RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTURO AGUILAR MONDRAGON AND MARIA ELENA CORTES VILASENOR, HUSBAND AND WIFE AS JOINT TENANTS FOR SEWER SERVICE FOR THE PROPERTY LOCATED AT 1501 INYO AVENUE IN THE BRET HARTE DISTRICT, MODESTO, (APN: 056-036-044); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 1501 Inyo Avenue is not connected to City’s sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the City’s Sphere of Influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No. 1, and

WHEREAS, The City of Modesto can and is willing to provide domestic sewer to the subject area, and

WHEREAS, the Stanislaus County Redevelopment Agency installed complete sewer infrastructure in the “neighborhood” and individual laterals to each parcel to connect the property to the City of Modesto’s sewer system, 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 installation of the sewer service lines will upgrade the infrastructure in this already developed unincorporated area to facilitate a later annexation, and
WHEREAS, the sewer connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service agreement for sewer service with the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Outside Service Agreement for the property located at 1501 Inyo Avenue Modesto (APN 056-036-044).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FY 2013-2014 GENERAL FUND OPERATING BUDGET TO IMPLEMENT THE MAYOR’S ADDITIONAL PROPOSED REDUCTIONS TO VARIOUS DEPARTMENTS WITHIN THE GENERAL FUND RESULTING IN ADDITIONAL SAVINGS OF $565,673 AS SHOWN IN EXHIBIT A

WHEREAS, the City Council passed a motion to accept additional reductions for the FY 2013-2014 General Fund Operating Budget at the June 25, 2013 Council meeting, and

WHEREAS, the additional reductions resulted in changes to the operating budgets for various departments including the City Manager’s Office, Human Resources, Finance Department, Community and Economic Development Department (CEDD), Parks, Recreation and Neighborhoods Department (PRN), and the Modesto Police Department, and

WHEREAS, the additional reductions resulted in a General Fund savings of $565,673 to operating budgets as detailed in Exhibit A, and

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the FY 2013-2014 General Fund Operating Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2013-2014 General Fund Operating Budget to implement the changes from the accepted additional reductions to various General Fund departments as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
### Additional Proposed General Fund Budget Reductions
#### Detailed Impacts

<table>
<thead>
<tr>
<th>Department</th>
<th>Reduction</th>
<th>Reduction Impact</th>
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<th>Position Impacted</th>
<th>Filled or Vacant</th>
<th>Reduction Amount</th>
</tr>
</thead>
<tbody>
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<td>City Manager's Office</td>
<td>Reduce Training Expenses</td>
<td>Eliminates Public Information Officer Training and All Staff Trainings</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$6,550</td>
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<td>City Manager's Office</td>
<td>Reduce Membership &amp; Dues Expenses</td>
<td>Eliminates Public Information Officer Association Dues</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$375</td>
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<td>City Manager's Office</td>
<td>Reduce Membership &amp; Dues Expenses</td>
<td>Cancels Membership with National League of Cities</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$12,468</td>
</tr>
<tr>
<td>City Manager's Office</td>
<td>Reduce Professional Services Expenses</td>
<td>Reduces Federal Lobbyist Contract from $120k to $90k</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$30,000</td>
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<tr>
<td>City Manager's Office</td>
<td>Eliminate Public Information Coordinator</td>
<td>Marketing and media communications will be coordinated at the department level. City-wide coordination eliminated. Maintenance of social media impacted.</td>
<td>Salary and Benefits</td>
<td>Public Information Coordinator</td>
<td>1.0</td>
<td>$91,860</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Eliminate Books &amp; Periodicals Expenses</td>
<td>Eliminates all spending on books and periodicals for Human Resources</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$1,026</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Reduce Conference Expenses</td>
<td>Reduces conference expenses for all Human Resources staff</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$3,000</td>
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<td>Human Resources</td>
<td>Eliminate Training Expenses</td>
<td>Eliminates all training expenses for Human Resources staff</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$5,005</td>
</tr>
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<td>Human Resources</td>
<td>Reduce Membership &amp; Dues Expenses</td>
<td>Reduces membership and dues expenses in Human Resources</td>
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<td>Filled</td>
<td>$1,000</td>
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<td>Human Resources</td>
<td>Eliminate Admin Office Assistant III (Conf)</td>
<td>Impact to all-employee processing. Longer start time for all employees, departments will not be able to fill spots in a timely manner, longer wait time for customers at counter and on phone, and only have front counter hours from 8-4.</td>
<td>Salary and Benefits</td>
<td>Admin Office Assistant III (Conf)</td>
<td>1.0</td>
<td>$63,087</td>
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<tr>
<td>Human Resources</td>
<td>Eliminate Salary and Benefits</td>
<td>Eliminate services provided for general fund related activities such as 10th Street Parklet project, bicycle coordinator functions, participation in non-CIF projects. Will eliminate engineering support to the Planning Division</td>
<td>Salary and Benefits</td>
<td>Admin Office Assistant III (Conf)</td>
<td>1.0</td>
<td>$50,029</td>
</tr>
<tr>
<td>Finance</td>
<td>Reduce Discretionary Expenses</td>
<td>Reduces training expense budgets across the following divisions: Accounting, Administration, Purchasing, Budget, Business License, and Accounts Receivable</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$15,000</td>
</tr>
<tr>
<td>Finance</td>
<td>Hiring Freeze of Financial Analyst III (6 months)</td>
<td>Freezing this position for 6 months will impact the workload distribution between the Budget and Financial Analyst Manager as well as one existing Financial Analyst III position. This position if filled would relieve some of the workload in terms of Oracle processes and validations and department budget monitoring.</td>
<td>Salary and Benefits</td>
<td>Financial Analyst III</td>
<td>0.5</td>
<td>$45,028</td>
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<td>CEDD</td>
<td>Eliminate Admin Office Assistant II</td>
<td>Negative impact on customer service at reception counter for development services. Could result in 30-60 minute delays in routing customers.</td>
<td>Salary and Benefits</td>
<td>Admin Office Assistant II</td>
<td>1.0</td>
<td>$50,672</td>
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<tr>
<td>CEDD</td>
<td>Reduce Direct Charge Expenses to IPF</td>
<td>Reduce turn-around time and ability to prepare information related to IP, IP Task Force; eliminate development of PAC and reduce turn around time on special projects (Salida, RTIF, RTP, etc.). Substantially reduce ability to develop and maintain a comprehensive fees database; reduce ability to work with applicants on deferral of impact fees related to new development; substantially reduce ability to track and manage improvements related trust deposits.</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>Filled</td>
<td>$53,496</td>
</tr>
<tr>
<td>CEDD</td>
<td>Reduce Direct Charge Expenses to TED</td>
<td>Eliminates services provided for general fund related activities such as 10th Street Parklet project, bicycle coordinator functions, participation in non-CIF projects. Will eliminate engineering support to the Planning Division</td>
<td>Discretionary Expenses</td>
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<td>$46,992</td>
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<td>PR&amp;E</td>
<td>Salary savings: Centre Plaza Manager (6 months)</td>
<td>This position is currently vacant. It is anticipated to take approximately 6 months to recruit and hire the new Plaza Manager.</td>
<td>Salary and Benefits</td>
<td>Centre Plaza Manager</td>
<td>1.0</td>
<td>$40,671</td>
</tr>
<tr>
<td>PR&amp;E</td>
<td>Salary savings open part-time positions</td>
<td>Savings are for part-time positions that are currently vacant. This is a general overall department wide savings for part-time positions that will remain vacant during recruitment.</td>
<td>Salary and Benefits</td>
<td>Part-time salaries</td>
<td>1.0</td>
<td>$30,847</td>
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### Additional Proposed General Fund Budget Reductions

#### Detailed Impacts

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<th>Reduction Impact</th>
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<tr>
<td>P&amp;N</td>
<td>Landscape Water</td>
<td>Reduce the non-potable water used for park irrigation by an additional 5%. Watering in parks has been reduced by 30% over the past few years. This will reduce the watering by an additional 5% for a total of 35% general watering decrease in neighborhood and community parks. Park areas will experience additional browning and shrub loss.</td>
<td>Discretionary Expense</td>
<td>-</td>
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<td>$29,082</td>
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<tr>
<td>Parks, Recreation and Neighborhood Totals</td>
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<td></td>
<td></td>
<td>0.5</td>
<td>0.0</td>
<td>$110,000</td>
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<tr>
<td>Police</td>
<td>Reduce Equipment Expenses</td>
<td>Will result in equipment not required for basic policing not being replace as it wears out or breaks.</td>
<td>Discretionary Expenses</td>
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<td></td>
<td>$5,000</td>
<td></td>
</tr>
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<td>Police</td>
<td>Reduce Part Time Labor</td>
<td>Will result in increased time to conduct background investigations for new hires and some delay in administrative work within the police department.</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td></td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>Reduce Training Expenses</td>
<td>Cutting the Training Budget by $20,000 will result in reducing the Continued Professional Training (CPT) we provide to our officers. CPT includes Development and Leadership courses, non-mandated Advanced Officer Course, Legal &amp; Procedural Updates, and Specialized Training.</td>
<td>Discretionary Expenses</td>
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<td>$20,000</td>
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</tr>
<tr>
<td>Moderate-Risk Department Totals</td>
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<tr>
<td>All Departments Totals</td>
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<td></td>
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<td>0.0</td>
<td>3.5</td>
<td>$555,673</td>
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</table>
RESOLUTION AMENDING THE FY 2013-2014 POSITION ALLOCATION TO IMPLEMENT THE MAYOR’S ADDITIONAL PROPOSED REDUCTIONS TO MODIFY THE POSITION ALLOCATION FOR THE CITY MANAGER’S OFFICE, HUMAN RESOURCES, AND COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO ELIMINATE A TOTAL OF 3.0 POSITIONS AS IDENTIFIED IN EXHIBIT A

WHEREAS, the City Council passed a motion to accept additional reductions for the FY 2013-2014 General Fund Operating Budget at the June 25, 2013 Council meeting, and

WHEREAS, the additional reductions included the elimination of 3.0 positions within various General Fund departments, and

WHEREAS, the positions eliminated included 1.0 Public Information Coordinator, 1.0 Administrative Analyst III (Confidential), and 1.0 Administrative Analyst II, and

WHEREAS, the positions identified above are part of the additional reductions as shown in Exhibit A,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2013-2014 Position Allocation to implement the elimination of the positions noted above and as part of Exhibit A which details these changes.

BE IT FURTHER RESOLVED that the Director of Human Resources, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Geer

ATTEST: ____________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
### Additional Proposed General Fund Budget Reductions

#### Detailed Impacts

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<td>Marketing and media communications will be coordinated at the department level. City-wide coordination eliminated. Maintenance of social media impacted.</td>
<td>Salary and Benefits</td>
<td>Public Information Coordinator</td>
<td>1.0</td>
<td>$93,890</td>
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<td>Human Resources</td>
<td>Eliminate Books &amp; Periodicals Expenses</td>
<td>Eliminates all spending on books and periodicals for Human Resources</td>
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<td></td>
<td></td>
<td></td>
<td>$1,000</td>
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<td>Human Resources</td>
<td>Eliminate Admin Office Assistant III (Cont)</td>
<td>Impact to all employee processing. Longer start time for all employees, departments will not be able to fill spots in a timely manner, longer wait time for customers at counter and on phone, and only have front counter hours from 9-4.</td>
<td>Salary and Benefits</td>
<td>Admin Office Assistant III (Cont)</td>
<td>1.0</td>
<td>$63,087</td>
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#### Combined Total: $208,918

### Finance

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<td>Finance</td>
<td>Reduce Discretionary Expenses</td>
<td>Reduces training expense budgets across the following divisions: Accounting, Administration, Purchasing, Budget, Business License, and Accounts Receivable.</td>
<td>Discretionary Expenses</td>
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<td></td>
<td>$15,000</td>
</tr>
<tr>
<td>Finance</td>
<td>Hiring Freeze of Financial Analyst III (6 months)</td>
<td>Freezing this position for 6 months will impact the workload distribution between the Budget and Financial Analysis Manager as well as one existing Financial Analyst III position. This position if filled would relieve some of the workload in terms of Oracle processes and validations and department budget monitoring.</td>
<td>Salary and Benefits</td>
<td>Financial Analyst III</td>
<td>0.5</td>
<td>$45,028</td>
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#### Finance Total: $60,028

### CEED

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<td>CEED</td>
<td>Eliminate Admin Office Assistant II</td>
<td>Negative impact on customer service at reception counter for development services. Could result in 30-60 minute delay in routing customers.</td>
<td>Salary and Benefits</td>
<td>Admin Office Assistant II</td>
<td>1.0</td>
<td>$50,672</td>
<td></td>
<td></td>
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<tr>
<td>CEED</td>
<td>Reduce Direct Charge Expenses to IFP</td>
<td>Reduce turn-around time and ability to prepare information related to GIP, GIP Task Force, eliminate development of FACE and reduce turn around time on special projects (Salida, RTIP, ETP, etc.) Substantially reduce ability to develop and maintain a comprehensive fees database; reduce ability to work with applicants on deferral of impact fees related to new development; substantially reduce ability to track and manage improvement related trust deposits.</td>
<td>Discretionary Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$53,606</td>
</tr>
<tr>
<td>CEED</td>
<td>Reduce Direct Charge Expenses to TID</td>
<td>Eliminate services provided for general fund related activities such as 10th Street Parklet project, bicycle coordinator functions, participation in non-GIP projects. Will eliminate engineering support to the Planning Division.</td>
<td>Discretionary Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$46,992</td>
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</table>

#### Community & Economic Development Total: $149,270

### PR&E

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<tbody>
<tr>
<td>PR&amp;E</td>
<td>Salary savings Centre Plaza Manager (6 months)</td>
<td>This position is currently vacant. It is anticipated to take approximately 6 months to recruit and hire the new Plaza Manager.</td>
<td>Salary and Benefits</td>
<td>Centre Plaza Manager</td>
<td></td>
<td>$40,071</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PR&amp;E</td>
<td>Salary savings open part-time positions</td>
<td>Savings are for part-time positions that are currently vacant. This is a general overall department wide savings for part-time positions that will remain vacant during recruitment.</td>
<td>Salary and Benefits</td>
<td>Part-time salaries</td>
<td></td>
<td>$30,847</td>
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**Additional Proposed General Fund Budget Reductions**

**Detailed Impacts**

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<tr>
<td>PR&amp;B</td>
<td>Landscape water</td>
<td>Reduce the non-potable water used for park irrigation by an additional 5%. Watering in parks has been reduced by 30% over the past few years. This will reduce the watering by an additional 5% for a total of 35% general watering decrease in neighborhood and community parks. Park areas will experience additional browning and shrub loss.</td>
<td>Discretionary Expense</td>
<td>-</td>
<td>$25,082</td>
<td></td>
<td></td>
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<tr>
<td>Police</td>
<td>Reduce Equipment Expenses</td>
<td>Will result in equipment not required for basic policing not being replaced as it wears out or breaks.</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>$5,000</td>
<td></td>
<td></td>
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<td>Police</td>
<td>Reduce Field Supplies Expenses</td>
<td>Will result in equipment not required for basic policing not being replaced as it wears out or breaks.</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>$5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>Reduce Part Time Labor</td>
<td>Will result in increased time to conduct background investigations for new hires and some delay in administrative work within the police department.</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>$10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>Reduce Training Expenses</td>
<td>Cutting the Training Budget by $20,000 will result in reducing the Continued Professional Training (CPT) we provide to our officers. CPT includes Development and Leadership courses, non-mandated Advanced Officer Course, Legal &amp; Procedural Updates, and Specialized Training.</td>
<td>Discretionary Expenses</td>
<td>-</td>
<td>$20,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>All Departments Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0</td>
<td>3.5</td>
<td><strong>$555,673</strong></td>
</tr>
</tbody>
</table>
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PAINTING OF WATER WELL AND TANK SITE SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION, TO D.C. VIENT, INC., MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $38,000, AND OVER FIVE (5) YEARS OF $190,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the painting of water well and tank site services, and

WHEREAS, the Purchasing Division issued RFB No. 1314-04 Painting of Water Well and Tank Sites to thirteen (13) prospective bidders, five (5) of which were local vendors and posted the RFB on the City’s website, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Three (3) companies chose to respond, one of which was a local vendor, and

WHEREAS, all three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $38,000, and over five (5) years of $190,000, 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. The award of bid for the painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the painting of water well and tank site services in Appropriation Unit: 4100-55090-53100.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the painting of water well and tank site services for the Department of Public Works, Water Division, to D.C. Vient, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $38,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-336

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENT FOR SERVER EQUIPMENT REPLACEMENTS, SOFTWARE, SERVICES, AND LICENSING THROUGH VARIOUS HARDWARE AND SOFTWARE MANUFACTURERS IN AN AMOUNT NOT TO EXCEED $410,000

WHEREAS, the City has an ongoing need to purchase server equipment replacements, software, services, and licensing managed by the Information Technology Department and

WHEREAS, the Information Technology Department has identified 47 computer servers in need of replacement for Fiscal Year 2013-2014 to support software applications and to provide technology services for all departments and

WHEREAS, the purchase of the server equipment replacements, software, services, and licensing will be purchased through the various software and hardware manufacturers, and

WHEREAS, the expenditures for the purchase server equipment replacements, software, services, and licensing have been approved by Council through the budget process, and

WHEREAS, the funds will be available for the purchase of server equipment replacements, software, services, and licensing in the amount not to exceed $410,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue purchase agreements for server equipment replacements, software, services and licensing through various hardware and software manufacturers to purchase server equipment replacements, software, services, and licensing in the amount not to exceed $410,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 INFORMATION TECHNOLOGY BUDGET TO APPROPRIATE $410,000 FROM THE INFORMATION TECHNOLOGY FUND RESERVES

WHEREAS, the City has a need to amend the Fiscal Year 2013-2014 Information Technology budget to purchase server equipment replacements, software, services, and licensing managed by the Information Technology Department, and

WHEREAS, the expenditures for the server equipment replacements, software, services, and licensing have been approved by Council through the budget process, and

WHEREAS, upon approval, the Information Technology Budget will be amended to appropriate $410,000 from Information Technology Fund Reserves, and

WHEREAS, the Fiscal Year 2013-2014 Operating Budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2013-2014 Information Technology Operating Budget as shown in Exhibit A.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Exhibit A

The City of Modesto is in need of replacing server equipment, software, and licensing in the amount not to exceed $410,000. The Fiscal Year 2013-2014 operating budgets will be amended to appropriate $410,000 from the Information Technology Fund Reserves to 5230-07510-57005 in order to purchase server equipment, software, and licensing.
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-338

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENTS FOR MAINTENANCE CONTRACT/SUPPORT AGREEMENTS THROUGHOUT FISCAL YEAR 2013-2014 FOR THE SOLE SOURCE PROCUREMENT OF VARIOUS HARDWARE AND SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FROM HARDWARE AND SOFTWARE MANUFACTURERS FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $1,033,344

WHEREAS, the City has an ongoing need to issue purchase maintenance contracts/support agreements for hardware and software assets utilized by the City of Modesto and managed by the Information Technology Department, and

WHEREAS, the expenditures for maintenance contracts/support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the Purchasing Manager be authorized to issue purchase agreements for maintenance contract/support agreements throughout Fiscal Year 2013-2014 for the sole source procurement of various hardware and software maintenance support agreements from hardware and software manufacturers for an estimated budgeted amount not to exceed $1,033,344,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager be authorized to issue purchase agreements for maintenance contract/support agreements for the sole source procurement of various hardware and software maintenance support agreements throughout the Fiscal Year 2013-2014.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSAN C. ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $93,788.00 FROM THE OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT GRANT PROGRAM, TO CONDUCT SOBRIETY CHECKPOINTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department received an announcement for the solicitation of applications for the “Sobriety Checkpoint Grant Program” from the Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), and

WHEREAS, the grant is for personnel overtime costs to conduct sobriety checkpoint operations during the period from October 1, 2013 to September 30, 2014, and

WHEREAS, a checkpoint cannot exceed $5,000.00 for overtime to conduct the checkpoint and includes funding for police officers and support personnel (Community Services Officers), and

WHEREAS, this award includes a maximum of $3,788.00 for the purchase of OTS-approved checkpoint supplies, and

WHEREAS, on May 24, 2013, the Modesto Police Department received notification that it was awarded $93,788.00 for the operation of up to eighteen sobriety checkpoints and OTS approved supplies in Modesto, and

WHEREAS, this grant will result in increased grant revenue of $93,788.00 to the City,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a grant in the amount of $93,788.00 from the Office of Traffic Safety Sobriety Checkpoint Grant Program to conduct sobriety checkpoints.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any necessary program documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE MULTI-YEAR 2013/2014 OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $93,788.00 TO CONDUCT SOBRIETY CHECKPOINTS

WHEREAS, the Modesto Police Department received an announcement for the solicitation of applications for the “Sobriety Checkpoint Grant Program” from the Office of Traffic Safety, through the National Highway Traffic Safety Administration, and

WHEREAS, the mini-grant is for personnel overtime costs to conduct sobriety checkpoint operations during the period from October 1, 2013 to September 30, 2014, and

WHEREAS, a checkpoint cannot exceed $5,000.00 for overtime to conduct the checkpoint and includes funding for police officers and support personnel (Community Services Officers), and

WHEREAS, this award includes a maximum of $3,788.00 for the purchase of OTS-approved checkpoint supplies, and

WHEREAS, on May 24, 2013, the Modesto Police Department received notification that it was awarded $93,788.00 for the operation of up to eighteen sobriety checkpoints in Modesto, and

WHEREAS, this grant will result in increased grant revenue of $93,788.00 to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of $93,788.00 for overtime to conduct sobriety checkpoints, as listed in Exhibit A.
BE IT FURTHER RESOLVED that the Director of Finance, or her 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 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
Exhibit A

The Multi-Year 2013/2014 Operating Budget will be amended as follows:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To: 1341-19998-42199-100773</td>
<td>$93,788</td>
<td>2012/13 OTS Sobriety Checkpoint Program Grant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To: 100773 - Appr. C</td>
<td>$90,000</td>
<td>Svcs City Forces Interfund (OT)</td>
</tr>
<tr>
<td>100773 - Appr. C</td>
<td>$3,788</td>
<td>Tools &amp; Field Supplies &lt; $5K</td>
</tr>
<tr>
<td></td>
<td>$93,788</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION ACCEPTING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, FOR A JOINT AWARD WITH THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO IN THE AMOUNT OF $138,905; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, on July 2, 2013, the City Council, by Resolution No. 2013-244, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $138,905, and

WHEREAS, the City of Modesto will use its allocation of $104,118 to purchase 800 Mhz Radios, and

WHEREAS, the County of Stanislaus will use its allocation of $34,787 for the Probation Department and the Sheriff's Operations Division, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County with a quarterly financial and programmatic report not later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start period is October 1, 2012, and there is a statutory four-year period within which to spend the funds, and

WHEREAS, the Memorandum of Agreement was approved at the Board of Supervisors meeting on July 2, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of $138,905.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE MULTI-YEAR 2013/14 OPERATING BUDGET, ESTIMATING REVENUE OF $138,905 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, AND APPROPRIATING FUNDS

WHEREAS, on July 2, 2013, the City Council, by Resolution No. 2013-244, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $138,905, and

WHEREAS, recommended distribution of the 2013 grant is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stanislaus County Probation</td>
<td>$ 7,892</td>
</tr>
<tr>
<td>Stanislaus County Sheriff</td>
<td>$ 23,675</td>
</tr>
<tr>
<td>Stanislaus County (Admin Fee)</td>
<td>$ 3,220</td>
</tr>
<tr>
<td>Modesto Police Department</td>
<td>$104,118</td>
</tr>
</tbody>
</table>

WHEREAS, the City of Modesto will use its allocation of $104,118 to purchase 800 Mhz Radios, and

WHEREAS, the City agrees to provide the County with a quarterly financial and programmatic report not later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start date is October 1, 2012, and there is a statutory four-year period within which to spend the funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Multi-Year 2013/2014 Operating Budget as indicated in Attachment A, which is attached hereto.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Attachment A: Budget Adjustment for 2013 BJAG Grant

Fund 1341 - Operation Grants Reimbursed:

<table>
<thead>
<tr>
<th>Expense:</th>
<th>Increase/Decrease</th>
<th>Description of Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>MY-100774-Appr. C</td>
<td>$104,118</td>
<td>Comm. Equipment &lt; $5K</td>
</tr>
</tbody>
</table>

Revenue:

<table>
<thead>
<tr>
<th>Expense:</th>
<th>Increase/Decrease</th>
<th>Description of Account</th>
</tr>
</thead>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-343

A RESOLUTION APPROVING AN AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. TO PROVIDE DESIGN AND PLANNING SERVICES FOR THE DRAINAGE STUDY PROJECT FOR THE MODESTO CITY-COUNTY AIRPORT IN AN AMOUNT NOT TO EXCEED $65,000

WHEREAS, the City has approved numerous Airport Capital Improvement Plan (ACIP) projects planned over approximately the next five years at the Modesto City-County Airport, and

WHEREAS, skilled airport engineering, design, construction and inspection assistance will be required to move forward with those projects, and

WHEREAS, on January 12, 2010, the City solicited professional services for an airport consulting engineer to provide airport engineering, design, construction management and inspection, and

WHEREAS, Council approved Resolution No. 2010-005 selecting KHA as the best qualified applicant, and

WHEREAS, KHA has proposed an agreement to provide design and planning services for the Drainage Study at the Modesto City-County Airport, and

WHEREAS, sufficient funds are budgeted and available in the FY13-14 budget in CIP Account: 100431 PW. Airport Services “Airfield Studies”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kimley-Horn & Associates, Inc. to provide design and planning services for the Drainage Study at the Modesto City-County Airport in an amount not to exceed $65,000.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-344

A RESOLUTION APPROVING AN AGREEMENT WITH KIMLEY-HORN & ASSOCIATES, INC. TO PROVIDE DESIGN AND PLANNING SERVICES FOR ELECTRICAL STUDY/SIGN PLAN PROJECT FOR THE MODESTO CITY-COUNTY AIRPORT IN AN AMOUNT NOT TO EXCEED $160,000

WHEREAS, the City has approved numerous Airport Capital Improvement Plan (ACIP) projects planned over approximately the next five years at the Modesto City-County Airport, and

WHEREAS, skilled airport engineering, design, construction and inspection assistance will be required to move forward with those projects, and

WHEREAS, on January 12, 2010, the City solicited professional services for an airport consulting engineer to provide airport engineering, design, construction management and inspection, and

WHEREAS, Council approved Resolution No. 2010-005 selecting KHA as the best qualified applicant, and

WHEREAS, KHA has proposed an agreement to provide design and planning services for the Electrical Study/Sign Plan project for the Modesto City-County Airport, and

WHEREAS, sufficient funds are budgeted and available in the FY13-14 budget in CIP Account: 100431 PW. Airport Services “Airfield Studies”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kimley-Horn & Associates, Inc. to provide design and planning services for the Electrical Study/Sign Plan for the Modesto City-County Airport in an amount not to exceed $160,000.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALÁ WOOD, City Attorney
RESOLUTION ACCEPTING A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT OFFER FOR $120,000 FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR WILDLIFE HAZARD ASSESSMENTS

WHEREAS, Modesto City-County Airport is a commercial service airport that is a part of the Federal airport system and eligible for Federal funding, and

WHEREAS, as airport sponsor, the City is eligible each year for entitlement and discretionary funds from the Airport Improvement Program (AIP), and

WHEREAS, the local 10% match ($13,333) required for this grant will be paid from Passenger Facility Charges (PFCs) collected by the airlines from enplaning passengers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves accepting a Federal Airport Improvement Program (AIP) Grant Offer for $120,000 from the Federal Aviation Administration for a Wildlife Hazard Assessment,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the grant offer acceptance and any documents related to projects contained in the grant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-346

A RESOLUTION APPROVING A LEASE AGREEMENT AMENDMENT BETWEEN THE CITY OF MODESTO AND THE HERTZ CORPORATION

WHEREAS, The Hertz Corporation uses the Modesto City-County Airport as a rental car business location, and

WHEREAS, on August 8th, 1995 the City Council approved by Resolution No. 95-406 a lease agreement with The Hertz Corporation, and

WHEREAS, during Fiscal Year 2012-2013 the lease was reviewed by the City’s Risk Management Division. The City’s Risk Management Division provided updated insurance requirements to be included in the property lease agreement between the City and The Hertz Corporation, and

WHEREAS, The Hertz Corporation has provided insurance documents that meet the City insurance requirements that have been reviewed and approved by City Risk Management, and

WHEREAS, the amendment to the lease agreement changes requirements in subparagraphs 20 and 21 of the lease agreement. Subparagraph 20 refers to Indemnification, Hold Harmless Clauses and subparagraph 21 refers to Insurance Requirements including General Liability, Workers Compensation and Property Insurance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease amendment between the City of Modesto and The Hertz Corporation.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: ____________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION SUPPORTING THE WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT

WHEREAS, the need to repair, replace, and overhaul the nation's water systems is immense, and

WHEREAS, much of the nation’s water infrastructure was built over 100 years ago and is rapidly deteriorating, and

WHEREAS, it must be updated to continue providing the nation with clean and safe drinking water and waterways, and

WHEREAS, current local, state, and federal programs are insufficient to meet investment needs – in particular, upfront capital needs, and

WHEREAS, the Water Infrastructure Finance and Innovation Act (WIFIA) is an innovative federal loan program that will help meet the nation’s water infrastructure needs with a minimum budgetary impact, and

WHEREAS, the Senate approved WIFIA as part of S. 601, the Water Resources Development Act (WRDA), and

WHEREAS, the bill would seek to further leverage government funds for water infrastructure projects through an innovative financing pilot project program – referred to as WIFIA, and

WHEREAS, WIFIA will provide long-term, low-interest loans for large water infrastructure projects (over $20 million) that cannot access funding through the State Revolving Fund (SRF) loan programs, which are primarily focused on smaller projects, and
WHEREAS, WIFIA loans will be repaid entirely from local rates and charges, maintain full local responsibility for water infrastructure development, but creating a mechanism to provide lower capital cost, and

WHEREAS, being able to access funds at near Treasury rates, communities receiving WIFIA loans can save up to 20 percent compared with current borrowing rates, which will allow local resources to go farther, accelerating critically needed water infrastructure investment and lowering costs for American families, and

WHEREAS, because a federal appropriation is needed only to cover the risk of default, according to the Congressional Budget Office, an appropriation of $100 million (which would be fully offset) could support anywhere between $990 million and $3.3 billion in WIFIA loans; therefore, a very small federal investment will have an exponential impact in addressing the nation’s water infrastructure needs, and

WHEREAS, by providing a source of low cost capital, WIFIA will help meet the nation’s water infrastructure needs while maintaining full local responsibility, minimizing the federal budgetary impact, and creating tens of thousands of jobs, and

WHEREAS, the American Water Works Association is recommending that water utility members contact their members of the U.S. House of Representatives to ask the House to include a Water Infrastructure Finance and Innovation Authority in the Water Resources Development Act, and

WHEREAS, the Western Recycled Water Coalitions, which the City of Modesto recently joined, is also recommending support of this Act,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the Water Infrastructure Finance and Innovation Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24\textsuperscript{th} day of September, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-348

A RESOLUTION TO CLOSE OXFORD WAY AT ITS INTERSECTION WITH SUNRISE AVENUE TO PEDESTRIAN TRAFFIC

WHEREAS, on June 2, 1975 by Resolution No. 1308-S.P. the Modesto City Council approved the closure of Oxford Way at its intersection of Sunrise Avenue to vehicular traffic, declaring that the intersection of Oxford Way with Sunrise Avenue is unnecessary for present or prospective public street purposes for vehicular traffic and that the closure thereof to vehicular traffic is in the public interest, and

WHEREAS, a six foot high concrete masonry wall has closed Oxford Way to vehicular traffic at the west line of the Sunrise Avenue right-of-way in the City of Modesto, and

WHEREAS, a letter requesting the complete closure of Oxford Way to pedestrian traffic, for the purpose of curbing property crime and vandalism in the immediate vicinity of the existing wall and Ashby Park, said letter being signed by the coordinator of the Ashby Park Neighborhood Watch Committee and accompanied by a petition signed by area residents, was submitted to the Secretary of the Planning Commission, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and

WHEREAS, closure of Oxford Way would require the subsequent removal of an existing crosswalk across Sunrise Avenue from East Fairmont Avenue to Oxford Way, and

WHEREAS, California Vehicle Code Section 21950.5 prescribes the 30-day notification to remove a marked crosswalk, and

Print
WHEREAS, notice of the proposed closure of Oxford Way and subsequent crosswalk removal was posted to the site of the crosswalk, and

WHEREAS, the proposed closure of Oxford Way has been referred to affected City departments, and no objection to the proposed closure has been received, and

WHEREAS, a hearing was held by the Planning Commission on August 5, 2013, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed closure of Oxford Way, and

WHEREAS, by Planning Commission Resolution No 2013-14, the Planning Commission recommended to Council that Oxford Way be closed to pedestrian traffic in addition to vehicular traffic, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, September 24, 2013, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, notices were posted along the line of the proposed closure of Oxford Way and crosswalk across Sunrise Avenue from East Fairmont Avenue to Oxford Way thirty days prior to the hearing, and notice was published in the Modesto Bee for thirty days prior to the hearing, per California Vehicle Code 21950.5, and,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. The street to be closed is not necessary to serve present or future pedestrian needs in the area.

2. The closure would not restrict vehicular or pedestrian access to the Ashby Park neighborhood, with access available via Helen Avenue, which intersects with Sunrise Avenue to the south; Muir Road and High Street.
3. The closure is exempt from CEQA, pursuant to Section 15301(c) of the CEQA Guidelines, which exempts the minor alteration of existing public or private structures, including existing highways and streets, sidewalks, gutters and pedestrian trails and similar facilities.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the closure of Oxford Way to pedestrian traffic in addition to vehicle traffic at its intersection of Sunrise Avenue, subject to the following conditions:

1. Prior to the issuance of a building permit for any expansion, alteration or replacement of the existing wall, an encroachment permit shall be obtained from the City of Modesto Community and Economic Development Department, Land Development Engineering.

2. Prior to issuance of a building permit, all submitted plans shall be prepared, stamped and signed by a licensed engineer. Plans shall demonstrate the following:
   a. Colors, materials, height of the existing wall and new wall extensions, including engineered footings for expansion of the existing wall in accordance to City Standards.
   b. Existing wall and/or new wall extensions shall be no more than eight feet in height from grade.
   c. Design and footings for any alteration made to the existing wall.

3. Wall materials shall be limited to either decorative concrete masonry wall with cap treatment or wrought-iron fencing only.

4. At the time of issuance of a building permit, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to building permit and plan check fees.

5. The permanent easement for public utilities as established by Section 2 of Modesto City Council Resolution No. 1308-S.P. shall be maintained.

6. The applicant of record shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this approval on any grounds whatsoever. The City of Modesto shall promptly notify the applicant of record of any such claim, action, or proceeding and shall cooperate fully in the defense.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of September, 2013, by Councilmember
Muratore, who moved its adoption, which motion being duly seconded by
Councilmember Cogdill, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore,
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: """"STEPHANIE LOPEZ, City Clerk"

(SEAL)

APPROVED AS TO FORM:

By: """"""""SUSANA ALCALA WOOD, City Attorney""""""""
Exhibit "A"
**PETITION**

We, the undersigned, do hereby agree to and support the completion of the existing wall at the intersection of Oxford Way, E. Fairmont and Sunrise Avenues. We feel that this will hinder our neighborhood's accessibility to acts of crime and petty theft.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Name (print)</th>
<th>Home address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Todd Wooley</td>
<td>821 Muir Rd</td>
</tr>
<tr>
<td>Dee D'Impizzia</td>
<td>Dee D’Domenico</td>
<td>624 Helen Ave</td>
</tr>
<tr>
<td>Julie DiFranco</td>
<td>Julie D. Francia</td>
<td>900 Muir Rd</td>
</tr>
<tr>
<td>Madeleine Charriere</td>
<td>Madeleine</td>
<td>910 Muir Rd</td>
</tr>
<tr>
<td>Al Hernandez</td>
<td>Al Hernandez</td>
<td>806 Muir Rd</td>
</tr>
<tr>
<td>Carol Ingleday</td>
<td>Carol Maylen</td>
<td>907 Oxford Way</td>
</tr>
<tr>
<td>James Holden</td>
<td>James Holden</td>
<td>935 Oxford Way</td>
</tr>
<tr>
<td>Jan Hordin</td>
<td>Jan Holder</td>
<td>935 Oxford Way</td>
</tr>
<tr>
<td>James B Mitchell</td>
<td>James B Mitchell</td>
<td>923 Oxford Way</td>
</tr>
<tr>
<td>Aileen Campbell</td>
<td>Aileen Campbell</td>
<td>940 Oxford Way</td>
</tr>
<tr>
<td>Patrice Montgomery</td>
<td>Patrice Montgomery</td>
<td>915 Oxford Way</td>
</tr>
<tr>
<td>Robin Montgomery</td>
<td>Robin Montgomery</td>
<td>915 Oxford Way</td>
</tr>
<tr>
<td>Olvia Malekos</td>
<td>Olivia Malekos</td>
<td>931 Oxford Way</td>
</tr>
<tr>
<td>David Waldraafer</td>
<td>David Waldraafer</td>
<td>829 Muir Rd</td>
</tr>
<tr>
<td>Ken Waldraafer</td>
<td>Ken Waldraafer</td>
<td>829 Muir Rd</td>
</tr>
<tr>
<td>Brian Murray</td>
<td>Brian Murray</td>
<td>914 Muir Rd</td>
</tr>
<tr>
<td>Rudy Marie Garcia</td>
<td>Rudy Marie Garcia</td>
<td>924 Muir Rd</td>
</tr>
<tr>
<td>Katherine Cunetto</td>
<td>Katherine Cunetto</td>
<td>987 Oxford Way</td>
</tr>
<tr>
<td>Regina King</td>
<td>Regina King</td>
<td></td>
</tr>
<tr>
<td>Beverly VonderPlaat</td>
<td>Beverly VonderPlaat</td>
<td>12 Rio</td>
</tr>
<tr>
<td>Dee Kost</td>
<td>Dee Kost</td>
<td></td>
</tr>
<tr>
<td>Ashley Rosemarie</td>
<td>Ashley Rosemarie</td>
<td>12 Rio</td>
</tr>
<tr>
<td>Barry Jackson</td>
<td>Barry Jackson</td>
<td></td>
</tr>
</tbody>
</table>
PETITION

We, the undersigned, do hereby agree to and support the completion of the existing wall at the intersection of Oxford Way, E. Fairmont and Sunrise Avenues. The purpose of this closure is to address the increase of criminal activity in the neighborhood. We feel that this will lessen our neighborhood's accessibility to acts of crime and petty theft, as well as increase the safety and security of our neighbors.

