to fund 4510-Bus Fixed Route, project 101096-MAX Mobility Building to reduce Local Transportation Funds by \$246,420 for project closure. This project will not be completed at this time.
- *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 activity through March 2021. 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	\$472,914
<b>4219</b>	Wastewater Fleet Replacement Fund	\$95,980
<b>4899</b>	Solid Waste Fleet Replacement Fund	\$106,277
	<b>Total Transfer Outs</b>	<b>\$675,171</b>
5409	Transfer In – Fleet Management Fleet Replacement	\$675,171
	<b>Total Transfer Ins</b>	<b>\$675,171</b>

A budget adjustment is necessary to establish a transfer in the amount of \$472,914 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Trk 25.9 W/Service Body and (1) Trk 33.0 W/Air Comp & Service Body.

A budget adjustment is necessary to establish a transfer in the amount of \$95,980 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) FORKLIFT 5000 LB PROPANE and (1) Trk 17,500 GVWR Flatbed/Contractor.

A budget adjustment is necessary to establish a transfer in the amount of \$106,277 from Solid Waste Fleet Replacement Fund 4899 to Fleet Replacement Fund 5409 for a purchase made in FY 20/21 for (1) Trk 1 Ton Crew Cab w/ Flatbed and (1) Trk 1 Ton Stake Side Dump CC.

- A budget adjustment in the amount of \$76,676 is necessary to fund 4510-Bus Fixed Route, project 101198-MADAR-CAD/AVL System to reduce Local Transportation Funds and appropriations. This project is prepared to be closed and all equipment has been purchased.
- A budget adjustment in the amount of \$1,149,785 is necessary to fund 4540-MAX Operations, cost center 53244-Transit Maintenance to increase Federal Transit Administration and decrease Local Transportation Funds. The City of Modesto received CARES Act funding in the form of Operating Assistance which can fund fuel expenses.
- A budget adjustment in the amount of \$124,651 is necessary to fund 4530-Transportation Center, cost center 53474-Transportation Center to increase Federal Transit Administration and reduce Local Transportation Funds. This increase will fund KBS Custodial Services invoices at the Transportation Center.
- A budget adjustment is necessary to recognize \$57,162 for Federal Aviation Administration revenue in the Special Aviation Fund, Fund 4320, to the CRRSA Act – FAA Airport Non-Capital Project #101324, and reallocate to the projects discretionary expense tasks. Funding was recently awarded and accepted by the City from the FAA as part of the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act) to be expended on airport operations and maintenance costs.

- A budget adjustment in the amount of \$84,286 is necessary to fund 4560-Bus Purchases, cost center 53430-Transit Bus Purchases to increase California Office of Emergency Services revenue to fund the AngelTrax video surveillance system installed in 17 newly purchased MADAR vans.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-174**

**RESOLUTION APPROVING AN ADDITIONAL \$50,000 HOMEOWNER REHABILITATION LOAN FOR A TOTAL OF \$135,107 HOMEOWNER REHABILITATION LOAN AND A \$10,000 HOMEOWNER REHABILITATION GRANT, FOR EMILY DUNN FOR THE PROPERTY LOCATED AT 1541 W ORANGEBURG AVENUE, MODESTO, CA 95350 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS**

WHEREAS, on November 4, 2020 the Modesto City Council approved an \$85,107 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, and

WHEREAS, on January 13, 2021 a Notice to Proceed was issued to Zack's Handyman & Construction for the project located at 1541 W. Orangeburg Ave began and during the course of the project it was determined that additional work to plumbing lines, roof pitch, and electrical would be needed in order to meet all Building Code and Health and Safety requirements, and

WHEREAS, this request is for approval of an additional \$50,000 Homeowner Rehabilitation Loan, for Emily Dunn for the property located at 1541 W. Orangeburg Ave, Modesto CA 95350 to complete the necessary health and safety repairs, and

WHEREAS, the Homeowner Rehabilitation Program was created to assist with low-income homeowners in the needed rehabilitation and health and safety concerns of their property, and

WHEREAS, to ensure quality work, city staff assists with procurement of the contractor and oversight of the project and oversees the project to verify timelines and workmanship standards are adhered to, and

WHEREAS, the City only provides funding and project oversight; the homeowner goes into direct agreement with the contractor, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an additional \$50,000 Homeowner Rehabilitation Loan for a total of \$135,107.00 Homeowner Rehabilitation Loan and a \$10,000 Homeowner Rehabilitation Grant, for Emily Dunn for the property located at 1541 W Orangeburg Avenue, Modesto, CA 95350.

