

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-351**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TULLY ROAD & 9TH STREET PAVEMENT REHABILITATION PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO GEORGE REED INC., OF MODESTO, CALIFORNIA IN THE AMOUNT OF \$579,526, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Tully Road & 9th Street Pavement Rehabilitation Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tully Road & 9th Street Pavement Rehabilitation Project were publicly opened at 11:00 a.m. on July 25, 2017 in compliance with Modesto Municipal Code 8-3.403, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$579,525.99 received from George Reed Inc., of Modesto, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to George Reed Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tully Road & 9th Street Pavement Rehabilitation Project, accepts the bid of George Reed Inc., of Modesto, California in the amount of \$579,525.99, and awards George Reed Inc., of Modesto, California the contract for the Tully Road & 9th Street Pavement Rehabilitation Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, 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 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-352**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
MODESTO JUNIOR COLLEGE BICYCLE PATH PHASE II PROJECT,
ACCEPTING THE BID, AND AWARDING A CONTRACT TO MCFADDEN
CONSTRUCTION INC., OF STOCKTON, CALIFORNIA IN THE AMOUNT OF
\$474,622, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, plans and specifications have been prepared for the Modesto Junior College Bicycle Path Phase II Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Modesto Junior College Bicycle Path Phase II Project were publicly opened at 11:00 a.m. on August 29, 2017 in compliance with Modesto Municipal Code 8-3.403 and Modesto Charter section 1307, and

WHEREAS, the Director of Community and Economic Development and the Interim City Manager have recommended that the bid of \$474,622 received from McFadden Construction Inc., of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to McFadden Construction Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Modesto Junior College Bicycle Path Phase II Project, accepts the bid of McFadden Construction Inc., of Stockton, California in the amount of \$474,622 and awards McFadden Construction Inc., of Stockton, California the contract for the Modesto Junior College Bicycle Path Phase II Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, 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 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-353**

**RESOLUTION ACCEPTING A FEDERAL AVIATION ADMINISTRATION
GRANT OFFER IN AN AMOUNT NOT TO EXCEED \$350,000 FOR THE
AIRPORT LAYOUT PLAN UPDATE AT THE MODESTO CITY-COUNTY
AIRPORT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE ALL GRANT RELATED DOCUMENTS**

WHEREAS, the Modesto City-County Airport (Airport) is part of the Federal airport system and is eligible for Federal funding, and

WHEREAS, as Airport sponsor, the City is eligible each year for entitlement and discretionary funds that provide for the Federal Aviation Administration (FAA) Airport Capital Improvement Program (ACIP), and

WHEREAS, the local 10% match required for grants will be paid from a City Local Match (Stanislaus County Aircraft Tax Fund), and

WHEREAS, the Airport will complete an Airport Layout Plan Update (ALPU) utilizing funds from the FAA Grant for Airport Improvement Project (AIP) 3-06-0153-041-2017 (AIP 41), which has been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an FAA grant offer in an amount not to exceed \$350,000 for the Airport Layout Plan Update at the Modesto City-County Airport.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute all grant related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

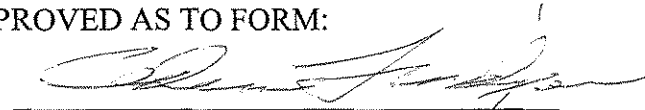
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-354**

RESOLUTION APPROVING THE CREATION OF AN AIRPORT CAPITAL PROJECT, FOR THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT 3-06-0153-041-2017 (AIP 41), AND AMENDING THE FISCAL YEAR 2017-2018 OPERATING AND CAPITAL IMPROVEMENT BUDGET IN AN AMOUNT NOT TO EXCEED \$385,000, WHICH INCLUDES \$350,000 OF GRANT FUNDING AND \$35,000 OF LOCAL MATCH FUNDING VIA TRANSFER FROM THE STANISLAUS COUNTY AIRCRAFT TAX FUND (FUND 4330) TO THE SPECIAL AVIATION FUND (FUND 4320)

WHEREAS, Stantec Consulting Services, Inc. has been selected as the consultant to perform the Airport Layout Plan Update (ALPU) and,

WHEREAS, certain City administration will be entitled to reimbursement for work performed directly in connection with AIP 41.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the creation of a project and a budget amendment for AIP 41 not to exceed \$385,000 for the ALPU project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to do the budget adjustment and create an appropriate revenue and expense account for project AIP 41.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-355**

**RESOLUTION APPROVING A LIST OF PROJECTS TO BE FUNDED WITH
SENATE BILL (SB) 1, THE ROAD REPAIR AND ACCOUNTABILITY ACT
TAX PROCEEDS IN FISCAL YEAR 2017-2018**

WHEREAS, on April 28, 2017 the Governor signed Senate Bill (SB) 1, which is known as the Road Repair and Accountability Act of 2017, and

WHEREAS, the primary focus of that Bill is to address basic road maintenance, rehabilitation and critical safety needs on both the state highways and local streets and road systems, and

WHEREAS, beginning November 1, 2017, the State Controller's Office will deposit various portions of this funding into the newly created Road Maintenance and Rehabilitation Account (RMRA), and

WHEREAS, the City estimates receiving the full apportionment of RMRA funding for FY 2017-2018 in the amount of \$1,197,272, and

