

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2019-505**

**RESOLUTION AMENDING FISCAL YEAR 2019-20 ANNUAL OPERATING  
AND CAPITAL IMPROVEMENT PROGRAM FUND BUDGETS**

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2019-20 Annual Operating and Capital Improvement Program fund budgets 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 12<sup>th</sup> day of November, 2019, by Councilmember Kenoyer, 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: 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

**EXHIBIT A**

**FISCAL YEAR 2019-20**

**COMMUNITY & ECONOMIC DEVELOPMENT**

- A budget adjustment is necessary to recognize unbudgeted revenue in the amount of \$1,734,493 for Capital Improvement Project #100966 – Pelandale from Sisk to Dale Road within Fund 3160, Capital Grants-Streets CIP Projects as funding was recently awarded by the Department of Transportation (Caltrans). The additional funding needs to be allocated to the discretionary accounts within the project expense budget.
- A budget adjustment is necessary to recognize unbudgeted revenue in the amount of \$850,000 for Capital Improvement Project #100632 – Right Turn Lane Southbound McHenry Avenue to Westbound Briggsmore within Fund 3410, Streets Capital Facility Fee Fund as funding was recently awarded by the Department of Transportation (Caltrans). The additional funding needs to be allocated to the discretionary accounts within the project expense budget.

**COMMUNITY & ECONOMIC DEVELOPMENT – MEASURE L**

- A budget adjustment in the amount of \$330,000 is necessary to establish the transfer out from Fund 1410 – Measure L Local Streets & Roads category to Project #101214 – Granger Neighborhood Pavement Rehabilitation Project, Fund 3300 – Measure L – Capital Projects and allocate the amount to the projects discretionary expense budget. There is additional revenue available from the Measure L Local Streets & Roads category that will be used on this project to begin the engineering and design plans.

**PUBLIC WORKS**

- *The following adjustments are being made from the various city Fleet Replacement sub-funds to the Fleet Replacement Fund (5409). This action is being done to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 19-20 for the July 2019 – September 2019 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>
1309	Capital Improvement Support – Fleet Replacement	\$85,466
1709	Surface Transportation Fleet Replacement	\$65,633
4109	Water Fleet Replacement Fund	\$250,994
4219	Wastewater Fleet Replacement Fund	\$62,976
4489	Storm Drainage Fleet Replacement Fund	\$195,035
5410	GF Equipment Replacement	\$268,557
	<b>Total Transfer Outs</b>	<b>\$928,661</b>

5409	Transfer In – Fleet Management Fleet Replacement	\$928,661
<b>Total Transfer Ins</b>		<b>\$928,661</b>

A budget adjustment is necessary to establish a transfer in the amount of \$85,466 from Capital Improvement Support - Fleet Replacement Fund 1309 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Sedan Mid-Size and (2) Trucks ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$65,633 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Forklift 6000 pounds and (1) Truck ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$250,994 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Tractor Loader with Backhoe, (1) Truck ½ Ton PU Crew Cab, (1) Truck ¾ Ton Ext. Cab, (2) Truck ½ Ton Mid-Size PU Crew, and (1) Truck ¾ Ton 4x4 Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$62,976 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Truck ½ Ton PU and (1) Truck ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$195,035 from Storm Drainage Fleet Replacement Fund 4489 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Tractor Loader with Backhoe, (1) Truck ½ Ton PU 4x4, (1) Truck ½ Ton PU Reg. Cab and (1) Truck ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$268,557 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Sedan Investigation, (6) Truck ½ Ton Ext Cab PU, (1) Truck ½ Ton Reg Cab, and (1) Truck ½ Ton Responder.

**UTILITIES**

- A budget adjustment in the amount of \$1,799,406 is needed in the Water CIP Fund (4180) to increase the capital improvement program (CIP) expense budget of the Del Rio Water Tank project (100473). . The previous budget amendment requested on 4/23/19 was based on evaluating the anticipated construction expenditures with the total project budget and did not account for previous expenditures which resulted in a shortfall for the amount being requested. This budget adjustment request accounts for all project costs anticipated compared to the total project budget; thereby providing the amount truly needed to cover all project costs.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2019-506**

**RESOLUTION REJECTING ALL BIDS RECEIVED FOR RFB NO. 1718-50RB  
FOR SPOILS SCREENING AND ROCK CRUSHING SERVICES; AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REISSUE  
THE RFB AT A FUTURE DATE**

WHEREAS, the Utilities, Water and Wastewater Services Divisions, and Public Works Department, Streets Division, require a contractor to provide spoils screening and rock crushing services on an “as needed” basis, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for Spoils Screening and Rock Crushing Services, and

WHEREAS, on August 15, 2018, the Purchasing Division issued RFB No. 1718-50 for Spoils Screening and Rock Crushing Services, and posted the RFB on the City’s website and formally advertised as required by law, and

WHEREAS, on December 11, 2018, by Resolution 2018-559 bids were rejected due to the significant price variances between the 2 bidders, and

WHEREAS, a revised scope of work was completed for the RFB, and

WHEREAS, on January 7, 2019, the Purchasing Division issued the rebid for services, via RFB No. 1718-50RB for Spoils Screening and Rock Crushing Services, and posted the RFB on the City’s website and formally advertised as required by law, and

WHEREAS, on February 26, 2019 bids were formally opened in the City Clerk’s office, and

WHEREAS, six companies chose to respond, none of which were local vendors, and

WHEREAS, on July 3, 2019, the City received a bid protest from K&D Enterprises. and

WHEREAS, on September 24, 2019 by Resolution 2019-443, City Council denied the appeal of K&D Enterprises to RFB 1718-50RB, and

WHEREAS, staff felt it was in the best interest of the City to review and amend the RFB, and

WHEREAS, staff intends to reissue the amended RFB at a later date, and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby rejects all bids received for RFB No. 1718-50RB for Spoils Screening and Rock Crushing Services.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to reissue the RFB at a future date, with an amended Scope of Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of November, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

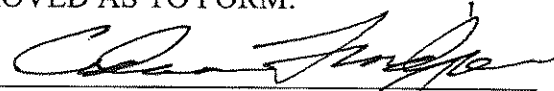
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2019-507**

**RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH GOVERNMENTJOBS.COM, INC., EL SEGUNDO, CA, DOING BUSINESS AS NEOGOV, TO ADD A MODULE FOR A PERFORMANCE MANAGEMENT PLATFORM INCREASING THE AMOUNT BY \$103,794 FROM \$135,313 TO A NEW TOTAL OF \$239,107, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT.**

WHEREAS, the City currently uses Neogov Insight Enterprise Edition (IN Subscription), an electronic platform with an annual subscription for all recruitment and onboarding processes,

WHEREAS, the performance management process within the Human Resources Administration division was electronic with Cornerstone,

WHEREAS, the City of Modesto conducted research to recommend NeoGov to transition the City's performance management from the current provider, and

WHEREAS, the Director of Human Resources, in conjunction with the Human Resources Manager, has recommended that NeoGov be accepted as the most viable option for the City's continued performance management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an the first amendment to the agreement between GovernmentJobs.com, Inc., El Segundo, CA, doing business as NEOGOV, to add a module for performance management, increasing the amount by \$103,794 from \$135,313 to a new total of \$239,107.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager, or 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 12<sup>th</sup> day of November, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

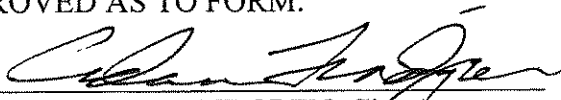
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2019-508**

**RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF EIGHT AUTOMATED LICENSE PLATE READERS FROM STROMMEL INC., DBA LEHR AUTO ELECTRIC OF SACRAMENTO, CA TO EXPAND THE MODESTO POLICE DEPARTMENT'S AUTOMATED LICENSE PLATE READER PROGRAM FOR A TOTAL AMOUNT NOT TO EXCEED \$87,900, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER.**

WHEREAS, the Modesto Police Department has sought to reduce the number of vehicle thefts by implementing an effective auto theft program with modern crime fighting technology; and

WHEREAS, in 2014, the Modesto Police Department made its first purchase of Automated License Plate Readers (ALPR) and the associated software; and

WHEREAS, after use for three years, the department issued a Request for Proposals to ensure the department was best utilizing ALPR technology as part of its commitment to intelligence-led policing; and

WHEREAS, On October 20, 2017, RFP# 1718-23 was issued to solicit proposals for new ALPR software, cameras, and required equipment; and

WHEREAS, in June 2018, based on responsive and responsible bids received, staff recommended and Council subsequently approved Strommel Inc., DBA Lehr Auto Electric to be awarded the contract to install Vigilant ALPR software, equipment and maintenance; and