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>NAME (PRINT)</th>
<th>STREET ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regina King</td>
<td>REGINA KING</td>
<td>1004 Helen Ave</td>
</tr>
<tr>
<td>Beverly Vandeplaat</td>
<td>Beverly Vandeplaat</td>
<td>813 Muir Rd.</td>
</tr>
<tr>
<td>Mario D. Garcia</td>
<td>MARIO D. GARCIA</td>
<td>826 Muir Rd.</td>
</tr>
<tr>
<td>David Kossi</td>
<td>DAVID KOSKI</td>
<td>618 Asbury Ln.</td>
</tr>
<tr>
<td>Brian Murray</td>
<td>BRIAN MURRAY</td>
<td>917 Muir</td>
</tr>
<tr>
<td>Todd Weeder</td>
<td>TODD WEAVER</td>
<td>821 Muir Rd.</td>
</tr>
<tr>
<td>Michael A. Difrances</td>
<td>Michael A. Difrances</td>
<td>900 Muir Rd.</td>
</tr>
<tr>
<td>Ashley Rosales</td>
<td>ASHLEY ROSENOES</td>
<td>50 Ashley Ave.</td>
</tr>
<tr>
<td>Eric Agnello</td>
<td>ERIC AGNELLO</td>
<td>804 Muir Rd.</td>
</tr>
<tr>
<td>Patti Montgomery</td>
<td>PATTI MONTGOMERY</td>
<td>915 Oxford</td>
</tr>
<tr>
<td>Barry Jackson</td>
<td>BARRY JACKSON</td>
<td>402 Ashby Ave.</td>
</tr>
<tr>
<td>Katherine Conotto</td>
<td>KATHERINE CONOTTO</td>
<td>987 Oxford Way</td>
</tr>
<tr>
<td>Katherine Conotto</td>
<td>KATHERINE CONOTTO</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING THE SUBMISSION OF THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FISCAL YEAR 2012-2013 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the City of Modesto, as an entitlement grantee of U.S. Department of Housing and Urban Development HUD funds, is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD no later than 90 days after the completion of the fiscal year, and

WHEREAS, this report details the activities undertaken during the year by the grantee supporting the goals identified in the Five-Year Consolidated Plan and the Fiscal Year 2012-2013 Annual Action Plan for the use of CDBG, HOME and ESG funds, and

WHEREAS, as required by the City’s Citizen Participation Plan, a public notice informing the public of the availability of the report and the start of the public comment period was published in the Modesto Bee on August 20, 2013, and

WHEREAS, the public comment period closed on September 24, 2013 with a public hearing at the City Council meeting, and

WHEREAS, on September 18, 2013, the Citizens’ Housing and Community Development Committee reviewed the Draft CAPER at a public meeting and recommended forwarding to City Council for approval, and

WHEREAS, all public comments, and staff responses to these comments, were presented to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of the City of Modesto Consolidated Annual
Performance Evaluation Report for Fiscal Year 2012-2013, a copy of said report is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all documents related to the submission of the CAPER.

BE IT FURTHER RESOLVED that staff is hereby authorized to submit the report to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer, Lopez

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF MODESTO AND SUPERKART! USA TO HOST THE 2014 PRO TOUR SUMMERNATIONALS ON AUGUST 1-3 OF 2014

WHEREAS, on September 4, 2013 the Economic and Development Committee approved hosting a 2014 Pro Tour SuperKart! USA event, and

WHEREAS, the City and SuperKart! USA have vast experience in hosting special events, and

WHEREAS, the approved contract between City and SuperKart! USA defines both Party’s roles in hosting such event, and

WHEREAS, the City agrees to use SuperKart! USA preferred vendors for event marketing, sound and audio to ensure integrity of SuperKart! USA brand and image, and

WHEREAS, the City will execute contracts with each preferred vendor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the contract between City of Modesto and SuperKart! USA to host the 2014 Pro Tour SummerNationals on August 1-3 of 2014.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the any and all required documents for the above event.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Geer

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-351

RESOLUTION APPROVING AN AGREEMENT WITH SILVER & WRIGHT, LLP; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto desires to enter into an Agreement for outside Legal Services with the Law Firm of Silver & Wright, LLP on October 1, 2013 for specialized legal and consultant services in the area of receivership, and

WHEREAS, the CITY desires to obtain Silver & Wright, LLP’s services with respect to providing legal advice, representation, and assistance to CITY in relation to receivership actions as assigned by the City Attorney, and

WHEREAS, Silver & Wright, LLP, is specially trained, experienced and competent to perform such services, and

WHEREAS, there are currently several properties within the City of Modesto that are in violation of the City’s Building and Property Maintenance Codes and City staff has determined that these are the worst properties that are in a condition of disrepair, blight, and owner neglect, and

WHEREAS, such properties have a negative impact on the surrounding neighborhoods and the entire City, as well as substantially endangering the health and safety of their residents and the public, and

WHEREAS, Code Enforcement staff have vigorously pursued these properties to the fullest extent under the Modesto Municipal Code including four properties that the City Attorney has determined to be in such an unsafe and depleted condition that the remedy of a court appointed Receiver under Health & Safety Code section 17980.7 is recommended, and
WHEREAS, the public interest, economy, and general welfare will be served by this Agreement, and

WHEREAS, funding for this action is available through the City Attorney’s Office’s Legal Services Account,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement for Legal Services with the Law Firm of Silver & Wright, LLP.

BE IT FURTHER RESOLVED that the City Manager and the City Attorney are hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 649 PARADISE ROAD, APN: 030-023-012 TO CONNECT TO THE CITY OF MODESTO’S EXISTING WATER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located at 649 Paradise Road, is not connected to City’s water system and

WHEREAS, this property is located outside Modesto City limits and

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

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development and

WHEREAS, the water connection fees are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 649 Paradise Road (APN 030-023-012) in Modesto.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson, Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCODED AT 649 PARADISE ROAD IN MODESTO, APN: 030-023-012 TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas.

WHEREAS, the property located AT 649 Paradise Road is not connected to City’s sewer system and

WHEREAS, this property is located outside Modesto City limits, and inside the City’s Sphere of Influence and

WHEREAS, this property is inside the Modesto Municipal Sewer District No.1 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, the sewer connection fees are paid and associated permits be obtained prior to connecting to the City sewer system and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 649 Paradise Road (APN 030-023-012) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Mayor Marsh
NOES: Councilmembers: None
ABSENT: Councilmembers: Gunderson, Muratore

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND HONG PHE, SANGLEY PRAK, MENG PRAK, HAV NEANG, AND BUNLEANG VIN FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 649 PARADISE ROAD, (APN: 030-023-012); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 649 Paradise Road is not connected to City’s water system, and

WHEREAS, this property is located outside Modesto City limits, and outside the City’s Sphere of Influence, and

WHEREAS, this property is inside, contiguous to, or near the former service area of the Del Este Water company, and

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

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 649 Paradise Road, Modesto APN (030-023-012)
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers: Burnside, Cogdill, Geer, Lopez, Mayor Marsh

NOES:    Councilmembers: None

ABSENT:  Councilmembers: Gunderson, Muratore

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT
BETWEEN THE CITY OF MODESTO AND HONG PHE, SANGLEY PRAK,
MENG PRAK, HAV NEANG, AND BUNLEANG VIN FOR SEWER SERVICE
FOR THE PROPERTY LOCATED AT 649 PARADISE ROAD, MODESTO,
(APN: 030-023-012); AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 649 Paradise Road is not connected to City’s
sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the
City’s Sphere of Influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No. 1,
and

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

WHEREAS, the sewer connection fees shall be paid and associated permits be
obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service
agreement for sewer service with the City

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an Outside Service Agreement for the property located at 649
Paradise Road, Modesto (APN 030-023-012).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson, Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE FURNISHING OF ASPHALT AND EMULSIFIED ASPHALT MATERIAL FOR THE DEPARTMENT OF PUBLIC WORKS, STREETS DIVISION, TO GEORGE REED, INC., MODESTO, CA, AS "PRIMARY" CONTRACTOR AND CALAVERAS MATERIALS INC., HUGHSON, CA, AS "SECONDARY" CONTRACTOR, FOR A ONE YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED HISTORICAL ANNUAL COST OF $500,000, AND OVER FIVE (5) YEARS OF $2,500,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of asphalt and emulsified asphalt material, and

WHEREAS, the Purchasing Division issued RFB No. 1314-01 Asphalt and Emulsified Asphalt Material to twenty-two (22) prospective bidders, one of which is a local vendor and posted the RFB on the City’s website, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Two (2) companies chose to respond, one of which is a local vendor, and

WHEREAS, both companies provided responsive and responsible bids, and

WHEREAS, in order to ensure availability of products to the City, purchase agreements shall be awarded to more than one contractor to provide for backup in case the primary contractor is unable to meet the City’s needs. A secondary position contractor may be awarded a specific job only if the primary contractor is unable to perform the service, or if the primary contractor is unable to complete the specific job within the timeframe required by the City, and finally, if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on providing responsive and responsible bids, City staff recommends the award of bids for the furnishing of asphalt and emulsified asphalt
materials for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as “primary” contractor and Calaveras Material, Inc., Hughson, CA, as “secondary” contractor, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of $500,000, and over five (5) years of $2,500,000, 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. The award of bids for the furnishing asphalt and emulsified asphalt materials for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as “primary” contractor and Calaveras Material, Inc., Hughson, CA, as “secondary” contractor, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 and available in various funds within the Public Works Department for the furnishing of asphalt and emulsified asphalt material.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the furnishing of asphalt and emulsified asphalt material for the Department of Public Works, Streets Division, to George Reed, Inc., Modesto, CA, as “primary” contractor and Calaveras Inc., Hughson, CA, as “secondary” contractor.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated historical annual cost of $500,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER DANIEL PHILLIPS FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, CHUCK; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Police Chief for the City of Modesto, from time to time, officially retires police canines from departmental service, and

WHEREAS, City of Modesto police canine handler, Officer Phillips, wishes to purchase and assume possession of his assigned canine, Chuck, upon the dog's official retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of a City of Modesto police canine by its assigned handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Officer Phillips for the purchase of retired police canine, Chuck.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: __________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney

10/01/2013/MPD/RAmendariz/Item 6

2013-357
RESOLUTION APPROVING AN AGREEMENT WITH COMMERCIAL ARCHITECTURE, INC. (COMMERCIAL ARCHITECTURE) FOR ON-CALL ARCHITECTURAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department’s workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require architectural services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific architectural services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City’s CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Architectural Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, four (4) Statements of Qualifications were received for architectural services, and
WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Commercial Architecture, Inc. (Commercial Architecture) was selected as the most qualified firm for on-call architectural services, and

WHEREAS, the local firm of Commercial Architecture is deemed the most qualified to provide the requested on-call professional services and has demonstrated satisfactory services to the City on past projects, such as it assisted with architectural design services for the Transit Building Restroom Remodel and Transit 4th Floor Remodel, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Commercial Architecture will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Commercial Architecture will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Commercial Architecture prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Commercial Architecture for On-Call Architectural Services be approved,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Commercial Architecture, Inc. for On-Call Architectural Services for Capital Improvement Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $45,000 per year. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Commercial Architecture, Inc., and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH MILLER-PEZZONI & ASSOCIATES, INC. (MILLER-PEZZONI) FOR ON-CALL ELECTRICAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department’s workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require electrical engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific electrical engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City’s CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Electrical Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, two (2) Statement of Qualifications were received for electrical engineering services, and
WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Miller-Pezzoni & Associates, Inc. (Miller-Pezzoni) was selected as the most qualified firm for on-call electrical engineering services, and

WHEREAS, the local firm of Miller-Pezzoni is deemed the most qualified to provide the requested on-call professional services and has demonstrated satisfactory services to the City on past projects, such as it assisted with the implementation of electrical engineering services for the Water Well 63 at Mildred Perkins Park, Modesto Centre Plaza Lighting, and Mildred Perkins Park Lighting, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Miller-Pezzoni will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Miller-Pezzoni will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Miller-Pezzoni prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Miller-Pezzoni for On-Call Electrical Engineering Services be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Miller-Pezzoni & Associates, Inc. for On-Call
Electrical Engineering Services for Capital Improvement Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $75,000 per year. Total cost for three years is not to exceed $225,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Miller-Pezzoni & Associates, Inc., and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: _______________________
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _______________________
SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH NEXUS ENGINEERING (NEXUS) FOR ON-CALL MECHANICAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department’s workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require mechanical engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific mechanical engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City’s CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Mechanical Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, one (1) Statement of Qualifications was received for mechanical engineering services, and
WHEREAS, after careful review of the Statement of Qualifications/Proposal by Community Economic and Development and UP&P Department staff, Nexus Engineering (Nexus) was selected as the most qualified firm for on-call mechanical engineering services, and

WHEREAS, the local firm of Nexus is deemed the most qualified to provide the requested on-call professional services and has demonstrated satisfactory services to the City on past projects, such as it assisted with the design of the Tertiary Treatment Plant Operations Building and Multiple HVAC Unit Replacement, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Nexus will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Nexus will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Nexus prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Nexus for On-Call Mechanical Engineering Services be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Nexus Engineering for On-Call Mechanical Engineering Services for Capital Improvement Projects for one year, with two one-year
extension options at the sole discretion of the City in an amount not to exceed $45,000 per year. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Nexus Engineering, and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH LIONAKIS FOR ON-CALL STRUCTURAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require structural engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific structural engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City’s CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Structural Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, three (3) Statement of Qualifications was received for structural engineering services, and
WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Lionakis was selected as the most qualified firm for on-call structural engineering services, and

WHEREAS, the local firm of Lionakis is deemed the most qualified to provide the requested on-call professional services, and although Lionakis has not previously provided engineering services for City projects, it has provided structural engineering services for the following local projects: Modesto Junior College Science Community Center, Founders Hall, High Tech Center and Outdoor Education Center; Modesto school projects including Modesto High School Science and Math Building, La Loma Junior High School Cafeteria, and Roosevelt Junior High School Cafeteria; Memorial Medical Center Cardiac Intervention Suite; and Linac Equipment Replacement and Emergency Department Expansion – Remodel, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Lionakis will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Lionakis will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Lionakis prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Lionakis for On-Call Structural Engineering Services be approved,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Lionakis for On-Call Structural Engineering Services for Capital Improvement Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $45,000 per year. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Lionakis, and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-362

RESOLUTION APPROVING AN AGREEMENT WITH KLEINFELDER WEST, INC. (KLEINFELDER) FOR ON-CALL GEOTECHNICAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department’s workload and staffing experience, there are a number of Capital Improvement Program (CIP) projects that may require geotechnical engineering services, and

WHEREAS, retaining an on-call professional services consultant allows the department to have quick access to specific geotechnical engineering services, when needed, and

WHEREAS, in addition, an on-call professional services consultant can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to continue efficient operations of the City’s CIP projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) for On-call Geotechnical Engineering Services for the Utility Planning and Projects Department – Capital Improvement Services Division to all local consultants, and

WHEREAS, three (3) Statement of Qualifications was received for geotechnical engineering services, and
WHEREAS, after careful review of the Statement of Qualifications/Proposals by Community Economic and Development and UP&P Department staff, Kleinfelder West, Inc. (Kleinfelder) was selected as the most qualified firm for on-call geotechnical engineering services, and

WHEREAS, the local firm of Kleinfelder is deemed the most qualified to provide the requested on-call professional services and has demonstrated satisfactory services to the City on past projects, such as it assisted with the design of the Downstream Improvements North Tank water storage reservoir, Kansas Needham Soil Remediation, and Orangeburg Avenue Water Main Bore and Jack, and

WHEREAS, no new budget allocation is required because funds for each project-specific task order under the agreement will be budgeted and encumbered as part of each specific Capital Improvement Program (CIP) project or other account as the task is assigned, and

WHEREAS, Kleinfelder will submit a written scope of services outlining the specific work, schedule, and fee estimate associated with each task order, and

WHEREAS, Kleinfelder will not perform any service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to Kleinfelder prior to commencement of services, and

WHEREAS, City staff recommends an Agreement with Kleinfelder for On-Call Geotechnical Engineering Services be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kleinfelder West, Inc. for On-Call Geotechnical Engineering Services for Capital Improvement Projects for one year, with
two one-year extension options at the sole discretion of the City in an amount not to exceed $45,000 per year. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Kleinfelder West, Inc., and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-363

RESOLUTION ACCEPTING THE WORK BY ALLEN A. WAGGONER CONSTRUCTION, INC., FOR THE "EMERALD & MAZE STORM DRAIN PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $188,925

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Emerald & Maze Storm Drain Project has been completed by Allen A. Waggoner Construction, Inc., in accordance with the contract agreement dated September 11, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Emerald & Maze Storm Drain Project is hereby accepted as complete from said contractor, Allen A. Waggoner Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $188,925 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-364

RESOLUTION ACCEPTING THE WORK BY NETBUILDS, FOR THE
"CUSTOMER SERVICES COUNTER IMPROVEMENTS PROJECT" AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $173,360

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Customer Services Counter Improvements Project has been completed by Netbuilds, in accordance with the contract agreement dated March 26, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Customer Services Counter Improvements Project is hereby accepted as complete from said contractor, Netbuilds, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $173,360 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE 2012-13 ANNUAL REPORT OF SECURITIES HELD FOR FUTURE IMPROVEMENTS, AND MAKING FINDINGS RELATED TO EACH SECURITY ON FILE

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development, and

WHEREAS, impact fees paid by Fuentes Construction on March 8, 2001, as a condition of approval for the project located at 1024 Florence Avenue, Modesto, for future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, and

WHEREAS, impact fees were collected from American Home Builders as a condition of approval for its project located at 3055 Floyd Avenue, Modesto, on September 2, 2005, for future improvements to include the expansion of Beta Street to the north of the property, and

WHEREAS, impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for its project located at 3019 Floyd Avenue, Modesto, for future improvements to include the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway, and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received, and
WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for October 1, 2013, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the impact fees collected for future improvements are necessary to fund future infrastructure needed for new development.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the revenue anticipated for the full development of infrastructure improvements required for these projects have not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is estimated to be completed in 2013, and therefore fees should still be retained for these purposes.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAN MARSH, Mayor

APPROVED AS TO FORM:

By: SUSANA ACALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-366

A RESOLUTION APPROVING THE CREATION OF A NEW MULTI-YEAR FUND 3510 TO BE USED SOLELY FOR PROJECTS TO BE FUNDED BY SECURITIES HELD FOR FUTURE IMPROVEMENTS

WHEREAS, the City has collected securities from developers for future improvements as a condition of approval ("Securities Held for Future Improvements"), and

WHEREAS, historically these securities, if paid in cash, have been deposited into the City's Trust Account, and

WHEREAS, upon a thorough review of Government Code §66006(a) it was determined that the creation of a separate fund to isolate these monies and their associated interest accruals would be a more prudent way to do business.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the creation of a new Multi-Year Fund 3510 to be used solely for projects to be funded by Securities Held for Future Improvements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-367

A RESOLUTION AMENDING THE FISCAL YEAR 2013-14 MULTI-YEAR BUDGET, CREATING THREE (3) MULTI-YEAR PROJECTS WITHIN FUND 3510 AND APPROPRIATING CASH DEPOSITS CURRENTLY HELD FOR THE THREE (3) PROJECTS

WHEREAS, the City has collected securities for future improvements as a condition of approval, and

WHEREAS, historically these monies have been deposited into the City’s Trust Account, and

WHEREAS, upon a thorough review of Government Code §66006(a) it was determined that the creation of a separate fund to isolate these monies and their associated interest accruals would be a more efficient way to oversee and track the deposits, and

WHEREAS, staff has determined that deposits made for future improvements should be housed in separate Multi-Year Projects within Fund 3510.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2013-14 Multi-Year Budget, creating three (3) Multi-Year Projects within Fund 3510 and appropriating cash deposits currently held for the three (3) projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH KEMPEPSORTS, NORTHBROOK, IL FOR GOLF MANAGEMENT SERVICES AT CREEKSIIE GOLF COURSE AND DRYDEN GOLF COURSE FOR A TWO YEAR PERIOD

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) entered agreement with FM Golf to provide golf management services to Creekside Golf Course and Dryden Golf Course on June 12, 2012, and

WHEREAS, as part of that agreement, FM Golf agreed to limit the City’s contribution to the Golf Fund to $250,000, and

WHEREAS, FM Golf was unable to fulfill that obligation of the agreement, and

WHEREAS, the PRND notified FM Golf of their intention to terminate the agreement on April 11, 2013, and

WHEREAS, the current agreement will expire as of October 11, 2013, and

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) issued Request For Quotes (RFQ) Golf Course Management to prospective proposers, posted the RFQ on the City’s website and formally advertised as required by law, and

WHEREAS, proposals were received and opened on September 16, 2013. Six (6) Golf Course Managers chose to respond, with five (5) submitting responsible proposals, and meeting RFQ criteria, and

WHEREAS, based on ranking of Golf Course Management performance in relation to base specifications, by PRND staff and subject matter experts, PRND staff requests permission to negotiate a contract for the Golf Course Management to KemperSports, Inc., for a period of two years, and
WHEREAS, KemperSports includes a unique and separate partnership with ValleyCrest, Inc where ValleyCrest, Inc has agreed to pay KemperSports’ management fee for the two year contract, and

WHEREAS, the above agreement gives the City of Modesto a ‘no-fee’ management of the golf courses for the two year term of the contract, and

WHEREAS, the existing manager is immediately departing, staff is asking for authority to negotiate a contract with KemperSports;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to negotiate a contract with KemperSports, Inc., to manage the operations of Creekside and Dryden Golf Courses for a period of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION EXTENDING THE CURRENT AGREEMENT WITH VALLEYCREST, INC., UNTIL OCTOBER 2015

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) entered agreement with ValleyCrest, Inc. a California Corporation to provide golf course on April 28, 2009, and

WHEREAS, ValleyCrest currently charges $1,600,642 to maintain Creekside, Dryden and Municipal Golf Courses, and

WHEREAS, ValleyCrest has agreed to reduce its annual maintenance payment to $1,550,642 through October 2015, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to extend the contract with ValleyCrest, Inc. through October 2, 2015.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: ____________________________
STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
SUSANA ALCALA WOOD, City Attorney
RESOLUTION FUNDING A .75 ADMINISTRATIVE ANALYST II POSITION IN THE GOLF FUND TO OVERSEE THE NEW GOLF MANAGEMENT CONTRACT, AS WELL AS EXISTING GOLF AGREEMENTS

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) Golf Fund currently supports a .25 Administrative Analyst II, and

WHEREAS, the Analyst prepares all monthly financial and course play information for the golf courses, monitors green fee revenues collected by the current golf course provider, monitors the current ValleyCrest agreement and reports monthly on the City’s Youth on Course contract, and

WHEREAS, the new golf contract will require more City oversight including a Golf Course Budget including golf course revenues and expenditures, and

WHEREAS, the City will now be receiving all course revenues including golf cart, food concessions, pro-shop merchandise, driving range and lessons, staffing, inventory, advertising, promotions and repairs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the .25 Administrative Analyst II position allocation in the Golf Fund to be increased to .75 Administrative Analyst II.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of October, 2013, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Lopez, Muratore,
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Gunderson

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE PURCHASE OF JANITORIAL PAPER PRODUCTS FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, BUILDING SERVICES DIVISION, TO CENTRAL SANITARY SUPPLY, MODESTO, CA, AND RANDIK PAPER, MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE AGREEMENTS FOR AN ESTIMATED ANNUAL COST OF $39,300

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of janitorial paper products, and

WHEREAS, the Purchasing Division issued RFB No. 1314-08 Janitorial Paper Products to eight (8) prospective bidders, five (5) of which were local vendors, and posted the RFB on the City’s website, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Seven (7) companies chose to respond, three (3) of which were local vendors, and

WHEREAS, all seven (7) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, Modesto, CA, for a one-year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of $39,300, 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. The award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the purchase of janitorial paper products in Appropriation Unit: 5800-35130-52150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the purchase of janitorial paper products for the Parks, Recreation and Neighborhoods Department, Building Services Division, to Central Sanitary Supply, Modesto, CA, and Randik Paper, Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated annual cost of $39,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT BY ACCESSING THE TERMS OF A COMPETITIVELY BID AGREEMENT THROUGH US COMMUNITIES, TO GAMETIME, NOVATO, CA, FOR A TOTAL COST OF $52,288.92.

WHEREAS, the City of Modesto originally developed and installed playground equipment at Sipherd Neighborhood Park in 1987, and

WHEREAS, at the time of installation, ADA Guidelines were not as inclusive as they now are, and

WHEREAS, replacing the existing playground equipment with new playground equipment will improve the ADA accessibility of the playground and will meet current ADA Guidelines, and

WHEREAS, since the installation of the playground equipment in Sipherd Neighborhood Park it has been repeatedly vandalized to the point that replacement parts are no longer available, and

WHEREAS, due to the age of the existing playground equipment it is scheduled to be removed shortly and soon it is anticipated to not meet current playground safety standards, and

WHEREAS, US Communities went through a sound competitive process for the purchase of playground equipment, awarding a multi-year contract to GameTime, and

WHEREAS, there are no local vendors capable of providing the type of playground equipment required for this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the award of bid for the purchase of playground equipment.
equipment for the Parks, Recreation and Neighborhoods Department by accessing the terms of a competitively bid agreement through US Communities, to GameTime, Novato, CA and authorizing the Purchasing Manager, or his designee, to issue a purchase order in the amount of $52,288.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO A MANAGEMENT AGREEMENT WITH KEMPERSPORTS, INC. FOR THE GOLF OPERATIONS AT DRYDEN AND CREEKSIDE GOLF COURSES IN THE AMOUNT OF $0.00 (ZERO DOLLARS) FOR A PERIOD FROM OCTOBER 14, 2013 THROUGH OCTOBER 31, 2015

WHEREAS, the Parks, Recreation and Neighborhoods Department (PRND) entered agreement with FM Golf to provide golf management services to Creekside Golf Course and Dryden Golf Course on June 12, 2012, and

WHEREAS, as part of that agreement, FM Golf agreed to limit the City’s contribution to the Golf Fund to $250,000, and

WHEREAS, FM Golf was unable to fulfill that obligation of the agreement, and

WHEREAS, the PRND notified FM Golf of their intention to terminate the agreement on April 11, 2013, and

WHEREAS, the current agreement will expire effective October 11, 2013, and

WHEREAS, on October 1, 2013, the City Council directed staff to enter into negotiations with KemperSports, Inc. to develop a management agreement in the amount of $0.00 (zero dollars) for the period starting October 14, 2013 and ending October 31, 2015, and

WHEREAS, the Management Agreement is anticipated to be through final legal review by Thursday, October 10, 2013 and

WHEREAS, KemperSports is expected to begin operations on October 14, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute all documents related to a
Management Resolution with KemperSports, Inc., for the operations of Creekside and Dryden Golf Courses for a period of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 OPERATING BUDGET TO APPROPRIATE $115,000 IN GENERAL FUND RESERVES TO FUND A STARTUP BUDGET WITH KEMPERSPORTS, INC., FOR A MANAGEMENT AGREEMENT TO MANAGE DRYDEN AND CREEKSIDES GOLF COURSES FOR THE PERIOD BETWEEN OCTOBER 14, 2013 AND DECEMBER 31, 2013

WHEREAS, KemperSports, Inc. has been selected to manage Dryden and Creekside Golf Courses, and

WHEREAS, the previous management agreement was a concession agreement, and

WHEREAS, the new agreement is a management agreement, and

WHEREAS, the City of Modesto will now have sole responsibility for all operating expenses and will receive all course revenues at Dryden and Creekside Golf Courses, and

WHEREAS, the proposed scope and budget will be the basis of the management agreement between the City and KemperSports, Inc., and

WHEREAS, the startup budget for this agreement for the period of October 14, 2013 through December 31, 2013 is not to exceed $115,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2013-2014 Operating Budget as necessary and to appropriate the startup budget for management of Creekside and Dryden Golf Courses in an amount not to exceed $115,000.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of October, 2013 by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-375

A RESOLUTION APPROVING THE 2014 CITY COUNCIL MEETING CALENDAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2014 City Council Meeting Calendar, attached hereto as Exhibit “A”, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
SUSANA ALCALA WOOD, City Attorney
City Council Calendar
2014

January 2014

7th Council Meeting (regular)
14th Council Meeting (regular)
21st NO MEETING
28th Council Meeting (regular)

February 2014

4th Council Meeting (regular)
11th Council Meeting (regular)
18th NO MEETING
25th Council Meeting (regular)

March 2014

4th Council Meeting (regular)
11th Council Meeting (regular)
18th NO MEETING
25th Council Meeting (regular)

April 2014

1st Council Meeting (regular)
8th Council Meeting (regular)
15th NO MEETING
22nd CANCELLED*
29th NO MEETING- 5th Tuesday

May 2014

6th Council Meeting (regular)
13th Council Meeting (regular)
20th NO MEETING
27th Council Meeting (regular)

June 2014

3rd Council Meeting (regular)
10th Council Meeting (regular)
17th NO MEETING
24th Council Meeting (regular)

July 2014

1st Council Meeting (regular)
8th Council Meeting (regular)
15th NO MEETING
22nd NO MEETING
29th NO MEETING - 5th Tuesday

August 2014

6th Council Meeting (special)**
12th Council Meeting (regular)
19th NO MEETING
26th NO MEETING

September 2014

2nd Council Meeting (regular)
9th Council Meeting (regular)
16th NO MEETING
23rd Council Meeting (regular)
30th NO MEETING - 5th Tuesday

October 2014

7th Council Meeting (regular)
14th Council Meeting (regular)
21st NO MEETING
28th Council Meeting (regular)

November 2014

4th Council Meeting (regular)
11th CANCELLED***
18th NO MEETING
25th Council Meeting (regular)

December 2014

2nd Council Meeting (regular)
9th Council Meeting (regular)
16th CANCELLED per MMC 2-1.01
23rd CANCELLED per MMC 2-1.01
30th CANCELLED per MMC 2-1.01

*April 22nd due to Spring Break
**August 6th Wednesday Meeting due to National Night Out on August 5th
***November 11th due to Veteran’s Day

CC Mtg Calendar for 2014 - 10/9/13 Draft
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-376

RESOLUTION APPROVING THE PROTECTED-PERMISSIVE TRAFFIC SIGNALS REPORT FOR 2012

WHEREAS, Traffic Engineering staff does not recommend any changes this year to the Protected-Permissive Traffic Signals, and

WHEREAS, the City now has protected-permissive signal phasing at 51 intersections, and

WHEREAS, staff recommends continuing the use of protected-permissive phasing at appropriate locations, and monitoring these installations for improvements and/or modifications based on periodic technical analysis, and

WHEREAS, all 51 protected-permissive signalized intersections have acceptable safety records this reporting cycle, and

WHEREAS, the Economic Development Committee approved this report at their September 4, 2013, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Protected-Permissive Traffic Signals Report for 2012.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A REIMBURSEMENT TO QUIK STOP INC. IN THE AMOUNT OF $81,223.63 FOR THE RELOCATION ASSISTANCE AND PURCHASE OF: INVENTORY, REMOVAL OF FUEL TANKS, DEMOLITION, TESTING AND CLEANUP EXPENSES WITHIN THE LIMITS OF THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT

WHEREAS, the State Route 99 and Pelandale Interchange improvement project is a State Project to address the traffic congestion problem at Pelandale Avenue and Highway 99 Interchange, and

WHEREAS, improvement of said interchange will require acquisition of right-of-way for State Highway and related local road purposes, and

WHEREAS, On May 22, 2012 the City Council adopted a resolution #2012-188 amending the Fiscal Year 2011/2012 Capital Improvement budget to appropriate $3,096,345 from the Street Capital Facility Fees Fund to the State Route 99/Pelandale Interchange Reconstruction Project for the purpose of total acquisition, and

WHEREAS, On January 31, 2013, the City has obtained legal possession by way of Order for Prejudgment Possession for parcel APN: 135-029-039, and

WHEREAS, as a part of the property acquisition process the City is required to reimburse on-site businesses for incurred expenses as a part of the relocation process, and

WHEREAS, Quik Stop Inc. submitted a work plan and estimated cost for fuel equipment removal, environmental testing, signage removal and equipment relocation and on April 5, 2013 was authorized by City staff to begin work. Subsequently, the work was completed, and on June 6, 2013 Quik Stop Inc. submitted invoices for expenses incurred, and
WHEREAS, City’s consultant Musccolino/PICS performed a wall-to-wall account of the Quick Stop Inc. inventory and,

WHEREAS, City’s Consultants and Staff has worked diligently with Quik Stop Inc., and has determined the appropriate refundable inventory to be $25,356.63.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves reimbursement to Quik Stop Inc. in the amount of $81,223.63 for the relocation assistance and purchase of inventory, removal of fuel tanks, demolition, testing and cleanup expenses within the limits of the State Route 99 / Pelandale Avenue Interchange Reconstruction project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR SB-90 STATE MANDATES-REIMBURSEMENT CLAIMS PROCESSING SERVICES FOR THE FINANCE DEPARTMENT TO MGT OF AMERICA, INC., SACRAMENTO, CA, FOR A TWO (2) YEAR INITIAL TERM WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY FOR AN ESTIMATED ANNUAL COST OF $12,500 AND A FIVE (5) YEAR ESTIMATED COST OF $62,500

WHEREAS, Article XIII B, section 6 of the California Constitution provides for reimbursement of costs incurred by local agencies for various State-mandated services. The City of Modesto is eligible to be reimbursed for costs incurred implementing state mandated programs such as administrative license suspension, domestic violence victim assistance and identity theft. Over the last three (3) fiscal years, the City of Modesto has filed SB 90 claims to the State of California in excess of $1,000,000, and

WHEREAS, approval of a Professional Services contract will allow the City to utilize outside subject matter experts (SME) to assist the City in the claims reimbursement program and to ensure that the City’s claims are processed within the required time frame, as prescribed by the State of California, and

WHEREAS, the scope of services includes the preparation and filing of eligible claims for annual and first-time mandates, the preparation of indirect cost proposals, providing information regarding new claiming opportunities and providing liaison services with the State Controller on all contested claims., and

WHEREAS, The City Manager authorized the Purchasing Manager to issue Request for Proposals (RFB) for SB-90 State Mandates- Reimbursement Claims Processing services with the Purchasing Division coming back to Council for award authorization, and
WHEREAS, the Purchasing Division issued RFP No. 1314-15 for SB-90 State Mandates- Reimbursement Claims Processing services to four (4) prospective proposers and posted the RFP on the City’s website, and

WHEREAS, bids were formally opened in the City Clerk’s office. Two (2) companies chose to respond, and

WHEREAS, an evaluation committee comprised of Finance Department staff evaluated the proposals based on the selection criteria listed in the RFP, and

WHEREAS, based on being ranked highest in total evaluation criteria, the committee recommended the award of contract for SB-90 State Mandates- Reimbursement Claims Processing services to MGT of America, Inc., Sacramento, CA, for an estimated total cost of $62,500, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account # 0100-90001-53300, 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. The award of contract for SB-90 State Mandates- Reimbursement Claims Processing services to MGT of America, Inc., Sacramento, CA, conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for SB-90 State Mandates- Reimbursement Claims Processing services to MGT of America, Inc., Sacramento, CA,

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the contract for an estimated total cost of $62,500.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MEYERS, NAVE, RIBACK, SILVER & WILSON ("MEYERS NAVE"), A PROFESSIONAL LAW FIRM, TO PROVIDE INTERIM CITY ATTORNEY SERVICES FOR THE CITY, AND APPOINT ADAM LINDGREN AS INTERIM CITY ATTORNEY

WHEREAS, the City Attorney provided her resignation on September 15, 2013 and her last day of service will be November 15, 2013 with her last day in office as November 8, 2013, and

WHEREAS, the City Council needs to appoint an Acting City Attorney to fill the role of City Attorney within City service, and

WHEREAS, the City Manager and Human Resources Director contacted various law firms to determine their availability to provide said services, and

WHEREAS, the City Council met in closed session to discuss the terms of the contract and directed the City Manager and Human Resources Director to negotiate and execute an agreement with Meyers Nave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City Manager to negotiate and enter into an agreement with Meyers Nave, a professional law firm, to provide interim City Attorney services with the City, and appoint Adam Lindgren as Interim City Attorney.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE STATE SUPPLEMENTAL LAW ENFORCEMENT GRANT, IN THE AMOUNT OF AT LEAST $100,000, FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND FOR POLICE OVERTIME; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, the monies in any other fund except that monies may be transferred from the SLESF to the City’s General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto, for Fiscal Year (FY) 2013/2014, of at least $100,000, to be made in four installments of $25,000 each,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Chief of Police’s Expenditure Plan for the FY 2013/2014 State Supplemental Law Enforcement Services Fund, allocation of at least $100,000 for police overtime, training, technology, and equipment.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary program documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF AT LEAST $100,000 FOR THE CITY OF MODESTO'S ALLOCATION FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, monies in any other fund except that monies may be transferred from the SLESF to the City’s General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for Fiscal Year (FY) 2013/2014 of at least $100,000, to be made in four installments of $25,000 each, and

WHEREAS, the adopted FY 2013/2014 Police SLESF allocation in the amount of at least $100,000 will be applied to account number 1340-19999-100724-42140,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2013/2014 Multi-Year Operating Budget to appropriate revenues and expenditures of at least $100,000 for the City of Modesto’s allocation from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment as shown in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Exhibit A