BE IT FURTHER RESOLVED that authorizing the City Manager or his designee to execute the agreements in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that any agreements executed prior to the adoption of this Resolution that are consistent with the authority granted by this Resolution are hereby ratified and approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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. 2021-175**

**RESOLUTION APPROVING A THIRD AMENDMENT INCREASING THE AGREEMENT WITH ALPHA ANALYTICAL LABORATORIES, DUBLIN, CA, FOR THE FURNISHING OF ANALYTICAL LABORATORY TESTING SERVICES IN THE AMOUNT OF \$175,000, FOR A REVISED ANNUAL ESTIMATED AMOUNT NOT TO EXCEED \$345,000, AND A TOTAL AMOUNT NOT TO EXCEED \$1,025,000, OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City's Water Quality Control (WQC) Laboratory is tasked with ensuring that all analytical testing required by the California State Water Resource Control Board and Environmental Protection Agency is completed by California Environmental Laboratory Accreditation Program certified laboratories, and

WHEREAS, on June 5, 2018, by Resolution No. 2018-204, Council approved an agreement with Alpha Analytical Laboratories for testing services for the Utilities Department, Wastewater Division, to Alpha Analytical Laboratories, Dublin, CA, for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$170,000 and not to exceed \$850,000 over five years, and

WHEREAS, on November 18, 2019, the first amendment to the Annual Agreement was made with Alpha Analytical Laboratories and the City for additional analytical laboratory tests, and

WHEREAS, on December 13, 2019, a second amendment to the Annual Agreement was made with Alpha Analytical Laboratories and the City for additional analytical laboratory tests, and

WHEREAS, in 2020, Operations performed a preliminary study to determine the cause of low UV Transmittance (UVT) values in the City's recycled wastewater

treatment that prevented discharging of recycled water thirty-nine (39) times since 2018, and

WHEREAS, a further study is required to monitor the daily and seasonal fluctuations of tannins and lignins at various points in the wastewater treatment plant's process every day for a year to determine the source of the tannins and lignins, where the reduction of tannins and lignins is happening in the treatment process, and potentially identify process control adjustments that can be made to treat tannins and lignins, and

WHEREAS, a third amendment to the Agreement made with Alpha Analytical Laboratories and the City is needed to increase the agreement by \$175,000, for one year, for testing services for the Wastewater Division to support Wastewater Operations in their study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a third amendment to the agreement with Alpha Analytical Laboratories, Dublin, CA, for the furnishing of analytical laboratory testing services for an increase in the amount of \$175,000, for a revised annual estimated amount of \$345,000 for one year, and a total amount not to exceed \$1,025,000, over five years.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the third 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 11th 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. 2021-176**

**RESOLUTION ACCEPTING THE DESTRUCTION OF WELLS 2017 PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$699,434 TO ABUNDANT WATER WELLS INC., OF LEONA VALLEY, CALIFORNIA**

WHEREAS, water production wells are taken out of service when they do not meet federal and state water quality standards, and

WHEREAS, the State Water Resources Control Board (SWRCB) requires that action be taken to remediate or destroy wells that are out of service for long periods of time to protect existing groundwater resources, and

WHEREAS, Wells No. 2, 14, 17, 18, 22, 37, 53, 100, 204, 278, 299, 306, 307, and 310 were taken out of service due to reported levels of various contaminants, including uranium, nitrates and arsenic, and

WHEREAS, due to age, construction methods and location, these wells were not suitable for rehabilitation as water production wells. Some of the wells may need to be replaced in the future, and

