

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-242**

**RESOLUTION APPROVING A STATE OF CALIFORNIA LOCAL
GOVERNMENT PLANNING SUPPORT GRANT PROGRAM APPLICATION IN
THE AMOUNT OF \$500,000 FOR THE PURPOSE OF FUNDING VARIOUS
HOUSING-RELATED PROJECTS AND AUTHORIZING THE DIRECTOR OF
COMMUNITY AND ECONOMIC DEVELOPMENT TO FILE THE GRANT
APPLICATION**

WHEREAS, pursuant to Health and Safety Code 50515 et. Seq, the State of California Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants Program or LEAP), and

WHEREAS, the Modesto City Council desires to submit LEAP grant application package (“Application”), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing needs assessment, and

WHEREAS, the Department has issued a NOFA and Application on January 27, 2020, in the amount of \$119,040,000 for assistance to all California jurisdictions, and

WHEREAS, a public meeting was held on June 2nd, 2020, at the Modesto City Hall, in the basement Council Chambers, located at 1010 10th Street, Modesto, California, at which time and place Modesto’s LEAP grant application submittal was considered by the Modesto City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Community and Economic Development Director is hereby authorized and directed to apply for and submit to the Department the Application.

BE IT FURTHER RESOLVED that the Director of Community and Economic Development is hereby authorized to execute all necessary grant documents, agreements, MOUs and other documentation required by the LEAP Grants Program on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that in connection with the LEAP grant, if the Application is approved by the Department, the City of Modesto Director of Community and Economic Development is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$500,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations thereto and all amendments thereto.

BE IT FURTHER RESOLVED that the City shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after its approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-243**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT WITH OSIEL LUNA AND KARINA LUNA HUSBAND AND WIFE AS JOINT TENANTS, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 605 MAZE BLVD (APN: 030-005-008), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO THE SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Osiel Luna and Karina Luna, husband and wife as joint tenants own residential property located at 605 Maze Blvd which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at 605 Maze Blvd, is not connected to City's sewer system and is requesting a sewer connection due to a failing septic system, and

WHEREAS, on November 25, 2014, by Resolution No. 2014-473, Council approved amending City Council Policy 5.002, and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval, and

WHEREAS, the property located at 605 Maze Blvd is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with failing septic system, and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system, and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for sewer service for the property located at 605 Maze Blvd (APN: 030-005-008) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve letter and execute the Outside Service Agreement for sewer service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-244**

**RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF
MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE
#2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE
TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #18)**

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled “Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)” and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the “Consolidated Boundary Map”), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12, 13, 14, 15, 16, and 17, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, it is intended that the territory be annexed to Tax Zone #2.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto that the Council finds and orders the following:

1. The above recitals are true and correct.
2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled “Annexation Map No. 11 of

Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled “Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, the map entitled “Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57, the map entitled “Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 98, the map entitled “Annexation Map No. 15 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at Page 52, and the map entitled “Annexation Map No. 16 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 67, and the map entitled “Annexation Map No. 17 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 87. The territory proposed to be annexed to the District (the “Territory”) is described in Exhibit A, attached hereto.

3. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No. 18 of Community Facilities District No. 2004-1 (Village One #2)”, City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to

Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

4. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

5. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

6. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday July 14, 2020, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95354, such time being not less than 30 or more than 60 days following the adoption hereof.

7. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be

heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

8. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

9. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

10. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 2020, by Councilmember Kenoyer, 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, Zoslocki,
Mayor Brandvold

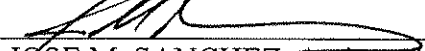
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, Acting City Attorney

**Annexation Map No. 18 of
Community Facilities District No. 2004-1 (Village One #2)
City of Modesto, County of Stanislaus, State of California**

Filed in the Office of the City Clerk of the City of Modesto this ____ day of _____, 2020.

STEPHANIE LOPEZ, City Clerk

By: _____
Print Name

I hereby certify that this map showing the proposed boundaries of Annexation No. 18 to City of Modesto Community Facilities District No. 2004-1 (Village One #2), City of Modesto, County of Stanislaus, State of California, was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the ____ day of _____, 2020, by its Resolution No. 2020-__.

STEPHANIE LOPEZ, City Clerk

By: _____
Print Name

This is a map of the area proposed to be annexed to the City of Modesto Community Facilities District No. 2004-1 (Village One #2), City of Modesto, County of Stanislaus, State of California, the Consolidation Boundary Map for which was recorded on November 23, 2005, in Book 4 of Maps of Assessment and Community Facilities Districts, at Page 33, in the Office of the County Recorder, of Stanislaus County, State of California.

A map of Annexation No. 11 to the District was recorded on February 9, 2006 in Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, in that office.

A map of Annexation No. 12 to the District was recorded on April 26, 2006 in Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, in that office.

A map of Annexation No. 13 to the District was recorded on September 8, 2006 in Book 4 of Maps of Assessment and Community Facilities Districts, at Page 57, in that office.

A map of Annexation No. 14 to the District was recorded on May 29, 2008 in Book 4 of Maps of Assessment and Community Facilities Districts at Page 98.

A map of Annexation No. 15 to the District was recorded on November 4, 2016 in Book 5 of Maps of Assessment and Community Facilities Districts at Page 52.

A map of Annexation No. 16 to the District was recorded on November 9, 2017 in Book 5 of Maps of Assessment and Community Facilities Districts at page 67.

A map of Annexation No. 17 to the District was recorded on June 11, 2019 in Book 5 of Maps of Assessment and Community Facilities Districts at page 87.

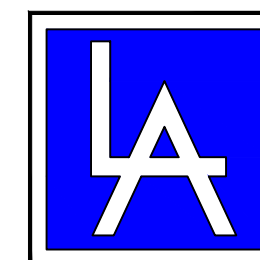
STEPHANIE LOPEZ, City Clerk

By: _____
Print Name

Filed this ____ day of _____, 2020 at the hour of ____ o'clock ____ m. in Book ____ of Maps of Assessment and Community Facilities Districts at page(s) ____ in the Office of the County Recorder of the County of Stanislaus, State of California.

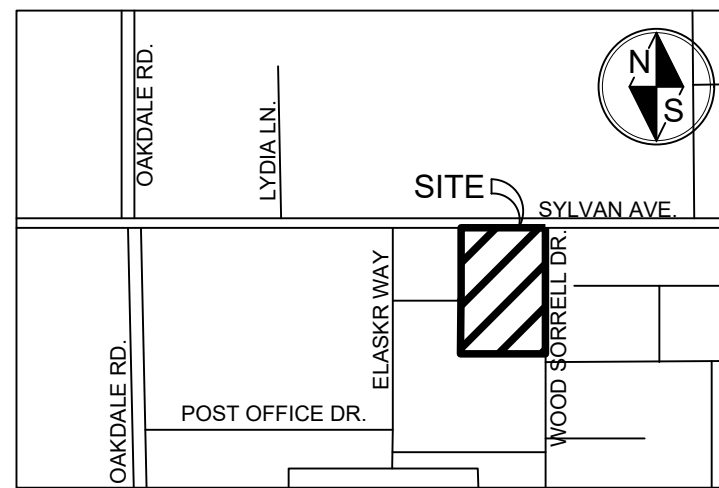
DONNA LINDER, County Recorder of the
County of Stanislaus, State of California

By: _____
Print Name



LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS

4694 WEST JACQUELYN AVENUE, FRESNO CALIFORNIA 93722
TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM



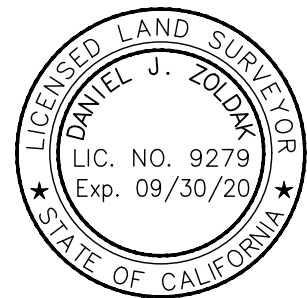
VICINITY MAP

LEGEND:

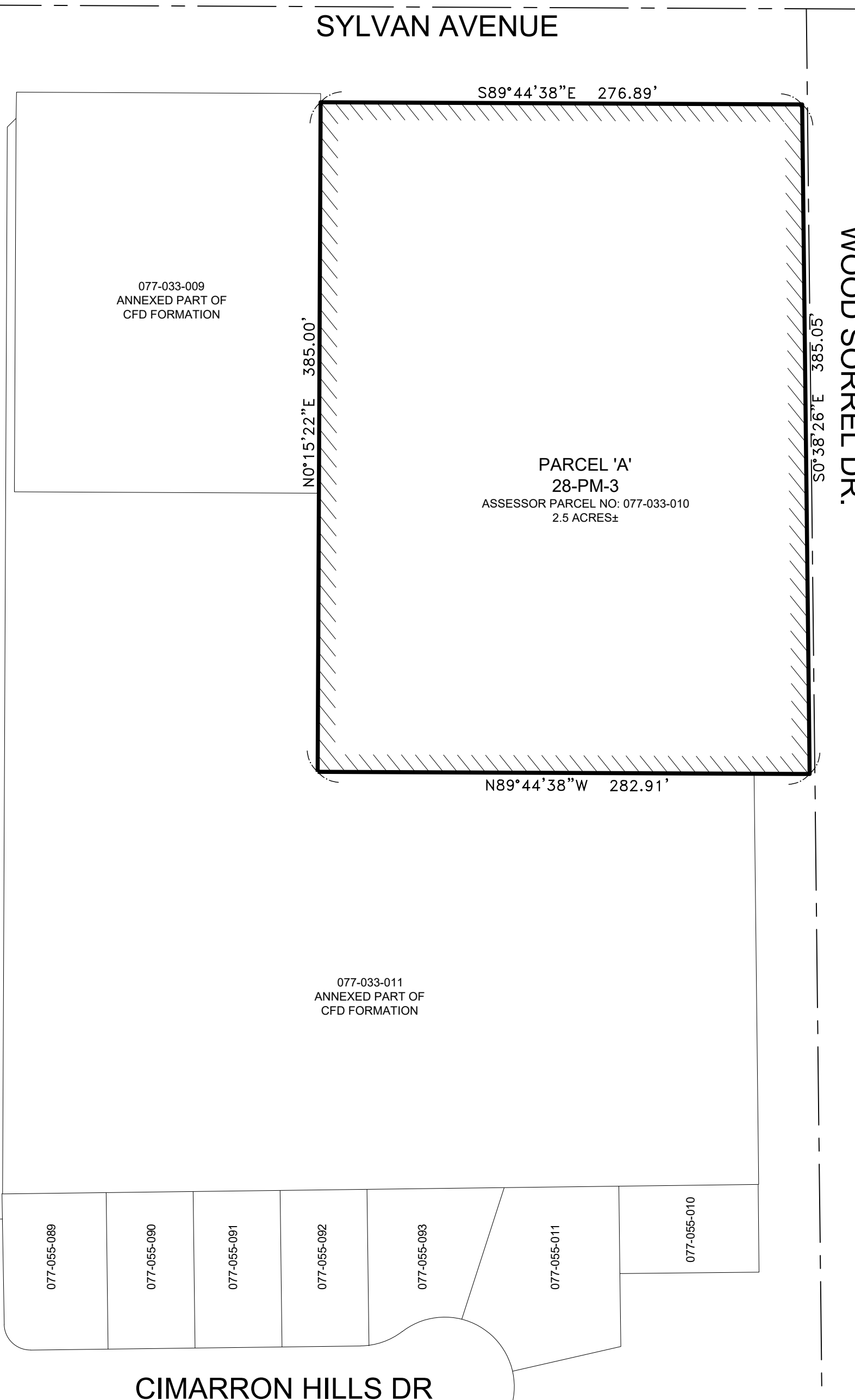


ANNEXATION BOUNDARY

NOTE: ORIGINAL DISTRICT BOUNDARY MAP DRAWN ON FEBRUARY 2, 1988, LOCATED IN BOOK 77 OF ASSESSMENT MAPS, AT PAGE 33 STANISLAUS COUNTY RECORDS



BOBS WAY



077-033-009
ANNEXED PART OF
CFD FORMATION

PARCEL 'A'
28-PM-3
ASSESSOR PARCEL NO: 077-033-010
2.5 ACRES±

077-033-011
ANNEXED PART OF
CFD FORMATION

077-055-089

077-055-090

077-055-091

077-055-092

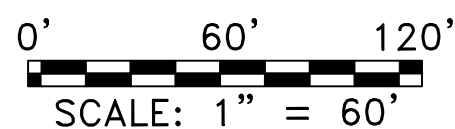
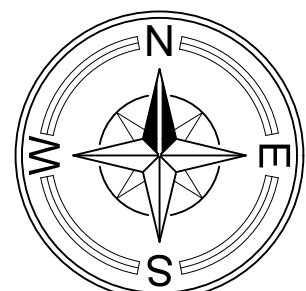
077-055-093

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CIMARRON HILLS DR

POST OFFICE DR.



**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-245**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH GOODWIN CONSULTING GROUP (GCG), FOR THE ADMINISTRATION OF THE CITY COMMUNITY FACILITIES DISTRICTS SERVICES BY \$111,900 FROM \$155,200 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$267,100, AND EXTENDING THE TERM OF THE AGREEMENT FROM JUNE 30, 2020 TO JUNE 30, 2022, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on May 8, 2018, by Resolution 2018-170, the City entered into a three-year Professional Consultant Services agreement with Goodwin Consulting Group in the amount of \$155,200 for the annual administration of Community Facilities Districts (CFDs), and

WHEREAS, the City has determined that CFDs and Assessment Districts (ADs) are necessary funding mechanisms to construct and maintain infrastructure for new development areas, and

WHEREAS, since 1996, the City of Modesto has formed fourteen Community Facilities Districts (“CFDs”) pursuant to the “Mello-Roos Community Facilities Act of 1982”, and

WHEREAS, the City has been working with Goodwin Consulting Group in the annual administration of the fourteen CFD’s, since 2001, and

WHEREAS, as part of the annual CFD administration services, Goodwin Consulting Group will oversee the preparation and dissemination of SEC-required continuing disclosure reports to the municipal bond market, arbitrage rebate and yield reduction calculations for tax-exempt bond issues, annual reporting to the California Debt and Investment Advisory Commission, bond payoff calculations for property owners, inquiries from taxpayers, and tax delinquency monitoring and foreclosure assistance, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, the agreement is for professional services and, therefore, exempt from the bidding requirement, and

WHEREAS, the Goodwin Consulting Group contract will be paid through the annual maintenance tax of each CFD, and

WHEREAS, the City would like to extend the term of the agreement with Goodwin Consulting Group from June 30, 2020 through June 30, 2022 for a new total amount not to exceed \$267,100.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the first amendment with Goodwin Consulting Group for administration of the City Community Facilities Districts services by \$111,900 from \$155,200 to a new total amount not to exceed \$267,100, and extending the term of the agreement from June 30, 2020 to June 30, 2022.

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 2nd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-246**

RESOLUTION APPROVING THE PURCHASE OF NINE (9) FORD POLICE INTERCEPTORS TO SONORA FORD, SONORA, CA, FOR A TOTAL AMOUNT NOT TO EXCEED \$357,632 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the replacement of nine (9) Police Interceptors was approved by the City Manager and City Council with the adopted Fiscal Year 2019-2020 budget; and

WHEREAS, the strategic replacement of vehicles and equipment is essential in maintaining current operations, facilities, and/or services; and

WHEREAS, these vehicles are classified as emergency response vehicles and will replace various police patrol units that have been involved in collisions and are considered a total loss or units that have reached their mileage cap of 125,000 miles; 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 19, 2020, the Purchasing Division issued RFB 1920-24 for Nine (9) Ford Police Interceptors on the City's website under the commodity code 07000 for Automotive Vehicles and Related Transportation Equipment; and

WHEREAS, eleven (11) companies chose to download the RFB document, three companies chose to respond, none of the bidders were local vendors; and

WHEREAS, on March 17, 2020 bids were formally opened in the City Clerk's office, Sonora Ford, Sonora, CA, was the lowest responsive and responsible bidder; and

WHEREAS, based on providing the overall lowest responsive and responsible bid which conforms to the Modesto Municipal Code, 8-3.203, City staff recommends the award of bid for nine (9) Ford Police Interceptors to Sonora Ford, Sonora, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of nine (9) Ford Police interceptors to Sonora Ford, Sonora, CA for a total amount not to exceed \$357,632.

BE IT FURTHER RESOLVED, that the Purchasing Manager, of 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 2nd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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:


JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-247**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR FUEL CARD-LOCK SERVICES TO STAN BOYETT & SON, INC. DBA BOYETT PETROLEUM, MODESTO, CA FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL ESTIMATED COST OF \$1,800,000, AND A TOTAL AMOUNT NOT TO EXCEED \$12,600,000 OVER SEVEN YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Fleet Services is required to maintain fuel services for all of the City of Modesto's owned vehicles and equipment; and

WHEREAS, by providing designed fuel cards for vehicles and equipment valid at various approved Boyett Petroleum gas stations in and around the City of Modesto for city-owned vehicles and equipment to obtain fuel; and

WHEREAS, on September 6, 2019 the Stanislaus County General Services Agency (GSA) and the City of Modesto Purchasing Division issued Request for Proposal No. 19-48-AH for Fuel Card-Lock Services; and

WHEREAS, notice of solicitation was posted on the County's website and emailed directly to vendors; and

WHEREAS, on October 18, 2019 proposals were formally opened at the Stanislaus County GSA office. One company chose to respond; and

WHEREAS, Stan Boyett & Son dba Boyett Petroleum, Modesto, CA was the awarded proposer based on the evaluation criteria; 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; and

WHEREAS, an award of bid and agreement for Fuel Card-Lock Services, for citywide use to Stan Boyett & Son dba Boyett Petroleum, Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures alongside the General Services Agency, Stanislaus County Purchasing Division and Boyett Petroleum was the only bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council and the City of Modesto that it hereby approved the award of proposal and agreement for Fuel Card-Lock Services to Stan Boyett & Son dba Boyett Petroleum, Modesto, CA for a five (5) year agreement with two (2) one-year extension options for an annual cost of \$1,800,000 and a total amount not to exceed \$12,600,000 over seven years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in 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 2nd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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: 
JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-248**

RESOLUTION APPROVING THE EXTENSION OF THE COMPOST FACILITY FLEXIBLE SALES PRICING PILOT PROGRAM APPROVED ON APRIL 2, 2019 FOR TWO ADDITIONAL YEARS EFFECTIVE JUNE 1, 2020 THROUGH MAY 31, 2022, AND ESTABLISHING A \$60 TIP FEE, PLUS AN ANNUAL CONSUMER PRICE INDEX ADJUSTMENT, FOR CUSTOMERS OUTSIDE CITY OF MODESTO

WHEREAS, the City of Modesto Compost Facility began operation in January 1997 due to the City's waste being comprised of a high level of compostable materials and the City being designated as a City of Trees, and the Compost Facility would provide a way for the City to handle its own green waste and forestry materials, and

WHEREAS, the City also rolled out a two-can residential garbage and recycling collection program which provided a green can for all residential waste, and

WHEREAS, over time that green can functionality has expanded to include all yard waste, paper waste and food waste, and

WHEREAS, the Compost Facility's primary and state mandated purpose is to process the City's diverted yard waste, paper waste, and food waste materials into a reusable soil amendment, this keeping materials from the landfill and lowering our disposal rate, and

WHEREAS, compost is also donated to community gardens and landscape projects, parks, schools, churches, and for use in our own City projects, and

WHEREAS, annually the Facility receives approximately 55,000 tons of raw compostable waste materials and processes it into about 25,000 tons of compost, and

WHEREAS, in Fiscal Year 2017-2018 SCS Engineers, Inc. was hired to conduct a comprehensive review of the City's solid waste system, including the compost facility and

its operations, and

WHEREAS, one of the findings discussed the changes in state law that made organic recycling and composting mandatory, and the demands that would have on the facility operationally and financially, but there was no discussion on what the impacts of the new influx of materials would be, or what would happened to the quality of the compost or the market conditions, and

WHEREAS, AB1826 and SB1383 mandate organics recycling resulting in a 75% diversion of organics materials out of landfills and into composting facilities, yet there are no laws mandating the public or private sectors purchase the finished product back, and

WHEREAS, the new supply of material is estimated to be over 20 million tons annually which creates an overabundance of product inventory statewide and the competition makes pricing and materials quality key factors for moving the project, and

WHEREAS, the new supply of incoming organics material is heavily contaminated with glass, plastics, and trash, and

WHEREAS, an increase in public education and enforcement will help over time, but expensive machinery and labor-intensive efforts are needed long term to separate out the contamination, and

WHEREAS, due to the contamination levels, compost sales have dropped by 40% and created an oversupply of product at the facility and storing the material can lead to permit violations, and

WHEREAS, this product needs to be moved in order to continue processing incoming material, and while some of the product can be spread on City land, due to the glass it is not feasible to use it in City parks or sports fields, and nut farmers have even

diminished their use of the product, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-240, Council approved the pricing for compost product sales with an annual Consumer Price Index (CPI) adjustment each year, and on April 2, 2019, by Resolution No. 2019-140, Council approved a flexible pricing pilot program for one year to help with the oversupply of product and to determine its effectiveness in moving product, and

WHEREAS, under the flexible pricing pilot program, the Integrated Waste Program Manager was able to advertise and offer discounted pricing such as seasonal or oversupply specials up to 50% off the product as necessary to make room on the site to try and stay in compliance with state law, and

WHEREAS, since the Flexible Sales Pricing Pilot Program was approved, the Compost Facility recorded approximately 15 bulk-sale customers (purchases over 100 tons) receiving as much as 50% off, and

WHEREAS, the bulk purchases totaled 10,384 tons through early January 2020 when in comparison to the same time period of April 2018 through January 2019, the bulk sales were only 6,249 tons, and

WHEREAS, the ability to move product is a critical component of our composting operations and permit regulations, and the pilot showed it was evident that having the ability to negotiate pricing and offer competitive rates was a benefit to the facility, and

WHEREAS, staff would like to further extend the pilot program for two more years offering up to 75% specials for seasonal and oversupply demands to try to keep the Compost Facility in permit compliance and add room for incoming product processing, and

WHEREAS, staff continues to receive calls and inquiries about taking in more product from outside the City of Modesto, and due to limited capacity and the need to be selective, staff is proposing establishing a non-Modesto customer tip fee of \$60/ton, and

WHEREAS, the tip fee is a critical revenue element in addressing the ever-increasing labor, equipment, and regulatory costs to process material from the mandated state diversion requirements, and

WHEREAS, under the current tip fee of \$27.59/ton there is an estimated budget shortfall of \$400,000 in FY 2020/2021 especially as the need to replace aging equipment is at the forefront, and

WHEREAS, a tip fee increase to non-Modesto customers will help increase revenues and assist in reducing the budget shortfall without impacting City of Modesto customers, as well as affording the facility the opportunity to be more selective in the material allowed in which will help control labor costs, equipment usage, and improve the quality of the finished product which ultimately impacts sales, and

WHEREAS, surveys conducted indicate that the average tip fee for landfills, transfer stations, and compost facilities ranges from \$45/ton to \$90/ton, and

WHEREAS, the facility has customers willing to pay and even do long-term contracts with good quality material for \$60/ton.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the extension of the Compost Facility Flexible Sales Pricing Pilot Program to become effective June 1, 2020 through May 31, 2022 wherein the Integrated Waste Program Manager would be able to advertise and offer discounted pricing such as seasonal or oversupply specials up to 75% off of the compost product for sale, and

establish a \$60/ton tip fee, plus annual CPI, for customers outside City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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:



JOSE M. SANCHEZ, Acting City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2020-249**

**RESOLUTION APPROVING A REVISED LIST OF PROJECTS TO BE FUNDED
WITH ROAD REPAIR AND ACCOUNTABILITY ACT TAX PROCEEDS IN
FISCAL YEAR 2020-21, AND RESCINDING RESOLUTION NUMBER 2020-180**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide, and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year, and

WHEREAS, the City must adopt by resolution a revised list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include description and the location of each proposed project, a proposed schedule for projects completion, and the estimated useful life of the improvement, and

WHEREAS, the City will receive an amount less than the original estimated \$4,064,467 in RMRA funding in Fiscal Year 2020-21 from SB 1, and

WHEREAS, the result of the COVID-19 pandemic, events have been canceled, unemployment has increased, and travel has drastically been minimized, all of which has greatly affected state and local revenues, and

WHEREAS, the estimated funding reduction of 15 - 30% would result in the original projected amount of \$4,064,467 being reduced to between \$3,454,797 and \$2,845,127 for FY 20/21, and

WHEREAS, the City project list reflects a reduced funding amount, and

WHEREAS, due to the anticipated reduction in funding, the following two projects were removed from the original list and will be deferred to a future time when funding is available: High Voltage Street Light Maintenance and Upgrade Video Detection, and

WHEREAS, projects listed result in the following life-cycle benefits: Slurry seal project that includes crack seal and asphalt repairs will result in a five to seven-year life extension to existing pavement. Traffic signal and street light maintenance will result in a ten-year extension. Traffic sign and striping maintenance will result in a five-year life extension.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approved the list of projects (**Attachment A**) for Fiscal Year 2020-21 and funding by SB1: Road Repair and Accountability Act of 2017.

BE IT FURTHER RESOLVED, that Resolution No. 2020-180 be hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 2020, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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: 
JOSE M. SANCHEZ, Acting City Attorney

Attachment A – FY20/21 SB1 Project List

Project Type	FY 2020-21 Project Name	Total Project Cost	Estimated Project Start Date	Estimated Project Completion Date	Community Benefit Summary
Slurry Seal	Slurry Seal	\$1,200,044	May 1, 2020	Sept. 30, 2020	Increase Street life by five to seven years
Crack Seal	Crack Seal	\$271,810	Oct.1, 2020	May 1, 2021	Increase Street life by five to seven years
Asphalt Repairs (Dig Outs)	Asphalt Repairs	\$200,000	Oct.1, 2020	May 1, 2021	Increase Street life by five to seven years
Traffic Signal & Street Lighting Maintenance	Traffic Signal & Street Lighting Maintenance	\$998,690	July 1, 2020	June 30, 2021	LED lighting has ten-year life and is energy efficient
Traffic Sign & Striping Maintenance/Printer	Traffic Sign & Striping Maintenance	\$594,190	July 1, 2020	June 30, 2021	Two to five-year life for striping and five-year life for signs
Total FY 20/21		\$3,264,734			