The SLESF allocation for Fiscal Year 2013/2014 will be applied to:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
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<tbody>
<tr>
<td>To:</td>
<td></td>
<td></td>
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<tr>
<td>1340-19998-100776-42140</td>
<td>$100,000</td>
<td>Intergov. – State – SLESF Revenue</td>
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<table>
<thead>
<tr>
<th>Expense</th>
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<tbody>
<tr>
<td>To:</td>
<td></td>
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<tr>
<td>1340-19998-100776-Appr C</td>
<td>$ 5,000</td>
<td>Svc City Inter-fund (for overtime)</td>
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<tr>
<td>1340-19998-100776-Appr C</td>
<td>$ 5,000</td>
<td>Tools &amp; Field Supplies &lt; $5K</td>
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<td>1340-19998-100776-Appr C</td>
<td>$ 60,000</td>
<td>Computer Equip. &lt; $5K</td>
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<tr>
<td>1340-19998-100776-Appr C</td>
<td>$ 9,000</td>
<td>Training Expenses</td>
</tr>
<tr>
<td>1340-19998-100776-Appr C</td>
<td>$ 5,000</td>
<td>Office Equipment &lt;$5K</td>
</tr>
<tr>
<td>1340-19998-100776-Appr C</td>
<td>$ 16,000</td>
<td>Communications Equip. &lt;$5K</td>
</tr>
<tr>
<td></td>
<td>$100,000</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING THE SALE OF WASTEWATER CAPACITY FROM THE CAPACITY BANK TO FLOWERS BAKING CO., AS SPECIFIED IN MODESTO MUNICIPAL CODE 5-6.909(A) AT THE 1999 ALLOCATION RATE FOR THE CAPACITY BANKING CHARGES

WHEREAS, on January 27, 2009, Council adopted a motion introducing Ordinance No. 3503-C.S. adding Article 9 titled “Wastewater Permitted Capacity Banking and Transfer” to Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, under Section 5-6.9060) “Permitted Capacity which is banked by the City may be assigned, permitted, loaned, or otherwise transferred to the City’s Users, transferred as specified in Section 5-6.904, or placed in reserve as prescribed by the City,” and

WHEREAS, although the Capacity Banking Ordinance provides for the transfer of permitted capacity, we will be transferring capacity that was allocated in 2007 to all permitted Industrial Users rather than permitted capacity, and

WHEREAS, Flowers Baking Co. of Modesto, LLC (“Flowers”) has acquired the leasehold and related business from ARYZTA LLC (“ARYZTA”), successor in interest to Premier Bakery Inc., located at 736 Mariposa Road, Modesto, CA and will discharge wastewater from the facility to sanitary sewer under the terms and conditions of their wastewater discharge permit that was issued August 16, 2013, and

WHEREAS, at full production, Flowers Baking Co. will manufacture 280,000 pounds of baked goods per production day, and
WHEREAS, to meet these production requirements, Flowers Baking Co. will hire about 100 full time employees with salaries above minimum wage and health insurance, and

WHEREAS, after securing current wastewater capacity from Premier Bakers Inc., Flowers Baking Co., is requesting the following additional wastewater capacity: Flow (gallons) 983,087, BOD (pounds) 44,113 and TSS (pounds) 19,345, and

WHEREAS, as of August 2013, there are current Capacity Bank assets to accommodate this request, and

WHEREAS, Flowers Baking Co. will secure the capacity from the Capacity Bank by payment of $160,254.62 at the 1999 allocation rates as described by MMC 5-6.909 as listed: $10.58/gallon Flow, $976.42/pound BOD, and $259.45/pound TSS, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of wastewater capacity from the Economic Incentive Wastewater Treatment Capacity Bank to Flowers Baking Co. of Modesto, LLC as specified in Modesto Municipal Code 5-6.909(a) at the 1999 allocation rate for capacity banking charges.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any necessary documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE WORK BY HPS MECHANICAL, INC., FOR THE “PRIMARY OUTFALL REHABILITATION PROJECT - PHASE III” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $2,330,664

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Primary Outfall Rehabilitation Project – Phase III has been completed by HPS Mechanical, Inc., in accordance with the contract agreement dated January 8, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Primary Outfall Rehabilitation Project – Phase III is hereby accepted as complete from said contractor HPS Mechanical, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $2,330,664 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE WORK BY DOUG ROSS, INC., DBA CENTRAL VALLEY ASPHALT, FOR THE “RENOVATION OF TENNIS COURTS AT MODESTO HIGH SCHOOL PROJECT” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $162,183

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Renovation of Tennis Courts at Modesto High School Project has been completed by Doug Ross, Inc., dba Central Valley Asphalt, in accordance with the contract agreement dated June 26, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Renovation of Tennis Courts at Modesto High School Project is hereby accepted as complete from said contractor, Doug Ross, Inc., dba Central Valley Asphalt, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $162,183 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE LONG RANGE PROPERTY MANAGEMENT PLAN OF THE MODESTO REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34191.5(b)

WHEREAS, California Health and Safety Code Section 34175(b) and the California Supreme Court decision in California Redevelopment Association, et al. versus Ana Matosantos, et al, eliminated Redevelopment Agencies in the State of California effective February 1, 2012 and established Redevelopment Successor Agencies to complete wind down activities; and

WHEREAS, California Health and Safety Code Section 34191.5(b) requires Successor Agencies to prepare and submit a Long Range Property Management Plan (LRPMP) within six months of the issuance of the Finding of Completion from the California Department of Finance (DOF); and

WHEREAS, the purpose of the LRPMP is to identify properties titled in the former Redevelopment Agency’s name and address the use or disposition of each property; and

WHEREAS, the former Modesto Redevelopment Agency owned eleven (11) properties:

1. 11th Street Parking Garage
2. 1010 10th Street, 1st Floor Retail Space
3. 9th Street Parking Lot
4. 1125 9th Street – Parking Garage
5. 9th Street – Pedestrian Bridge
6. 1150 9th Street – Modesto Centre Plaza
7. 4 Parcels – Parking Lot at the corner of 10th and H Streets
WHEREAS, the Modesto Redevelopment Successor Agency (Successor Agency) retain Kosmont Companies to prepare the LRPMP; and

WHEREAS, on October 17, 2013, the Successor Agency approved the Long Range Property Management Plan which is hereby attached; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto Redevelopment Successor Agency’s Long Range Property Management Plan is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh

NAYS: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
DRAFT LONG-RANGE PROPERTY MANAGEMENT PLAN

CITY OF MODESTO REDEVELOPMENT SUCCESSOR AGENCY

MODESTO
CALIFORNIA

OCTOBER 2013

Prepared By:

KOSMONT COMPANIES
865 S. Figueroa Street, #3500
Los Angeles, CA 90017
Telephone: (213) 417-3300
www.kosmont.com
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<th>Page</th>
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<tr>
<td>2.0 Long-Range Property Management Plan</td>
<td>6</td>
</tr>
<tr>
<td>Property #1: 11th Street Parking Garage</td>
<td>6</td>
</tr>
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<td>Property #2: 1010 10th Street - 1st Floor Retail</td>
<td>9</td>
</tr>
<tr>
<td>Property #3: 9th Street Parking Lot</td>
<td>12</td>
</tr>
<tr>
<td>Property #4: 1125 9th Street - Parking Garage</td>
<td>14</td>
</tr>
<tr>
<td>Property #5: 9th Street - Pedestrian Bridge</td>
<td>16</td>
</tr>
<tr>
<td>Property #6: 1150 9th Street - Modesto Centre Plaza</td>
<td>18</td>
</tr>
<tr>
<td>Property #7: 777 10th Street - Parking Lot (Proposed Courthouse Site)</td>
<td>20</td>
</tr>
<tr>
<td>3.0 Attachments</td>
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</tr>
</tbody>
</table>

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro formas and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
1.0 Introduction

1.1 Background & Purpose

Health and Safety Code Section 34191.5, added by AB 1484 (signed into law on June 27, 2012), requires each Successor Agency ("SA") to prepare and approve a Long-Range Property Management Plan ("LRPMP") that addresses the disposition and use of the real properties of the former redevelopment agency. Properties held by a successor agency cannot be disposed of until the State Department of Finance ("DOF") has approved the LRPMP. This document is the LRPMP for the Successor Agency to the former Modesto Redevelopment Agency.
The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
1.2 Successor Agency Property Summary

There are eleven (11) parcels/seven (7) properties owned and controlled by the Successor Agency. All eleven (11) parcels/seven (7) properties entail fee simple property.

<table>
<thead>
<tr>
<th>#</th>
<th>Address/Description</th>
<th>APN</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11th Street Parking Garage</td>
<td>105-037-032</td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>1010 10th Street - 1st Floor Retail</td>
<td>105-037-033; 105-037-034</td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>9th Street Parking Lot</td>
<td>105-041-021</td>
<td>X</td>
</tr>
<tr>
<td>4</td>
<td>1125 9th Street - Parking Garage</td>
<td>105-048-006</td>
<td>X</td>
</tr>
<tr>
<td>5</td>
<td>9th Street Pedestrian Bridge</td>
<td>105-048-008</td>
<td>X</td>
</tr>
<tr>
<td>6</td>
<td>1150 9th Street - Centre Plaza</td>
<td>105-048-011</td>
<td>X</td>
</tr>
<tr>
<td>7</td>
<td>777 10th Street - Parking Lot</td>
<td>106-042-01; 106-042-02; 106-042-03; 106-042-04</td>
<td>X</td>
</tr>
</tbody>
</table>
2.0 Long-Range Property Management Plan (PMP)

Property #1: 11th Street Parking Garage

<table>
<thead>
<tr>
<th>Parcel Data – Property #1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong></td>
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<tr>
<td><strong>APN</strong></td>
</tr>
<tr>
<td><strong>Lot Size</strong></td>
</tr>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
</tr>
<tr>
<td><strong>Current Title</strong></td>
</tr>
<tr>
<td><strong>Improvements</strong></td>
</tr>
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<table>
<thead>
<tr>
<th>Acquisition &amp; Valuation Information – Property #1</th>
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</thead>
<tbody>
<tr>
<td><strong>Purchase Date</strong></td>
</tr>
<tr>
<td><strong>Purchase Price</strong></td>
</tr>
<tr>
<td><strong>Funding Source</strong></td>
</tr>
<tr>
<td><strong>Purpose</strong></td>
</tr>
<tr>
<td><strong>Estimate of Current Value</strong></td>
</tr>
<tr>
<td><strong>Method of Valuation</strong></td>
</tr>
</tbody>
</table>
Revenues Generated by Property & Contractual Requirements – Property #1

Annual revenue generated equals $409,117. A portion of this revenue is derived from the parking fees which are charged as follows:

$1 per hour 6 a.m. to 6 p.m.
$5 flat fee 6 p.m. to 6 a.m.

Additionally, included in that revenue amount are three (3) parking agreements as summarized below:

- $38,472 from Centerra Capital (Parking Garage retail space)
- $44,250 from Civic Partners (TSP retail space)
- $114,411 from AIM Property Management (Cinema)

Annual expenses include:

- $281,291 for maintenance
- $1,353,104 debt service (FY14 including Tenth Street Place)

Contractual requirements have been recorded in the form of parking agreements (Attachment A) with regard to parking lot space allocations: of the 727 parking spaces in the parking garage, 377 are dedicated to government employee parking. The parking agreement with Centerra Capital entitles use and occupancy of a maximum of 55 parking spaces. The parking agreement with Civic Partners entitles use and occupancy of available parking spaces on a first come, first served basis utilizing a validation system which neither guarantees nor reserves parking spaces within the Parking Garage. The parking agreement with AIM Property Management entitles use and occupancy of available parking spaces on a first come, first served basis utilizing a validation system which neither guarantees nor reserves parking spaces within the Parking Garage.

History of Environmental Contamination or Remediation Efforts – Property #1

The Final Environmental Impact Report for The Amended Preliminary Plan for The Modesto Redevelopment Agency, which was prepared for the Redevelopment Agency of the City of Modesto in March 1991, discusses the significant and potentially significant impacts of the redevelopment proposal and proposed mitigation measures. In all cases, the mitigation measures proposed should have reduced impacts to insignificant levels; thus, no significant unavoidable impacts were expected as a result of the redevelopment project (Attachment B).

Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #1

Potential for TOD

Not applicable, fully developed as parking structure.

Agency Planning Objectives

Maintaining the property as parking to support the adjacent City-County government building and retail businesses, is a planning objective identified in former planning Redevelopment Agency planning documents (Attachment C).
**Brief History of Previous Development Proposals and Activities – Property #1**

| History | Unknown |

**Recommendation for Disposition – Property #1**

<table>
<thead>
<tr>
<th>Retain as</th>
<th>Government Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>To transfer the property to the City of Modesto as it serves a government use.</td>
<td>Additionally, a portion of the land acquired for the construction of the parking garage was originally owned by the City of Modesto and was transferred to the Modesto Redevelopment Agency without consideration for the purpose of furthering the Tenth Street Plaza project.</td>
</tr>
</tbody>
</table>
Property #2: 1010 10th Street 1st Floor Retail

<table>
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<tr>
<th>Address</th>
<th>1010 10th Street 1st Floor Retail Space</th>
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<tr>
<td>APN</td>
<td>105-37-33, 105-37-34</td>
</tr>
<tr>
<td>Lot Size</td>
<td>26,984 square feet</td>
</tr>
<tr>
<td>Use</td>
<td>Ground Floor Retail in joint City-County Administration Building</td>
</tr>
<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
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<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
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<tr>
<td>Improvements</td>
<td>1st floor retail space of the City/County Administration Building</td>
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<th>Acquisition &amp; Valuation Information – Property #2</th>
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<td>Estimate of Current Value</td>
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<tr>
<td>Method of Valuation</td>
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</table>
Revenues Generated by Property & Contractual Requirements – Property #2

- Annual Revenues: $106,294
- Annual Maintenance Costs: $63,017
- Annual Debt Service: a portion of $1,353,104 (in conjunction with debt service on the 11th Street Parking Garage)

Pursuant to the DDA and the Master Agreement, Landlord has purchased from the JPA the Retail Airspace Parcel consisting of approximately 27,689 gross square feet, more or less, (the “Premises”) located on the ground floor of the JPA Building. The Premises are specifically delineated as Parcels A-1 and A-2 on that certain Record of Survey recorded as Book 26 of Surveys, Page 29, Stanislaus County Records...

"Landlord hereby grants to Tenant the option to purchase the Premises at any time during the term of this Lease (including any Option Term), on the terms and conditions contained in Exhibit C..." (Attachment D)

History of Environmental Contamination or Remediation Efforts – Property #2

- None

Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #2

- Potential for TOD: Not applicable, fully developed as a public use facility.
- Agency Planning Objectives: To fully complete the sales transaction/purchase option outlined in the Lease Agreement with Option to Purchase By and Between Redevelopment Agency of the City of Modesto and Civic Partners Modesto, Inc.

Brief History of Previous Development Proposals and Activities – Property #2

- History: Unknown.

Kosmont

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
To transfer the property to the City of Modesto as it serves a government use and is bound by an enforceable obligation/debt service as well as a lease with option to purchase agreement with Civic Partners. The City of Modesto desires to take ownership of these properties and the accompanying lease agreement “as is” and will be responsible for the management of the lease agreement and the property in accordance with the Joint Powers Authority that governs the City-County Administration Building as well as the terms in the lease agreement.
Property #3: 9th Street Parking Lot

<table>
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<th>Parcel Data – Property #3</th>
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<tr>
<td>Address</td>
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<td>Estimate of Current Value</td>
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<tr>
<td>Method of Valuation</td>
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</table>

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
### Revenues Generated by Property & Contractual Requirements – Property #3

<table>
<thead>
<tr>
<th>City / Successor Agency Lease Agreement</th>
<th>Annual revenue generated equals $30,727. This revenue is derived from the parking fees which are charged as follows:</th>
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<tbody>
<tr>
<td></td>
<td>$1 per hour 6 a.m. to 6 p.m.</td>
</tr>
<tr>
<td></td>
<td>$5 flat fee 6 p.m. to 6 a.m.</td>
</tr>
<tr>
<td></td>
<td>The annual maintenance of this parcel is $16,250.</td>
</tr>
</tbody>
</table>

### History of Environmental Contamination or Remediation Efforts – Property #3

| None | Unknown. |

### Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #3

<table>
<thead>
<tr>
<th>Potential for TOD</th>
<th>The property supports the Modesto Downtown Transportation Center which resides across 9th Street and runs Amtrak, ACE, a connection to BART, Greyhound buses, and all Modesto Area Express lines.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Planning Objectives</td>
<td>The City of Modesto will take responsibility for this property and maintain it in its current flat parking lot state until such a time as a Downtown Core development proposal comes forward for this prime downtown Modesto location.</td>
</tr>
</tbody>
</table>

### Brief History of Previous Development Proposals and Activities – Property #3

| History | The DDA with McDonald’s Corporation for the development of a restaurant, associated parking and landscaping, trash enclosures and restorative work on adjacent parking lot. Any other development proposals/activities for this parcel are unknown. |

### Recommendation for Disposition – Property #3

| Retain as Government Use | Transfer to the City of Modesto. This property was previously owned by the City of Modesto and was conveyed to the Redevelopment Agency for purposes of disposition to a developer pursuant to a DDA. The Resolution related to this transfer specifically states “...and the Site will not be acquired by the Agency, either directly or indirectly, with tax increment monies...” (Attachment D) |

---

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro formas and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
Property #4: 1125 9th Street Parking Garage

<table>
<thead>
<tr>
<th>Property Data</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>1125 9th Street Parking Garage</td>
</tr>
<tr>
<td>APN</td>
<td>105-048-006</td>
</tr>
<tr>
<td>Lot Size</td>
<td>70,567 square feet</td>
</tr>
<tr>
<td>Use</td>
<td>Parking Garage</td>
</tr>
<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
</tr>
<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
</tr>
<tr>
<td>Improvements</td>
<td>Four-story parking garage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acquisition &amp; Valuation Information</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase Date</td>
<td>6/30/1988 (date placed in service as a fixed asset)</td>
</tr>
<tr>
<td>Purchase Price</td>
<td>New Construction</td>
</tr>
<tr>
<td>Funding Source</td>
<td>Land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment.</td>
</tr>
<tr>
<td>Purpose</td>
<td>To construct a multi-level parking garage in support of the Community Center construction project.</td>
</tr>
<tr>
<td>Estimate of Current Value</td>
<td>$1,714,740</td>
</tr>
<tr>
<td>Method of Valuation</td>
<td>Straight line depreciation on fixed assets</td>
</tr>
</tbody>
</table>
### Revenues Generated by Property & Contractual Requirements – Property #4

Annual revenue generated equals $175,050. A portion of this revenue is derived from the parking fees which are charged as follows:

- $1 per hour 6 a.m. to 6 p.m.
- $5 flat fee 6 p.m. to 6 a.m.

Included in that revenue amount is an agreement with the DoubleTree Hotel in the amount of $103,440. This agreement reduces every time the monthly parking pass is increased and also allocates parking spaces between the agencies (Attachment F): of the 787 parking spaces in the parking garage, 160 are dedicated to government employee parking. This property costs $300,637 to maintain each year. In addition, this property is included in the debt service payments with the Modesto Centre Plaza and the 9th Street Pedestrian Bridge – this annual payment is $1,961,450.

### History of Environmental Contamination or Remediation Efforts – Property #4

This location is part of six properties subject to the Oversight Agreement within a project area as defined in Health and Safety Code Section 33320.1. Passive soil gas surveys conducted by the Regional Water Quality Control Board and consultants to the City of Modesto and the Modesto Redevelopment Agency in 1989 to 1991 and 2000 to 2001, respectively indicate that PCE has entered the subsurface soils from discharge to sanitary sewer lines. *This information is per the Department of Toxic Substances Control ENVIROSTOR database.*

### Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #4

**Potential for TOD**

Not applicable, fully developed as parking structure.

**Agency Planning Objectives**

Maintaining the property as parking to support the Modesto Centre Plaza/Community Center is a planning objective identified in former planning Redevelopment Agency planning documents (See Attachment G).

### Brief History of Previous Development Proposals and Activities – Property #4

**History**

To construct the existing multi-level parking garage in support of the Community Center.

### Recommendation for Disposition – Property #4

**Retain as Government Use**

To transfer the property to the City of Modesto as it serves a government use. The City of Modesto desires to take ownership of this property and the accompanying parking agreement "as is" as it is already responsible for the management of the agreement and the annual maintenance of this facility.
Property #5: 9th Street Pedestrian Bridge

<table>
<thead>
<tr>
<th>Parcel Data – Property #5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>9th Street Pedestrian Bridge</td>
</tr>
<tr>
<td><strong>APN</strong></td>
</tr>
<tr>
<td>105-48-08</td>
</tr>
<tr>
<td><strong>Lot Size</strong></td>
</tr>
<tr>
<td>703 square feet</td>
</tr>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Pedestrian Bridge</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
</tr>
<tr>
<td>DC (Downtown Core)</td>
</tr>
<tr>
<td><strong>Current Title</strong></td>
</tr>
<tr>
<td>Modesto Redevelopment Agency</td>
</tr>
<tr>
<td><strong>Improvements</strong></td>
</tr>
<tr>
<td>703 square foot pedestrian bridge between the parking garage and the hotel/community center.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acquisition &amp; Valuation Information – Property #5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purchase Date</strong></td>
</tr>
<tr>
<td>March 23, 1984 (date of existing grant deed in the former RDA name)</td>
</tr>
<tr>
<td><strong>Purchase Price</strong></td>
</tr>
<tr>
<td>New Construction</td>
</tr>
<tr>
<td><strong>Funding Source</strong></td>
</tr>
<tr>
<td>Land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment.</td>
</tr>
<tr>
<td><strong>Purpose</strong></td>
</tr>
<tr>
<td>Public Use</td>
</tr>
<tr>
<td><strong>Estimate of Current Value</strong></td>
</tr>
<tr>
<td>Not clearly identifiable in records and therefore an estimate of current value is unknown.</td>
</tr>
<tr>
<td><strong>Method of Valuation</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenues Generated by Property &amp; Contractual Requirements – Property #5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City / Successor Agency Lease Agreement</strong></td>
</tr>
<tr>
<td>There are no revenues for this property nor are there any contractual requirements. The City currently pays for the annual maintenance of the facility which is approximately $16,970. In addition, this property is included in the debt service payments with the Modesto Centre Plaza and the 9th Street Parking Garage – this annual payment is $1,961,450.</td>
</tr>
</tbody>
</table>
History of Environmental Contamination or Remediation Efforts – Property #5
None  Unknown.

Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #5
Potential for TOD  Not Applicable.
Agency Planning Objectives  Maintaining the property pedestrian bridge to provide access from parking garage to Modesto Centre Plaza/Community Center is a planning objective identified in the 1983 RDA Master Plan (Attachment G).

Brief History of Previous Development Proposals and Activities – Property #5
History  Property was developed as a pedestrian bridge in 1988 to support the Modesto Centre Plaza/Community Center as part of the redevelopment project identified in the 1983 RDA Master Plan (Attachment G).

Recommendation for Disposition – Property #5
Retain as Government Use  This property will be retained by the City for government use, as its value is undetermined due to no revenue. The City of Modesto desires to take ownership of this property "as is" as it is already responsible for the annual maintenance of this facility.
Property #6: 1150 9th Street – Modesto Centre Plaza

Parcel Data – Property #6

<table>
<thead>
<tr>
<th>Address</th>
<th>1150 9th Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN</td>
<td>105-048-011</td>
</tr>
<tr>
<td>Lot Size</td>
<td>181,209 square feet</td>
</tr>
<tr>
<td>Use</td>
<td>Community Center: Public &amp; Enforceable Obligations</td>
</tr>
<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
</tr>
<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
</tr>
<tr>
<td>Improvements</td>
<td>Community Center</td>
</tr>
</tbody>
</table>

Acquisition & Valuation Information – Property #6

<table>
<thead>
<tr>
<th>Purchase Date</th>
<th>7/31/1991 (date of existing grant deed in the former RDA name)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase Price</td>
<td>New Construction</td>
</tr>
<tr>
<td>Funding Source</td>
<td>Land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment.</td>
</tr>
<tr>
<td>Purpose</td>
<td>Centre Plaza</td>
</tr>
<tr>
<td>Estimate of Current Value</td>
<td>$4,001,166</td>
</tr>
<tr>
<td>Method of Valuation</td>
<td>Straight line depreciation on fixed assets.</td>
</tr>
</tbody>
</table>
Revenues Generated by Property & Contractual Requirements – Property #6

Revenue Generated by Property & Contractual Requirements: Annual revenue generated equals $744,000. This revenue is generally derived from the following sources:

- Labor Charges for Services: $24,000
- Commissions (Cultural and Tech Services): $230,000
- Equipment Rentals: $75,000
- Room Rentals: $410,000
- Misc.: $5,000

The Modesto Centre Plaza is under a catering contract with the DoubleTree Hotel (Attachment H). Revenue from this catering contract is included in the line item for “Commissions.” Revenue is also received from the Parking Lot which is part of this parcel. Annual revenues total: $52,587. Annual maintenance costs total approximately: $50,000. In addition, this property is included in the debt service payments with the 9th Street Parking Garage and the 9th Street Pedestrian Bridge – this annual payment is $1,961,450.

History of Environmental Contamination or Remediation Efforts – Property #6

None

Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #6

Potential for TOD

Not applicable, fully developed as a community center.

Agency Planning Objectives

Maintaining the property as public space to increase tourism downtown as a planning objective identified in the 1983 RDA Master Plan (Attachment G).

Brief History of Previous Development Proposals and Activities – Property #6

History

Unknown.

Recommendation for Disposition – Property #6

Retain as Government Use

Transfer of property to the City of Modesto for government use. The City of Modesto desires to take ownership of this property and the accompanying catering agreement “as is” as it is already responsible for the management of the agreement and the operations (including maintenance) of this facility.
Property #7: 777 10th Street – Parking Lot (Proposed Courthouse Site)

<table>
<thead>
<tr>
<th>Parcel Data – Property #7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>APN</strong></td>
</tr>
<tr>
<td><strong>Lot Size</strong></td>
</tr>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
</tr>
<tr>
<td><strong>Current Title</strong></td>
</tr>
<tr>
<td><strong>Improvements</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acquisition &amp; Valuation Information – Property #7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purchase Date</strong></td>
</tr>
<tr>
<td><strong>Purchase Price</strong></td>
</tr>
<tr>
<td><strong>Funding Source</strong></td>
</tr>
<tr>
<td><strong>Purpose</strong></td>
</tr>
<tr>
<td><strong>Estimate of Current Value</strong></td>
</tr>
<tr>
<td><strong>Method of Valuation</strong></td>
</tr>
</tbody>
</table>
## Revenues Generated by Property & Contractual Requirements – Property #7

<table>
<thead>
<tr>
<th>City / Successor Agency Lease Agreement</th>
<th>Annual revenue generated equals $89,266. This revenue is derived from the parking fees which are charged as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1 per hour 6 a.m. to 6 p.m. $5 flat fee 6 p.m. to 6 a.m.</td>
</tr>
<tr>
<td></td>
<td>Annual maintenance costs for this property are approximately $42,561.22.</td>
</tr>
</tbody>
</table>

## History of Environmental Contamination or Remediation Efforts – Property #7

| None | A Phase 2 environmental study was recently conducted by the State of California Administrative Office of the Courts; however, the findings have not been released for public disclosure. In addition, a Phase 1 was conducted as part of a previous development project lead by Team Modesto. |

## Transit-Oriented Development & Advancement of Agency Planning Objectives – Property #7

| Potential for TOD | The property is located within close proximity (0.2 miles/ 5 minute walk) of the Modesto Downtown Transportation Center, which provides access to Amtrak, ACE, a connection to BART, and all Modesto Area Express lines. Also located next to bus stop for Modesto Area Express, Bus Lines include 25, 34, 37, 38, and 39. |
| Agency Planning Objectives | These parcels are currently part of an entire block of parcels that the State Administrative Office of the Courts has selected as the future site for the State of California Superior Court Courthouse for Stanislaus County. In addition, these parcels are located along 10th Street which is a focal point in the 2007 RDA Master Plan (Attachment I). |

## Brief History of Previous Development Proposals and Activities – Property #7

| History | These parcels were originally acquired and owned by the City of Modesto and were the subject of two mixed-use projects which did not come to fruition. |

## Recommendation for Disposition – Property #7

| Retain as Government Use | Transfer of these parcels to the City of Modesto in order to meet the State of California Administrative Office of the Courts' deadline for securing the State of California Stanislaus County Superior Courthouse project. In addition, this property was previously owned by the City of Modesto and was conveyed to the Redevelopment Agency for purposes of disposition to a developer pursuant to a DDA. No property tax increment was used to purchase these parcels. |

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The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro formas and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
3.0 Attachments

A. 11th Street Parking Garage Agreements and Assignment of Agreements
C. 1994 RDA Master Plan
D. Civic Partners Lease Agreement
E. DDA between City and RDA for 9th Street Lot/McDonalds
F. Amendment to 9th Street Parking Garage Agreement with DoubleTree Hotel
G. 1983 RDA Master Plan
H. DoubleTree Catering and Concessionaire Agreement
I. 2007 RDA Master Plan
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-386


WHEREAS, the Modesto Public Financing Authority (the “Authority”), at the direction of the City of Modesto (the “City”), has issued its Lease Revenue Refunding Bonds, Series 2008 (the “Bonds”); and

WHEREAS, the Bonds were issued to refund the Authority’s Lease Revenue Bonds, Series 1998 (Capital Improvement and Refinancing Project) and the Authority’s Lease Revenue Refunding and Capital Improvement Bonds, Series 2007 (collectively, the “Prior Bonds”); and

WHEREAS, the Prior Bonds were issued in order to assist in the financing or refinancing of certain public capital improvements in the City, which included the following: (i) rehabilitating and constructing the John Thurman Field baseball stadium; (ii) leasing and constructing improvements to the 10th Street Place Project; (iii) acquiring, constructing and improving the police headquarters building and the Communication Dispatch Center and (iv) leasing and constructing improvements made with respect to five public parks in the City; and

WHEREAS, the City has obtained an irrevocable direct-pay letter-of-credit (the “Bank of America LOC”) from Bank of America, N.A. (the “Bank”) to provide liquidity support for the Bonds, and, in connection with the Bank of America LOC, the City has entered into an Amended and Restated Reimbursement Agreement, dated August 16, 2011, as amended by Amendment No. 1 to the Amended and Restated Reimbursement
Agreement, dated August 29, 2012 (collectively, the “Amended and Restated Reimbursement Agreement”), each by and among the City, the Authority and the Bank; and

WHEREAS, the Bank of America LOC expires on November 30, 2013; and

WHEREAS, the Bonds require the City maintain liquidity support for the Bonds; and

WHEREAS, the City desires to extend the Bank of America LOC prior to October 31, 2013 in order to allow enough time to execute documents associated with a replacement letter-of-credit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

Section 1. Findings. The Council of the City of Modesto finds and determines that the statements, findings and determinations set forth above, and in the preambles of the documents approved herein, are true and correct.

Section 2. Approval of Short-Term Extension of Bank of America LOC. The City Council authorizes the Mayor, the City Manager, the Director of Finance, the City Clerk or the designee of any of the foregoing (each, an “Authorized Officer”) to obtain, in accordance with terms of the Amended and Restated Reimbursement Agreement, a short-term extension of the Bank of America LOC to a date not later than February 28, 2014.

Section 3. Authorization to Enter Negotiations with Banking Institutions for Replacement Credit Facility. The City Council authorizes each Authorized Officer to enter into negotiations with one or more banking institutions to provide a long-term...
replacement of the Bank of America LOC (the “Replacement Credit Facility”) and to submit to the City Council at the conclusion of such negotiations, the Replacement Credit Facility for approval by the City Council.

Section 4. Other Actions. Each Authorized Officer is authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which each may deem necessary or desirable in order to consummate the transactions authorized hereby and otherwise to carry out, give effect to, and comply with, the terms and intent of this resolution, and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2013, by Councilmember Lopez, who moved for its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:
By: SUSAN ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS BY LONGS DRUG STORES CALIFORNIA L.L.C. FOR THE CVS PHARMACY AT MCHENRY VILLAGE LOCATED AT 1700 MCHENRY, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, LONGS DRUG STORES CALIFORNIA, L.L.C.,

(“DEVELOPER”), is the developer of the CVS PHARMACY (“DEVELOPMENT”), and

WHEREAS, the Construction Administration Office of the Utility Planning and Projects Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have paid, and

WHEREAS, the Public Works Department will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS as noted in the offsite cost estimate, and

WHEREAS, as required by the City of Modesto, DEVELOPER has filed a Faithful Performance Bond in the amount of $274,670.00, and a Payment Bond in the amount of $274,670.00, and

WHEREAS, as required by the City of Modesto, DEVELOPER has filed a Warranty Bond in the amount of $27,467.00, and

WHEREAS, the Construction Administration Office of the Utility Planning and Projects Department has signed off the Encroachment permit, indicates that all work required by the City of Modesto, and the improvements have been completed to the satisfaction of the Public Works Department, and
WHEREAS, the Public Works Director has indicated that it would be in order for
the City Council to accept said PUBLIC IMPROVEMENTS and public improvements in
the DEVELOPMENT as complete, authorize the City Clerk to file a Notice of
Completion, and to release the securities upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that:

1. The said PUBLIC IMPROVEMENTS constructed by the DEVELOPMENT are
   hereby accepted, and the City Clerk is hereby authorized to file a Notice of
   Completion.

2. The City Clerk is hereby authorized to release the DEVELOPMENT Faithful
   Performance Bond in the amount of $274,670.00, upon recordation of the
   Notice of Completion.

3. The City Clerk is hereby authorized to release the Faithful Performance Bond
   in the amount of $274,670.00, upon recordation of the Notice of Completion.

4. The City Clerk is hereby authorized to release the Warranty Bonds in the
   amount of $27,467.00 one year and one day after the effective date of this
   resolution, provided no claim is made thereon.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez,
Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney

(STEEL)

ATTEST: STEPHANIE LOPEZ, City Clerk

(2013-387)
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-388

A RESOLUTION APPROVING A PREQUALIFIED ON-CALL CONSULTANT LIST FOR GEOTECHNICAL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

WHEREAS, the Community and Economic Development Department anticipates developing several Capital Improvement Projects that require geotechnical engineering services that are beyond the City's current staffing levels and workload to accomplish in a timely manner, and

WHEREAS, Community and Economic Development Department has found it necessary to utilize an on-call consultant list for geotechnical engineering services, and

WHEREAS, retaining prequalified consultants allows the division to have quick access to specific geotechnical services when needed, and

WHEREAS, using experienced consultants provides a quick turnaround, which is essential for an efficient response to the large undertaking of projects, and

WHEREAS, the goal in having an on-call consultant list is to promote project cost savings, which is a positive budget impact to the Capital Improvement Program, and

WHEREAS, all three consultant firms have established experience and were the most qualified consultants from those who submitted Statement of Qualifications, and

WHEREAS, City staff recommends approving the prequalified on-call consultant list as follows:

- Blackburn Consulting, Modesto, CA
- Kleinfelder West Inc., Modesto, CA
- Cardno ATC, Modesto, CA
WHEREAS, the selected consultant will be determined on a project basis once a scope of work and contract have been negotiated with the most qualified firm(s) from the on-call consultant list.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified on-call consultant list for geotechnical engineering services for three years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]
ADAM LINDGREN, Interim City Attorney

(SEAL)
RESOLUTION APPROVING AN AGREEMENT WITH DOKKEN ENGINEERING FOR DESIGN SUPPORT DURING CONSTRUCTION OF THE STATE ROUTE (SR) 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT IN THE AMOUNT OF $200,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, in an effort to accelerate planning and construction of the interchange improvements, the City Council approved $1.3M in the FY2005-06 Capital Improvement Program and subsequently approved staff’s request to explore the City of Modesto taking the lead on the State Route 99/Pelandale Avenue Interchange Improvements – Project Approval and Environmental Document (PA&ED), and

WHEREAS, following Council approval, City staff worked with the California Department of Transportation (Caltrans) and StanCOG to obtain lead agency status for this project, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City’s consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058, approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route
99/Peleandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City's lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed by the Dokken Engineering and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, On November 14, 2006, the City and Dokken Engineering entered into an agreement, City Council Resolution No. 2006-720, to prepare Project Approval and Environmental Document (PA&ED). Dokken Engineering completed PA&ED and was approved by California Department of Transportation (Caltrans) on December 21, 2009, and

WHEREAS, On March 9, 2010, the City and Dokken Engineering entered into an agreement, City Council Resolution No. 2010-90, to prepare Plans, Specifications and Estimates (PS&E) for State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, On February 14, 2012, the City and Dokken Engineering entered into a third amendment to the agreement, City Council Resolution No. 2012-63, to include Right of Way Engineering, Appraisals and Acquisition Services, and

WHEREAS, on October 8, 2013, the California Transportation Commission, by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

WHEREAS, the City must secure engineering design support during time of construction, and
WHEREAS, City staff has determined it is in the best interest of the public and
the City of Modesto to hire Dokken Engineering for design support during as the most
qualified and efficient firm to provide design support services for the State Route (SR) 99
/Pelandale Avenue Interchange Reconstruction project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an Agreement with Dokken Engineering for design support during
construction of State Route (SR) 99/Pelandale Avenue Interchange Reconstruction in an
amount not to exceed $200,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF CHESTERTON SEALS AND RELATED PARTS FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER DIVISION, TO PAN PACIFIC SUPPLY COMPANY, CONCORD, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $75,000.

WHEREAS, Chesterton Seals and parts are used for several different pumps at the Sutter and Jennings Treatment Plants, Lift Stations and Wells throughout the City, and

WHEREAS, Chesterton seals have been specified by engineering and installed on most pumps with mechanical seals, and

WHEREAS, the majority of the Chesterton seals have a 442 split seal, which allows the metal cartridge housing to be re-used; this type of seal saves more than half the cost of replacing a complete seal, and

WHEREAS, if a different brand seal were to be purchased a complete modification to the pump would be required to use a different brand seal, and

WHEREAS, Pan Pacific Supply Company is the exclusive authorized distributor for AW Chesterton products for Northern California, and

WHEREAS, The Modesto Municipal Code, MMC 8-3.203, generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal code. One exception, MMC 8-3.204 (b), which states that where the Purchasing Agency’s requirements can be met solely by a single article or process. The
sole source procurement for the purchase of Chesterton Seals and related parts for the Public Works Department, Wastewater Division, to Pan Pacific Supply Company, Concord, CA, conforms to the Modesto Municipal Code, 8-3-204 (b).

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the purchase of Chesterton seals and related parts in the following appropriation units:

Wastewater accounts: 4210-54313-53150, 4210-54314-53150, and 4210-54315-53150
and

Water account: 4100-55090-53150

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of a sole source procurement for the purchase of Chesterton seals and related parts for the Public Works Department, Wastewater Division, to Pan Pacific Supply Company, Concord, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $75,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING THE TRANSFER OF TITLE FOR ONE PIERCE VELOCITY FIRE ENGINE TO THE CITY OF MODESTO FROM THE MODESTO REGIONAL FIRE AUTHORITY

WHEREAS, the City of Modesto is a member of the Modesto Regional Fire Authority Joint Powers Agreement, and

WHEREAS, the transition plan for the transfer of apparatus, vehicles and facilities from the partner agencies to the Modesto Regional Fire Authority, as specified in the Joint Powers Agreement, has not yet been implemented, and

WHEREAS, the City of Modesto contributed funds to the Modesto Regional Fire Authority for the purchase a new fire engine in the Fiscal Year 2013 budget, and

WHEREAS, the Modesto Regional Fire Authority pays into the City's property insurance program for existing vehicles and apparatus and does not have its own property insurance, and

WHEREAS, the Board of Directors of the Modesto Regional Fire Authority voted at their October 3, 2013 meeting to request the partner agencies take title to the engines they funded through their contributions

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of title of one Pierce Velocity fire engine from the Modesto Regional Fire Authority to the City of Modesto

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
Due to the need to purchase new GPS equipment a new sub-fund needs to be created for this purchase and future replacement of survey equipment related to Capital Improvement Support. The total anticipated costs for the new equipment are $54,198. This will be accomplished by an initial appropriation in the form of a loan from the Water Fund in the amount of $54,198, which will be transferred into this new sub-fund to purchase the new equipment. The new equipment will be used to perform survey tasks to the benefit of a variety of CIP’s across multiple funding sources. However, a historical tabulation of hours spent by field survey staff indicates the majority of field survey time, on average, was spent to the benefit of water fund CIP’s.

Revenues deposited into the new sub-fund will then be used to repay the Water Fund on a monthly basis until a sum of $51,785 is repaid over a five year term. This repayment amount is different from the initial transfer because Water Fund Reserves were previously used to purchase a new GPS data collector in the amount of $8,389. However, Water Fund will share a proportionate cost of the new equipment in the amount of $10,802 as a portion of the new equipment will be used solely to the benefit of the water fund.

Revenues into the new sub-fund will accrue at a rate of $17 per hour spent using the equipment for survey work performed on CIP’s. This rate is based on a projected estimate of hours of use of the equipment, and repayment of the full $51,785 back to the Water Fund within a period of five years. Staff will review and recommend adjustment of this hourly rate, as necessary, during the normal annual budget update process. After repaying the initial loan to the Water Fund, the new sub-fund will continue to accrue revenue which will be used for the future purchases of replacement survey equipment.
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-392

RESOLUTION ACCEPTING THE AB 109 FUNDS FROM THE STATE OF CALIFORNIA, BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC), FOR A MINIMUM OF $541,473 FOR POLICE OVERTIME, SPECIALIZED TRAINING, EQUIPMENT, AND TECHNOLOGY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, California Assembly Bill AB 109, commonly called “Public Safety Realignment,” was enacted in 2011, and

WHEREAS, individuals are eligible for local supervision if their most recent conviction was a non-violent, non-serious, and non-sexual offense and will be supervised under local probation departments as “Post-Release Community Supervision” (PRCS) offenders, and

WHEREAS, AB 109 has changed the responsibility of the PRCS offenders to local probation departments rather than state parole jurisdiction, and

WHEREAS, offenders are serving their sentences in local jails, rather than state prison, and

WHEREAS, on March 28, 2013, the Chief of Modesto, Oakdale, Turlock and Ceres to determine the allocation and use of the funds provided through the BSCC for front line law enforcement, and

WHEREAS, it was determined that the funding would be allocated via population using the formula similar to SDEA funding, and

WHEREAS, Modesto will receive a minimum of $541,473, and
WHEREAS, the Modesto Police Department will use the Public Safety Realignment Funds for police overtime, specialized training, equipment, and technology, and

WHEREAS, police overtime costs will be used for special interagency operations and target enforcements, and

WHEREAS, the Department will purchase crime analysis and position allocation software,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the AB 109 funds from the State of California, Board of State and Community Corrections (BSCC), for a minimum of $541,473 for police overtime, specialized training, equipment, and technology,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM LINDGREN, Interim City Attorney
RESOLUTION AMENDING THE MULTI-YEAR 2013/2014 OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF AT LEAST $541,473 FOR THE CITY OF MODESTO'S AB 109 ALLOCATION FROM THE STATE OF CALIFORNIA, BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC); AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, California Assembly Bill AB 109, commonly called “Public Safety Realignment,” was enacted in 2011, and

WHEREAS, individuals are eligible for local supervision if their most recent conviction was a non-violent, non-serious, and non-sexual offense and will be supervised under local probation departments as “Post-Release Community Supervision” (PRCS) offenders, and

WHEREAS, AB 109 has changed the responsibility of the PRCS offenders to local probation departments rather than state parole jurisdiction, and

WHEREAS, offenders are serving their sentences in local jails, rather than state prison, and

WHEREAS, on March 28, 2013, the Chief of Modesto, Oakdale, Turlock and Ceres to determine the allocation and use of the funds provided through the BSCC for front line law enforcement, and

WHEREAS, it was determined that the funding would be allocated via population using the formula similar to SDEA funding, and

WHEREAS, Modesto will receive a minimum of $541,473, and
WHEREAS, the Modesto Police Department will use the Public Safety Realignment Funds for police overtime, specialized training, equipment, and technology, and

WHEREAS, police overtime costs will be used for special interagency operations and target enforcements, and

WHEREAS, the Department will purchase crime analysis and position allocation software, and

WHEREAS, these funds result in increased revenue and offsetting expenses to the City for a minimum of $541,473 and these funds will reside in Multi-Year Operating Account 1342-19999-42131-100761,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Multi-Year 2013/2014 Operating Budget to appropriate revenues and expenditures of at least $541,473 for City of Modesto’s AB 109 allocation from the State of California, Board of State and Community Corrections (BSCC),

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF CRIME ANALYSIS AND SOFTWARE FOR THE MODESTO POLICE DEPARTMENT, TO OMEGA GROUP, SAN DIEGO, CALIFORNIA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY APPLICABLE CONTRACT/AGREEMENT FOR AN ESTIMATED TOTAL COST OF $76,853

WHEREAS, the Modesto Police Department is in need to purchase crime analysis and software to reduce the time consumed providing analysis services to officers and investigators, and

WHEREAS, currently, The Omega Group, San Diego, California, is the sole manufacturer and distributor of the equipment to law enforcement agencies, 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, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3.204(b), states whereas the Purchasing Agency’s requirements can be met solely by a single article or process; the sole source procurement for the purchase of crime analysis and software to reduce the time consumed providing analysis services to officers and investigators for the Modesto Police Department, to The Omega Group, San Diego, California, conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of a sole source procurement for the purchase of crime
analysis and software to reduce the time consumed providing analysis services to officers and investigators for the Modesto Police Department, to The Omega Group, San Diego, California.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any applicable contract/agreement for an estimated total cost of $76,853.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF RESOURCE ALLOCATION SOFTWARE FOR THE MODESTO POLICE DEPARTMENT, TO CORONA SOLUTIONS, DENVER, COLORADO, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY APPLICABLE CONTRACT/AGREEMENT FOR AN ESTIMATED TOTAL COST OF $22,300

WHEREAS, the Modesto Police Department would like to purchase Corona Solution for Ops Force Deploy, and

WHEREAS, Corona Solutions is the sole source for computer software that uses a complex mathematical queuing model, as well as various other complex computations and algorithms, specifically optimized for resource deployment, staffing, scheduling and roster building, 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, however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3.204(b), states whereas the Purchasing Agency’s requirements can be met solely by a single article or process; the sole source procurement for the purchase of resource allocation software for the Modesto Police Department, to Corona Solutions, Denver, Colorado, conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of a sole source procurement for the purchase of
resource allocation software for the Modesto Police Department, to Corona Solutions, Denver, Colorado.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any applicable contract/agreement for an estimated total cost of $22,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM: ____________
By: ADAM LINDGREN, Interim City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO THE CURRENT LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND AVIS RENT A CAR SYSTEM, LLC

WHEREAS, Avis Rent A Car System, LLC uses the Modesto City-County Airport as a rental car business location, and

WHEREAS, on August 8th, 1995 the City Council approved by Resolution No. 95-405 a lease agreement with Avis Rent A Car System, LLC, and

WHEREAS, during Fiscal Year 2012-2013 the lease was reviewed by the City’s Risk Management Division. The City’s Risk Management Division provided updated insurance requirements to be included in the property lease agreement between the City and Avis Rent A Car System, LLC, and

WHEREAS, Avis Rent A Car System, LLC has provided insurance documents that meet the City insurance requirements that have been reviewed and approved by City Risk Management

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease amendment between the City of Modesto and Avis Rent A Car System, LLC.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney

2013-396
RESOLUTION APPROVING AN AIRPORT LEASE AGREEMENT WITH
BUDGET RENT A CAR SYSTEMS, INC. AS A CAR RENTAL CONCESSION AT
THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Budget Rent A Car Systems, Inc. seeks to be a concessioner at the
Modesto City-County Airport, and

WHEREAS, Budget Rent A Car Systems, Inc. concession lease agreement
indicates they will share counter space with Avis Rent A Car System, LLC, and

WHEREAS, Budget Rent A Car Systems, Inc. agrees to pay a monthly
commission of 7.8% of monthly gross auto sales or $12,000 per year, whichever is
greater, and

WHEREAS, the first year annual revenue from Budget Rent A Car Systems, Inc.
concession is estimated between $15,000-$20,000 in new revenue, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the Concession Lease Agreement between the City of Modesto
and Budget Rent A Car Systems, Inc.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-398

A RESOLUTION RESCINDING RESOLUTION 2013-261 AND RE-APPROVING THE WOODGLEN SPECIFIC PLAN FOR THE DEVELOPMENT OF APPROXIMATELY 72 NET ACRES LOCATED NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD, SOUTH OF BANGS AVENUE AND WEST OF TULLY ROAD, WITH THE ADDED REQUIREMENT TO COMPLY WITH LAFCO’S AGRICULTURAL PRESERVATION POLICY (FITZPATRICK HOMES)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for greater level of detail in planning sites or areas of special interest or value,

and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning Districts, and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through specific plans, as defined by Government Code Section 65450 et. seq., and

WHEREAS, the Woodglen Specific Plan is located in the southeast portion of the Kiernan/Carver Comprehensive Planning District that consists of a total of 1,380 acres, and

WHEREAS, in November of 2005, the Woodglen Specific Plan ("Project") application was filed by Fitzpatrick Homes ("Applicant"), to allow for the development of approximately 80 gross acres located north of Pelandale Avenue, east of Carver Road, South of Bangs Avenue and west of Tully Road ("Property"), and
WHEREAS, the proposed Woodglen Specific Plan includes approximately 55 net acres of single-family residential land use with a buildout potential of 353 dwelling units, eight (8) net acres of multi-family residential land use with a buildout potential of 180 dwelling units, nine (9) net acres of open space, and interior roadways, and

WHEREAS, a Final Environmental Impact Report was prepared for the Woodglen Specific Plan (SCH No. 2007042087) which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on June 17, 2013, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed Woodglen Specific Plan was considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2013-09, recommending to the City Council an approval of the Woodglen Specific Plan, and

WHEREAS, the final adopted specific plan will include a note that future development will be subject to review against applicable design guidelines to ensure architecturally sensitive placement of roof-mounted solar panels and/or other photovoltaic equipment, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on July 9, 2013, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed Woodglen Specific Plan, and
WHEREAS, on July 9, 2013, the City Council adopted Resolution No. 2013-261 approving the Woodglen Specific Plan, and

WHEREAS, on September 25, 2013, the Stanislaus Local Agency Formation Commission (LAFCo) considered the project applicant’s request for annexation to the City of Modesto and continued the matter to December 4, 2013, for the purpose of providing time for the City of Modesto to require the project to comply with the LAFCo Agricultural Preservation Policy, and

WHEREAS, in a letter dated October 4, 2013, the project applicant’s representative requests that the City of Modesto impose a requirement that the project comply with the LAFCo Policy.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby finds as follows:

1. The proposed Woodglen Specific Plan is consistent with the Modesto Urban Area General Plan, because:

   a. The proposed specific plan complies with the requirement to prepare a comprehensive plan for Comprehensive Planning Districts; and

   b. The proposed development of the Property is consistent with the Village Residential designation for the site; and

   c. The location of the Property immediately adjacent to the existing City limits and within the Sphere of Influence is consistent with Urban Growth Policy II.C.1.b., which states “Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services.”

2. The proposed Woodglen Specific Plan is consistent with the Final Environmental Impact Report for the Woodglen Specific Plan Project (SCH No. 2007042087) and has been adequately analyzed by the EIR.
BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 2013-261 is hereby rescinded.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Woodglen Specific Plan, on file in the office of the Community and Economic Development Department and incorporated herein by reference, is hereby adopted.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said Woodglen Specific Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that prior to issuance of any grading permit, issuance of any building permit or recording of any final map for the Woodglen project, whichever occurs first, the applicant shall provide proof of recordation a minimum of 73.68 acres of permanent agricultural easement on lands of equal or better soil quality to the Woodglen project site, with a dependable and sustainable supply of irrigation water and located within Stanislaus County, and not already effectively encumbered by a conservation easement of any nature – or payment of an equivalent in-lieu fee to the City or an established, qualified public or non-profit agency that has the legal and technical ability to hold and administer agricultural preservation easements.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the specific plan (File
No. P-SPL-04-001). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By:  ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-399

RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE
SCOPE OF THE PROJECT COVERED BY THE MODESTO WASTEWATER
MASTER PLAN MASTER ENVIRONMENTAL IMPACT REPORT
(SCH#2006052076) AND GENERAL PLAN MASTER ENVIRONMENTAL IMPACT
REPORT (SCH# 2007072023): AREA 2 STORM DRAIN CROSS CONNECTION
REMOVAL PROJECT – PHASE 1 GARRISON PARK

WHEREAS, the Area 2 Storm Drain Cross Connection Removal Project – Phase
1 Garrison Park is the first of four phases of cross connection removal projects in the City
of Modesto as provided for by the City of Modesto Wastewater Master Plan, and

WHEREAS, Phase 1 Garrison Park proposes to remove three storm drain to
sewer cross-connections and twenty failed rock wells within a 24-acre tributary area, and

WHEREAS, in their place, approximately 3,600 feet of 24-inch and 30-inch storm
drain piping will be installed to convey storm runoff to an underground storm drainage
retention/infiltration system at Garrison Park, and

WHEREAS, on March 13, 2007, the City Council, by Resolution No. 2007-178
certified the Final Wastewater Master Plan Master (WWMP) Environmental Impact
Report (SCH No. 2006052076, EA/PW2008-03) for the WWMP, and on October 14,
2008, by Resolution No. 2008-582, the City Council certified the Final Modesto Urban
Area General Plan Plan Master Environmental Impact Report (SCH No. 2007072023),
and

WHEREAS, the Utility Planning and Projects Department has prepared an Initial
Study, Environmental Assessment No. EA/UP&P 2013-04 for the proposed Area 2 Storm
Drain Cross Connection Removal Project – Phase 1 Garrison Park, which concluded that
the project is within the scope of the Final Wastewater Master Plan Master
Environmental Impact Report for the City of Modesto Wastewater Master Plan Update
(SCH No. 2006052076, EA/PW2008-03), and the General Plan Master Environmental Impact Report (SCH No. 2007072023) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required, and

WHEREAS, pursuant to Public Resources Code Section 21081 and 21158(d), the City of Modesto finds that no new effects could occur or no new mitigation measures would be required, therefore the activity is within the scope of the project covered by the Master EIR and no new environmental review is required, and

WHEREAS, in accordance with CEQA guidelines on July 26, 2013, the City caused to be published a 30-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a special meeting on November 6, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Project, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of project is described in Chapter II of the Wastewater Master Plan Master EIR.

2. All applicable policies, regulations, and mitigation measures identified in the Wastewater Master Plan Master EIR and Modesto General Plan Master EIR have been applied to the project.
3. An Initial Study, EA/UP&P 2013-04, was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Wastewater Master Plan Master EIR and the General Plan Master EIR and whether the subsequent project was described in the Master EIRs and is within the scope of the Master EIRs.

4. Based on the Initial Study, the City of Modesto finds and determines:

   a. The proposed subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in and mitigated through the Master EIRs.

   b. No new or additional mitigation measures or alternatives are required.

   BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Utility Planning and Projects is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk, pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
Exhibit "A"

INITIAL STUDY
EA/UP&P 2013-04
City of Modesto

Finding of Conformance to Wastewater Master Plan Master EIR:

Initial Study Environmental Checklist
EA/UP&P No. 2013-04

For the proposed:
Area 2 Storm Drain Cross Connection Removal Project - Phase I Garrison Park

Prepared by:
City of Modesto
Utility Planning and Projects Department

July 2013

Updated: July 2013
City of Modesto
Wastewater Master Plan Master EIR
Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Wastewater Master Plan Master Environmental Impact Report (SCH# 2006052076) ("Master EIR" or "MEIR") and General Plan Master EIR (SCH# 2007072023). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park is "within the scope" of the project analyzed in the Wastewater Master Plan Master EIR and General Plan Master EIR (Public Resources Code section 21157.1). If the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of a Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

This analysis is tiered from the 2007 Wastewater Master Plan Master EIR (SCH #2006052076) and from the Urban Area General Plan Master EIR (SCH #2007072023).

II. PROJECT DESCRIPTION

A. Title: Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park

B. Address or Location: Modesto, Stanislaus County. The Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park is within the area generally bounded by Pearl Street to the north, Martin Avenue/Grape Avenue to the west, 9th Street/Princeton Avenue to the South and Del Vale Avenue to the east. Within Stanislaus County. Latitude: 37.666 N, Longitude: 121.022 W. A location map is attached as Figure 1.

Applicant: City of Modesto
Utility Planning and Projects Department
1010 Tenth Street, Suite 4600
P. O. Box 642
Modesto, CA 95353

D. City Contact Person:

Project Manager: Jesse Franco, Acting Senior Civil Engineer
Department: Utility Planning and Projects Department
Phone Number: (209) 571-5175
E-mail address: jfranco@modestogov.com
E. Current General Plan Designation(s): N/A

F. Current Zoning Classification(s): N/A

G. Surrounding Land Uses: Construction activities will take place in surrounding existing residential neighborhoods, parks and schools. The residential land uses are predominantly single family residential uses with some duplex and medium density residential uses near some of the existing cross connection removal areas.

H. Project Description:

The Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park is the first of four phases of cross connection removal projects in the City of Modesto. Phase I Garrison Park proposes to remove three storm drains to sewer cross-connections and twenty failed rock wells within a 24-acre tributary area. In their place, approximately 3,600 feet of 24-inch and 30-inch storm drain piping will be installed to convey storm runoff to an underground storm drainage retention/infiltration system at Garrison Park.

Currently, the cross-connections provide storm water drainage for residents and businesses within the defined 24-acre area. These cross connections capture excess storm water which then flows to the City’s primary wastewater treatment facility. These storm drain/sanitary sewer connections reduce localized neighborhood flooding and increase the volume of wet weather flows in the sanitary sewers and treatment plants. During storm events, these connections affect capacity in the sanitary sewer collection system and wastewater treatment plants. The removal of these three cross connections will alleviate some of the wet weather flows, (approximately 0.81 MGD) experienced by the sanitary sewer system, thereby carrying out the proposed action to improve the City’s sewer capacity through the removal of storm drainage cross connections identified and established by the City's 2007 Wastewater Master Plan.

The re-routed storm water runoff will be conveyed through storm drain pipes to Garrison Park where it will be stored in an underground storage system. The storage system will provide retention of storm water for a 100-year, 6-day storm event. Storm water will be pre-treated to remove trash, sediment, oil, grease, and other substances prior to infiltration and eventual recharge of groundwater.

Approximately 1 acre of the Garrison park land will be affected by construction of this proposed project. The area affected will involve the temporary removal of turf areas and irrigation systems. The placement of underground storage facilities may also require the removal of some play structures and trees. Upon completion of the underground retention storage facilities, the park will be restored with new turf and irrigation systems, new baseball field, multipurpose field, basketball court, and site furnishings. Proposed concrete paving to be used for maintenance vehicle access to the pre-treatment device will be constructed with permeable concrete. Any trees removed will be replaced on-site with a 1:1 mitigation ratio or another standard established by the city such as the heritage tree ordinance, whichever is greater. Replacement trees shall be consistent with the City’s adopted Tree Master Planting List.

The 100-year storm drainage retention volume for the Garrison Park facility will be 5.0 acre feet. This capacity is based on a rainfall of 5.6 inches, the 100-year/6 day storm. The design percolation rate for the Garrison Park facility is 4.5 inches per hour. A horizontal control plan showing the location of facilities to be installed in Garrison Park is attached as Figure 2 as well as a cross section view of the underground storage facility as Figure 3.
Described in Master EIR: Improvements to the City's wastewater collection system, including the removal of storm drainage cross-connections and installation of alternative facilities for the collection and disposal of storm water, was contemplated in the City's Wastewater Master Plan Master EIR. Chapter I identifies upgrades to the collection system, including removal of storm water cross-connections, which are considered subsequent projects. Chapter II's overview of the project elaborates on the need for collection system improvements, which are included in the Wastewater Master Plan Update. Chapter II's project description identifies the location of needed facilities, including cross-connections to be removed. Subsequent engineering has modified this design to more specifically identify cross-connections and the needed facilities for the handling of storm water. The nature of the work remains the same.

To the extent that the proposed removal of cross connections has the potential to cause impacts related to greenhouse gases or to cultural resources, such potential impacts were evaluated in the General Plan Master EIR and mitigation measures in the General Plan Master EIR would be applied to the cross connection removal project to mitigate potential impacts to a less-than-significant level.

I. Other Public Agencies Whose Approval is Required:

None
FIGURE 1 – LOCATION MAP

LEGEND:

- CROSS CONNECTION TO BE REMOVED
- LIMITS OF EXCAVATION
- PROPOSED STORM DRAIN LINE
- PROJECT TRIBUTARY AREA

CITY OF MODESTO | MODESTO AREA II STORM DRAIN TO SEWER CROSS CONNECTION REMOVAL PROJECT PHASE I

City of Modesto
Wastewater Master Plan Master EIR

Initial Study EA/UP&P No. 2013-04
July 2013
FIGURE 2 – HORIZONTAL CONTROL PLAN
FIGURE 3 – UNDERGROUND STORAGE SYSTEM CROSS SECTION

1. WATER ENTERS STORM DRAINAGE CATCH BASINS ALONG ROAD CURB LINE.
2. WATER ENTERS THE SITE THROUGH A WATER TREATMENT DEVICE TO REMOVE SEDIMENT, OILS, AND DEBRIS.
3. WATER IS STORED IN UNDERGROUND CHAMBERS.
4. WATER PERCOLATES INTO THE GROUND.

STORMWATER MANAGEMENT SYSTEM DIAGRAM
SECTION VIEW

City of Modesto
Wastewater Master Plan Master EIR

Initial Study EA/UP&P No. 2013-04
July 2013
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **Within the Scope** - The project is within the scope of the Wastewater Master Plan Master EIR and General Plan Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in and mitigated through the Master EIRs.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIRs.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIRs have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

2. **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR and General Plan Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR and General Plan Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Jesse Franco
Acting Senior Civil Engineer
Title
Date

City of Modesto
Wastewater Master Plan Master EIR
Initial Study EA/UP&P No. 2013-04
July 2013
4. Within the Scope Analysis of this Document:

The Wastewater Master Plan Master EIR and General Plan Master EIR allow projects to be found within the scope of the MEIRs if certain criteria are met. If the following statements are found to be true for all impact categories included in this Initial Study, then the proposed project is addressed by the analyses contained in the Master EIRs and is within the scope of the Master EIRs. Any “No” response must be discussed.

YES NO

(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Wastewater Master Plan MEIR and the General Plan MEIR. X 

(2) City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using Wastewater Master Plan MEIR and General Plan MEIR mitigations only. X

(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Wastewater Master Plan Master EIR and General Plan Master EIR). X

(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources. X

(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan. X

(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the Wastewater Master Plan Master EIR and General Plan Master EIR. X

Discussion:

(1) The City of Modesto was the lead agency for the Wastewater Master Plan, the 2007 Wastewater Master Plan Master EIR, the General Plan, the 2008 General Plan Master EIR, and is the lead agency for construction and operation of all wastewater system improvements. Each contract is approved at the sole discretion of the City Council of the City of Modesto.

(2, 6) All relevant and appropriate policies and mitigation measures identified in the Wastewater Master Plan Master EIR and the General Plan Master EIR have been applied to the construction, operation, and maintenance of the Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park.

(3) Relevant Federal, State, regional, and County regulations have not become less restrictive since the Wastewater Master Plan Master EIR and General Plan Master EIR were certified.

(4) City staff is not aware of new information concerning the presence of significant resources in the project area. The General Plan Master EIR discloses information about such resources, as it is known at this time.

(5) The Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park lies within the sewer service area of the City of Modesto.
5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 211S7.6). Staff has reviewed the Wastewater Master Plan MEIR and the General Plan MEIR in light of the criteria listed below to determine whether the Master EIRs are current. The analysis contained within the Master EIRs is current as long as the following circumstances have not changed. Any "no" response must be explained.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Certification of the Wastewater Master Plan Master EIR and General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.</td>
<td>x</td>
</tr>
<tr>
<td>(2) This project is described in the Wastewater Master Plan Master EIR and General Plan Master EIR and the project's approval will not affect the adequacy of the Wastewater Master Plan Master EIR or General Plan Master EIR for any subsequent project because the City can make the following findings:</td>
<td></td>
</tr>
<tr>
<td>(a) No substantial changes have occurred with respect to the circumstances under which the Wastewater Master Plan Master EIR and General Plan MEIR were certified.</td>
<td>x</td>
</tr>
<tr>
<td>(b) No new information, which was not known and could not have been known at the time the Wastewater Master Plan MEIR and General Plan MEIR were certified as complete, has become available.</td>
<td>x</td>
</tr>
<tr>
<td>(c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.</td>
<td>x</td>
</tr>
</tbody>
</table>

Discussion:

(1) The City of Modesto has reviewed the Wastewater Master Plan Master EIR that was certified in February 2007 and the 2008 General Plan Master EIR that was certified in October 2008 and has determined, as required by Public Resources Code Section 211S7.6(b) that (a) no substantial changes have occurred with respect to the circumstances under which either of these Master EIRs were certified, and (b) no new information, which was not known and could not have been known at the time that these Master EIRs were certified as complete, has become available.

(2) The removal of storm drain cross-connections and construction of facilities to handle drainage is specifically described in the Wastewater Master Plan Master EIR. The project addresses the removal of cross-connections specifically as assumed in the analysis and project description of the Wastewater Master Plan and is consistent with the envisioned development described in the General Plan Master EIR.

(a) No substantial changes have occurred with respect to the circumstances under which these Master EIRs were certified. The City of Modesto has seen almost no increase in development since the Master EIRs were certified.

(b) The City of Modesto is not aware of new information relating to potential environmental impacts that was not known at the time the Master EIRs were certified.

(c) All relevant mitigation measures identified in the Wastewater Master Plan Master EIR and the greenhouse gas and archaeological/historical portions of the General Plan Master EIR will be applied to the proposed project, as described below.
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect conditions resulting from the Wastewater Master Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Wastewater Master Plan is organized in eleven subject areas. The following analysis is based on the impact analyses contained in Chapter IV of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter IV.
1. LAND USE, PLANS, AND POLICIES

a. Significant Effects Identified in the Master EIR

The Master EIR identifies the potential impacts on land use and their associated mitigation measures. Refer to pages IV.A.1 to IV.A.15 in the Wastewater master Plan MEIR for details.

Direct Impacts

Impact A.1: Proposed improvements to the wastewater collection system in the vicinity of established or planned land uses could create land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.2: The proposed project includes the construction and/or rehabilitation of portions of sewer lines under the watercourses or near the banks of the Tuolumne River or Dry Creek that could conflict with land use plans and policies. (Less than significant)

No mitigation measures identified.

Impact A.3: Proposed improvements to the Primary Plant in the vicinity of established or planned land uses could create land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.4: Proposed improvements to the Secondary Plant and Ranch could result in land use compatibility conflicts. (Less than significant)

No mitigation measures identified.

Impact A.5: Proposed improvements to the wastewater collection and treatment system could conflict with applicable land use plans and policies. (Less than significant)

No mitigation measures identified.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No mitigation measures related to land use, plans, and policies are proposed in the Wastewater Master Plan Master EIR.

Discussion:

There are no mitigation measures proposed in the Wastewater Master Plan Master EIR because no significant impacts on land use were identified. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

Section IV.A of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on land use, plans, and policies. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>1. LAND USE, PLANS, AND POLICIES</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Proposed improvements to the wastewater collection system in the vicinity of established or planned land uses could create land use compatibility conflicts.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project includes the construction and/or rehabilitation of portions of sewer lines under the watercourses or near the banks of the Tuolumne River or Dry Creek that could conflict with land use plans and policies.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) Proposed improvements to the Primary Plant in the vicinity of established or planned land uses could create land use compatibility conflicts.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>4) Proposed improvements to the Secondary Plant and Ranch could result in land use compatibility conflicts.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>5) Proposed improvements to the wastewater collection and treatment system could conflict with applicable land use plans and policies.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) All proposed facilities are underground, to include an underground storm drainage retention/disposal facility in Garrison Park and piping to convey the storm water to the facility. No impact is expected and no mitigation is proposed.

(2) The proposed project does not include construction in or near either the Tuolumne River or Dry Creek. No impact on these waterways will result from the projects and no mitigation is necessary.
The proposed project does not involve any changes to either the Primary or Secondary Plants. Therefore, no land use compatibility impacts in the vicinity of the Primary or Secondary Plant will occur and no mitigation is necessary.

Sewer and storm drainage infrastructure are a normal and necessary part of municipal services. The project as proposed would have no additional impact on surrounding land uses than that disclosed in the Wastewater Master Plan MEIR.

2. AGRICULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on agricultural resources and their associated mitigation measures. Refer to pages IV.B.1 to IV.B.11 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact B.1: Construction of Collection System Improvements would not result in the permanent loss of Prime Farmland. (Less than significant)

No mitigation measures identified.

Impact B.2: Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland. (Significant and unavoidable)

Mitigation Measure B.2: Compensation for loss of farmland.

Cumulative Impacts

Impact B.3: Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of prime farmland. (Significant and unavoidable)

Mitigation Measure B.3: Compensation for loss of farmland through contribution to the Farmland Conservancy Fun or an equivalent farmland preservation program.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation measures related to agricultural resources are on pages IV.B.8 to IV.B.11 in the Wastewater Master Plan Master EIR.

Discussion:
No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.B of the Wastewater Master Plan Master EIR discloses impacts of implementing the Wastewater Master Plan on agricultural resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>Potential Impacts</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. AGRICULTURAL RESOURCES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Construction of Collection System Improvements would not result in the permanent loss of Prime Farmland.</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>2) Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland.</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>Cumulative Impacts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of prime farmland.</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) All construction would occur within existing rights-of-way and City park and would not affect farmland. The project would not provide new capacity beyond that identified in the Wastewater Master Plan Master EIR.

(2) The proposed project is unrelated to the Phase IA tertiary treatment facilities. No impact related to that facility would occur as a result of these projects.

Cumulative impacts:

(3) All construction would occur within existing rights-of-way and City park and would not affect farmland. The project would not provide new capacity beyond that identified in the Wastewater Master Plan Master EIR. No cumulative impact on farmland is expected to occur as a result of this project.

3. PARKS AND RECREATION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan Master EIR identifies the potential impacts on land use and their associated mitigation measures. Refer to pages IV.C.1 to IV.C.8 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact C.1: The Beard Brook Reliability Project could result in an increase in localized noise and dust and restrict access and enjoyment of Beard Brook Park. (Less than significant)
No mitigation measures identified.

Impact C.2: Construction of a pipeline near the Dryden Municipal Golf Course could result in an increase in localized noise and dust, and restrict access and enjoyment of this recreational facility. (Less than significant)

No mitigation measures identified.

Impact C.3: The rehabilitation of the Primary Effluent Outfall could result in a temporary increase in localized noise and dust, and could temporarily impair access and enjoyment of a park facility at the southwest corner of West Hatch Road and Rancho Encantado Lane. (Less than significant)

No mitigation measures identified.

Cumulative Impacts

No cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No mitigation measures related to parks and recreation use are proposed in the Master EIR.

Discussion:
No mitigation measures proposed in the Wastewater Master Plan MEIR because no significant impacts on parks and recreation were identified. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.C of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>3. PARKS AND RECREATION</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The Beard Brook Reliability Project could result in an increase in localized noise and dust and restrict access and enjoyment of Beard Brook Park.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Construction of a pipeline near the Dryden Municipal Golf Course could result in an increase in</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table: Potential Effects Compared to MEIR

<table>
<thead>
<tr>
<th>Effect</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>localized noise and dust, and restrict access and enjoyment of this recreational facility.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3) The rehabilitation of the Primary Effluent Outfall could result in a temporary increase in localized noise and dust, and could temporarily impair access and enjoyment of a park facility at the southwest corner of West Hatch Road and Rancho Encantado Lane.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1-3) The project is not a part of the Beard Brook Reliability project, does not involve work in or near Dryden golf course, and is not a part of the Primary Effluent Outfall. The project includes a component occurring within Garrison Park and will have a temporary effect during the course of construction. The design of the project provides for an underground storage facility affecting approximately 1 acre of the park area. The area affected includes the removal of turf areas and irrigation systems. The placement of underground storage facilities may also require the temporary removal of some play structures and trees. Upon completion of the underground retention storage facilities, the park will be rehabilitated with new turf and irrigation systems, new baseball field, multipurpose field, basketball court, and site furnishings. Proposed concrete paving to be used for maintenance vehicle access to the pre-treatment device will be constructed with permeable concrete. Any trees removed will be replaced on-site at a 1:1 ratio or other standard established by the City such as the heritage tree ordinance, whichever is greater. Replacement trees will be consistent with the City’s adopted Tree Master Planting List. Thus the project design incorporates measures to ensure that the effect on parks and recreation is temporary and is less than significant. No additional mitigation is required.

4. WATER QUALITY AND HYDROLOGY

a. Significant Effects Identified in the Master EIR

The Master EIR identifies the potential impacts on water quality and hydrology and the associated mitigation measures. Refer to pages IV.D.1 to IV.D.41 in the MEIR for details.

Direct Impacts

Impact D.1: Excavation and construction activities could cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies. (Less than significant with mitigation)

Mitigation Measure D.1: The City shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre of land.)
acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation during improvements to the collection system and installation of the new outfall.

**Impact D.2:** Elimination of the cross-connections between the stormwater drainage system and the wastewater collections system could result in localized flooding. (Less than significant with mitigation)

**Mitigation Measure D.2:** Each proposed cross-connection elimination project shall be carefully designed to ensure that existing flooding problems are not exacerbated. If the proposed solution (either temporary or permanent) is not fully compliant with the City standards for stormwater conveyance, then it shall be demonstrated through detailed hydraulic analysis that the proposed solution does not make existing flooding problems worse.

**Impact D.3:** Implementation of the proposed project that does not match the rate of growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system. (Significant and unavoidable)

**Mitigation Measure D.3:** Deficient effluent disposal system. The City should continue to investigate the feasibility of near-term solutions: 1) additional land application of effluent, 2) expansion of storage capacity, and 3) conservation measures.

**Impact D.4:** Implementation of the proposed project may result in operation-period surface water quality degradation due to pollutant loading associated with treated wastewater discharges. (Significant and unavoidable)

**Mitigation Measure D.4:** To mitigate the potential impacts to San Joaquin River water quality associated with the expansion of treated wastewater capacity, the City shall conduct an antidegradation study as set forth above. The study shall be conducted in accordance with all applicable State and Federal antidegradation policy standards.

*NOTE:* Modesto is in compliance with this mitigation measure, having prepared an antidegradation study (Stormwater Management Program Antidegradation Analysis, Larry Walker Associates, October 2008) as part of the renewal of the City's 2008 NPDES permit (CAS083526).

**Impact D.5:** Implementation of the proposed project may result in operation-period surface water quality degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area. (Significant)

**Mitigation Measure D.5/D.5 (a):** To mitigate the potential impacts to local flooding conditions associated with placement of fill and construction of the flood walls proposed by the project, the City shall retain a qualified registered civil engineer or licensed architect to conduct the appropriate floodplain studies in compliance with Modesto Municipal Code Section 9-4.406 to determine whether the proposed floodplain encroachments could be constructed without increasing base flood elevations upstream or downstream of the Primary Plant. If the studies indicate that base flood elevations would increase, then other appropriate channel modifications shall be considered. If there are no feasible options to offset increases in base flood elevations, then the proposed fill placement and flood walls will not be constructed and the impact to water quality (Impact D.5) would be significant and unavoidable.

**Impact D.6:** The proposed increase in application of wastewater and biosolids to land would not significantly affect regional groundwater quality. (Less than significant)
No mitigation is necessary.

Impact D.7: Implementation of the project would not result in depletion of groundwater resources. (Less than significant)

No mitigation is necessary.

Impact D.8: The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality. (Less than significant with mitigation)

Mitigation Measure D.8: To the extent feasible, all instream excavation and construction activities shall be conducted during low flow conditions in the river and work within the wetted channel will be avoided. The design of the new outfall and diffuser shall avoid, to the extent feasible, permanent features that extend above the active streambed that could cause flow disruption and scour. (See also impacts on biological resources and mitigation measures.)

Cumulative Impacts

No cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation measures related to water quality and hydrology are on pages IV.D.26 to IV.D.41 in the Wastewater Master Plan Master EIR.