WHEREAS, this project destroyed the below-ground portion of the wells, with the exception of Wells 17, 22, 278, and 299 which were removed from the scope of work for various reasons such as converting the wells to landscape irrigation wells, and selectively removed existing above-ground facilities to enable future land uses, or future well replacement, and

WHEREAS, the project costs are partly reimbursable by the Proposition-1 Groundwater Grant Program, and

WHEREAS, on September 13, 2016, by Resolution No. 2016-364, Council authorized the submittal of an application to the SWRCB for the Proposition-1 groundwater quality funding program grants, and

WHEREAS, in July 2016, the Utilities Department submitted a pre-application to the SWRCB Division of Drinking Water (DDW) for the Destruction of Wells project for consideration of funding through the Groundwater Grant Program, and

WHEREAS, on November 18, 2016, staff submitted a final grant application for funding for destruction of fourteen inactive wells that were taken out of service due to various contaminants including uranium, nitrate and arsenic, and

WHEREAS, on March 30, 2017, the City received a Proposition-1 Groundwater Grant funding preliminary award of up to \$943,985, and

WHEREAS, on December 5, 2017, by Resolution Nos. 2017-491 and 2017-492, Council approved accepting a preliminary award, entering into a funding agreement with the State Water Resources Control Board and authorizing and designating a representative for the Destruction of Water Supply Wells project, authorizing the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive grant funds, if awarded, and any amendments of changes thereto, as well as amending the fiscal year 2017-2018 Capital Improvement Program Budget to fully fund the Destruction of Wells 2017 project, and

WHEREAS, on June 24, 2019, SWRCB approved the destruction of eleven out of the fourteen wells to be funded by Proposition-1 Groundwater Grant funding. The wells approved for the funding are: Well No. 2, 14, 17, 18, 22, 37, 53, 100, 204, 307 and 310, and

WHEREAS, bids were advertised on October 29, 2019, and were publicly opened on November 26, 2019, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Abundant Water Wells Inc., of Leona Valley, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on January 28, 2020, by Resolution No. 2020-049, Council awarded a contract to Abundant Water Wells Inc., of Leona Valley, CA, for the construction of the Destruction of Wells 2017 project in the amount of \$857,050 plus \$128,558 for contingency (if needed) for a total amount not to exceed \$985,608, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 17, 2020, and all contract work was completed by January 19, 2021, and

WHEREAS, during the course of construction, the City identified four wells to be removed from project and to be kept; Wells 278, 299, 17 and 22. Wells 278 and 299 were removed from project for continued monitoring and Wells 17 and 22 were removed from project to be converted to irrigation wells for City Parks, and

WHEREAS, the total project costs were \$851,771 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$1,155,440 which included \$985,608 for the construction contract and contingency with Abundant Water Wells 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. 2019-34 on July 9, 2019, established a contract change order authority of up to and not to exceed 10% (\$85,705) of the original contract price. However, by Resolution No. 2020-050 on January 28, 2020, staff requested authorization to increase the contract change order authority up

to 15% (\$128,558) due to unforeseen field conditions of well destruction that may require change in project scope. and

WHEREAS, there were eight change orders on this project with an overall decrease of \$157,616, 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 Destruction of Wells 2017 project is hereby accepted as complete from contractor, Abundant Water Wells Inc., of Leona Valley, CA, 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 \$699,434.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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

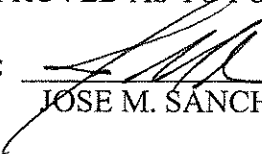
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-177**

**RESOLUTION ACCEPTING THE KANSAS AVENUE 12-INCH WATER MAIN  
UPGRADE PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY  
STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING  
SECURITIES, AND RELEASING PAYMENTS TOTALING \$796,351 TO  
PLATINUM PIPELINE OF LIVERMORE, CALIFORNIA**

WHEREAS, the Kansas Avenue 12-inch Water Main Upgrade project is located in an area identified in the City's Water Master Plan that required upgrading current, aging water infrastructure to meet fire flow requirements, and

WHEREAS, the project replaced and upgraded the existing undersized 6-inch water main with a new 12-inch City Standard water main, as well as the associated water valves, services, and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, most importantly the project provides water system improvements to meet current fire flow requirements to the Kansas House Development and surrounding businesses, and

WHEREAS, the project area is bounded by North Emerald Avenue on the west and Golden State Highway 99 on the east, and

WHEREAS, on September 10, 2019, Council, by Resolution No. 2019-406, awarded \$2,500,000 of Community Development Block Grant (CDBG) to the Housing Authority of the County of Stanislaus (HACS) for the acquisition and rehabilitation of the existing hotel located at 722 Kansas Avenue, and

WHEREAS, during development of the Kansas House Development, it was determined that the fire hydrant would need to be installed near the southwest corner of the facility to meet fire hydrant spacing requirements. Extension of a new 8-Inch Water

Main and installation of a fire hydrant assembly was included as part of the additional scope of work performed by Platinum Pipeline, Inc., and

WHEREAS, the associated work for the on-site fire hydrant was wholly funded by CDBG, and

WHEREAS, bids were advertised on January 15, 2020, and were publicly opened on February 4, 2020, pursuant to Modesto Municipal Code Section 8-3.403 and Charter Section 1307, and Platinum Pipeline of Livermore, CA, was the apparent lowest responsible and responsive bidder, and

WHEREAS, on February 25, 2020, by Resolution No. 2020-106, Council awarded a contract to Platinum Pipeline of Livermore, CA, for the construction of the Kansas Avenue 12-Inch Water Main Upgrade project in the amount of \$638,916, and

WHEREAS, also, on February 25, 2020, by Resolution No. 2020-108, an agreement was approved for Construction Management, Special Inspection and Material Testing Services with NV5 of Manteca, CA, in an amount not to exceed \$95,031, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 15, 2020, and all contract work was completed by July 22, 2020, and

WHEREAS, the total project costs were \$946,541 which included design, construction, and construction administration costs. The total project amount originally budgeted was \$1,098,565 which included \$915,199 for the construction contract and contingency with Platinum Pipeline, 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. 2019-326 on July

9, 2019, established a contract change order authority of up to and not to exceed 10% (\$63,892) of the original contract price, and

WHEREAS, the Director's Authority was increased at award on February 25, 2020, by Resolution No. 2020-107 to 20% not to exceed \$127,783, and

WHEREAS, due to unforeseen conditions and added scope of work related to the on-site fire hydrant, the Director's Authority was increased on March 10, 2020, by Resolution No. 2020-131 to 43.24% not to exceed \$276,283, and

WHEREAS, the funding for the increased amount was through CDBG, and

WHEREAS, there were seven change orders on this project with an overall increase of \$157,435, 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 Kansas Avenue 12-Inch Water Main Upgrade project is hereby accepted as complete from contractor, Platinum Pipeline, Inc., of Livermore, CA, 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 \$796,351.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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. 2021-178**

**RESOLUTION APPROVING THE CITY OF MODESTO PROGRAM YEAR 2021-2022 ANNUAL ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING RECEIVED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION OF THE PROGRAM YEAR 2021-2022 ANNUAL ACTION PLAN, AND AUTHORIZATION TO SUBMIT APPLICABLE DOCUMENTATION AND PROVIDE TECHNICAL ALTERATIONS, AS REQUIRED BY HUD, INCORPORATE COMMENTS RECEIVED PRIOR TO THE CLOSE OF THE PUBLIC COMMENT PERIOD, AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION**

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City of Modesto's Program Year (PY) 2021-2022 Annual Action Plan represents the second (2<sup>nd</sup>) plan of the City of Modesto's 2020-2024 Consolidated Plan, and

WHEREAS, the PY 2021-2022 AAP identifies the expected resources to be available and the projects to be funded during the program year to address community priority needs as identified in the Consolidated Plan, and

WHEREAS, CDBG funds support a range of eligible projects to benefit low and moderate income individuals, families, and neighborhoods, and

WHEREAS, CDBG funds must be allocated to eligible activities within the allowable project categories to support the goals and objectives identified within the Consolidated Plan to address community needs, and

WHEREAS, up to fifteen percent (15%) of the overall CDBG allocation for public service activities may be used to fund CDBG Public Services grants awarded to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, the ESG program supports essential services to homeless individuals and families through street outreach and engagement, rapid re-housing assistance, homeless prevention, homeless management information system support, and provision of vital services in emergency shelters, and

WHEREAS, the HOME program supports projects that purchase, construct, and/or rehabilitate affordable housing for rent or homeownership to low income individuals, and

WHEREAS, citizen participation is a key component of the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Program Year 2021-2022 Annual Action Plan, and

WHEREAS, a series of community meetings were held during the month of April 2021 to provide information about the City's HUD programs and discuss the PY 2021-2022 Annual Action Plan, and

WHEREAS, any comments obtained from the community meetings will be incorporated into the Program Year 2021-2022 Annual Action Plan, and

WHEREAS, in Program Year 2021-2022, the City will receive approximately \$2.9 million from the three federal programs, and

WHEREAS, on April 29, 2021 the CH&CDC reviewed, approved and forwarded the proposed Program Year 2021-2022 Annual Action Plan to Council for review and approval, and

WHEREAS, in compliance with the Citizen Participation Plan requirements, a 30-day public period to review and comment on the draft documents opened April 7, 2021 and will close with a public hearing at the City Council meeting on May 11, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Program Year 2021-2022 Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate and execute any related program agreements, contracts, or other documentation required for implementation of the Program Year 2021-2022 Annual Action Plan authorization.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to submit all applicable documentation and provide technical alterations, as required by HUD, and to incorporate comments received prior to the close of the public comment period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2021, by Councilmember Madrigal, 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. 2021-179**

**RESOLUTION APPROVING THE ALLOCATION OF FUNDS OUTLINED IN THE PROGRAM YEAR 2021-2022 ANNUAL ACTION PLAN BUDGET TO REFLECT PROPOSAL SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the CDBG and HOME grant programs also generate program income and revolving loan fund income which further fund the grant programs and are to be used under similar rules and regulations as grant funding, and

WHEREAS, HUD requires these amounts to be presented to the City Council each year in an Annual Action Plan (AAP), and

WHEREAS, the Program Year 2021-22 Annual Action Plan proposed budget submitted to the U.S. Department of Housing and Urban Development which is **attached** hereto as **Exhibit A**, and incorporated herein by reference, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, according to HUD rules and regulations, substantial amendments to an AAP must be presented to the City Council for approval, while unsubstantial amendments, remaining consistent with the AAP, can be made in IDIS by City staff, and

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, synchronization of the City's financial system and IDIS necessitates budget adjustments within the City's financial system, and

WHEREAS, budget adjustments are necessary to revise CDBG, HOME and ESG budgets included in the City of Modesto 2021-22 Annual Operating, Multi-Year and Capital Improvement Budgets, and

WHEREAS, budget amendments performed under the authority of this resolution will be presented to the Finance Committee and the Council as part of the existing Monthly Budget Adjustment Report process, and

WHEREAS, the authority of this resolution will not be used to satisfy any HUD rules or regulations requiring information to be presented to the City Council or the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of funds outlined in the Program Year 2021-2022 Annual Action Plan proposed budget which is **attached** hereto as **Exhibit A**, and incorporated herein by reference.

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 11th day of May, 2021, by Councilmember Madrigal, 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**

**CITY OF MODESTO  
FISCAL YEAR 2021-2022 CDBG, ESG, HOME PROJECT SUMMARY**

<b>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</b>	
<b>Project/Activity Name</b>	<b>Program Year 2021 Amount</b>
Allocation	\$ 1,861,885.00

<b>EMERGENCY SOLUTIONS GRANT (ESG)</b>	
<b>Project/Activity Name</b>	<b>Program Year 2021 Amount</b>
Allocation	\$ 162,119.00

<b>HOME Investment Partnerships Program (HOME)</b>	
<b>Project/Activity Name</b>	<b>Program Year 2021 Amount</b>
Allocation	\$ 940,800.00