WHEREAS, the Modesto Police Department desires to expand the use of the ALPR program and purchase an additional eight (8) license plate reader cameras for fixed use in a high-traffic and high auto-theft intersection in the City; 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, MMC 8-3.204(d) provides that a purchase may 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; and

WHEREAS, Strommel Inc., DBA Lehr Auto Electric, Sacramento, CA, should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since the Modesto Police Department has already procured 13 mobile ALPR cameras and software system to integrate additional cameras would be seamless; and

WHEREAS, Lehr Auto Electric should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) as it is the only local vendor that is able to provide the Original Equipment Manufacturer (OEM) equipment and configurations needed for this expansion; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase and installation of eight Automated License Plate Readers from Strommel Inc., DBA Lehr Auto Electric of Sacramento, CA to expand the Modesto Police Department's Automated License Plate Reader program for a total amount not to exceed \$87,900 and authorizes the Purchasing Manager, or her designee, 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 12<sup>th</sup> day of November, 2019, by Councilmember Kenoyer, 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: 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. 2019-509**

**RESOLUTION REJECTING ALL BIDS FOR REQUEST FOR BID NO. 1718-57  
FOR WIRELESS NETWORK EQUIPMENT AND INSTALLATION SERVICES**

WHEREAS, the City of Modesto, Utilities Department, Wastewater Division requested the procurement of Cisco wireless network communications equipment and installation services for the Sutter and Jennings Wastewater Treatment Plants, and

WHEREAS, City Manager authorized the Purchasing Division to issue formal Request for Bids (RFB) for the procurement and installation of Wireless Network Equipment and Installation, and

WHEREAS, on January 2, 2019, the Purchasing Division issued RFB No. 1718-57 for Purchase of Wi-Fi Network Equipment and Installation Services, and

WHEREAS, prospective bidders were notified online, and via email of the bid opportunity and twenty-three companies chose to download the RFB document,

WHEREAS, on January 23, 2019, a mandatory Bidders Conference was held with four vendors in attendance, and

WHEREAS, on March 5, 2019, bids were formally opened in the City Clerk's office with one company choosing to respond, and no local vendors responding, and

WHEREAS, the single bidder provided a responsive and responsible bid, and

WHEREAS, staff conferred with the Wastewater Division and the IT department and it was determined the project was neither feasible nor cost effective to proceed with the installation and expansion of the wireless network, and

WHEREAS, in accordance with Modesto Municipal Code Sec. 8-3.204(a), Formal Bid Procedures, the Council shall have the authority to accept or reject any or all

bids. The rejection of all bids for the Cisco wireless network communications equipment and installation services conforms to Modesto Municipal Code 8-3.204, subsection (e), and

WHEREAS, the award of 1718-57 for Purchase of Wi-Fi Network Equipment and Installation Services conforms to the Modesto Municipal Code based on providing a responsive and responsible bid.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for Request for Bid No. 1718-57 for Wireless Network Equipment and Installation Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of November, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2019-510**

**RESOLUTION APPROVING THE GRANT OF A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT ACCESS AND UTILITY EASEMENT FROM THE EMPIRE PRESERVATION TRUST WITHIN A PORTION OF APN: 009-019-023 FOR THE EMPIRE SANITARY SEWER TRUNK PROJECT, CONSENTING TO THE RECORDATION THEREOF, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CERTIFICATES OF ACCEPTANCE.**

WHEREAS, the City of Modesto provides sewer service to the community of Empire, and

WHEREAS, the Empire Trunk is known as a secondary trunk and conveys all flow from the Empire sewer system to the River Trunk, and

WHEREAS, On April 02, 2019 by Resolution number 2019-141, Council awarded the Empire Sanitary Sewer Trunk Project, and

WHEREAS, the City requested from the Empire Preservation Trust a Temporary Construction Easement (TCE) to facilitate construction and placement of a sewer main extension and manhole for future commercial occupants along Linley Avenue, on the Empire Preservation Trusts property to be put into service at a later date by the Empire Preservation Trust and a Permanent Access and Utility Easement (AUE) to provide access and permanent placement of new sewer apparatus and to cover the existing water line that had not previously been eased, and

WHEREAS, the Empire Preservation Trust has agreed to grant both easements to the City at no financial cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts both the temporary construction easement and the permanent access and utility easement granted to the City of Modesto by the Empire Preservation Trust.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of November, 2019, by Councilmember Kenoyer, 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: 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