Discussion:

No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.D of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on land use, plans, and policies. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>4. WATER QUALITY AND HYDROLOGY</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Excavation and construction activities could</td>
<td>☑</td>
<td>X</td>
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<tr>
<td></td>
<td>Potentially Significant Impact, as Compared to MEIR</td>
<td>No Significant Impact with MEIR Mitigation</td>
<td>Less Than Significant or No Impact</td>
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<tr>
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<tr>
<td>cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies.</td>
<td>☐</td>
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</tr>
<tr>
<td>2) Elimination of the cross-connections between the stormwater drainage system and the wastewater collections system could result in localized flooding.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>3) Implementation of the proposed project that does not match the rate of growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system.</td>
<td>☐</td>
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</tr>
<tr>
<td>4) Implementation of the proposed project may result in operation-period surface water quality degradation due to pollutant loading associated with treated wastewater discharges.</td>
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</tr>
<tr>
<td>5) Implementation of the proposed project may result in operation-period surface water quality degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area.</td>
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</tr>
<tr>
<td>6) The proposed increase in application of wastewater and biosolids to land would not significantly affect regional groundwater quality.</td>
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</tr>
<tr>
<td>7) Implementation of the project would not result in depletion of groundwater resources.</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>8) The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality.</td>
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</table>

Discussion:

(1) Each of the project types evaluated in the Wastewater Master Plan Master EIR has the potential to degrade surface or groundwater quality. Mitigation Measure D.1 will be implemented for the project as part of the construction plans and contract. This project and its construction documents will be reviewed to ensure compliance with Modesto’s approved Stormwater Pollution Prevention Plan.

(2) This project will eliminate cross-connections with the storm water drainage system. The project design provides for an alternate system of storm water disposal of equal or better effectiveness, consistent with and implementing WWMP MEIR Mitigation Measure D.2, therefore there will be no significant impact with the project as designed.

(3-4) The project will reduce the impact of storm water on the collection system and does not increase the amount of sewer effluent that will be generated in the area served by the project.
Project design provides that storm water will be handled within the area generated and with no discharge to surface waters. Therefore, there will be no significant impact with the project as designed.

(5-6) This impact relates to operation of the treatment plants. The project will not result in a change in the operation of the treatment plants, nor will it increase the amount of sewage being collected and treated, and will, in fact, reduce the volume of effluent during storm events. No impact is anticipated and no mitigation is necessary.

(7) The project would have no effect on groundwater resources, consistent with the Wastewater Master Plan Master EIR. No mitigation is necessary.

(8) This impact is related to construction activities at the treatment plant. Since the project will have no effect on activity at the treatment plant, no impact on the San Joaquin River channel will occur as a result of this project and no mitigation is necessary.

5. BIOLOGICAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on biological resources and the associated mitigation measures. Refer to pages IV.E.1 to IV.E.37 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact E.1: Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the valley elderberry longhorn beetle. (Less than significant with mitigation)

Mitigation Measure E.1.1: Perform pre-construction surveys.

Mitigation Measure E.1.2a: Agency coordination and consultation.

Mitigation Measure E.1.2b: Avoidance.

Impact E.2: Construction of project facilities could cause loss of occupied Burrowing Owl habitat. (Less than significant with mitigation)

Mitigation Measure E.2.1: Avoidance.

Mitigation Measure E.2.2: Compensation for loss of Burrowing Owl habitat if a pre-construction survey finds that Burrowing Owls occupy the site and avoidance is not feasible.

Impact E.3: Construction of project facilities could cause disturbance of nesting raptors. (Less than significant with mitigation)

Mitigation Measure E.3.1: Avoidance.

Mitigation Measure E.3.2: Perform pre-construction surveys.
Impact E.4: Construction of the project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook) and of the Tuolumne River. (Less than significant with mitigation)

Mitigation Measure E.4.1: Pre-construction surveys and agency coordination.

Mitigation Measure E.4.2: Implement mitigation for Special Status species that might be identified during pre-construction surveys.

Impact E.5: Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson’s Hawk foraging habitat. (Less than significant with mitigation)

Mitigation Measure E.5: Compensation for loss of foraging habitat.

Impact E.6: Construction during Swainson’s Hawk breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. (Less than significant with mitigation)

Mitigation Measure E.6a: Perform pre-construction surveys.

Mitigation Measure E.6b: Nest trees should not be removed unless avoidance measures are determined to be infeasible.

Impact E.7: Construction of improvements to the Secondary Plant may cause impacts to regulated habitats. (Less than significant with mitigation)

Mitigation Measure E.7: Perform pre-construction surveys and agency coordination.

Impact E.8: Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers. (Less than significant with mitigation)

Mitigation Measure E.8: Perform pre-construction surveys and agency coordination.

Impact E.9: Construction activities could affect the habitat for Western Pond Turtles, the nesting and foraging habitat for Loggerhead Shrikes, and foraging habitat for Short-Eared Owls, Northern Harriers, and Tri-Colored Blackbirds. (Less than significant)

No mitigation is necessary.

Impact E.10: Construction of a new diffuser in the San Joaquin River, and additional discharges of treated wastewater to the San Joaquin River from the Secondary Plant could affect the spawning habitat or affect the health of the Sacramento Splittail. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

Impact E.11: Growth facilitated by the project would result in cumulative loss of Swainson’s Hawk and Burrowing Owl habitat. (Less than significant with mitigation)
b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation measures related to biological resources are shown on pages IV.E.25 to IV.E.37 in the Wastewater Master Plan Master EIR.

Discussion:

No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.E of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on biological resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>5. BIOLOGICAL RESOURCES</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the valley elderberry longhorn beetle.</td>
<td>☐</td>
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<tr>
<td>2) Construction of project facilities could cause loss of occupied Burrowing Owl habitat.</td>
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</tr>
<tr>
<td>3) Construction of project facilities could cause disturbance of nesting raptors.</td>
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</tr>
<tr>
<td>4) Construction of the project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook) and of the Tuolumne River.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>5) Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson's Hawk foraging habitat.</td>
<td>☐</td>
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<td>☒</td>
</tr>
<tr>
<td>6) Construction during Swainson's Hawk breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) Construction of improvements to the Secondary Plant may cause impacts to regulated habitats.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>8)</td>
<td>Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers.</td>
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<tr>
<td>Potentially Significant Impact, as Compared to MEIR</td>
<td>No Significant Impact with MEIR Mitigation</td>
<td>Less Than Significant or No Impact</td>
<td></td>
</tr>
<tr>
<td>9) Construction activities could affect the habitat for Western Pond Turtles, the nesting and foraging habitat for Loggerhead Shrikes, and foraging habitat for Short-Eared Owls, Northern Harriers, and Tri-Colored Blackbirds.</td>
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</tr>
<tr>
<td>10) Construction of a new diffuser in the San Joaquin River, and additional discharges of treated wastewater to the San Joaquin River from the Secondary Plant could affect the spawning habitat or affect the health of the Sacramento Splittail.</td>
<td></td>
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<tr>
<td>Cumulative Impacts:</td>
<td></td>
<td></td>
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<tr>
<td>11) Growth facilitated by the project would result in cumulative loss of Swainson’s Hawk and Burrowing Owl habitat.</td>
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</tr>
</tbody>
</table>

**Discussion:**

1. The project will have no impact on riparian habitat or riparian species as it is not located near a natural watercourse. No mitigation is necessary.

2. The project is located within existing street rights-of-way and park. The areas affected are not suitable burrowing owl nesting habitat. No mitigation is necessary.

3, 6. The project is located within existing street rights-of-way and park. The project site contains no suitable raptor nest trees. No mitigation is necessary.

4. The project is not in or affecting Beard Brook Park or the Tuolumne River. No mitigation is necessary.

5. The project is located within existing street rights-of-way and park. No hawk foraging habitat exists within the project site. No mitigation is necessary.

7-10. The project does not include any improvements to the Secondary Treatment Plant. Therefore, no impacts on habitats at the Secondary Treatment Plant would result. Furthermore, neither riparian habitats, riparian species, nor aquatic species will be affected by the project as the project is not in or near these habitats. No mitigation is necessary.

**Cumulative impacts:**

11. The project is located within existing street rights-of-way and park. The areas affected do not include burrowing owl nesting habitat or Swainson’s hawk foraging habitat. The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR. No mitigation is necessary.
6. TRANSPORTATION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on transportation and the associated mitigation measures. Refer to pages IV.F.1 to IV.F.12 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact F.1: Temporary reduction in roadway capacity and increased traffic delays. (Less than significant)

No mitigation is necessary.

Impact F.2: Short-term traffic increases on roadways due to construction-related vehicle trips. (Less than significant)

No mitigation is necessary.

Impact F.3: Increased potential for traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction. (Less than significant)

No mitigation is necessary.

Impact F.4: Increases in vehicle trips to and from the facility sites for operation and maintenance. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

Impact F.5: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Urban Area General Plan.

Mitigation Measure F.1: With implementation of the Urban Area General Plan Master EIR’s mitigation measures related to traffic, the significant cumulative impacts would be reduced, but not to less-than-significant levels.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation measures related to transportation are found on pages IV.F.10 to IV.F.12 in the Wastewater Master Plan Master EIR.

Discussion:

No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

Section IV.C of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>6. TRANSPORTATION</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Temporary reduction in roadway capacity and increased traffic delays.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>2) Short-term traffic increases on roadways due to construction-related vehicle trips.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>3) Increased potential for traffic safety hazards for vehicles, bicyclists, and pedestrians on public roadways during construction.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>4) Increases in vehicle trips to and from the facility sites for operation and maintenance.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td><strong>Cumulative Impacts:</strong></td>
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<tr>
<td>5) The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

1-3) Construction of the project may temporarily constrain access to nearby residential properties. However, approximately five to seven employees will be on site at any specific time and no significant traffic impact is expected. Heavy equipment will also be in use; however, it will be mobile equipment and is not expected to obstruct the street for an extended period. While large equipment will be present and additional vehicles for construction crews will be present, these will not present a significant impact on pedestrian and bicycle safety because of the relatively low traffic volumes on affected local and collector streets and the relative ease of avoiding the equipment and vehicles, and the presence of on-site traffic control personnel as needed. The project is typical of utility maintenance activities within the right-of-way and consistent with the scope of the project established by the Wastewater Master EIR. No significant impact is expected and no mitigation is necessary.

4) Maintenance and operation of the storm water collection and retention facilities will require periodic, infrequent site visits by staff. This impact is not significant and no mitigation is necessary.
Cumulative impacts:

(5) The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR. No mitigation is necessary.

7. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on air quality and the associated mitigation measures. Refer to pages IV.G.1 to IV.G.28 in the Wastewater Master Plan MEIR for details.

Direct Impacts

Impact G.1: Emissions of criteria pollutants during construction of wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. (Significant and unavoidable)

Mitigation Measure G.1: The construction plans for each group of building permits shall incorporate recommendations from the San Joaquin Valley Air Pollution Control District specified on pages IV.G.17 and IV.G.18 in the Wastewater Master Plan Master EIR to minimize emissions during construction phases.

Impact G.2: Emissions of criteria pollutants during operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. (Significant and unavoidable)

Mitigation Measure G.2: The City shall abide by permit limits imposed by the SJVAPCD to reduce pollutant emissions from diesel-powered engines for emergency power generation and any other sources requiring permits. The City shall abide by permit limits imposed by the SJVAPCD on operation of digester-gas burning equipment at the Primary Plant. If District Rule 9510 would apply, the City shall follow it and make the required emission reductions on-site (or pay for or create emission reductions off-site).

Impact G.3: Emissions during project operation could cause sensitive receptors to be exposed to toxic air contaminants. (Less than significant)

No mitigation is necessary.

Impact G.4: Emissions of objectionable odors could occur during project operation. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

Impact G.5: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Urban Area General Plan. (Significant and unavoidable)
Mitigation Measure G.5: With implementation of the Urban Area’s Master [General] Plan’s mitigation measures [applied to new development projects] related to traffic and energy use (and related to carbon monoxide and particulate matter, in particular), the significant cumulative impacts would be reduced, but not to less-than-significant levels.

Impact G.6: The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment.

Mitigation Measure G.6: See mitigation measures listed under Impacts G.1 and G.2. With implementation of these measures, significant cumulative impacts would be reduced, but not to less-than-significant levels.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation measures related to air quality appear on pages IV.G.17 to IV.G.28 in the Wastewater Master Plan Master EIR.

Discussion:
No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.G of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on air quality. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan MEIR. New impacts may result in new mitigation.

<p>| 7. AIR QUALITY |
|----------------------------------|------------------|------------------|
| 1) Emissions of criteria pollutants during construction of wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. | No Significant Impact, as Compared to MEIR | No Significant Impact with MEIR Mitigation | Less Than Significant or No Impact |
| 2) Emissions of criteria pollutants during operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region. | No Significant Impact, as Compared to MEIR | No Significant Impact with MEIR Mitigation | Less Than Significant or No Impact |
| 3) Emissions during project operation could cause sensitive receptors to be exposed to toxic air | No Significant Impact, as Compared to MEIR | No Significant Impact with MEIR Mitigation | Less Than Significant or No Impact |</p>
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
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<td>contaminated.</td>
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<td>4) Emissions of objectionable</td>
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<td>odors could occur during</td>
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<td>project operation.</td>
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<tr>
<td><strong>Cumulative Impacts:</strong></td>
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<tr>
<td>5) The Wastewater Master Plan</td>
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<td>Update would accommodate</td>
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<td>growth that would cause direct</td>
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<td>and cumulatively considerable</td>
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<td>air quality impacts</td>
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<td>identified in the Urban Area</td>
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<tr>
<td>General Plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) The wastewater treatment</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>facilities would cause a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>cumulatively considerable net</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>increase of pollutants for</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>which the San Joaquin Valley is</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>designated as nonattainment.</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Discussion:**

(1) Construction activities will contribute to existing violations of air quality standards. Mitigation Measure G.1 will be implemented as part of the building permit issuance process. The San Joaquin Air Pollution Control District will be consulted and that agency's recommendations will be implemented.

(2) The proposed project is a gravity-flow facility and would not result in emissions. No mitigation measures are necessary.

(3) The proposed project is a gravity-flow facility and would not result in emissions. No mitigation measures are necessary.

(4) The proposed project involves storm water only and would not involve emission of objectionable odors. Project design includes screening and removal of trash, sediment, oil, grease, and other substances prior to entry to the infiltration facility, further precluding the possibility of generation of odor. No mitigation measures are necessary.

**Cumulative Impacts:**

(5) The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR.

(6) Discussion item 1 notes that activities associated with construction of the project will contribute to existing violations of air quality standards. Mitigation Measures G.1 and G.2 will be implemented to reduce those impacts to a less-than-significant level.

**8. NOISE**

**a. Significant Effects Identified in the Master EIR**

The Wastewater Master Plan MEIR identifies the potential impacts on transportation and the associated mitigation measures. Refer to pages IV.H.1 to IV.H.13 in the Wastewater Master Plan MEIR for details.
Direct Impacts

**Impact H.1:** Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City’s General Plan MEIR and the County General Plan. (Less than significant with mitigation)

**Mitigation Measure H.1:** Protection of sensitive receptors from excessive construction noise.

**Impact H.2:** Operation of new stationary sources of noise at the Primary and Secondary Plants associated with the proposed project could generate noise. (Less than significant)

No mitigation is necessary.

**Impact H.3:** Increased trips by Public Works Department employees could cause noise increases for existing sensitive receptors in the project vicinity. (Less than significant)

No mitigation is necessary.

Cumulative Impacts

**Impact H.4:** The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and Stanislaus County, or the noise performance standards set by the City and County. (Significant and unavoidable)

No mitigation measures identified in the MEIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation measures related to noise appear on pages IV.H.11 and IV.H.12 in the Wastewater Master Plan MEIR.

Discussion:

No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.H of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on parks and recreation. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.
### 8. NOISE

<table>
<thead>
<tr>
<th>Potential Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City's General Plan MEIR and the County General Plan.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) Operation of new stationary sources of noise at the Primary and Secondary Plants associated with the proposed project could generate noise.</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3) Increased trips by Public Works Department employees could cause noise increases for existing sensitive receptors in the project vicinity.</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Cumulative Impacts:**

4) The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and Stanislaus County, or the noise performance standards set by the City and County.

**Discussion:**

(1) Construction of the project would increase noise levels in the surrounding neighborhood for the duration of construction (about 35 weeks, depending on weather). The noisiest activities will be limited, but could occur at any time during the construction period. Mitigation Measure H.1 will be implemented in order to reduce construction noise impacts by specifying the following requirements in the construction contract:

   a. Site work and equipment use will occur only between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between 9:00 a.m. and 9:00 p.m. Saturday and Sunday, as required by the City’s noise ordinance.

   b. Only noise-muffled equipment in good working order will be used and air compressors and pneumatic equipment will be equipped with mufflers, shrouds, or shields, as appropriate.

(2) The project will not involve any work at the Primary or Secondary Treatment Plants. No noise impacts will occur at these locations as a result of this project and no mitigation is necessary.

(3) Maintenance and operation of the project will require infrequent periodic site visits by staff. This impact is not significant and no mitigation is necessary.

**Cumulative Impacts:**

(4) The project is anticipated by and does not facilitate growth beyond that anticipated by the Wastewater Master Plan EIR. No mitigation is necessary.
9. VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on visual resources and the associated mitigation measures. Refer to pages IV.I.1 to IV.I.10 in the Wastewater Master Plan MEIR for details.

**Direct Impacts**

**Impact I.1:** The proposed aboveground structures associated with wastewater collection would impact the visual quality of their surroundings. (Less than significant)

No mitigation is necessary.

**Impact I.2:** At the Primary and Secondary Plants, the proposed new aboveground structures and alterations to existing aboveground structures could impact the visual quality of their surroundings. (Less than significant)

No mitigation is necessary.

**Impact I.3:** The proposed area of fill and the berm around the perimeter of the fill at the Primary Plant would impact visual quality in the vicinity of the project when viewed from surrounding public streets and parks. (Less than significant)

No mitigation is necessary.

**Cumulative Impacts**

No cumulative impacts were disclosed in the Wastewater Master Plan MEIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The Wastewater Master Plan MEIR did not identify significant impacts related to visual resources, therefore, no mitigation measures were identified in the Wastewater Master Plan MEIR.

**Discussion:**

No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.I of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan Master EIR.
**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>9. VISUAL RESOURCES</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed aboveground structures associated with wastewater collection would impact the visual quality of their surroundings.</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>2) At the Primary and Secondary Plants, the proposed new aboveground structures and alterations to existing aboveground structures could impact the visual quality of their surroundings.</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>3) The proposed area of fill and the berm around the perimeter of the fill at the Primary Plant would impact visual quality in the vicinity of the project when viewed from surrounding public streets and parks.</td>
<td>□</td>
<td>□</td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

1) The proposed project includes installation of storm water collection facilities and a sub-surface storm water disposal facility, and will not include permanent aboveground structures. No mitigation is necessary.

2-3) The project would have no effect on either the Primary or Secondary Wastewater Treatment Plants and therefore no effects related to these facilities will occur as a result. No mitigation is necessary.

**10. PUBLIC HEALTH AND SAFETY: HAZARDOUS MATERIALS**

**a. Significant Effects Identified in the Master EIR**

The Wastewater Master Plan Master EIR identifies the potential impacts on public health and safety related to hazardous materials and the associated mitigation measures. Refer to pages IV.J.1 to IV.J.12 in the Wastewater Master Plan MEIR for details.

**Direct Impacts**

**Impact J.1:** Hazardous materials use, storage, and transportation during construction would cause potential hazards to the public and the environment. (Less than significant)

No mitigation is necessary.
Impact J.2: Hazardous materials use, storage, and transportation during the operation of the wastewater collection and treatment system would cause potential hazards to the public and the environment. (Less than significant)

No mitigation is necessary.

Impact J.3: Increased use of chlorine and sulfur dioxide at the Secondary Plant could expose workers and the public to accidental release of toxic gases. (Less than significant)

No mitigation is necessary.

Impact J.4: Construction and operation of the wastewater collection and treatment facilities would increase the amount of hazardous wastes generated at the facilities, resulting in increased hazards to the public and the environment. (Less than significant)

**Cumulative Impacts**

Impact J.5: The project would involve increased use and transport of hazardous materials and hazardous wastes within California. (Less than significant)

No mitigation is necessary.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Mitigation measures related to public health and safety with respect to hazardous materials appear on pages IV.J.11 and IV.J.12 in the Wastewater Master Plan MEIR.

**Discussion:**

No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section IV.J of the Wastewater Master Plan MEIR identifies the potential impacts of implementing the Wastewater Master Plan on public health and safety related to hazardous materials. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>10. PUBLIC HEALTH AND SAFETY: HAZARDOUS MATERIALS</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Hazardous materials use, storage, and transportation during construction would cause</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>Potential Hazards</td>
<td>Potentially Significant Impact, as Compared to MEIR</td>
<td>No Significant Impact with MEIR Mitigation</td>
<td>Less Than Significant or No Impact</td>
</tr>
<tr>
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</tr>
<tr>
<td>2) Hazardous materials use, storage, and transportation during the operation of the wastewater collection and treatment system would cause potential hazards to the public and the environment.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>3) Increased use of chlorine and sulfur dioxide at the Secondary Plant could expose workers and the public to accidental release of toxic gases.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>4) Construction and operation of the wastewater collection and treatment facilities would increase the amount of hazardous wastes generated at the facilities, resulting in increased hazards to the public and the environment.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>Cumulative Impact: 5) The project would involve increased use and transport of hazardous materials and hazardous wastes within California.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project will not employ hazardous materials. No impact is expected and no mitigation is necessary.

(3) The project would have no effect on the Secondary Wastewater Treatment Plant. Therefore no effect related to this facility will occur as a result. No mitigation is necessary.

(4) The project will not generate hazardous waste. No mitigation is necessary.

Cumulative impacts:

(5) The pipeline project will not employ hazardous materials. No impact is expected and no mitigation is necessary.

11. PUBLIC HEALTH AND SAFETY: CONTAMINATED SOILS AND DEMOLITION

a. Significant Effects Identified in the Master EIR

The Wastewater Master Plan MEIR identifies the potential impacts on public health and safety with respect to contaminated soils and demolition and the associated mitigation measures. Refer to pages IV.K.1 to IV.K.15 in the Wastewater Master Plan MEIR for details.
Direct Impacts

Impact K.1: Excavation for installation of wastewater system improvements could encounter contaminated soil and/or groundwater and expose workers and the public to hazardous substances. (Less than significant with mitigation)

Mitigation Measure K.1a: Prior to activities involving soil disturbance for the improvements to the wastewater collection and treatment systems, the City shall use reasonable means to determine the presence of soil or groundwater contamination.

Mitigation Measure K.1b: If warranted, conduct soil and groundwater sampling and analysis.

Mitigation Measure K.1c: If warranted, prepare a site remediation plan and health and safety plan.

Mitigation Measure K.1d: Where any activity would be performed at a contaminated site or where hazardous materials are suspected, the City’s contractor shall prepare a project-specific Health and Safety Plan prior to any site work.


Mitigation Measure K.1f: In the event that previously unidentified contamination is encountered (e.g., identified by odor or visual staining) during soil disturbance activities or any underground storage tanks, abandoned drums, or other hazardous materials or wastes are encountered during construction, the contractor(s) shall immediately notify the City and the City shall then notify the County. The contractor(s) shall have prepared a Contingency Plan for Sampling and Analysis of potentially hazardous substances and coordination with appropriate regulatory agencies.

Impact K.2: Pipe bursting methods could release potentially hazardous material contaminants into soil and groundwater, causing health effects to construction workers and the public, and environmental degradation. (Less than significant with mitigation)

Mitigation Measure K.2: The contractor(s) shall prepare a procedure for review by the City for emptying pipes of their contents before pipe bursting begins. Once accepted by the City, with revisions if requested, the contractor shall implement the procedure prior to carrying out any pipe bursting.

Impact K.3: Construction activities involving demolition or modification of structures may result in the exposure of construction workers and the general public to added health risk. (Less than significant with mitigation)

Mitigation Measure K.3: As a condition of approval for any demolition permit for a structure or facility potentially containing lead or asbestos under the proposed project, a lead-based paint and asbestos-containing survey shall be performed at the structure or facility by a qualified environmental professional.

Cumulative Impacts

No cumulative impacts were disclosed in the Wastewater Master Plan MEIR.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation measures related to public health and safety with respect to contaminated soils and demolition appear on pages IV.K.11 and IV.K.15 in the Wastewater Master Plan Master EIR.

Discussion:
No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section IV.K of the Wastewater Master Plan Master EIR identifies the potential impacts of implementing the Wastewater Master Plan on public health and safety with respect to contaminated soils and demolition. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Wastewater Master Plan MEIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>11. PUBLIC HEALTH AND SAFETY: CONTAMINATED SOILS AND DEMOLITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentiall Significant Impact, as Compared to MEIR</td>
</tr>
<tr>
<td>1) Excavation for installation of wastewater system improvements could encounter contaminated soil and/or groundwater and expose workers and the public to hazardous substances.</td>
</tr>
<tr>
<td>2) Pipe bursting methods could release potentially hazardous material contaminants into soil and groundwater, causing health effects to construction workers and the public, and environmental degradation.</td>
</tr>
<tr>
<td>3) Construction activities involving demolition or modification of structures may result in the exposure of construction workers and the general public to added health risk.</td>
</tr>
</tbody>
</table>

Discussion:

(1) While unlikely, it is possible that contaminated soils could be encountered during the trenching and excavation needed to construct the project. City staff or the contractor will implement Mitigation measure K.1a to make a preliminary assessment of the site. If it appears that contaminated soils may be disturbed, additional measures pursuant to Mitigation Measure K.1f will be employed to minimize or eliminate the risks associated with disturbing the contaminated area.
(2) The project does not involve pipe bursting. No mitigation is necessary.

(3) The project does not involve demolition of existing structures. No mitigation is necessary.

12. CLIMATE CHANGE (General Plan Master EIR Section 21)

a. Significant Effects Identified in the General Plan Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

No project-level mitigation measures were identified, as indicated on page V-21-18 of the General Plan Master EIR.

Cumulative Impacts

Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change. Mitigation measures to reduce the cumulative impact of greenhouse gas emissions are detailed on pages V-21-7 to V-21-10 of the General Plan Master EIR.

Mitigation Measure CL-3: Discourage removal of street trees.

Mitigation Measure CL-4: The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals.

Mitigation Measure CL-5: The City shall require the planting of large-canopy species in new development areas in such a way that they grow to full size without damaging streets and sidewalks.

Mitigation Measure CL-6: The goal of the street tree maintenance program is to maintain trees in the best possible health by ensuring that newly planted trees are cared for in such a way as to prevent or minimize sidewalk and street damage.

Mitigation Measure CL-7: The City of Modesto shall encourage the Modesto and Turlock Irrigation Districts to establish and promote a program whereby existing residential and commercial building owners are provided incentives to increase the number of shade trees in developed parts of the City.

Mitigation Measure CL-8: The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts and Pacific Gas & Electric Company on all new, large-scale development proposals in the City.

Mitigation Measure CL-9: The City of Modesto shall encourage the use of solar energy systems for residential, agricultural, parks, public buildings, and business purposes.

City of Modesto
Wastewater Master Plan Master EIR

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July 2013
Mitigation Measure CL-10: Lots in new subdivisions should be oriented in such a way to maximize solar energy.

Mitigation Measure CL-11: The City of Modesto shall approve applications for solar energy systems in accordance with State law.

Mitigation Measure CL-12: To reduce heat gain from pavement, consider reducing street rights-of-way and pavement widths to pre-World War II widths and consider working with StanCOG to shift transportation money away from automobile transportation.

Mitigation Measure CL-13: The City shall consider instituting a development pattern that facilitates non-automobile transportation.

Mitigation Measure CL-14: The City shall consider renegotiating employee union contracts to eliminate parking subsidies for public employees, encourage carpools, and other means to reduce employee vehicle trips.

Mitigation Measure CL-15: The City shall purchase clean-fuel/alternative fuel fleet vehicles.

Mitigation Measure CL-16: All commercial development projects shall include bicycle racks and changing rooms.

Mitigation Measure CL-17: The City shall attempt to facilitate development of “brownfields.”

Mitigation Measure CL-18: The City of Modesto shall work with the local energy providers and developers on voluntary incentive based programs to encourage the use of energy efficient designs and equipment.

Mitigation Measure CL-19: The City of Modesto shall cooperate with the local building industry, utilities and the Air District to promote enhanced energy conservation standards for new construction.

Mitigation Measure CL-20: The City shall encourage new residential, commercial, and industrial development to reduce air quality impacts from area sources and from energy consumption.

Mitigation Measure CL-21: The City shall consider requiring new public buildings to achieve the minimum LEED “Certified” rating.

Mitigation Measure CL-22: The City shall work with applicants and developers to encourage green building methods and practices and achieve LEED standards for all new development.

Mitigation Measure CL-23: Renovation of buildings shall achieve as many LEED pre-requisites and credits as feasible.

Mitigation Measure CL-24: The City shall work with the community to encourage private development to use green building methods and practices and to achieve standards set by LEED.
Mitigation Measure CL-25: New development shall comply with Green Building Standards adopted by the California Building Standards Commission in effect at the time of building permit application.

Mitigation Measure CL-26: The City shall encourage compliance with the California Green Building Code guidelines.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the General Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:
No mitigation is necessary.

c. Project-Specific Effects

Section V-21 of the General Plan Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>12. CLIMATE CHANGE</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the General Plan Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:
(1-3) Construction of facilities to remove storm water cross connections with the sewer system is a normal and expected part of maintaining City services and as such is consistent with the Urban Area General Plan. Trips associated with the operation and maintenance this portion of the wastewater collection system are expected to be similar to the trips generally associated with...
maintenance of the collection system and this facility would not create an increase in vehicle trip lengths, as compared to those estimated in the General Plan Master EIR. The region does not yet have either an adopted Sustainable Communities Strategy or an Alternative Planning Strategy. Reducing energy use associated with the transmission of sewage is difficult because as a liquid, it has a limited potential for compression. Options for reducing energy use from sewage transmission are largely limited to reducing the amount of sewage generated and reducing the distance it must be transported. Because the houses served by the existing and proposed collections system already exist in their current locations, the City's ability to reduce sewage flow or the distance it is transported are minimal.

13. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES (General Plan Master EIR Section 8)

The Wastewater Master Plan Master EIR incorporates the discussion of impacts on archaeological and historical sites from the 2003 General Plan Master EIR. The 2003 Master EIR (and the 1995 General Plan Master EIR) concluded that potential impacts on archaeological sites were limited to riparian areas. However, in 2008 Modesto certified a new General Plan Master EIR which concluded that although the likelihood of encountering archaeological sites in non-riparian areas is low, it is possible. Accordingly, policies and mitigation affecting these resources apply throughout Modesto. Because there has been a change in Modesto's approach to addressing archaeological and historical sites, this section is tiered from the 2008 General Plan Master EIR to allow full disclosure of potential impacts and mitigation.

a. Significant Effects Identified in the General Plan Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable impacts pertaining to cultural resources expected after application of mitigations/policies. The analysis and detail of mitigations is available on pages V-8-1 through V-8-25 in the General Plan Master EIR.

Direct Impacts

Potential Impact: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Mitigation Measure AH-4: The City of Modesto shall implement regulations that identify important historic resources, and preserve the important aspects of those resources.

Mitigation Measure AH-5: The City shall ensure that zoning provisions for structures of historical significance are sufficiently flexible to ensure that parking or other structures requirements of the Zoning Ordinance allow the historic structures to remain viable in the future.

Mitigation Measure AH-6: The modification of historic structures and places can be mitigated through the application of existing regulations and consultation with the State Historic Preservation Officer, an interim procedure whereby the City evaluates proposals to modify historic structure and develops a program to reduce the impacts on an individual basis.

Mitigation Measure AH-8: As an ongoing measure, the City of Modesto shall maintain professional standard inventories of historic resources, with the findings of those inventories concurred by the SHPO and kept on file with the State Office of Historic Preservation.
Potential Impact: The modification or demolition of a structure more than 50 years in age may be significant.

Mitigation Measure AH-3: The City of Modesto Landmark Preservation Ordinance establishes the recognition, preservation, enhancement, perpetuation, and use of structures, natural features, sites, and areas within the City of Modesto that have historic, architectural, archaeological, structural engineering, or aesthetic significance.

Mitigation Measure AH-7: When structures or areas of historical significance more than 50 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant shall submit data to the City regarding the structure’s history or locations prepared by a qualified architectural historian.

Potential Impact: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Mitigation Measure AH-10: Prior to the adoption or amendment of the City of Modesto’s UAGP, the City shall conduct consultations with the NAHC and those individuals and organizations identified by the NAHC.

Mitigation Measure AH-11: If land designated or proposed to be designated for development within the City of Modesto contains a sacred or traditional place, the City shall conduct consultations with the Native American Heritage Commission and the appropriate Native American groups and individuals.

Mitigation Measure AH-12: Any project subject to CEQA that involves substantial earth-disturbing activities, where excavation/construction would occur outside of areas where previous development has occurred, or where excavation/construction would occur at depths greater than existing foundations, roads and/or trenches in the immediate vicinity, shall require evaluation of the site by a qualified archaeologist.

Mitigation Measure AH-14: Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.

Potential Impact: Construction in an area of high archaeological sensitivity.

Mitigation Measure AH-9: For all proposed development within an archaeological resource study area a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance as well as consultations with the Native American Heritage Commission (NAHC) and those individuals and organizations identified by the NAHC shall be employed to identify any areas that may have been used by Native Americans.

Mitigation Measure AH-13: If Phase II archaeological evaluations are recommended, a report of all such surveys and excavations with recommendations shall be completed prior to Project approval.

Mitigation Measure AH-15: Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with the Project Applicant and a qualified...
archaeologist shall be subject to archaeological and Native American monitoring during all ground disturbing activities.

Mitigation Measure AH-16: Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with the Project Applicant and a qualified archaeologist and the Native Americans will be required to have the following mitigation measures (specified on pages V-8-18 and V-8-19 of the General Plan Master EIR).

Cumulative Impacts

Implementation of the Urban Area General Plan is not expected to have a cumulatively considerable impact on archaeological and historical resources. No mitigation is necessary. The following policy is offered to promote historical awareness.

Mitigation Measure AH-17: The City of Modesto shall promote historical awareness through provision of educational opportunities for residents of all ages

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following archaeological and historical resources mitigation measures pertinent to the proposed project are found in detail on pages V-8-16 through V-8-19 in the General Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

c. Project-Specific Effects

Section V-8 of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant if impacts are equal to or less than impacts disclosed in the Wastewater Master Plan Master EIR. New impacts may result in new mitigation.

<table>
<thead>
<tr>
<th>13. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</th>
<th>Potentially Significant Impact, as Compared to MEIR</th>
<th>No Significant Impact with MEIR Mitigation</th>
<th>Less Than Significant or No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
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</tbody>
</table>

City of Modesto
Wastewater Master Plan Master EIR 42
Initial Study EA/UP&P No. 2013-04
July 2013
Discussion:

(1) As proposed, the project is consistent with the policies affecting archaeological and historical resources, as set forth the General Plan and the General Plan Master EIR.

(2-3) No buildings will be demolished or altered to construct the project, which will be located within existing street rights-of-way and City park. No mitigation is necessary.

(4) The project area is located well away from riparian areas, which are considered to have the greatest potential for encountering archaeological resources. Nevertheless, it is still possible that archaeological materials may be encountered during construction. Should that occur, the contractor shall stop work immediately, inform City staff, and a specialist shall be consulted, consistent with Mitigation Measure AH-14. No other mitigation is necessary.

(5) The project design incorporates a provision for the replacement of any trees removed as a part of the construction of the subsurface basin. No other mitigation is necessary.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Wastewater Master Plan Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).
B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study. No new or additional mitigation measures are required.

Master EIR Mitigation Measures:

1. **Land Use, Plans, and Policies**
   No mitigation is necessary.

2. **Agricultural Resources**
   No mitigation is necessary.

3. **Parks and Recreation**
   No mitigation is necessary.

4. **Water Quality and Hydrology**
   **Mitigation Measure D.1:** The City shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation during improvements to the collection system and installation of the new outfall.

5. **Biological Resources**
   No mitigation is necessary.

6. **Transportation**
   No mitigation is necessary.

7. **Air Quality**
   **Mitigation Measure G.1:** The construction plans for each group of building permits shall incorporate recommendations from the San Joaquin Valley Air Pollution Control District specified on pages IV.G.17 and IV.G.18 in the Wastewater Master Plan Master EIR to minimize emissions during construction phases.

   **Mitigation Measure G.2:** The City shall abide by permit limits imposed by the SJVAPCD to reduce pollutant emissions from diesel-powered engines for emergency power generation and any other sources requiring permits. The City shall abide by permit limits imposed by the SJVAPCD on operation of digester-gas burning equipment at the Primary Plant. If District Rule 9510 would apply, the City shall follow it and make the required emission reductions on-site (or pay for or create emission reductions off-site).
8. **Noise**

*Mitigation Measure H.1* will be implemented in order to reduce construction noise impacts by specifying the following requirements in the construction contract:

a. Site work and equipment use will occur only between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between 9:00 a.m. and 9:00 p.m. Saturday and Sunday, as required by the City's noise ordinance.

b. Only noise-muffled equipment in good working order will be used and air compressors and pneumatic equipment will be equipped with mufflers, shrouds, or shields, as appropriate.

9. **Visual Resources**

No mitigation is necessary.


No mitigation is necessary.

11. **Public Health and Safety: Contaminated Soils and Demolition**

*Mitigation Measure K.1a:* Prior to activities involving soil disturbance for the improvements to the wastewater collection and treatment systems, the City shall use reasonable means to determine the presence of soil or groundwater contamination.

*Mitigation Measure K.1f:* In the event that previously unidentified contamination is encountered (e.g., identified by odor or visual staining) during soil disturbance activities or any underground storage tanks, abandoned drums, or other hazardous materials or wastes are encountered during construction, the contractor(s) shall immediately notify the City and the City shall then notify the County. The contractor(s) shall have prepared a Contingency Plan for Sampling and Analysis of potentially hazardous substances and coordination with appropriate regulatory agencies.

12. **Climate Change:**

No mitigation is necessary.

13. **Disturbance of Archaeological/Historical Sites:**

*Mitigation Measure AH-14:* Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-400

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AREA 2 STORM DRAIN CROSS CONNECTION REMOVAL PROJECT – PHASE 1 GARRISON PARK, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH MOUNTAIN CASCADE, INC. OF LIVERMORE, CALIFORNIA IN THE AMOUNT OF $3,149,487, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park were opened at 11:00 a.m. on October 8, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $3,149,487 received from Mountain Cascade, Inc. of Livermore, California be accepted as the lowest responsible and responsive bid and the contract be awarded to Mountain Cascade, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park, accepts the bid of Mountain Cascade, Inc. of Livermore, California in the amount of $3,149,487, and awards Mountain Cascade, Inc. the contract for the Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH RRM DESIGN GROUP FOR DESIGN SUPPORT DURING CONSTRUCTION FOR AREA 2 STORM DRAIN CROSS CONNECTION REMOVAL PROJECT – PHASE 1 GARRISON PARK IN AN AMOUNT NOT TO EXCEED $105,802 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $10,580 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $116,382, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Area 2 Storm Drain Cross Connection Removal Project – Phase I Garrison Park (Phase I Garrison Park) is the first of four phases of cross connection removal projects in the City of Modesto, and

WHEREAS, Phase I Garrison Park proposes to remove three storm drain to sewer cross-connections and twenty failed rock wells within a 24-acre tributary area, and

WHEREAS, in their place, storm drain piping will be installed to convey storm runoff to an underground storm drainage retention system at Garrison Park, and

WHEREAS, bids for the Phase I Garrison Park project were opened October 8, 2013 and construction is expected to begin during the first quarter of 2014, and

WHEREAS, due to the size and complexity of the project, construction support services are needed to facilitate construction activities, and

WHEREAS, these support services will promote timely and successful construction of the facilities, while also reducing risk to the City, and

WHEREAS, therefore, Engineering Services During Construction (ESDC) are being recommended by City staff, and will cover the one year estimated for construction and the start-up of Phase 1 Garrison Park project, and
WHEREAS, RRM Design Group (RRM) is the consulting design engineer for the Phase 1 Garrison Park project, and was selected for preliminary design services utilizing the City’s Administrative Directive 3.1 in 2009 and final design services in 2010, and

WHEREAS, upon successful completion of the design of the project, City staff requested and received a proposal from RRM for ESDC services, and

WHEREAS, the scope for ESDC includes: 1) General technical oversight of project activity, including review of submittals and shop drawings; 2) Review and response to Requests for Information (RFIs) and change order requests; 3) As-needed technical observation of construction activities; 4) Project start-up and close-out assistance; and 5) As-built preparation, and

WHEREAS, the total cost of ESDC, including the optional 10% Additional Services, is $116,382, which is 3% of the total construction costs, and

WHEREAS, staff has negotiated the scope and fees with RRM and believes the costs are reasonable for a project of this size and complexity, and

WHEREAS, based on the City’s need for these services and analysis of the proposed costs, staff is recommending approval of the agreement with RRM for construction support services of the Phase 1 Garrison Park project, and

WHEREAS, staff recommends an agreement with RRM, as the City does not have the staffing level or subject matter expertise to perform design support during construction for the Phase 1 Garrison Park project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with RRM Design Group for Design Support
During Construction for Area 2 Storm Drain Cross Connection Removal Project – Phase 1 Garrison Park for an amount not to exceed $105,802 for the identified scope of services, plus $10,580 for additional services (if needed), for a maximum total amount of $116,382.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

ADAM LINDGREN, Interim City Attorney

APPROVED AS TO FORM:

By: 

11/06/2013/UP&P/JFranco/Item 13 3 2013-401
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-402

RESOLUTION ACCEPTING THE FINANCIAL ALLOCATION OF $43,800,000 OF STATE ROUTE 99 PROPOSITION 1B BOND SAVINGS ALLOCATED BY THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR THE CONSTRUCTION OF STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City’s consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058 approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route 99/Pelandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City’s lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete
Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the financial allocation of $43,800,000 of State Route 99 Proposition 1B Bond Savings allocated by the California Transportation Commission (CTC) for the construction of State Route 99/Pelandale Avenue Interchange Reconstruction Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote.

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 CAPITAL IMPROVEMENT BUDGET TO APPROPRIATE $43,800,000 FROM THE STATE ROUTE 99 PROPOSITION 1B BOND SAVINGS CIP PROJECT NO. 100786, STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE PROJECT CONSTRUCTION, AND authorizing the finance director, or her designee to implement the provisions of the resolution.

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City’s consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058, approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City’s lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete
Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

NOW, THEREFORE, BE IT RESOLVED, as a result, the Fiscal Year 2013/2014 Capital Improvement Program budget needs to be amended to reflect the addition of $43,800,000 appropriations from State Route 99 Proposition 1B Bond Savings, and

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST:  

STEFANILOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AMENDING FISCAL YEAR 2013/2014 CAPITAL IMPROVEMENT BUDGET TO APPROPRIATE $457,000 FROM CAPITAL FACILITIES FEES STREETS TO CIP PROJECT NO. 100787 FOR CONSTRUCTION OF A MONUMENT SIGN, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to address the traffic congestion at the State Route 99/Pelandale Avenue Interchange, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City’s consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on February 3, 2009, the City Council, by Resolution No. 2009-058, approved a Cooperative Agreement between the City of Modesto and Caltrans for the preparation of Plans Specifications and Estimates (PS&E) for the State Route 99/Pelandale Avenue Interchange Reconstruction Project. This Cooperative Agreement formalized the City’s lead agency status for preparation of PS&E, and

WHEREAS, Plans, Specifications and Estimates (PS&E) have been completed and Encroachment Permit No. 1012-NMC-0741 has been issued by Caltrans, and

WHEREAS, during project development it was decided to construct a City of Modesto Monument sign to enhance aesthetic of the bridge and welcome the travelling motorists to Modesto, and
WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and

NOW, THEREFORE, BE IT RESOLVED, as a result, the Fiscal Year 2013/2014 Capital Improvement Program budget needs to be amended to reflect the addition of $457,000 from Capital Facilities Fees Streets.

BE IT FURTHER RESOLVED, that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote.

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 4524 TULLY ROAD, (APN: 046-012-005) TO CONNECT TO THE CITY OF MODESTO’S EXISTING WATER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved Resolution Number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 4524 Tully Road, Modesto, is not connected to City’s water system, and

WHEREAS, this property is located outside Modesto City limits, outside of the sphere of influence, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service to this property once the developer constructs a 12-inch water main at his or her expense in Tully Road north of Bangs Avenue, and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees shall be paid and associated permits be obtained prior to connecting to the City water system.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 4524 Tully Road in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Will Serve letter.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
RESOLUTION DESIGNATING COUNCILMEMBER DAVE COGDILL, JR. TO SERVE AS VICE MAYOR FOR THE REMAINDER OF 2013 AND ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Dave Cogdill, Jr. is hereby designated to serve as Vice Mayor for the remainder of 2013 and ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AMENDING THE FY 2013/2014 POSITION ALLOCATION FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO ADD ONE FULL-TIME ASSOCIATE CIVIL ENGINEER FOR THE CONSTRUCTION OF STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT

WHEREAS, the State Route 99/Pelandale Avenue Interchange Reconstruction Project will alleviate traffic congestion, improve traffic safety, and improve traffic operations, and

WHEREAS, on October 8, 2013, the California Transportation Commission allocated $43,800,000 from Proposition 1B Bond Savings for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, as a condition of funding, the construction contract must be awarded within six (6) months of allocation, and

WHEREAS, staff has proceeded to preconstruction activities including hiring a construction management firm, and

WHEREAS, the Community and Economic Development Department does not have adequate staff to oversee and coordinate this project, and

WHEREAS, it is in the best interest of the project to hire an Associate Civil Engineer to aid with the Construction phase of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, the annual salary and benefits for the Associate Civil Engineer position are $109,136 per year, and
WHEREAS, funding for this position is located in the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Reconstruction Project for FY 13-14 through FY 15-16, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in the position allocation for the Community and Economic Development Department of one full-time Associate Civil Engineer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
RESOLUTION AMENDING THE FY 2013/2014 COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT OPERATING BUDGET TO APPROPRIATE $72,758 FROM THE STATE ROUTE 99 PROPOSITION 1B BOND SAVINGS CIP PROJECT NO. 100786, STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, TO FUND ONE ASSOCIATE CIVIL ENGINEER AND CREATE A TRANSFER OF $72,758 FROM THE PROPOSITION 1B BOND SAVINGS TO THE GENERAL FUND TO FUND THE POSITION

WHEREAS, the State Route 99/Pelandale Avenue Interchange Reconstruction Project will alleviate traffic congestion, improve traffic safety, and improve traffic operations, and

WHEREAS, on October 8, 2013, the California Transportation Commission allocated $43,800,000 from Proposition 1B Bond Savings for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, as a condition of funding, the construction contract must be awarded within six (6) months of allocation, and

WHEREAS, staff has proceeded to preconstruction activities including hiring a construction management firm, and

WHEREAS, the Community and Economic Development Department does not have adequate staff to oversee and coordinate this project, and

WHEREAS, it is in the best interest of the project to hire an Associate Civil Engineer to aid with the Construction phase of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, the annual salary and benefits for the Associate Civil Engineer position are $109,136 per year, and
WHEREAS, funding for this position is located in the State Route 99 Proposition 1B Bond Savings CIP Project No. 100786, State Route 99/Pelandale Avenue Interchange Reconstruction Project for FY 13-14 through FY 15-16, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a budget amendment to the FY 2013/2014 Community and Economic Development Department Operating Budget in the amount of $72,758 and create a transfer of $72,758 from the Proposition 1B Bond Savings to the General Fund to fund the position.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: 

APPROVED AS TO FORM:

By 

ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-409

RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND VICTOR M. LOPEZ, A SINGLE MAN, FOR SEWER SERVICE FOR THE PROPERTY LOCATED AT 2013 DONALD STREET IN THE ROBERTSON ROAD NEIGHBORHOOD, MODESTO (APN: 037-021-081); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the property located at 2013 Donald Street is not connected to City’s sewer system, and

WHEREAS, the property is located outside Modesto City limits, and inside the City’s Sphere of influence, and

WHEREAS, the property is inside the Modesto Municipal Sewer District No.1, and

WHEREAS, the City of Modesto can and is willing to provide domestic sewer to the subject area, and

WHEREAS, The Stanislaus County Redevelopment Agency installed complete sewer infrastructure in the “neighborhood” and individual laterals to each parcel to connect the property to the City of Modesto’s sewer system, 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 installation of the sewer service lines will upgrade the infrastructure in this already developed unincorporated area to facilitate a later annexation, and
WHEREAS, the sewer connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, that the property owner is required to enter into an outside service agreement for sewer service with the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Outside Service Agreement for the property located at 2013 Donald Street, in the Robertson Road Neighborhood, Modesto (APN: 037-021-081).

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 12th of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: """

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 AND FISCAL YEAR 2013-2014 ANNUAL OPERATING BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2012-2013 and Fiscal Year 2013-2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 and Fiscal Year 2013-2014 annual operating budgets as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
EXHIBIT A

FISCAL YEAR 2012-13

FINANCE DEPARTMENT
An Industrial Fire JPA budget adjustment is necessary to recognize $286,620 in unbudgeted revenue derived from FY12-13 Property Taxes and reallocate to Intergovernmental Services and Services City Forces.

PARKS, RECREATION AND NEIGHBORHOODS
A budget adjustment is necessary to increase the transfer from the General Fund, Fund 0100, to the Golf Fund, Fund 4600, by an additional $296,543 to account for a revenue shortfall and unrealized expense savings.

A budget adjustment is necessary to increase the transfer from the General Fund, Fund 0100, to the Centre Plaza Fund, Fund 4700, by an additional $155,926 to account for a shortfall in revenue.

PUBLIC WORKS
A budget adjustment is necessary to transfer $626,198 from Water Fund Reserves to the Water Capital Improvement Project Fund for reimbursement of expenses incurred from various Water Capital Improvement Projects.

A budget adjustment is necessary to establish a $2,200,000 transfer from Fund 1510, LTF Streets and Roads Fund, to Fund 1720, Street LTF Fund, to provide a tracking mechanism of revenue for match funds of various approved projects.

FISCAL YEAR 2013-14

COMMUNITY AND ECONOMIC DEVELOPMENT
A budget adjustment is necessary to transfer $163,500 from the Streets Capital Facility Fee Fund, 3410, to Capital Improvement Project 100586, 7th Street Bridge Tuolumne, for the City’s 50% match funding of the Preliminary Engineering phase as required in the Memorandum of Agreement approved on April 5, 2011.

PARKS, RECREATION AND NEIGHBORHOODS
A budget adjustment is necessary to transfer $250,000 from Waste-to-Energy Fund Reserves, Fund 4895, to Intergovernmental Services for supply and acceptance of solid waste as per an agreement between the City of Modesto and Stanislaus County as authorized by Council on June 26, 2012, Resolution #2012-265.

PUBLIC WORKS
A budget adjustment is necessary to establish a $100,000 transfer from Fund 1720, Prop 42 Fund, to Fund 3170, Capital Grants HUD CIP Projects, to allow the improvement of approximately 15 additional curb ramps.

A budget adjustment is necessary to establish a $75,000 transfer from Fund 1730, Gas Tax Fund, to Fund 1700, Surface Transportation Fund, to cover a $100,000 shortfall for the purchase of two Macropaver Slurry Seal trucks. Additionally, allocate $25,000 in the Surface
Transportation Fund, 1700, from Temporary Employee Services to Vehicles to realize the total shortfall.

**UTILITY, PLANNING & PROJECTS**

Approve creating a new Capital Improvement Project #100763, 2013-14 Sewer Collection System Replacement, for the purpose of replacing sewer systems within the City of Modesto as designated by Public Works Wastewater Collections staff, anticipated locations are Corson Avenue and Griswold Avenue, and process a budget adjustment transferring funds in the amount of $929,387 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100764, Cannery Segregation Pump Replacement, for the purpose of improving the pump station to address hydraulic deficiencies including the replacement of the existing pumps, and process a budget adjustment transferring funds in the amount of $1,364,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100777, E Street Storm Drain Cross Connection, for the purpose of removing the storm drain cross connection into the sewer system on E Street and provide necessary storm drain improvements resulting from the cross connection being removed, and process a budget adjustment transferring funds in the amount of $396,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100781, Lakewood Subtrunk L3 & L4, for the purpose of making sewer subtrunk improvements, including Lakewood L3 located on Kodiak Dr. from Fine Avenue to Claus Road and Lakewood L4 located on Merle Avenue from Hemstead Court to Claus Road, and process a budget adjustment transferring funds in the amount of $565,500 from Wastewater Developmental Fee Reserves to establish an expense budget for the design and construction this project.
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF SPOILS SCREENING AND ROCK CRUSHING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION, TO DJ ROCHA TRUCKING, INC., HILMAR, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $51,500, AND OVER FIVE (5) YEARS OF $257,500

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of spoils screening and rock crushing services, and

WHEREAS, the Purchasing Division issued RFB No. 1314-19 Spoils Screening and Rock Crushing Services to five (5) prospective bidders, none of which were local vendors, and posted the RFB on the City’s website. No local vendor has the necessary equipment to perform this service, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Three (3) companies chose to respond, and

WHEREAS, all three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha Trucking, Inc., Hilmar, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $51,500, and over five (5) years of $257,500, 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. The award of bid for the furnishing of spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha Trucking, Inc., Hilmar, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for spoils screening and rock crushing services in Appropriation Units: 4100-55050-53300 and 4100-55080-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of spoils screening and rock crushing services for the Department of Public Works, Water Division, to DJ Rocha, Inc., Hilmar, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $51,500.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE
REPOWERING OF ONE MODEL YEAR 2003 GILLIG TRANSIT BUS FOR
THE DEPARTMENT OF PUBLIC WORKS, TRANSIT DIVISION, TO
COMPLETE COACH WORKS, RIVERSIDE, CA, AND AUTHORIZING THE
PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE
ORDER FOR AN ESTIMATED TOTAL COST OF $99,053

WHEREAS, a formal Request for Proposal process was conducted for the
repowering of fourteen (14) Model Year 2003 Gillig Transit Buses, and

WHEREAS, at the time of award the Transit Division only had sufficient funding
to fund thirteen (13) buses, and

WHEREAS, City Council authorized the award of proposal and contract to
Complete Coach Works for the repowering of thirteen (13) Model Year 2003 Gillig
Transit Buses, per Council Resolution No. 2012-525, and

WHEREAS, additional funding has since become available and the Transit
Division requests the repowering of the fourteenth (14) bus, and

WHEREAS, Complete Coach Works will extend original bid pricing, and

WHEREAS, City staff recommends the award of proposal for the repowering of
one Model Year 2003 Gillig Transit Bus for the Department of Public Works, Transit
Division, to Complete Coach Works, Riverside, CA, for an estimated total cost of
$99,053, 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. The award of proposal for the repowering of one Model Year 2003
Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for the repowering of one Model Year 2003 Gillig Transit Bus in Appropriation Unit: 4510-59999-55010-100449.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the repowering of one Model Year 2003 Gillig Transit Bus for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $99,053.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-413

RESOLUTION RESCINDING RESOLUTION NO. 2012-100 THAT APPROVED THE INITIAL STUDY AND ADOPTED THE FINDING OF CONFORMANCE THAT THE PROPOSED TANK AND WELL IN DEL RIO AREA WAS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE WATER SYSTEM ENGINEER'S REPORT PROGRAM ENVIRONMENTAL IMPACT REPORT, AND DIRECTING STAFF TO PERFORM A NEW ENVIRONMENTAL ANALYSIS SPECIFIC TO THE PROJECT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

WHEREAS, on March 13, 2012, by Resolution No. 2012-100, the City Council adopted the Finding of Conformance that the Proposed Tank and Well in Del Rio Area was within the scope of the project covered by the Water System Engineer's Report Program Environmental Impact Report (PEIR), and

WHEREAS, on December 20, 2012, a lawsuit was filed against the City by the North Modesto Groundwater Alliance (Stanislaus County Superior Court Case No. 680381), and

WHEREAS, the lawsuit alleges deficiencies in the environmental review of the project, as well as a lack of sufficient notice to affected parties, and

WHEREAS, the lawsuit further requests the court require the City to rescind the prior project approvals, and to prepare a new environmental analysis for the project, and

WHEREAS, the court has granted a preliminary injunction, which prevents the City from undertaking any further activity to move the project forward prior to a ruling by the court,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2012-100, approved on March 13, 2012, which approved the Initial Study and adopted the Finding of Conformance that the Proposed
Tank and Well in Del Rio Area was within the scope of the project covered by the Water System Engineer’s Report Program Environmental Impact Report (PEIR), and directs staff to perform a new environmental analysis specific to the project pursuant to California Environmental Quality Act (CEQA) requirements.

BE IT FURTHER RESOLVED that staff is hereby authorized to perform a new environmental analysis specific to the project pursuant to CEQA requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:        Councilmembers:  Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES:        Councilmembers:  None

ABSENT:      Councilmembers:  Cogdill

ATTEST:      STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  ADAM LINDGREEN, Interim City Attorney
RESOLUTION RESCINDING RESOLUTION NO. 2012-496 THAT ACCEPTED THE PRELIMINARY DESIGN REPORT DATED OCTOBER 2012 FOR THE DEL RIO TANK, PUMP STATION AND NEW WELL PROJECT AS COMPLETE

WHEREAS, on December 4, 2012, by Resolution No. 2012-496, the City Council accepted the Preliminary Design Report dated October 2012 for the Del Rio Tank, Pump Station and New Well project as complete, and

WHEREAS, on December 20, 2012, a lawsuit was filed against the City by the North Modesto Groundwater Alliance (Stanislaus County Superior Court Case No. 680381), and

WHEREAS, the lawsuit alleges deficiencies in the environmental review of the project, as well as a lack of sufficient notice to affected parties, and

WHEREAS, the lawsuit further requests the court require the City to rescind the prior project approvals, and to prepare a new environmental analysis for the project, and

WHEREAS, the court has granted a preliminary injunction, which prevents the City from undertaking any further activity to move the project forward prior to a ruling by the court,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2012-496, approved on December 4, 2012, which accepted the Preliminary Design Report dated October 12, 2012 for the Del Rio Tank, Pump Station and New Well project as complete.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of November, 2013, by Councilmember
Gunderson, who moved its adoption, which motion being duly seconded by
Councilmember Geer, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore,
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION REJECTING ALL BIDS FOR THE DEL RIO NEW WELL, AND RE-ADVERTISING THE PROJECT FOR BID WHEN THE CITY IS LEGALLY ALLOWED TO BEGIN CONSTRUCTION

WHEREAS, the bids received for the Del Rio New Well were opened at 11:00 a.m. on December 11, 2012, and later tabulated by the Director of Utility Planning & Projects for the consideration of the City Council, and

WHEREAS, because of the significant delays due to the litigation (Stanislaus County Superior Court Case No. 680381) of the project, staff now recommends rejecting all bids, and re-advertising the project when the City is legally allowed to begin construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Del Rio New Well, opened in the office of the City Clerk on December 11, 2012.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project when the City is legally allowed to begin construction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Gunderson, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: [Signature]
STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STRENGTHEN & REPLACE WATER SYSTEM BETWEEN EL VISTA AVENUE & CLOVERDALE AVENUE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH D.A. WOOD CONSTRUCTION, INC. OF EMPIRE, CALIFORNIA IN THE AMOUNT OF $169,904 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project were opened at 11:00 a.m. on October 15, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $169,904 received from D.A. Wood Construction, Inc. of Empire, California be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood 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 Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project, accepts the bid of D.A. Wood Construction, Inc. of Empire, California in the amount of $169,904, and awards D.A. Wood Construction, Inc. the contract for the Strengthen & Replace Water System Between El Vista Avenue & Cloverdale Avenue project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF MODESTO, SOUTHWEST HIDE COMPANY AND MODESTO HOLDING COMPANY FOR ACQUISITION OF THE FOLLOWING PROPERTY INTERESTS: (A) 37,333 SQUARE FEET (0.86 ACRES) PERMANENT SEWER EASEMENT, AND (B) A 41,142 SQUARE FEET (0.94 ACRES) TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 925 CROWS LANDING ROAD (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), IN THE AMOUNT OF $59,500, FOR THE SHACKELFORD CROSSING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is continuing to make improvements to the efficiency of the wastewater collection system, which includes installing two 18” sewer siphons beneath the Tuolumne River to replace older, abandoned siphons and increase overall capacity, and

WHEREAS, City staff is recommending acquisition of a permanent sewer easement and a temporary construction easement for installation of the two siphons, and

WHEREAS, staff has investigated the subject property to ensure it is suitable for this purpose,

WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of property interests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement between the City of Modesto, Southwest Hide Company and Modesto Holding Company for acquisition of the following property interests: (a) 37,333 square feet (0.86 acres) Permanent Sewer Easement, and (b) a 41,142 square feet (0.94 acres) Temporary Construction Easement,
located at 925 Crows Landing Road (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), in the amount of $59,500, for the
Shackelford Crossing Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember Geer,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez,
Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney

11/12/2013/UP&P/JYuriar/Item 16
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 925 CROWS LANDING ROAD, OWNED BY SOUTHWEST HIDE COMPANY AND MODESTO HOLDING COMPANY, (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE SHACKELFORD CROSSING PROJECT.

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire: (1) a 37,333 square feet Permanent Sewer Easement; and (2) a 41,142 square feet Temporary Construction Easement, for the acquisition of property interests located at 925 Crows Landing Road (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015), owned by Southwest Hide Company and Modesto Holding Company, to be purchased by the City of Modesto for Shackelford Crossing Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificates of Acceptance for the Permanent Sewer Easement and Temporary Construction Easement for the acquisition of property interests located at 925 Crows Landing Road, owned by Southwest Hide Company and Modesto Holding Company, (APN 038-022-003, 038-022-009, 038-022-011, 038-022-013, 038-022-014 & 038-022-015) to be purchased by the City of Modesto for the Shackelford Crossing Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-419

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WELLHEAD TREATMENT AT WELL NO. 3 PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH W.M. LYLES CO. OF FRESNO, CALIFORNIA IN THE AMOUNT OF $966,631, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Wellhead Treatment at Well No. 3 project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Wellhead Treatment at Well No. 3 project were opened at 11:00 a.m. on October 15, 2013, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $966,631 received from W.M. Lyles Co. of Fresno, California be accepted as the lowest responsible and responsive bid and the contract be awarded to W.M. Lyles Co.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Wellhead Treatment at Well No. 3 project, accepts the bid of W.M. Lyles Co. of Fresno, California in the amount of $966,631, and awards W.M. Lyles Co. the contract for the Wellhead Treatment at Well No. 3 project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINGREN, Interim City Attorney
RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2012-13, AND MAKING FINDINGS RELATING TO EACH OF THE FEE CATEGORIES

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the City Council to establish Capital Facilities Fees ("CFF") by resolution, and

WHEREAS, California Government Code Sections 66001 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City is collecting CFF for the purpose of constructing public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, the City Council, by Resolution No. 2011-105, established the nexus for fees imposed by each land use, and

WHEREAS, the Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and

WHEREAS, the Transit CFF fund was established to accrue funds for the expansion of the City’s transit system including additional buses and their associated facilities, and

WHEREAS, the Air Quality Mitigation CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, and

WHEREAS, the Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a
Whereas, the Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and

Whereas, the Parks and Recreation CFF Fund was established to accrue funds for the development of additional regional parks, community centers, and neighborhood parks, and the expansion of the McClure museum, and

Whereas, the General Government CFF Fund was established to accrue funds for the expansion of City Hall, expansion of the City’s corporation yards, and technology expansions, and

Whereas, the CFF program is a pay-as-you go program that enables improvements to be constructed when enough monies have been accumulated, and

Whereas, the Capital Facilities Fee Annual Report for Fiscal Year 2012-13 has been completed and is on file with the City Clerk and is attached as Exhibit "A", and

Whereas, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for November 12, 2013, to enable the public to have the opportunity to comment on the CFF collected,

Now, therefore, be it resolved, by the council of the City of Modesto that it hereby finds and determines that the Capital Facilities Fee program, set forth in City Council Resolution No. 2013-177, and incorporated herein by reference, is a necessary program to fund future infrastructure needed for new development.

Be it further resolved by the Council of the City of Modesto that it hereby finds that the CFF revenue anticipated for the full development of infrastructure...
improvements for new development has not been fully collected to complete the
financing of incomplete improvements. It is presently anticipated that there will be no
regular sources of funding to develop CFF infrastructure improvements apart from CFF
collections.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it
hereby finds that the anticipated dates for the full collection of fees is unknown at this
time as fees are based on development activity which is not controlled by the City.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it
hereby finds that the funding for constructing and/or purchasing additional fire stations,
fire vehicles, and a new training station, have not yet been accumulated and the
approximate date is not yet known, but there is still a need as outlined in Resolution No.
2013-177, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it
hereby finds that the funding for constructing and/or purchasing an additional police
station, police cars and associated equipment, a northeast area precinct, a training facility,
a computer aided dispatch system, and an expanded radio system, have not yet been
accumulated and the approximate date is not yet known, but there is still a need as
outlined in Resolution No. 2013-177, and therefore fees should still be collected for these
purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it
hereby finds that the funding for the development of additional regional parks,
community centers, neighborhood parks, and the expansion of McClure museum have
not yet been accumulated and the approximate date is not yet known, but there is still a
need as outlined in Resolution No. 2013-177, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of City Hall, expansion of the City’s corporation yards, and additional technology expansions is not yet known, but there is still a need as outlined in Resolution No. 2013-177, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails is not yet known, but there is still a need as outlined in Resolution No. 2013-177, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for arterial roadways, intersections, expressways, freeway interchanges and all of their associated landscaping is not yet known, but there is still a need as outlined in Resolution No. 2013-177, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of the transit system is not yet known, but there is still a need as outlined in Resolution No. 2013-177, and therefore fees should still be collected for these purposes.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2012-13 Capital Facilities Fees Report as described in Exhibit “A”, attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM LINDGREN, Interim City Attorney
City of Modesto Capital Facilities Fees Annual Report
Fiscal Year 2012-13

Prepared By:

Community & Economic Development
Infrastructure Financing Program

October 2, 2013
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LEGAL REQUIREMENTS

A. What Are Impact Fees?
California Government Code §66000 allows a local jurisdiction to establish an impact fee to mitigate the impacts of new development. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities, and must be consistent with the adopted fee program, which is updated every five years.

New development increases the demand for health and safety service provided by a city, affects the quality of the community’s infrastructure, and increases the need for public facilities. Typically, impact fees are paid to a city at the time a building permit is issued and assist in paying for the cumulative impact of new development through infrastructure improvements and additions. Facilities partly funded by impact fees include police, fire and administrative buildings, park sites, bike trails, public landscape areas, community centers, transportation and transit facilities and roadway improvements. Impact fees cannot be used for maintenance of existing or future city facilities.

B. Establishing An Impact Fee Program
The City of Modesto (“City”) impact fee program, more commonly known as the Capital Facilities Fees Program (“CFF Program”), was established in 1987 and has been updated periodically to reflect the changes in land values, projects and costs. Impact fees imposed on new development must have the proper nexus to any project on which they are imposed. The CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan for build-out. Estimated project costs and the summary of fee apportionment for each CFF Program fee category are identified in the 2003 and 2011 CFF Program updates.

C. Adoption of a Capital Improvement Program (CIP)
California Government Code §66002 requires local agencies that have implemented an impact fee program to adopt a Capital Improvement Program (CIP) indicating the approximate location, size, and time of projects, plus an estimate for the costs of all facilities or improvements to be financed by the impact fees. At a minimum, a formal CIP is recommended as a five-year plan. The City annually produces a five-year CIP which assists in maintaining and updating the City’s General Plan.

The City’s CIP connects annual capital expenditures to a long-range plan for public improvements. The City’s CIP also assists in maximizing the funds available, connecting the plan for public improvements to the City’s capacity for funding, and projecting expenditures over a period of years. This type of fiscal management is particularly
LEGAL REQUIREMENTS (Con't.)

important during periods where budgetary demands exceed financial resources. The City's CIP Program is financed in part by the impact fees collected through the CFF Program.

D. Reporting

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Describe the type of impact fee in the account or fund.
- Identify the amount of the impact fee.
- Provide the beginning and ending balance of the account or fund.
- Provide the amount of impact fees collected and interest earned.
- Identify each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identify an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Describe each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned impact fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- Provide the amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

If an agency no longer needs the funds for the purposes collected or fails to make the required findings or perform certain administrative tasks prescribed, the agency may be
LEGAL REQUIREMENTS (Con’t.)

required to refund, on a prorated basis to owners of the properties upon which the impact fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.
DESCRIPTION OF CAPITAL FACILITIES FEES

The CFF Program mitigates the impacts associated with new development on certain public facilities. The CFF Program is used to finance the acquisition, construction, and improvement of public facilities as a result of new development. The City has the following eight (8) CFF Program fee categories:

**Streets Capital Facilities Fee – Fund 3410**
This fee is collected for roadway improvements such as expressways, interchanges, arterial and collector roads, turn lanes, intersections and traffic signals.

**Public Transportation Capital Facilities Fee – Fund 3420**
This fee is collected for new buses, bus shelters, bus stops, the bus maintenance facility, and the northeast transfer station.

**Air Quality Mitigation Capital Facilities Fees – Fund 3430**
This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling, carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses.

**Police Capital Facilities Fee – Fund 3440**
This fee is collected for the Police Tactical Training Center, police vehicles, parking facilities, communication systems, special equipment, and the future Northeast Area Precinct (to be shared with Fire).

**Fire Capital Facilities Fee – Fund 3450**
This fee is collected for fire facility expansions, fire vehicles, special equipment, and the future Northeast Area Precinct (to be shared with Police).

**Parks Capital Facilities Fees – Fund 3460**
This fee is collected for land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

**City Hall and Other Government Facilities Capital Facilities Fee – Fund 3470**
This fee is collected for debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles, and the City's information technology expansion.
DESCRIPTION OF CAPITAL FACILITIES FEES (Con’t.)

Administration Capital Facilities Fee – Fund 3480
This fee is collected for the administration of the CFF Program. This includes preparation of an Annual CFF Program Report, preparation of a Five-Year CFF Report, day-to-day management of the CFF Program including preparation of annual CIP budgets, CFF Program annual inflationary updates, land value analyses and updates and CFF Program Proformas.

CURRENT FEE SCHEDULES

The current CFF Program allows for an annual inflationary adjustment equal to the increase in the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December of the preceding year. For Fiscal Year 2013-14, the CFF Program could have applied an inflationary adjustment of 1.5%. However, due to the continuing economic challenges faced by the City, staff recommended that the inflationary adjustment be frozen as it had been previously done in Fiscal Year 2012-13. On April 23, 2013, the City Council adopted Resolution No. 2013-141 and waived the annual inflationary adjustment for Fiscal Year 2013-14. Table 1 provides the adopted fee schedule for Fiscal Year 2013-14.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES

The Combining Statement of Revenues, Expenditures and Changes in Fund Balances provided in Table 2 outlines the beginning and ending balance of each fund for Fiscal Year 2012-2013. Expenditures are identified by general categories. All revenue, unless collected under the deferral program, is collected at the time a building permit is issued. Since the CFF Program is a “pay-as-you-go” program, the City must accrue enough revenue prior to commencing construction of a project, resulting in an “aging” of fund balances. The aging or accumulation occurs until enough revenue has been collected to construct a project.

FIVE YEAR REVENUE AND EXPENSE HISTORY

As previously discussed, most revenue is collected when a building permit is issued for new development. Overall, CFF Program revenues increased 101.9% between Fiscal Years 2011-12 and 2012-13 while expenditures increased 120.9% over the same time period. Due to previously accumulated revenues in the Streets and Parks Capital Facilities Fees funds, staff has continued to design and put projects out to bid. Tables 3 and 4 provide a five-year snapshot of the CFF Program revenues and expenditures, respectively. Table 5 offers a combined picture of revenues, expenses and fund balance levels over the past five years.
DEFERRED CAPITAL FACILITIES FEES

A. Single-Family Residential
In June of 2010, the City extended the deferral program of CFF for Single-Family Residential permits for a period of one (1) year. This program allowed the deferral of payment of CFF until issuance of a Certificate of Occupancy. Although the program ended in June 2011, two (2) deferral agreements remain outstanding and are shown in Table 6.

B. Multi-Family, Commercial and Industrial
CFF Deferral Programs for Multi-Family, Commercial, and Industrial developments have been in place since 1991. Deferrals assist in off-setting the cost of new development by allowing applicants to pay a portion of the CFF due at the time of building permit issuance and the balance, plus interest, over a predetermined period of time. Table 7 details the thirteen (13) active deferrals in Fiscal Year 2012-2013.

REFUNDS

One (1) CFF refund was issued in Fiscal Year 2012-2013. This refund, outlined in Table 8, was returning monies deposited by a developer for future improvements on Morse Road that have since been deemed unnecessary.

TRANSFERS

A total of eight (8) interfund transfers occurred in Fiscal Year 2012-2013. The transfers included the Tenth Street Place (City Hall) Debt Service payment and funding for various projects throughout the City. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS

Information on projects funded by the CFF Program can be found in Table 10. The information in the table includes a listing of current projects, estimated construction start and end dates, estimated project costs, percentage of project funded by the CFF Program and general accounting information.
<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Unit Measure Per</th>
<th>Streets</th>
<th>Public Transp.</th>
<th>Air Quality</th>
<th>Police</th>
<th>Fire</th>
<th>Parks</th>
<th>General Gov't.</th>
<th>Admin</th>
<th>Total</th>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Industrial (Warehousing)</td>
<td>1,000 SF</td>
<td>$1,694</td>
<td>18</td>
<td>27</td>
<td>27</td>
<td>1,739</td>
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<td></td>
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</tr>
<tr>
<td>Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2013</td>
<td></td>
<td></td>
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<tr>
<td><strong>REVENUES:</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Grant Monies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>$6,639,777</td>
<td></td>
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</tr>
<tr>
<td>Fees Collected</td>
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<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>761,394</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Interest and Rent</td>
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<tr>
<td>208,431</td>
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</tr>
<tr>
<td>Net Change in Fair Value of Investments</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>$(179,077)</td>
<td></td>
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<tr>
<td>Miscellaneous</td>
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</tr>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>$7,430,525</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

<p>| <strong>EXPENDITURES:</strong>                                                                  |
| Current                                                                          |
| General Gov't.                                                                    |
| $ -                                                                               |
| Highways &amp; Streets                                                                |
| 7,801,737                                                                         |</p>
<table>
<thead>
<tr>
<th>Parks &amp; Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>Capital Outlay</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
</tr>
<tr>
<td>$7,801,737</td>
</tr>
</tbody>
</table>

<p>| <strong>EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES</strong>                     |
| $-(371,212)                                                                       |
| <strong>OTHER FINANCING SOURCES (USES)</strong>                                                |
| Transfers in                                                                      |
| $-                                                                                |
| Transfers Out*                                                                    |
| $(227,488)                                                                        |</p>
<table>
<thead>
<tr>
<th>Sale of Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL OTHER FINANCING SOURCES</strong></td>
</tr>
<tr>
<td>$-</td>
</tr>
</tbody>
</table>

| **EXCESS (DEFICIENCY) OF REVENUES & OTHER USES**                                   |
| $-(371,212)                                                                       |
| **FUND BALANCES, July 1**                                                          |
| $24,086,759                                                                       |
| **PRIOR PERIOD ADJUSTMENT**                                                        |
| $(165,278)                                                                        |
| **FUND BALANCES, June 30**                                                        |
| $23,550,259                                                                       |

* See Table 9 for transfer details.
## Table 3: Five Year Revenue History

<table>
<thead>
<tr>
<th>Fund</th>
<th>2008-2009</th>
<th>2009-2010</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>2012-2013</th>
<th>Five Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FUND 3410 – STREETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fees Collected</td>
<td>$1,894,183</td>
<td>$1,047,367</td>
<td>$561,069</td>
<td>$638,746</td>
<td>$761,394</td>
<td>$4,902,759</td>
</tr>
<tr>
<td>Grant Monies</td>
<td>$1,285,467</td>
<td>423,473</td>
<td>2,726,437</td>
<td>2,855,733</td>
<td>6,639,777</td>
<td>13,950,887</td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$1,277,416</td>
<td>449,573</td>
<td>172,676</td>
<td>111,356</td>
<td>29,394</td>
<td>2,040,375</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>$4,457,066</td>
<td>$1,920,413</td>
<td>$3,460,182</td>
<td>$3,605,834</td>
<td>$7,410,525</td>
<td>$20,874,921</td>
</tr>
<tr>
<td><strong>FUND 3420 – PUBLIC TRANSP.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Fees Collected</td>
<td>$20,638</td>
<td>$6,282</td>
<td>$11,694</td>
<td>$12,247</td>
<td>$62,008</td>
<td></td>
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<tr>
<td>Grant Monies</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$8,945</td>
<td>$1,263</td>
<td>744</td>
<td>407</td>
<td>204</td>
<td>11,603</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>$29,583</td>
<td>$12,410</td>
<td>$12,141</td>
<td>$12,411</td>
<td>$73,111</td>
<td></td>
</tr>
<tr>
<td><strong>FUND 3430 – AIR QUALITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fees Collected</td>
<td>$40,276</td>
<td>$19,449</td>
<td>$19,488</td>
<td>$27,323</td>
<td>$119,635</td>
<td></td>
</tr>
<tr>
<td>Grant Monies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$22,067</td>
<td>$10,321</td>
<td>4,677</td>
<td>575</td>
<td>341</td>
<td>37,981</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>$62,343</td>
<td>$29,770</td>
<td>$23,770</td>
<td>$14,062</td>
<td>$157,616</td>
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<tr>
<td><strong>FUND 3440 – POLICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Fees Collected</td>
<td>$51,900</td>
<td>$34,967</td>
<td>$25,435</td>
<td>$41,697</td>
<td>$189,573</td>
<td></td>
</tr>
<tr>
<td>Grant Monies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$31,255</td>
<td>4,614</td>
<td>1,765</td>
<td>(65)</td>
<td>8,282</td>
<td>45,862</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>$83,155</td>
<td>$39,581</td>
<td>$37,200</td>
<td>$42,642</td>
<td>$235,435</td>
<td></td>
</tr>
<tr>
<td><strong>FUND 3450 – FIRE</strong></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Fees Collected</td>
<td>$7,805</td>
<td>$11,669</td>
<td>$7,619</td>
<td>$15,859</td>
<td>$55,965</td>
<td></td>
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<tr>
<td>Grant Monies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$26,889</td>
<td>$28,722</td>
<td>143</td>
<td>120</td>
<td>50</td>
<td>$57,358</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>(20,184)</td>
<td>$17,113</td>
<td>$7,762</td>
<td>$15,979</td>
<td>$12,163</td>
<td>(1,339)</td>
</tr>
<tr>
<td><strong>FUND 3460 – PARKS</strong></td>
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</tr>
<tr>
<td>Fees Collected</td>
<td>$142,555</td>
<td>$85,968</td>
<td>$101,006</td>
<td>$128,909</td>
<td>$138,017</td>
<td>$966,555</td>
</tr>
<tr>
<td>Grant Monies</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$257,800</td>
<td>92,754</td>
<td>16,764</td>
<td>21,923</td>
<td>79,649</td>
<td>$1,208,649</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>$400,455</td>
<td>$178,722</td>
<td>$137,770</td>
<td>$150,832</td>
<td>$277,444</td>
<td>$1,145,203</td>
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<tr>
<td><strong>FUND 3470 – GENERAL GOV’T</strong></td>
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<tr>
<td>Fees Collected</td>
<td>$25,477</td>
<td>$20,117</td>
<td>$14,201</td>
<td>$24,113</td>
<td>$104,382</td>
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<tr>
<td>Grant Monies</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>All Other Revenue Sources</td>
<td>$42,416</td>
<td>7,950</td>
<td>3,521</td>
<td>(185)</td>
<td>(137)</td>
<td>53,585</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>$67,893</td>
<td>$28,067</td>
<td>$17,722</td>
<td>$23,947</td>
<td>$20,337</td>
<td>$157,967</td>
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<tr>
<td><strong>FUND 3480 – ADMINISTRATION</strong></td>
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</tr>
<tr>
<td>Fees Collected</td>
<td>$32,546</td>
<td>$19,348</td>
<td>$13,013</td>
<td>$20,558</td>
<td>$20,406</td>
<td>$105,871</td>
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<tr>
<td>Grant Monies</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>All Other Revenue Sources</td>
<td>$16,423</td>
<td>4,468</td>
<td>141,987</td>
<td>430</td>
<td>32</td>
<td>161,340</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td>$48,969</td>
<td>$23,816</td>
<td>$155,000</td>
<td>$20,987</td>
<td>$20,438</td>
<td>$269,212</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$5,122,230</td>
<td>$2,115,643</td>
<td>$3,886,438</td>
<td>$3,889,424</td>
<td>$7,844,879</td>
<td>$22,011,971</td>
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</tbody>
</table>
### Table 4: Five Year Expenditure History

<table>
<thead>
<tr>
<th>Fund</th>
<th>2008-2009</th>
<th>2009-2010</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>2012-2013</th>
<th>Five Year Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3410 - Streets</td>
<td>$10,550,642</td>
<td>$7,274,188</td>
<td>$3,204,214</td>
<td>$6,540,817</td>
<td>$7,801,737</td>
<td>$35,371,598</td>
</tr>
<tr>
<td>Fund 3420 - Public Transp.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3430 - Air Quality</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3440 - Police</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3450 - Fire</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3460 - Parks</td>
<td>115,791</td>
<td>370,845</td>
<td>69,661</td>
<td>1,142,808</td>
<td>9,259,700</td>
<td>10,958,805</td>
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<tr>
<td>Fund 3470 - General Gov't</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Fund 3480 - Administration</td>
<td>195,264</td>
<td>209,539</td>
<td>186,170</td>
<td>56,686</td>
<td>38,805</td>
<td>666,464</td>
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<tr>
<td><strong>Total</strong></td>
<td>$10,861,697</td>
<td>$7,654,572</td>
<td>$5,480,046</td>
<td>$7,740,311</td>
<td>$17,100,242</td>
<td>$47,016,867</td>
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</table>
Table 5: Five Year Revenue and Expenditure History

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Revenue (Fees Collected)</th>
<th>Expenditures</th>
<th>Grant Monies</th>
<th>All Other Revenue</th>
<th>Fund Balance, June 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-2009</td>
<td>$45.0</td>
<td>$15.0</td>
<td>$5.0</td>
<td>$10.0</td>
<td>$5.0</td>
</tr>
<tr>
<td>2009-2010</td>
<td>$40.0</td>
<td>$20.0</td>
<td>$2.0</td>
<td>$15.0</td>
<td>$15.0</td>
</tr>
<tr>
<td>2010-2011</td>
<td>$35.0</td>
<td>$25.0</td>
<td>$4.0</td>
<td>$10.0</td>
<td>$20.0</td>
</tr>
<tr>
<td>2011-2012</td>
<td>$30.0</td>
<td>$30.0</td>
<td>$6.0</td>
<td>$15.0</td>
<td>$25.0</td>
</tr>
<tr>
<td>2012-2013</td>
<td>$25.0</td>
<td>$25.0</td>
<td>$8.0</td>
<td>$20.0</td>
<td>$30.0</td>
</tr>
</tbody>
</table>
### Table 6: Single-Family Residential Deferrals

<table>
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<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets</td>
<td>Oakdale Building Partners – 21 Permits</td>
<td>$18,904</td>
<td>$18,804</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Fletcher Organization, Inc. - 6 Permits</td>
<td>$25,072</td>
<td>$12,536</td>
<td>12,536</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$43,876</strong></td>
<td><strong>$31,340</strong></td>
<td><strong>$12,536</strong></td>
</tr>
<tr>
<td>Public Transportation</td>
<td>Oakdale Building Partners – 21 Permits</td>
<td>$273</td>
<td>$273</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fletcher Organization, Inc. - 6 Permits</td>
<td>$364</td>
<td>$182</td>
<td>182</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
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<td><strong>$637</strong></td>
<td><strong>$455</strong></td>
<td><strong>$182</strong></td>
</tr>
<tr>
<td>Streets</td>
<td>Oakdale Building Partners – 21 Permits</td>
<td>$1,644</td>
<td>$1,644</td>
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<tr>
<td></td>
<td>Fletcher Organization, Inc. - 6 Permits</td>
<td>$2,192</td>
<td>$1,096</td>
<td>1,096</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
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<td><strong>$3,836</strong></td>
<td><strong>$2,740</strong></td>
<td><strong>$1,096</strong></td>
</tr>
<tr>
<td>Fire</td>
<td>Oakdale Building Partners – 21 Permits</td>
<td>$2,556</td>
<td>$2,556</td>
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</tr>
<tr>
<td></td>
<td>Fletcher Organization, Inc. - 6 Permits</td>
<td>$3,408</td>
<td>$1,704</td>
<td>1,704</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td><strong>$5,964</strong></td>
<td><strong>$4,260</strong></td>
<td><strong>$1,704</strong></td>
</tr>
<tr>
<td>Streets</td>
<td>Oakdale Building Partners – 21 Permits</td>
<td>$1,089</td>
<td>$1,089</td>
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</tr>
<tr>
<td></td>
<td>Fletcher Organization, Inc. - 6 Permits</td>
<td>$1,452</td>
<td>$726</td>
<td>726</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
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<td><strong>$2,541</strong></td>
<td><strong>$1,815</strong></td>
<td><strong>$726</strong></td>
</tr>
<tr>
<td>Parks</td>
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<td>Fletcher Organization, Inc. - 6 Permits</td>
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Table 7: Multifamily, Commercial and Industrial Deferrals

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<th>Agreement Start Date</th>
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### Table 8: Refund of Capital Facilities Fees

<table>
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<th>Fund</th>
<th>Date</th>
<th>Applicant</th>
<th>Permit #</th>
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**Subtotal** $160,296.26

**Total** $160,296.26
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<th>Fund</th>
<th>Transfer Description</th>
<th>Loan Maturity Date</th>
<th>Rate of Interest</th>
<th>Transfer Amount</th>
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<tbody>
<tr>
<td>Fund 3430 – Air Quality</td>
<td>Transfer out to Fund 3140 – Virginia Corridor Match Funding Phase V</td>
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<td>$ (227,488)</td>
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<td>Fund 3440 – Police</td>
<td>Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment</td>
<td>2034</td>
<td>Variable Interest</td>
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<td>Fund 3450 – Fire</td>
<td>Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment</td>
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<td>Variable Interest</td>
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<td>Subtotal</td>
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<td>Fund 3460 – Parks</td>
<td>Transfer in from Fund 3200 – Mary Grogan Park Project for FY 13</td>
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<td>Transfer in from Fund 3290 – Mary Grogan Park Project for FY 13</td>
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<td>Transfer in from Fund 3291 – Mary Grogan Park Project for FY 13</td>
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<td>Transfer out to Fund 3140 – Virginia Corridor Project Match Phase V</td>
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<td>Fund 3470 – General Gov’t</td>
<td>Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment</td>
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### Table 10: Capital Improvement Project (CIP) Expenditures

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<th>Fund</th>
<th>Project Number</th>
<th>Project Name</th>
<th>% Funded by Fee</th>
<th>% Funded by Other</th>
<th>Budget</th>
<th>Previous FY Expenditures</th>
<th>FY 12/13 Expenditures</th>
<th>Balance Available</th>
<th>Estimated Construction Start FY</th>
<th>Estimated Construction End FY</th>
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</thead>
<tbody>
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<td>Streets</td>
<td>100030</td>
<td>Right Turn Lane – Northbound McHenry to Briggsmore</td>
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<td>$371,688.06</td>
<td>$182,617.91</td>
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<td>2012/13 (2)</td>
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<td>100031</td>
<td>Right Turn Lane – Eastbound Briggsmore to Southbound McHenry</td>
<td>11.47%</td>
<td>88.53%</td>
<td>$733,001</td>
<td>164,451.43</td>
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<td>100032</td>
<td>New Traffic Signals 2010</td>
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<td>61,054.58</td>
<td>$34,818.22</td>
<td>757,251.10</td>
<td>2012/13 (2)</td>
<td>2013/14 (2)</td>
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<td></td>
<td>100035</td>
<td>Dale Road CCTV Cameras</td>
<td>1.15%</td>
<td>98.85%</td>
<td>$350,000</td>
<td>299,512.85</td>
<td>$35,410.18</td>
<td>15,076.97</td>
<td>2011/12</td>
<td>2012/13</td>
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<td></td>
<td>100036</td>
<td>Right Turn Lanes – Four (4) Intersections</td>
<td>9.07%</td>
<td>90.93%</td>
<td>$1,787,995</td>
<td>1,209,908.80</td>
<td>249,685.80</td>
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<td>2010/11</td>
<td>2011/11</td>
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<td>100037</td>
<td>Turn Signals: Scott/Cheyenne &amp; Prescott/Hawn</td>
<td>7.03%</td>
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<td>$497,027</td>
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<td>Pelandale Interchange at SR 99</td>
<td>22.33%</td>
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<td>100049</td>
<td>Oakdale Road Widening</td>
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<td>12,227.56</td>
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<td>100051</td>
<td>Claratina: McHenry to Coffee Four (4) Lanes</td>
<td>100%</td>
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<td>$3,904,936</td>
<td>175,358.47</td>
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<td>100053</td>
<td>Carpenter Road Bridge Seismic</td>
<td>2.03%</td>
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<td>$11,386,443</td>
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<td>100085</td>
<td>Right Turn Lane – Oakdale to Scenic</td>
<td>12.50%</td>
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<td>20,944.75</td>
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<td>100096</td>
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<td>12,679.37</td>
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<td>100097</td>
<td>SR 132 West Expressway</td>
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<td>12,354.49</td>
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<td>18,355.55</td>
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<td>Oakdale/Sylvan Intersection Improvements</td>
<td>60.41%</td>
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<td>$11,111,610</td>
<td>$1,326,631.84</td>
<td>$9,259,700.34</td>
<td>$615,277.82</td>
<td>2011/12</td>
<td>2012/13</td>
</tr>
<tr>
<td></td>
<td>100677</td>
<td>Lighting Playground and Shade</td>
<td>100%</td>
<td>-</td>
<td>$285,334</td>
<td>2,559.45</td>
<td></td>
<td>283,274.55</td>
<td>2010/11</td>
<td>2013/14</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>9,259,700.34</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>17,058,971.28</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Estimated construction start date is unknown due to a constructability issue which may prohibit construction.

2 Project currently in Preliminary Engineering Phase. Construction time period is unknown because there are no monies programmed at this time.
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-421

RESOLUTION DENYING THE APPEAL OF GEORGE MURPHY TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING A SECOND-STORY BALCONY ADDITION TO AN EXISTING TWO-STORY GARAGE LOCATED AT 1705 BRONSON AVENUE

WHEREAS, an application for an appeal to a Board of Zoning Adjustment decision for a two-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue, was filed by George Murphy on October 7, 2013, and

WHEREAS, Sections 10-9.102 of the Municipal Code authorize the Board of Zoning Adjustment to grant Appeals to staff’s decisions, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on August 22, 2013, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing both evidence both oral and documentary was received and considered, and

WHEREAS, after hearing concerns from neighboring residents, the Board of Zoning Adjustment voted to continue the public hearing to September 26, 2013, because the Board could not reach a consensus on whether to grant or deny the appeal, and

WHEREAS, the continued public hearing was held by the Board of Zoning Adjustment on September 26, 2013, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing the Board of Zoning Adjustment, by Resolution No. 2013-06 granted the appeal of staff’s decision approving the second-story balcony addition due to concerns regarding massing and compatibility with the neighborhood, and
WHEREAS, on October 7, 2013, George Murphy filed an appeal with the City Clerk of the City of Modesto to the decision of the Board of Zoning Adjustment denying the two-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on November 12, 2013, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered; and determined that due to the size and massing of the balcony, in addition to the existing two-story structure, the balcony addition is incompatible with the surrounding neighborhood and thus the proposed second-story balcony addition did not meet the criteria of Section 10-4.110(a) of the Municipal Code and the Neighborhood Compatibility Guidelines, and that therefore, the appeal of George Murphy should be denied.

NOW, THEREFORE BE IT RESOLVED by the City Council that it finds and determines, based on substantial evidence and testimony in the administrative record, that the appeal of the George Murphy to the decision of the Board of Zoning Adjustment denying an application for a two-story balcony addition to an existing two-story garage located at 1705 Bronson Avenue is hereby denied for the reasons set forth above, and the decision of the Board of Zoning Adjustment as set forth in its Resolution Nos. 2013-06 is hereby affirmed, for the reasons set forth above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH MENDOZA & ASSOCIATES FOR CONSTRUCTION MANAGEMENT SERVICES DURING CONSTRUCTION OF THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT IN THE AMOUNT OF $4,221,005; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project is a project to alleviate traffic congestion, improve traffic safety, and improve traffic operations, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City’s consultant and submitted to the State of California Department of Transportation (Caltrans) for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on May 22, 2013, the City Council, by Resolution No. 2012-176, approved a Cooperative Agreement 10-397 between the City of Modesto and Caltrans outlining the terms and conditions of cooperation between Partners to complete the Construction phase of the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on October 8, 2013, the California Transportation Commission by Resolution No. R99-A-1314-01, approved the financial allocation of $43,800,000 of Proposition 1B Bond Savings for the locally administered Pelandale Interchange Reconstruction (PPO 9460) SR99 project, in Stanislaus County, on State Highway System, and
WHEREAS, due to the size, complexity, and the amount of staff hours required to support construction of this project, a construction management (CM) firm is needed, and

WHEREAS, on September 25, 2013, the Community and Economic Development Department solicited Proposals for Construction Management services.

WHEREAS, three (3) Proposals for Construction Management services were received on or before the deadline of October 21, 2013, and

WHEREAS, on October 28, 2013, an evaluation committee composed of staff from Community & Economic Development Department, Utility Planning and Projects Department, California Department of Transportation and one (1) City Council member interviewed the proposing firms, and

WHEREAS, the selection committee ranked Mendoza & Associates the most qualified to provide CM services for this project WHEREAS Staff has negotiated the scope and fees with Mendoza & Associates and believes the costs are reasonable for a project of this size and complexity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Mendoza & Associates for Construction Management Services during construction of State Route (SR) 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed $4,221,005.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2013, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Cogdill

ATTEST: _________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _________________________

ADAM LINDGREN, Interim City Attorney
RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION
WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 5, 2013,
AND DECLARING THE RESULTS OF SAID ELECTION

WHEREAS, on Tuesday, November 5, 2013, a Regular Municipal Election was
held in the City of Modesto (herein called “City”) and in the Modesto High School
District (herein called “District”) of Stanislaus County to elect the following:

1. One Councilmember to District 2 for a four year term;
2. One Councilmember to District 4 for a four year term;
3. One Councilmember to District 5 for a two year term;
4. Four Board of Education Members for four year terms; and
5. One Board of Education Member for two year term.

WHEREAS, as set forth in Section 4 hereof, Measure V was an advisory measure
and Measure X was a sales tax measure, and were submitted to the qualified electors in
the November 5, 2013, City of Modesto election, and

WHEREAS, said election was held on Tuesday, November 5, 2013, in
accordance with law and the proceedings of this Council, and the votes thereat received
and canvassed, and the returns thereof ascertained, determined, and declared in all
respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular municipal
election in accordance with law, and certified the results of the election of the Council by
a Certificate of Canvass and Statement of Votes dated November 15, 2013, a copy of
which is attached hereto marked Exhibit “A” and made a part hereof,
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

SECTION 1. Said canvass by the City Clerk as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(A) The whole number of votes cast for Districts 2, 4 and 5, in the City.

(B) The whole number of votes cast in the Modesto High School District.

(C) The names of the persons voted for.

(D) For what office each person was voted for.

(E) The number of votes given in the City to each person.

(F) The number of votes given in the City for each Measure.

SECTION 3. That, at said Regular Municipal Election, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit “A”, are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tony Madrigal</td>
<td>Councilmember for a term of four years, District 2, Modesto City Council.</td>
</tr>
<tr>
<td>Bill Zoslocki</td>
<td>Councilmember for a term of four years, District 4, Modesto City Council.</td>
</tr>
<tr>
<td>Jenny Kenoyer</td>
<td>Councilmember for a term of four years, District 5, Modesto City Council.</td>
</tr>
<tr>
<td>Sue Zwahlen</td>
<td>Member, Modesto Board of Education, for a term of four years.</td>
</tr>
<tr>
<td>David Allan</td>
<td>Member, Modesto Board of Education, for a term of four years.</td>
</tr>
<tr>
<td>Ruben Villalobos</td>
<td>Member, Modesto Board of Education, for a term of four years.</td>
</tr>
<tr>
<td>Cindy Marks</td>
<td>Member, Modesto Board of Education, for a term of four years.</td>
</tr>
<tr>
<td>Jordan Dickson</td>
<td>Member, Modesto Board of Education, for a term of two years.</td>
</tr>
</tbody>
</table>
SECTION 4. The following votes were cast for Measures V and X:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure V:</td>
<td>15,718</td>
<td>7,255</td>
</tr>
<tr>
<td>Shall the City provide sewer service to the following area of the Modesto General Plan? The unincorporated area designated &quot;Airport Neighborhood&quot; or the east portion of “Area 12” in Modesto’s 2009 Urban Growth Review. The area is generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure X:</td>
<td>11,816</td>
<td>12,322</td>
</tr>
<tr>
<td>City of Modesto Public Safety/Essential Services Measure. To address crime, gangs, drugs and youth violence, improve the local economy/jobs, and maintain/improve essential City services, including: • Police/fire protection; • Neighborhood police patrols; • 9-1-1 emergency response; • Gang crime, theft and burglary prevention; • Street/pothole repair; • Programs attracting businesses/creating jobs; and • Other City services, Shall the City of Modesto enact a 1¢ sales tax, for 6 years, with independent annual audits, citizens’ oversight, and no money for Sacramento?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Measure V.** More than a majority of all the votes cast at the election for Measure V were in favor of said proposed Measure, and said Measure did carry and was approved and ratified by a majority of the qualified voters voting on said Measure.

**Measure X.** More than a majority of all the votes cast at the election for Measure X were not in favor of said proposed Measure, and said Measure did not carry and was not approved by a majority of the qualified voters voting on said Measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 5, 2013

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 5, 2013, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 5, 2013, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>District 2, Modesto City Council</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tony Madrigal</td>
<td>804</td>
<td>54.88%</td>
</tr>
<tr>
<td>Jon Rodriguez</td>
<td>462</td>
<td>31.54%</td>
</tr>
<tr>
<td>Juan Telles</td>
<td>190</td>
<td>12.97%</td>
</tr>
<tr>
<td><strong>Total Votes Cast for District 2</strong></td>
<td>1,525</td>
<td></td>
</tr>
<tr>
<td><strong>Non-Qualified Write-in Candidates</strong></td>
<td>9</td>
<td></td>
</tr>
<tr>
<td><strong>District 4, Modesto City Council</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juan Melgoza</td>
<td>368</td>
<td>8.88%</td>
</tr>
<tr>
<td>Rickey McGill</td>
<td>1,147</td>
<td>27.67%</td>
</tr>
<tr>
<td>Ryan Schambers</td>
<td>264</td>
<td>6.37%</td>
</tr>
<tr>
<td><strong>Bill Zoslocki</strong></td>
<td>2,349</td>
<td>56.66%</td>
</tr>
<tr>
<td><strong>Total Votes Cast for District 4</strong></td>
<td>4,594</td>
<td></td>
</tr>
<tr>
<td><strong>Non-Qualified Write-in Candidates</strong></td>
<td>18</td>
<td></td>
</tr>
<tr>
<td><strong>District 5, Modesto City Council</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stephanie Burnside</td>
<td>2,442</td>
<td>48.51%</td>
</tr>
<tr>
<td><strong>Jenny Ketchum Kenoyer</strong></td>
<td>2,580</td>
<td>51.25%</td>
</tr>
<tr>
<td><strong>Total Votes Cast for District 5</strong></td>
<td>5,471</td>
<td></td>
</tr>
<tr>
<td><strong>Non-Qualified Write-in Candidates</strong></td>
<td>12</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MEASURES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Measure V</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shall the City provide sewer service to the following area of the Modesto General Plan? The unincorporated area designated &quot;Airport Neighborhood&quot; or the east portion of &quot;Area 12&quot; in Modesto's 2009 Urban Growth Review. The area is generally bordered by Hyde Street on the north, Conejo Avenue on the east, Oregon Drive on the south, and Santa Rosa Avenue on the west.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes 15,718</td>
<td>Yes</td>
<td>68.42%</td>
</tr>
<tr>
<td>No 7,255</td>
<td>No</td>
<td>31.58%</td>
</tr>
</tbody>
</table>

| Measure X | | |
| City of Modesto Public Safety/Essential Services Measure. To address crime, gangs, drugs and youth violence, improve the local economy/jobs, and maintain/improve essential City services, including: | | |
| 15,718 | Yes | 68.42% |
| 7,255 | No | 31.58% |
• Police/fire protection;
• Neighborhood police patrols;
• 9-1-1 emergency response;
• Gang crime, theft and burglary prevention;
• Street/pothole repair;
• Programs attracting businesses/creating jobs; and
• Other City services,

Shall the City of Modesto enact a 1¢ sales tax, for 6 years, with independent annual audits, citizens' oversight, and no money for Sacramento?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Votes</td>
<td>11,815</td>
<td>12,322</td>
</tr>
<tr>
<td>%</td>
<td>48.95%</td>
<td>51.05%</td>
</tr>
</tbody>
</table>

CANDIDATES

<table>
<thead>
<tr>
<th>Member, Modesto Board of Education – 4 year term</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Allan</td>
</tr>
<tr>
<td>Cindy Marks</td>
</tr>
<tr>
<td>Brett McBay</td>
</tr>
<tr>
<td>Michael Scheid</td>
</tr>
<tr>
<td>Ruben Villalobos</td>
</tr>
<tr>
<td>Sue Zwahlen</td>
</tr>
<tr>
<td>Non-Qualified Write-in Candidates</td>
</tr>
</tbody>
</table>

CANDIDATES

<table>
<thead>
<tr>
<th>Member, Modesto Board of Education – 2 year term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jordan Dickson</td>
</tr>
<tr>
<td>Fabiola Garcia</td>
</tr>
<tr>
<td>Charlie Gram</td>
</tr>
<tr>
<td>Dean Smeltzer</td>
</tr>
<tr>
<td>Non-Qualified Write-in Candidates</td>
</tr>
</tbody>
</table>

VOTER TURNOUT:

<table>
<thead>
<tr>
<th>Total Registered Voters</th>
<th>Total Turnout</th>
<th>Turnout Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto Council District 2</td>
<td>9,489</td>
<td>1,525</td>
</tr>
<tr>
<td>City of Modesto Council District 4</td>
<td>15,925</td>
<td>4,594</td>
</tr>
<tr>
<td>City of Modesto Council District 5</td>
<td>16,958</td>
<td>5,471</td>
</tr>
<tr>
<td>Measures V and X</td>
<td>89,528</td>
<td>24,473</td>
</tr>
<tr>
<td>Modesto High School District</td>
<td>112,916</td>
<td>28,553</td>
</tr>
</tbody>
</table>
November 26, 2013
RESOLUTION APPOINTING JON RODRIGUEZ AND RICHARD DALTON TO THE BOARD OF BUILDING APPEALS

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on September 4, 2013, and recommended the appointment of Jon Rodriguez and Richard Dalton to the Board of Building Appeals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1: Jon Rodriguez is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2017.

SECTION 2: Richard Dalton is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2017.

SECTION 3: The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Board of Building Appeals, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: ________________________________
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

_____________________________________
ADAM LINDGREN, Interim City Attorney
RESOLUTION APPOINTING JON RODRIGUEZ TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on November 4, 2013, and recommended appointment of Jon Rodriguez to the Equal Opportunity/Disability Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. JON RODRIGUEZ is hereby appointed to the Equal Opportunity/Disability Commission with a term expiration of January 1, 2015.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Equal Opportunity/Disability Commission, and the Secretary thereof.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez. who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
RESOLUTION ACCEPTING AN ACCESS EASEMENT AND A SANITARY SEWER EASEMENT ON THE ARCHWAY COMMONS PROPERTY LOCATED AT 1101 CARVER FOR THE BENEFIT OF THE NORTHERN ADJACENT CITY PROPERTY (APN: 029-009-037), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO SIGN THE DOCUMENTS, AND THE CITY CLERK, OR HER DESIGNEE, TO SIGN THE DOCUMENTS ACCEPTING THE EASEMENTS AND RECORD THEM WITH STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, ARCHWAY COMMONS I, L.P., (“DEVELOPER”), is the developer of the ARCHWAY COMMONS (“DEVELOPMENT”), and

WHEREAS, the DEVELOPER has provided the CITY with signed documents for the access easement and the sanitary sewer easement that meet the approval of the City Attorney’s Office, and

WHEREAS, the DEVELOPER is constructing phase one of the Archway Commons project which includes roads and sidewalks that are located in the access easement and sewer pipe lines in the sewer easement on their property (Lot 1 per Official Map Number 1 or APN: 029-009-036), and

WHEREAS, the DEVELOPMENT is finishing phase one of 76 residential units of affordable housing, and

WHEREAS, it is planned to develop 74 residential units of affordable housing on the property to the north (Lot 2 per Official Map Number 1 or APN: 029-009-037), and

WHEREAS, the easements are required for the adjacent property to the north to be a buildable lot, and
WHEREAS, the City and Developer both desire to record these easements to provide uninterrupted vehicle and pedestrian access, as well as sewer service across the DEVELOPMENT.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The said Access Easement across the DEVELOPMENT is hereby accepted, and the City Manager, or his designee, is hereby authorized to sign the access easement document, and the City Clerk, or her designee, is hereby authorized to sign the access easement document and record it with the Stanislaus County Recorder’s Office.

2. The said Sanitary Sewer Easement across the DEVELOPMENT is hereby accepted, and the City Manager, or his designee, is hereby authorized to sign the sewer easement document and the City Clerk, or her designee, is hereby authorized to sign the sewer easement document and the record it with the Stanislaus County Recorder’s Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-427

RESOLUTION APPROVING A THIRD AMENDMENT TO AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. (FORMERLY BOYLE ENGINEERING CORPORATION) FOR ADDITIONAL SCOPE OF WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR CONSULTANT SERVICES FOR THE DESIGN OF SYLVAN AVENUE BETWEEN MILLBROOK AVENUE AND CLAUS ROAD, AND THE DESIGN OF LITT ROAD BETWEEN SYLVAN AVENUE TO THE NORTH END OF THE GROGAN PARK SITE IN AN AMOUNT NOT TO EXCEED $5,335 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $10,719 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT OF $16,054, OR A MAXIMUM TOTAL AGREEMENT AMOUNT OF $546,669, AND AUTHORIZING THE DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT TO AGREEMENT

WHEREAS, this project includes roadway improvements on Sylvan Avenue from west of Litt Road to Claus Road and on Litt Road from Sylvan Avenue to the north end of the future Grogan Park site, and

WHEREAS, this project is located on the northern edge of Village One, and

WHEREAS, the project is currently under construction and is nearly complete,

and

WHEREAS, on February 27, 2007, by Resolution No. 2007-141, the City Council approved an agreement with Boyle Engineering Corporation for Consultant Services for the Design of Sylvan/Litt Improvement Project, and

WHEREAS, in April 2008, Boyle Engineering Corporation was purchased by AECOM Technical Services, Inc. (AECOM), and

WHEREAS, the Original Agreement totaled $384,376 for the identified scope of services, plus $67,831 additional services (if needed), and

WHEREAS, additional services in the amount of $61,137 were approved on April 15, 2011, and
WHEREAS, on August 9, 2011, by Resolution No. 2011-325, the City Council approved an amendment to agreement with AECOM in the amount of $30,685 for the identified scope of services, plus $19,048 additional services (if needed), to provide funding for needed plan modifications to accommodate the Grogan Park project, and

WHEREAS, additional services in the amount of $8,417 were approved on January 16, 2012, and

WHEREAS, on March 27, 2012, by Resolution No. 2012-111, the City Council approved a second amendment to agreement with AECOM in the amount of $27,861 for the identified scope of services, plus $20,499 additional services (if needed), and

WHEREAS, additional services in the amount of $18,139 were approved on November 29, 2012, and

WHEREAS, as discussed above, the current agreement price including an amendment to agreement, a second amendment to agreement and adjustments for approved additional services options used totals $530,615, and

WHEREAS, during construction, wet subgrade was discovered adjacent to the active rice field which required exploration and analysis by BSK Associates, a geotechnical sub consultant to AECOM, and

WHEREAS, the consultant was asked by the City to respond to the site and provide a solution to the problem, and

WHEREAS, these requested services were beyond the scope of work included in the original agreement and amendments to agreement, and

WHEREAS, the following list summarizes the additional services that the City requested of AECOM: 1) Coordination with the City/geotechnical sub consultant,
management; 2) On-site meeting, field exploration; 3) Prepare report, engineering analysis, develop recommendations, in-house QC, and submit report; and

WHEREAS, the proposed third amendment to the AECOM agreement including 2% for additional services (if needed), for $16,054 will include design support services during construction provided by a geotechnical subconsultant, and

WHEREAS, with this third amendment, the total agreement costs will not exceed $546,669, and

WHEREAS, City staff recommends approving this third amendment to agreement with AECOM to cover the additional scope of work that was not included in the original agreement for design support services during construction for the Sylvan/Litt Improvement Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Third Amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the Original Agreement for the Design Support Services during Construction of Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road from Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed $5,335 for the identified scope of services, plus $10,719 for additional services (if needed), for a maximum total amount of $16,054.

BE IT FURTHER RESOLVED, that the District Administrator, or his designee, is hereby authorized to execute the Third Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez. 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 6801 CORTE DE LAS PALMAS, (APN: 004-089-004) TO CONNECT TO THE CITY OF MODESTO’S EXISTING WATER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 6801 Corte De Las Palmas, is not connected to City’s water system, and

WHEREAS, this property is located outside Modesto City limits, and inside the former service area of the Del Este Water Company, and

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

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees are paid and associated permits be obtained prior to connecting to the City water system.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 6801 Corte De Las Palmas.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT
BETWEEN THE CITY OF MODESTO AND K. KRISHNAMOORTHI AND
SOMA KRISHNAMOORTHI, TRUSTEES OF THE KRISHNAMOORTHI 2009
REVOCABLE TRUST, FOR WATER SERVICE FOR THE PROPERTY
LOCATED AT 6801 CORTE DE LAS PALMAS, (APN: 004-089-004), AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT

WHEREAS, the property located at 6801 Corte De Las Palmas is not connected
to City’s water system, and

WHEREAS, this property is located outside Modesto City limits, and inside the
former service area of the Del Este Water Company, and

WHEREAS, if it is determined that it is reasonable for the City to extend water
service to this property, and

WHEREAS, it has been determined that a sufficient quantity of potable water is
available for normal usage by the proposed development, and

WHEREAS, the water connection fees will be paid and associated permits be
obtained prior to beginning any on site construction, and

WHEREAS, that the property owner enters into an outside service agreement for
water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the outside service agreement for the property located at 6801

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the agreement.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-430

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 143 LINLEY AVENUE IN EMPIRE, (APN: 009-019-003) TO CONNECT TO THE CITY OF MODESTO’S EXISTING WATER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SIGN THE WILL SERVE LETTER

WHEREAS, on May 22, 2012, the City Council approved a resolution number 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.001 relating to water connection charges, and

WHEREAS, it required that the City Manager upon the recommendation of the Director responsible for utility system planning to request City Council approval for all extensions of water and sewer services into unincorporated areas, and

WHEREAS, the property located at 142 Linley Avenue in Empire, is not connected to City’s water system, and

WHEREAS, this property is located outside Modesto City limits, and

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

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees are paid and associated permits be obtained prior to connecting to the City water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for a property located at 142 Linley Avenue in Empire.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING AN OUTSIDE SERVICE AGREEMENT 
BETWEEN THE CITY OF MODESTO AND MODESTO MILLING, A 
CALIFORNIA CORPORATION, FOR WATER SERVICE FOR THE 
PROPERTY LOCATED AT 142 LINLEY AVENUE IN EMPIRE, (APN: 009-019-003), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO 
EXECUTE THE AGREEMENT

WHEREAS, the property located at 142 Linley Avenue, is not connected to City’s water system, and  

WHEREAS, this property is located outside Modesto City limits, and  

WHEREAS, if it is determined that it is reasonable for the City to extend water service to this property, and  

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and  

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction, and  

WHEREAS, that the property owner enters into an outside service agreement for water with the City, as required for water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outside service agreement for the property located at 142 Linley Avenue in Empire (APN: 009-019-003).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-432

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF LANDSCAPE MAINTENANCE SERVICES FOR CITYWIDE USE TO GROVER LANDSCAPE SERVICES, INC., MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $47,280, AND OVER FIVE (5) YEARS OF $236,400

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of landscape maintenance services, and

WHEREAS, the Purchasing Division issued RFB No. 1314-14 Landscape Maintenance Services to fourteen (14) prospective bidders, eight (8) of which were local vendors, and posted the RFB on the City’s website, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Five (5) companies chose to respond, two (2) of which were local vendors, and

WHEREAS, all five (5) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of landscape maintenance services for Citywide use to Grover Landscape Services, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $47,280, and over five (5) years of $236,400, 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. The award of bid for the furnishing of landscape maintenance...
services for Citywide use to Grover Landscape Services, Inc., Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2013-14 for landscape maintenance services in Appropriation Units: 4210-54313-53100, 4210-54315-53100, 4480-54311-53100, 4530-53474-53300 and 4890-37040-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of landscape maintenance services for Citywide use to Grover Landscape Services, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $47,280.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

STEFANIE LOPEZ, City Clerk

(Seal)

APPROVED AS TO FORM:

By: ________________________________

ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF THREE (3) CHEVROLET TAHOE POLICE PATROL SUV VEHICLES FOR THE MODESTO POLICE DEPARTMENT THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION BY “ACCESSING THE TERMS” OF A COMPETITIVELY BID CONTRACT WITH THE NATIONAL JOINT POWERS ALLIANCE (NJPA) TO NATIONAL AUTO FLEET GROUP, WATSONVILLE, CA, FOR AN ESTIMATED TOTAL COST OF $106,969

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The three (3) Chevrolet Tahoe Police Patrol SUV vehicles are included in the vehicles and equipment list authorized by the City Manager, and

WHEREAS, the Fleet services Division standardized on the Ford Crown Victoria Police Sedan in 1996. The Ford Crown Victoria Police Sedan is no longer in production or available for purchase. The Tahoe patrol SUV’s will replace existing patrol vehicles that are ready for retirement, and

WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of vehicles and issued contract #102811. The most responsive and responsible bidder that met the bid specifications was National Auto Fleet Group, Watsonville, CA. National Auto Fleet Group has 2014 Tahoe Police Patrol Vehicles on order with GMC and will allot three (3) units of their stock to the City of Modesto and will extend the NJPA discount to the City, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account 5409-53246-57003, and
WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of vehicles and issued contract #102811. The most responsive and responsible bidder that met the bid specifications was National Auto Fleet Group, Watsonville, CA. National Auto Fleet Group has 2014 Tahoe Police Patrol Vehicles on order with GMC and will allot three (3) units of their stock to the City of Modesto and will extend the NJPA discount to the City, and

WHEREAS, the local vendor was solicited for pricing and cannot order the 2014 Chevrolet Tahoe Police SUV’s as they are out of production. The 2015 model will not be available for pricing until late 2014. By taking advantage of the NJPA competitive bid process and awarding a contract by “accessing the terms” of the NJPA contract, the vehicles can be purchased in a timely manner. Accessing the terms of the NJPA competitive bid process is an efficient and effective way to purchase the Chevrolet Tahoe Police Patrol SUV’s, and saves the time and expense for the City to formally solicit RFB’s, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors. The purchase
of the Chevrolet Tahoe Police Patrol SUV's by "accessing the terms" of the NJPA contract with National Auto Fleet Group, Watsonville, CA will conform to MMC Section 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of three (3) Chevrolet Tahoe Police Patrol SUV's for the Modesto Police Department through the Public Works Department, Fleet Services Division to National Auto Fleet Group, Watsonville, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $106,969.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM LINDGREN, Interim City Attorney

12/03/2013/Finance/PW/MTorres/Item 12  3  2013-433
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) CHEVROLET CAPRICE POLICE PATROL SEDANS FOR THE MODESTO POLICE DEPARTMENT THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION TO AMERICAN CHEVROLET, MODESTO, CA, FOR AN ESTIMATED TOTAL COST OF $73,445

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The two (2) Chevrolet Caprice Police Patrol Sedans are included in the vehicles and equipment list authorized by the City Manager, and

WHEREAS, the Fleet Services Division standardized on the Ford Crown Victoria Police Sedan in 1996. The Ford Crown Victoria Police Sedan is no longer in production or available for purchase. The Chevrolet Caprice will replace two current Crown Victoria patrol sedans, and

WHEREAS, the National Joint Powers Alliance (NJPA) went through a competitive bid process for the purchase of various vehicles including the Chevrolet Caprice Patrol Sedan, however, the local vendor can provide these vehicles and a Request for Quotation was issued to American Chevrolet to provide pricing on the Chevrolet Caprice Patrol Sedan. The cost abstract attached shows that pricing from American Chevrolet was lower than the NJPA by $182, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account 5409-53246-57003, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two Chevrolet Caprice Patrol
Sedans to the local vendor, American Chevrolet, Modesto, CA, for a total estimated cost of $73,445, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors. The purchase of the two (2) Chevrolet Caprice Police Patrol Sedans with American Chevrolet, Modesto, CA, will conform to MMC Section 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of two (2) Chevrolet Caprice Patrol Sedans for the Modesto Police Department through the Public Works Department, Fleet Services Division to American Chevrolet, Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $73,445.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
ATTACHMENT TWO

2014 Chevrolet Caprice Police Patrol Vehicle
NJP A Contract vs. Local Vendor

November 8, 2013

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RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 ANNUAL OPERATING AND CAPITAL IMPROVEMENT 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 2013-2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2013-2014 Annual Operating and Capital Improvement budgets as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 3rd day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

SEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDE, Interim City Attorney
PUBLIC WORKS
Per a legal settlement agreement between the City of Modesto and California Sportfishing Protection Alliance (CSPA), the City of Modesto will submit payments to CSPA via Lozeau Drury LLP which includes all attorneys' fees and costs for services performed by and on behalf of CSPA. Additionally, the City of Modesto will pay $65,000 to the Rose Foundation for Communities and the Environment to be used to fund environmental project activities designed to improve and/or protect water quality in the San Joaquin River, Stanislaus River, Tuolumne River and their downstream waters. A budget adjustment is necessary transferring $161,500 from Wastewater Reserves to Wastewater General, in Fund 4210, for these costs.

UTILITY, PLANNING & PROJECTS
Approve creating a new Capital Improvement Project #100785, Tivoli Well, to construct a pilot test well for a future potable water well to serve the Tivoli Specific Plan Area, and process a budget adjustment transferring funds in the amount of $475,000 from Water Fund Reserves to establish an expense budget to acquire access to proposed site, drilling below ground surface, test pumping and sampling, abandonment of test well upon testing completion, land acquisition and design of well site for this project.

A budget adjustment is necessary to transfer funds in the amount of $215,000 from Wastewater Fund Reserves to Project 100535, Sonoma Trunk Extension Lift Station to establish an expense budget. This project will provide funding for a new sewer lift station to serve the Tivoli Development as identified in the Wastewater Master Plan.

A budget adjustment is necessary to transfer funds in the amount of $135,000 from Wastewater Fund Reserves to Project 100533, Sonoma Trunk Extension SO-1 to establish an expense budget to design and perform environmental activities for this project. This project will provide funding for the extension of Sonoma Trunk SO-1 as identified in the Wastewater Master Plan.

A budget adjustment is necessary to transfer funds in the amount of $75,000 from Water Fund Reserves to Project 100747, Well Field Optimization Phase III A, to establish an expense budget to fund the ongoing work in the Modesto Groundwater Sub-basin (i.e. north of the Tuolumne River) in order to augment the Well Field Optimization Project Phase II A.

Approve creating a new Capital Improvement Project #100763, 2013-14 Sewer Collection System Replacement, for the purpose of replacing sewer systems within the City of Modesto as designated by Public Works Wastewater Collections staff, anticipated locations are Corson Avenue and Griswold Avenue, and process a budget adjustment transferring funds in the amount of $929,387 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100764, Cannery Segregation Pump Replacement, for the purpose of improving the pump station to address hydraulic deficiencies including the replacement of the existing pumps, and process a budget adjustment transferring funds in the amount of $1,364,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.
Approve creating a new Capital Improvement Project #100777, E Street Storm Drain Cross Connection, for the purpose of removing the storm drain cross connection into the sewer system on E Street and provide necessary storm drain improvements resulting from the cross connection being removed, and process a budget adjustment transferring funds in the amount of $396,000 from Wastewater Fund Reserves to establish an expense budget for the design and construction this project.

Approve creating a new Capital Improvement Project #100781, Lakewood Subtrunk L3 & L4, for the purpose of making sewer subtrunk improvements, including Lakewood L3 located on Kodiak Dr. from Fine Avenue to Claus Road and Lakewood L4 located on Merle Avenue from Hemstead Court to Claus Road, and process a budget adjustment transferring funds in the amount of $565,500 from Wastewater Developmental Fee Reserves to establish an expense budget for the design and construction this project.
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH CAL VALLEY CONSTRUCTION, INC. IN THE AMOUNT OF $2,134,532.50 FOR THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project were opened at 11:00 a.m. on October 29, 2013, and later tabulated by the Acting Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Acting Director of Parks, Recreation and Neighborhoods has recommended that the bid of $2,134,532.50 received from Cal Valley Construction, Inc. be accepted as the lowest responsible bid and the contract be awarded to Cal Valley 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 Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project, accepts the bid of Cal Valley Construction, Inc. in the amount of $2,134,532.50 and awards Cal Valley Construction, Inc. the contract for the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez,
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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,
         Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-437

RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the total amount of $2,849,272.00, in order to fully fund the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project, and

WHEREAS, the Fiscal Year 2013-2014 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2013-2014 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez,
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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________

(SIGNATURE)

SEAL

APPROVED AS TO FORM:

By: ___________________________

ADAM LINDGREEN, Interim City Attorney
The FY2013-2014 CIP Project #100778 will be amended to revise the funding for the Virginia Corridor Phase 6 project in Account: 3140-39999-PRN.Park Planning and Development.

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<th>ESTIMATED CONSTRUCTION EXPENDITURES:</th>
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<td>TOTAL CONSTRUCTION COSTS</td>
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| TOTAL ESTIMATED PROJECT EXPENDITURES | $2,849,271.50 |
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE UNITED CEREBRAL PALSY ASSOCIATION OF STANISLAUS COUNTY (UCPA) TO PLACE ADVERTISING INSIDE MODESTO AREA EXPRESS (MAX) BUSES FOR A FIVE-YEAR PERIOD COMMENCING JANUARY 1, 2014

WHEREAS, the current bus bench franchise and interior bus advertising lease expire December 31, 2013, and

WHEREAS, included with the bench franchise is an exclusive lease agreement to sell advertising in the card rack space inside the City’s buses, and

WHEREAS, a Request for Proposals (RFP) was issued for firms interested in operating the bus bench franchise, and

WHEREAS, the RFP also requested proposals to place and maintain advertising in the interior card rack space inside the City’s Modesto Area Express (MAX) buses, and

WHEREAS, United Cerebral Palsy Association (UCPA) was the only firm submitting a proposal for the franchise, and

WHEREAS, City staff reviewed the proposal, interviewed UCPA’s representative and determined that award of the franchise and interior advertising lease to UCPA was warranted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to enter into a Lease Agreement with United Cerebral Palsy Association of Stanislaus County to place advertising inside Modesto Area Express (MAX) buses, for a five-year period, commencing January 1, 2014.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF PROPOSALS AND CONTRACTS FOR THE FURNISHING OF TEMPORARY EMPLOYEE LABOR SERVICES FOR CITYWIDE USE TO EXACT STAFF, INC., WOODLAND HILLS, CA, NELSON STAFFING, MODESTO, CA, AND PRIDESTAFF, INC., MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACTS FOR AN ESTIMATED ANNUAL COST OF $926,772, AND OVER FIVE (5) YEARS OF $4,633,860

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of temporary employee labor services, and

WHEREAS, the Purchasing Division issued RFP No. 1213-13 Temporary Employee Labor Services to twenty-seven (27) prospective proposers, nineteen (19) of which were local vendors, and posted the RFP on the City’s website, and

WHEREAS, proposals were formally opened in the City Clerk’s Office. Eleven (11) companies choose to respond, seven (7) of which were local vendors. All eleven (11) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of five (5) City staff members evaluated and graded the proposals, and

WHEREAS, based on ranking high in evaluation criteria and the fact these companies are willing to accept the City’s liability insurance coverage requirements, staff recommends the award of proposals and contracts for the furnishing of temporary employee labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., Modesto, CA,
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. The award of proposals and contracts for the furnishing of temporary labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., Modesto, CA, conforms to the Modesto Municipal Code, and


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposals and contracts for the furnishing of temporary employee labor services for Citywide use to Exact Staff, Inc., Woodland Hills, CA, Nelson Staffing, Modesto, CA, and Pridestaff, Inc., Modesto, CA.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contracts for an estimated annual cost of $926,772.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-440

A RESOLUTION REAPPOINTING DENNIS SMITH TO THE CITY OF MODESTO PLANNING COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on November 4, 2013, and recommended reappointment of Dennis Smith to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Dennis Smith is hereby reappointed to the Planning Commission with a term expiration of January 1, 2018.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Modesto Planning Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
A RESOLUTION APPOINTING MANI GREWAL TO THE CITY OF MODESTO PLANNING COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on November 4, 2013, and recommended appointment of Mani Grewal to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Mani Grewal is hereby appointed to the Modesto Planning Commission with a term expiration of January 1, 2018.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
A RESOLUTION APPOINTING JEFF MORRIS TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on November 4, 2013, and recommended appointment of Jeff Morris to the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Jeff Morris is hereby reappointed to the Board of Zoning Adjustment with a term expiration of January 1, 2018.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2013-443

A RESOLUTION APPOINTING VLADIMIR RODRIGUEZ TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on November 4, 2013, and recommended appointment of Vladimir Rodriguez to the Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Vladimir Rodriguez is hereby appointed to the Board of Zoning Adjustment with a term expiration of January 1, 2018.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE FURNISHING OF ELECTRICAL SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION, TO CENTRAL VALLEY ELECTRIC, MODESTO, CA, AS "PRIMARY" CONTRACTOR AND TRIVALLEY ELECTRICAL SERVICES, LIVERMORE, CA, AS "SECONDARY" CONTRACTOR, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE AGREEMENTS FOR AN ESTIMATED ANNUAL COST OF $70,000, AND OVER FIVE (5) YEARS OF $350,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of electrical services, and

WHEREAS, the Purchasing Division issued RFB No. 1213-17 Electrical Services to ten (10) prospective bidders, five (5) of which were local vendors, and posted the bid on the City’s website, and

WHEREAS, bids were formally opened in the City Clerk’s Office. Two (2) companies chose to respond, one of which was a local vendor, and

WHEREAS, both companies provided responsive and responsible bids, and

WHEREAS, in order to ensure continued services to the City, purchase agreements shall be awarded to both contractors to provide for backup in case the primary contractor is unable to meet the City’s needs. The secondary position contractor may be awarded a specific job only if the primary contractor is unable to perform the service, or if the primary contractor is unable to complete the specific job within the timeframe required by the City, or if the primary contractor is unable to maintain acceptable quality standards required by the City, and
WHEREAS, based on providing responsive and responsible bids, City staff recommends the award of bids for the furnishing of electrical services for the Department of Public Works, Wastewater Division, to Central Valley Electric, Modesto, CA, as "primary" contractor and Tri-Valley Electric Services, Livermore, CA, as "secondary" contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $70,000, and over five (5) years of $350,000, 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. The award of bids for the furnishing of electrical services for the Department of Public Works, Wastewater Division, to Central Valley Electric, Modesto, CA, as "primary" contractor and Tri-Valley Electric Services, Livermore, CA, as "secondary" contractor, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in Appropriation Units 4210-54313-53100, 4210-54314-53100, 4210-54315-53100

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the furnishing of electrical services for the Department of Public Works, Water Division, to Central Valley Electric, Modesto, CA, as "primary" contractor and Tri-Valley Electric Services, Livermore, CA, as "secondary" contractor, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City.
BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated annual cost of $70,000, and over five (5) years of $350,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A TRUCK WITH UTILITY BODY AND CRANE FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER DIVISION, THROUGH THE FLEET SERVICES DIVISION, TO ALBANY FORD, ALBANY, CA, FOR AN ESTIMATED TOTAL COST OF $90,849

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The truck with utility body and crane is included in the new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the truck with utility body and crane is used by the Public Works Department, Wastewater Division. This is a replacement for the current truck with utility body and crane which has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list. The truck with utility body and crane falls under the City’s compliance program, approved by the California Air Resources Board, requiring a progressive program to remove older diesel trucks from service, and

WHEREAS, the Purchasing Division issued RFB No. 1314-22 for the purchase of a truck with utility body and crane to twenty-two (22) prospective bidders, and posted the bid on the City’s website. Three (3) of the bidders are located within Stanislaus County, two (2) of which are local vendors, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Three (3) companies chose to respond. All three (3) companies provided responsive and responsible bids. One of the local vendors could not provide the type of equipment
specified and the other felt they could not be competitive and chose not to submit a bid, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a truck with utility body and crane to Albany Ford, Albany, CA, for a total estimated cost of $90,849, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2013-14, in account # 5409-53246-57003, 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. The award of bid for the purchase of a truck with utility body and crane to Albany Ford, Albany, CA, conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a truck with utility body and crane for the Public Works Department, Wastewater Division, through the Fleet Services Division to Albany Ford, Albany, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of 90,849.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION ACCEPTING THE ANTI-DRUG ABUSE (ADA) ENFORCEMENT TEAM PROGRAM GRANT FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY, IN THE AMOUNT OF $242,494, TO COMBAT MAJOR DRUG TRAFFICKING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department applied for funding from the Board of State and Community Corrections (BSCC) for the Stanislaus Anti-Drug Task Force, and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the BSCC grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements,

WHEREAS, there is no match required for this grant, and

WHEREAS, the term of this program will be from October 1, 2013, through September 30, 2014,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program Grant, from the Board of State and Community Corrections, in the amount of $242,494 for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary program grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM LINDGREN, Interim City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2013/2014 OPERATING AND MULTI-YEAR BUDGETS TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF $242,494, FROM THE BOARD OF STATE AND COMMUNITY CORRECTIONS, TO COMBAT MAJOR DRUG TRAFFICKING

WHEREAS, the Modesto Police Department applied for funding from the Board of State and Community Corrections (BSCC) for the Stanislaus Anti-Drug Abuse Enforcement Team, and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the BSCC grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements (see budget adjustment attached), and

WHEREAS, there is no match required for this grant, and

WHEREAS, the term of this program will be from October 1, 2013, through September 30, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2013/2014 Operating and Multi-Year Budgets are shown on the Budget Adjustment Form attached are hereby amended.
BE IT FURTHER RESOLVED that the Director of Finance, or her 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 10th day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________________________

ADAM LINDGREN, Interim City Attorney
## Revenues

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## Expenses

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## Intergov. Services - Local

- Intergov-County Contribution
- Intergov-Ceres Contribution
- Intergov- Modesto Contribution
- Intergov- Turlock Contribution
- Intergov- Oakdale Contribution
- Intergov-Newman Contribution
- Intergov-Patterson Contribution
- Intergov-Riverbank Contribution
- Intergov-Waterford Contribution
- Intergov-Hughson Contribution
- Intergov-Federal-Miscellaneous
- Intergov-Local-JPA Reimbursement
- Intergov. Services - Other
- Service Credits - Intrafund

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MODESTO CITY COUNCIL
RESOLUTION NO. 2013-448

A RESOLUTION DENYING THE APPEAL OF BOOS DEVELOPMENT WEST, LLC, FOR A WAIVER OF THE CAPITAL FACILITIES FEES PAID FOR A FAMILY DOLLAR STORE LOCATED WITHIN THE CITY'S SPHERE OF INFLUENCE AT 5301 YOSEMITE BOULEVARD, EMPIRE


WHEREAS, Resolution No. 2013-177 validated the findings that there is a reasonable need for public facilities, there is a reasonable relationship between the uses and the associated fees, and that because of this nexus, streets, air quality and transit facilities fees can be imposed within the City’s Sphere of Influence; and

WHEREAS, in September 2013, City staff was contacted by various employees of Boos Development West, LLC, and Lars Anderson & Associates (“Developer”) regarding the CFF due on a new Family Dollar store located at 5301 Yosemite Boulevard, Empire (“Project”); and

WHEREAS, at that time, staff confirmed CFF would be due at the Sphere of Influence – Retail, Less than 50,000 square foot rate, would be payable at Building Permit issuance and that the improvements the Developer would be constructing are not eligible for reimbursement under the CFF program; and

WHEREAS, on September 23, 2013, staff met with two of the Developer's representatives at which time the representatives requested a waiver of CFF; and
WHEREAS, at that time, staff explained that it could not provide a waiver, but did outline the four options available to the Developer: (1) pay the CFF; (2) participate in the CFF Deferral Program; (3) pay CFF under protest and appeal to the City Council; or (4) not pay CFF and appeal to the City Council; and

WHEREAS, on November 4, 2013, staff was provided with a letter via email from Scott Moreland, Project Manager with Boos Development West, LLC, ("Appellant") advising staff that the Appellant would be pulling a Building Permit for the Project and would be paying the CFF under protest; and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, on December 10, 2013, at 5:30 p.m., at which date and time said duly noticed public hearing was held and evidence, both oral and documentary, was received and considered; and

WHEREAS, substantial evidence was produced at the hearing to support a finding against each of appellant’s claimed grounds for appeal;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Appellant appealed payment of CFF for its Project on the following grounds:

1. That the applicability of the City’s CFF Program to the Project is inconsistent with Government Code Sections 66000-66008;

2. That it is highly unlikely that the Project will ever annex to the City;

3. That the intersections and roads in the Empire area are currently operating at or above the City of Modesto level of service;

4. That the population is increasing at a slower rate than assumed in the CFF Program; and
5. That it should not be required to pay CFF because a certain project, that would have directly benefited the Appellant's Project was removed from the CFF Program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it considered the arguments set forth both by Appellant and finds that there is no basis for an appeal and that Appellant's Project is subject to the payment of CFF as outlined in the CFF program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Appellant's appeal for the waiver of Capital Facilities Fees for the Family Dollar store located at 5301 Yosemite Boulevard, Empire, is hereby denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk 
(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney

12/10/2013/C&ED/TRocha/Item 11
RESOLUTION AMENDING THE FISCAL YEAR 2013-2014 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT APPROVED RE-ALLOCATIONS OF CARRYOVER FUNDS IN THE 2013-2014 ANNUAL ACTION PLAN AS NOTED IN EXHIBIT A AND AS SET FORTH IN THE INTEGRATED DISBURSEMENT AND INFORMATION SYSTEM (IDIS); AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto, as an entitlement community for Housing and Urban Development (HUD) is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funds annually, and

WHEREAS, on May 7, 2013 the City Council, by Resolution No. 2013-178, adopted the AAP for FY 2013-14, and

WHEREAS, staff has proposed an amendment to the AAP as set forth in Exhibit “A”, attached hereto and incorporated herein by reference, and

WHEREAS, IDIS is a database which maintains, and reports on projects and activities that support the CDBG and ESG formula grant programs, and

WHEREAS, a notice has been duly given to the community of the proposed amendment to the HUD AAP, which began on November 9, 2013 and ended with a public hearing held by the City Council on December 10, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, on November 20, 2013, the Citizens’ Housing and Community Development Committee met and recommended the proposed re-allocation of carryover funds be forwarded to Council for approval.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY2013-2014 Annual Operating and Capital Improvement Budgets to reflect the approved re-allocations of entitlement funds as set forth in Exhibit “A” attached hereto and incorporated herein by reference, and

BE IT FURTHER RESOLVED, that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution in accordance with Integrated Disbursement and Information System (IDIS).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

ADAM LINDGREN, Interim City Attorney
Proposed Community Development Block Grant (CDBG) allocations:

- Public Facility Improvements $310,000
- Rehabilitation $130,000
- Interim Assistance Low Income Census Tracts $25,000
- Neighborhood Revitalization Strategy Area $200,000
- Construction of Housing $118,000

Proposed Emergency Solutions Grant (ESG) allocations:

- Rapid-Rehousing Activity $14,569
RESOLUTION APPROVING AN AMENDMENT TO THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR FISCAL YEAR 2013-2014, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE RELATED DOCUMENTS

WHEREAS, the City of Modesto, as an entitlement community for Housing and Urban Development (HUD) is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funds annually, and

WHEREAS, on May 7, 2013 the City Council, by Resolution No. 2013-178, adopted the AAP for FY 2013-14, and

WHEREAS, staff has proposed an amendment to the AAP as set forth in Exhibit "A", attached hereto and incorporated herein by reference, and

WHEREAS, a 30-comment period, which began on November 9, 2013, was duly noticed to the community of the proposed amendment to the HUD AAP, and

WHEREAS, on November 20, 2013, the Citizens’ Housing and Community Development Committee met and recommended the proposed reallocation of carryover funds be forwarded to Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on December 10, 2013, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, to consider approval of the proposed amendment to the Fiscal Year 2013-14 HUD AAP.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Fiscal Year 2012-13 HUD Annual Action Plan.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute any related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Gunderson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
City of Modesto
Amendment #1 2013-2014 Annual Action Plan

Proposed Community Development Block Grant (CDBG) allocations:

- Public Facility Improvements $310,000
- Rehabilitation $130,000
- Interim Assistance Low Income Census Tracts $25,000
- Neighborhood Revitalization Strategy Area $200,000
- Construction of Housing $118,000

Proposed Emergency Solutions Grant (ESG) allocations:

- Rapid-Rehousing Activity $14,569
RESOLUTION AUTHORIZING THE CITY OF MODESTO TO UTILIZE THE SERVICES OF STEVE LUMPKIN ON A PART-TIME BASIS FOR A LIMITED DURATION FOR THE PURPOSES OF OVERSEEING THE PARKS, RECREATION AND NEIGHBORHOOD DEPARTMENT AND ASSISTING STAFF ON THE PREPARATION AND DEVELOPMENT OF THE CITY BUDGET FOR THE DEPARTMENT

WHEREAS, the City requests authorization to utilize the services of retired annuitant Steve Lumpkin on a part time basis, and

WHEREAS, recent changes to the California Public Employee Retirement System (CalPERS), requires that a retiree serve a 180 day waiting period prior to being allowed to work for a CalPERS agency with the following exceptions, and

WHEREAS, pursuant to Government Code TITLE 1. DIVISION 7. MISCELLANEOUS [6000.-7598.] CHAPTER 21. Public Pension Retirement Plans 7522.56(f)(1-4), section 7522.56 (f)(1) serves as the applicable exception for this request:

“The employer certifies the nature of this employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.”, and

WHEREAS, CALPERS Publication 33 stipulates certain conditions must all be met in order for an appointment to move forward. These conditions are:

Appointee has specialized skills needed to perform work of limited duration or the employment is needed during an emergency to prevent stoppage of public business.
Temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).
The compensation cannot exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal an hourly rate.
Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate, and

WHEREAS, Steve Lumpkin has worked for the City of Modesto for over 35 years and possesses the expertise and knowledge of the City’s fiscal challenges, and

WHEREAS, Steve Lumpkin has an in-depth working knowledge of the crews operating out of PRND, including Forestry, Building Service, Green Waste and Parks Maintenance, and

WHEREAS, Steve Lumpkin possesses excellent knowledge of all parks in the system as well as experience managing the Modesto Nuts contract and development and maintenance of Grogan Park, and

WHEREAS, given this knowledge and history with the City of Modesto, Steve Lumpkin will oversee the operations of PRND, and

WHEREAS, Steve Lumpkin’s vast knowledge will be an asset over the next few months in the preparation of the Parks Recreation and Neighborhood Department budget for the fiscal year 2014/15;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the utilization of the services of Steve Lumpkin on a part-time basis for a limited duration beginning December 17, 2013.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

Adam Lindgren, Interim City Attorney
RESOLUTION AUTHORIZING THE CITY OF MODESTO TO UTILIZE THE SERVICES OF RICHARD ULM ON A PART-TIME BASIS FOR A LIMITED DURATION FOR THE PURPOSE OF ASSISTING STAFF ON THE CONTINUED NEGOTIATIONS AND LITIGATION WITH MID AND OTHER SPECIAL PROJECTS RELATED TO CURRENT, ONGOING CAPITAL PROJECTS

WHEREAS, the City requests authorization to utilize the services of retired annuitant Richard Ulm on a part time basis, and

WHEREAS, recent changes to the California Public Employee Retirement System (CalPERS), requires that a retiree serve a 180 day waiting period prior to being allowed to work for a CalPERS agency with the following exceptions, and

WHEREAS, pursuant to Government Code TITLE 1. DIVISION 7. MISCELLANEOUS [6000–7598.] CHAPTER 21. Public Pension Retirement Plans 7522.56(f)(1-4), section 7522.56 (f)(1) serves as the applicable exception for this request: “The employer certifies the nature of this employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.”, and

WHEREAS, CALPERS Publication 33 stipulates certain conditions must all be met in order for an appointment to move forward. These conditions are:

Appointee has specialized skills needed to perform work of limited duration or the employment is needed during an emergency to prevent stoppage of public business.
Temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).
The compensation cannot exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal an hourly rate.
Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate, and

WHEREAS, Richard Ulm possesses valuable skills related to the coordination, collaboration, in-depth knowledge, and technical knowledge needed for ongoing development and completion of major projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the utilization of the services of Richard Ulm on a part-time basis for a limited duration beginning December 31, 2013.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
RESOLUTION REJECTING THE 2013 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF $2,946,080, FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING, FOR FUNDING OF EIGHT SCHOOL RESOURCE OFFICER POSITIONS FOR THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REJECT THE NECESSARY GRANT DOCUMENTS

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), solicited applications for the COPS FY 2013 COPS Hiring Program (CHP) which provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts, and

WHEREAS, On October 1, 2013, the City of Modesto received notification from the United States Department of Justice, Office of Community Oriented Policing Services (COPS) Office that the City of Modesto will receive funding for eight school resource officer positions, and

WHEREAS, the existing four School Resource Officer positions residing in the General Fund will be transferred from Support Services to four vacant officer positions in Patrol, and

WHEREAS, eight new allocated grant School Resource Officer positions will be added to Support Services, and

WHEREAS, the 2013 CHP grant will cover up to 75 percent of the approved entry-level salary and fringe benefits of each newly-hired and/or rehired, full-time sworn career law enforcement officer over the three-year (36 months) grant period, with a
minimum 25 percent local cash match requirement and maximum federal share of $125,000 per officer position over three years, and

WHEREAS, CHP grant funding will be based on each agency’s current entry-level salary and fringe benefits for full-time sworn officers and any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the grantee agency, and

WHEREAS, the total grant award amount is $2,946,080 for three years (Total federal share is $1,000,000 (33.9%) and there is a required local share of $1,946,080 (66.1%), and

WHEREAS, Modesto City Schools and the City of Modesto will collaborate to fund the match and retention costs, and

WHEREAS, Modesto City Schools’ annual contribution during the proposed grant period will not exceed the current year allocation (FY 12-13) to Modesto Police Department, which is $448,000 each year, or $1,334,000, and

WHEREAS, after further analysis, the actual Local Share is projected to be approximately $2,217,625, about $271,545 more than the original estimated Local Share of $1,946,080, which was based on entry-level officers’ salary and benefits per the grant, rather than those of more senior officers who typically fill these positions, and

WHEREAS, grantees must retain any COPS-funded officer positions awarded under the COPS grant for a minimum of 12-months following the 36-month federal funding period for each position, and
WHEREAS, the mandatory 12-month retention is estimated at $1,204,450 totaling the City of Modesto impact to $3,422,075 over the four years of the grant and retention period, and

WHEREAS, the retained COPS-funded positions should be added to the Police Department’s budget with state and/or local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant, and

WHEREAS, staff recommends Council reject the 2013 COPS Hiring Grant because the required actual local match to the City would be a $3.4 million impact on the General Fund in the next four years for which there are insufficient funds available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the COPS Hiring Program (CHP) Grant in the amount of $2,946,080, from the U.S. Department of Justice, Office of Community Oriented Policing, to fund eight school resource officer positions for three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary rejection grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez, 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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM LINDGREN, Interim City Attorney
RESOLUTION APPROVING AN AMENDMENT TO THE CURRENT AGREEMENT BETWEEN THE CITY OF MODESTO AND SIXEL CONSULTING GROUP, INC

WHEREAS, On January 8th, 2013, the City Council, by Resolution No. 2013-27, approved entering into an incentive-based agreement with Sixel Consulting Group (SCG) to provide air service development work for Modesto City-County Airport (MOD), and

WHEREAS, since that time SCG has identified a necessary and critical milestone that MOD must meet, which is the completion of an FAA approved Environmental Assessment (EA) that includes air quality and noise impacts of any expanded commercial jet operations at MOD before it can be eligible for consideration in attracting new air service, and

WHEREAS, if the EA can be completed by early Spring of 2014, MOD could be more competitive for anticipated contract awards from commercial jet carriers that are made during the spring, so they can begin marketing for summer ticket sales, should a carrier select MOD for new or expanded air services, and

WHEREAS, this Amendment adds additional work to Exhibit A, Scope of Work, to be provided by SCG, see Appendix A and Appendix B, compensation for additional work to be included in amendment, and

WHEREAS, the incentive-based compensation originally provided $2.00 per each enplaned passenger on new air service, this amendment to the agreement provides $2.00 per each enplaned and deplaned passenger on new air service, and

WHEREAS, SCG has agreed to provide an environmental study required by the FAA, utilizing an approved environmental studies group, with airport environmental
study expertise supporting scheduled airline service, Appendix C, compensation for study to be included in amendment, and

WHEREAS, if the City decided to undertake the responsibility of hiring a qualified environmental consultant in addition to SCG for the completion of an FAA approved EA, the City would have to conduct an RFP process for professional services which would significantly delay the initiation and completion of the EA process causing MOD to be out of any consideration by any air service carrier(s) until the EA is completed, which is estimated to be approximately June of 2014 at the earliest, and would require MOD to pay for the EA in its entirety whether MOD was given consideration or acquired future air services or not,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the consulting agreement amendment for SCG.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of December, 2013, by Councilmember Lopez,
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: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal,
Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: ADAM LINDGREN, Interim City Attorney
APPENDIX A

AIRPORT AIR SERVICE SUPPORT PLEDGE CAMPAIGN SCOPE OF WORK

As part of the recruitment effort, it is necessary to develop a community based support package primarily based on pledges by area companies, individuals and government agencies to support the service once it begins. The airline has targeted a goal of $1 million in community support in order to promote the successful introduction and retention of the targeted service. The Consultant intends to devote the time and resources to assist that Airport in achieving this goal.

Plans by Consultant include devoting at least 2 staff persons that will travel to the Modesto area throughout January and February 2014 to visit in person with corporations, business groups, service organizations, etc and be available for news segments, editorial reviews, etc. Consultant will develop videos that can be shown to groups discussing the new service and the benefits of supporting such service that will be made available to local organizations and posted for viewing on YouTube, etc.

In addition, at least 9 staff persons will participate in making phone calls and e-mails to area constituencies identified by Consultant and Airport as potential supporters of the new service to solicit pledges to use the service. Pledges shall not be binding on the corporation, but are expected to be honored. Consultant will gather all pledges and donations and provide weekly updates to the community. In addition Consultant will:

1. Solicit sponsorships from the area for marketing co-branding and sponsorships (for example: donated radio or tv spots or newspaper ads, that can count towards financial goal);

2. Solicit donations from the area to be used by local charities to support new service (for example: companies that do not have a need to fly to or through LAX can support effort by making a tax-deductible donation to Make-A-Wish to be earmarked to purchase airline tickets.);

3. Set up a "kick starter" campaign so that small donations from individuals and businesses can be accumulated toward campaign.

Pledge campaign is expected to begin immediately after approval by Airport of this Amendment to Contract and continue through at least February 15, 2014.
APPENDIX B

MARKETING / ADVERTISING SCOPE OF WORK

Marketing existing and new services is a key component of the successful retention and growth of passenger traffic at the Airport. Consultant will solicit pledges, donations and in-kind support to provide material to market the service. Specifically, Consultant will provide:

Marketing / Community Engagement Management

1. Airport Client Engagement and Market Management:
   - Coordinate with current Airport staff to ensure that all marketing and community development efforts are planned to fit with the proposed Airport marketing plan;
   - Work with Airport to oversee and coordinate airport marketing, public relations and social media efforts;

2. Airport Engagement and Marketing Efforts to Include:
   - Develop and/or implement community-tailored marketing plans for each airport which includes local in-market advertising, community development and engagement, and social media;
   - Supervise marketing material development and implementation;
   - Community media outreach (including outreach to communities at other end of route(s));
   - Participation in marketing sales events for the Airport within the region;
   - Develop route specific marketing strategy tactics and promotions to stimulate interest in route(s) and Marketing / Community Engagement efforts within the market;
   - Coordinate with the marketing/public relations teams at airline partners to ensure cross-promotional efforts and to ensure that proposed airline advertising programs fit the needs and travel habits of each specific community;
   - Coordinate with the marketing/public relations teams of new route airports to ensure cross-promotional efforts;
   - Train and educate any current Airport staff on the use of social media for the Airport as determined in the marketing plan
RESOLUTION APPROVING AN AGREEMENT WITH LIONAKIS FOR DESIGN SERVICES FOR FLEET MAINTENANCE FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED $340,170 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $34,017 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $374,187, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project provides preliminary and final design for the future Fleet Maintenance Facility (Fleet Wing), which will consolidate fleet maintenance functions due to the loss of existing maintenance facilities, and

WHEREAS, the Highway 99 / future HWY 132 Right of Way was acquired from the City’s Corporation Yard, which encroaches to the back wall of the current truck maintenance building, and

WHEREAS, this will prohibit circulation around the building, demolish the existing end bay wash structure, and eliminate the southern access capability for two of the maintenance bays, and

WHEREAS, additionally, the current 9th Street City vehicle repair and maintenance shop is planned to be demolished for construction of the proposed County Court House, and

WHEREAS, during the design and construction of the new Bus Maintenance Facility, there was additional office space and equipment, including upsized electrical panels and lubrication systems to service the future Fleet Wing that was cost-shared with this project, and

WHEREAS, referred to in the 2013-18 Capital Improvement Program as the Fleet Maintenance Facility Phase II, (Fleet Wing), the new structure will connect to the new
Bus Maintenance Facility at the garage section and extend across into the old bus parking lot, and

WHEREAS, this will be a stand-alone structure with walk-through and forklift transfer capabilities, and

WHEREAS, the Fleet Wing will incorporate all of the City’s truck, equipment, and vehicle maintenance activities, and

WHEREAS, it will be equipped with drive-through bays, a single light-duty overhead crane, and storage, and

WHEREAS, additionally, a replacement wash facility is planned to replace the aforementioned loss, and

WHEREAS, the Fleet Wing will not contain any offices, bath, locker, conference rooms, pavement or parking improvements, or landscaping as these have already been incorporated into the Bus Maintenance Facility and its sole purpose is to only replace the existing facilities, and

WHEREAS, aesthetically, the project will include relocation and an enclosure for the above ground fuel storage tanks, and

WHEREAS, in accordance with City Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, the City received twenty Statements of Qualifications and short-listed 5 firms to submit proposals and interview, and

WHEREAS, upon review of the proposals and interviews, Lionakis, a local firm, was considered the most qualified to provide design services for this project, and
WHEREAS, staff recommends an agreement with Lionakis, as the City does not have the staffing level or subject matter expertise to perform design services for the Fleet Maintenance Facility project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Lionakis for Design Services for Fleet Maintenance Facility Project for an amount not to exceed $340,170 for the identified scope of services, plus $34,017 for additional services (if needed), for a maximum total amount of $374,187.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 10th day of December, 2013, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Gunderson, Kenoyer, Lopez, Madrigal, Zoslocki, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By:  

ADAM LINDGREN, Interim City Attorney