WHEREAS, the proposed project list must be adopted by Council as part of our budget to be eligible for funding, and

WHEREAS, funding requires cities to submit an approved project list by October 16, 2017 for FY 2017-2018, and

WHEREAS, the RMRA funds do require a Maintenance of Effort (MOE) from the City based on General Fund spending for street, road, and highway purposes, but at this point Staff does not have definitive numbers and or information, and

WHEREAS, Staff is currently working with the State to clarify MOE requirements. Once the numbers have been received from the State, Staff will return to Council for clarification and approval, and

WHEREAS, on August 9, 2017, this item was approved by the Healthy Economy Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a list of Slurry Seal, Crack Seal and Asphalt Repair projects to be funded with Senate Bill (SB) 1, Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-2018.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is 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 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

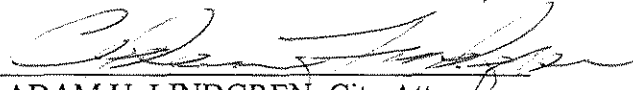
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-356**

RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT OF FLOW METERS AND PARTS FROM APG-NEUROS, BLAINVILLE, QUEBEC, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$150,000 AND \$750,000 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASING AGREEMENT

WHEREAS, The City uses APG-Neuros high-speed turbo blowers in the tertiary treatment process, and

WHEREAS, the blowers supply air to both the aeration basin and membrane tanks and the aeration is computer-controlled, and

WHEREAS, most of the parts and components used in the APG-Neuros system are proprietary and are manufactured by APG-Neuros, including the variable frequency drives, , , programmable logic controller, and air flow meters operate and operates together with manufacturer designed software, and

WHEREAS, all replacement parts are only available from APG-Neuros, and

WHEREAS, the Wastewater Division maintenance staff is responsible for working on the APG-Neuros blowers and requires the parts to effectively maintain them, and

WHEREAS, staff has negotiated with APG-Neuros to hold their pricing through August 2019 and an increase of 6% for the following three years (September 2019 – August 2022), and

WHEREAS, APG-Neuros has also offered a 10% discount on any order over \$15,000 for the referenced parts, and

WHEREAS, staff is currently asking for authorization for estimated costs of up to \$150,000 per year, and

WHEREAS, the estimated annual costs for routine maintenance are \$25,000; should a core, variable frequency drive or any other non-routine part need to be replaced, the amount of \$150,000 will not be exceeded and allow for the work to be completed and avoid an interruption to the tertiary treatment process, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid; however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, staff recommends the award of agreement to APG-Neuros should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) since they are the sole provider of these parts, and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirements where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and that there are no competitors.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sole source procurement of Flow Meters and parts from APG-Neuros, Blainville, Quebec, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed

\$150,000 and \$750,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

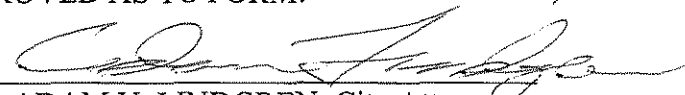
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2017-357**

**RESOLUTION APPROVING AND CERTIFYING THE CITY'S SANITARY
SEWER MANAGEMENT PLAN UPDATE**

WHEREAS, the City sanitary sewer system is regulated by the State Water Resources Control Board (Board) Order No. 2006-003, Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems, and

WHEREAS, the WDR governs the operations and maintenance of wastewater collection systems, and

WHEREAS, to facilitate proper funding and management of sanitary sewer systems, agencies are required to develop, implement, and periodically update a Sanitary Sewer Management Plan (SSMP);

WHEREAS, the SSMP must be approved by the "Enrollees" governing board at a public meeting, and

WHEREAS, the SSMP is a guiding document for the proper management, operation, and maintenance of all parts of the sanitary sewer system, and

WHEREAS, the goal of the WDR and the SSMP is to reduce and prevent Sewer System Overflows (SSO), and to mitigate the effects of any SSOs that do occur, and

WHEREAS, adherence to the SSMP helps staff achieve our goal of reducing SSOs and ensures continued compliance with all State and Federal regulations, and

WHEREAS, the development of the SSMP was approved by Council on July 24, 2007, by Resolution No. 2007-460, and the SSMP was completed, certified, and approved by the Council on April 7, 2009, by Resolution No. 2009-150, and

WHEREAS, the WDR requires staff to perform audits of the SSMP a minimum of every two years and complete updates at least every 5 years or when there are significant changes made to operations, and

WHEREAS, staff has conducted internal SSMP audits in November 2013, October 2014, and October/November 2016 with the most recent audit report and findings are included in Section 10 of the updated SSMP, and

WHEREAS, these audit findings require the SSMP be updated to incorporate these changes; previous updates to the SSMP were approved on February 7, 2012, by Resolution No. 2012-49 and on March 3, 2015, by Resolution No. 2015-72, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and certifies City's Sanitary Sewer Management Plan update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

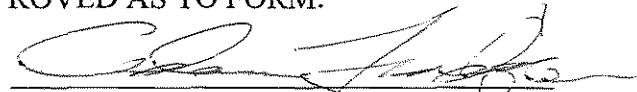
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney