RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE CLARIFIER COATING REHABILITATION PROJECT FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER DIVISION, TO CERTIFIED COATINGS, COMPANY, FAIRFIELD, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT FOR AN ESTIMATED TOTAL COST OF $317,362

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Requests for Bids (RFB) for the Clarifier Coating Rehabilitation Project, and

WHEREAS, the Purchasing Division issued RFB No. 1213-06 Clarifier Coating Rehabilitation Project to thirty-six (36) prospective bidders, none of which were local vendors, posted the RFB on the City’s website and formally advertised as required by law. There are no local companies capable of providing this work, and

WHEREAS, bids were opened in the City Clerk’s office. Three (3) companies chose to respond. 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 and contract for the Clarifier Coating Rehabilitation Project to Certified Coatings Company, Fairfield, CA, 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 and contract for the Clarifier Coating Rehabilitation Project to Certified Coatings Company, Fairfield, CA, conforms to the Modesto Municipal Code, and

WHEREAS, Sufficient funds are budgeted in the following appropriation unit: 4210-59999-55010-100659, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the Clarifier Coating Rehabilitation Project for the Public Works Department, Wastewater Division to Certified Coatings Company, Fairfield, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue an agreement for an estimated total cost of $317,362.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2012, 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:  

SUSANNA LACALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-436

A RESOLUTION AMENDING THE POSITION ALLOCATION IN THE MODESTO REGIONAL FIRE AUTHORITY ADOPTED BY THE CITY COUNCIL AS PART OF THE FY 12/13 BUDGET TO: (I) ADD TWO (2) FIRE ENGINEER ALLOCATIONS IN COST CENTER 80133; (II) ADD ONE (1) ADMINISTRATIVE OFFICE ASSISTANT III ALLOCATION IN COST CENTER 80121

WHEREAS, a Position Allocation for the Modesto Regional Fire Authority was adopted by Modesto City Council on June 21, 2012, as part of the Annual Budget of the City of Modesto for Fiscal Year 2012-2013, and

WHEREAS, the Modesto Regional Fire Authority has revised their organizational structure and identified the need for two (2) Fire Engineer allocations to staff the Modesto City/County Airport and maintain a sufficient relief pool to minimize the impact of overtime due to shift vacancies, and

WHEREAS, as a result of the formation of the Modesto Regional Fire Authority JPA and agreement with a limited number of employees to remain with their respective parent agency until attrition occurred, one (1) Account Clerk allocation assigned to the Office of Emergency Services remained with Stanislaus County, and will be vacated following the incumbents retirement, and

WHEREAS, following the incumbents retirement date, MRFA will add one (1) Administrative Office Assistant III allocation in Cost Center 80121 concurrent with the deletion of the current position allocation from Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation for Fiscal Year 2012-2013 as follows:
1. Add two (2) Fire Engineer allocations in Cost Center 80133 ($3,431-$4,180 monthly).

2. Add one (1) Administrative Office Assistant III allocation in Cost Center 80121 ($2,796-$3,399 monthly).

This resolution shall become effective on and after November 6, 2012.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2012, 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]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $26,531, FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS), THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, TO PARTICIPATE IN AN EXPANDED DISTRACTED DRIVING HIGH-VISIBILITY ENFORCEMENT DEMONSTRATION PROGRAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Distracted Driving High-Visibility Enforcement Demonstration Program from the Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration, and

WHEREAS, the Police Department was awarded a grant in the sum of $26,531 from OTS, and

WHEREAS, acceptance of said $26,531 grant will increase enforcement for distracted driving violations and large media campaign using “Phone in One Hand, Ticket in the Other”, and

WHEREAS, the grant will pay overtime for officers to conduct special enforcement operations, and

WHEREAS, the term of this grant will be from November 1, 2012, through September 30, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Distracted Driving High-Visibility Enforcement Demonstration Program in the amount of $25,531, from the California Office of Traffic Safety, for distracted driving enforcement.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary award 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, 2012, 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]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2012/2013 OPERATING AND MULTI-YEAR GRANT BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF $26,531 TO PARTICIPATE IN THE DISTRACTED DRIVING HIGH-VISIBILITY ENFORCEMENT DEMONSTRATION PROGRAM

WHEREAS, the Police Department acquired a grant award in the amount of $26,531 from the California Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration, to increase enforcement for distracted driving, and

WHEREAS, the grant will pay overtime for officers to conduct special enforcement operations, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, the term of this grant will be from November 1, 2012 through September 30, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2012/2013 Operating and Multi-Year Budget is hereby adjusted as indicated on 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 6th day of November, 2012, 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]

SUSANA ALCALA WOOD, City Attorney
Exhibit A

The Multi-Year 2012/2013 Operating Budget will be amended as follows:

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<th>Revenue</th>
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<table>
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<tbody>
<tr>
<td>To:</td>
<td>100726 - Appr. A</td>
<td>$26,531</td>
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</tbody>
</table>
RESOLUTION AUTHORIZING THE ALLOCATION OF $172,052.50 IN NSP2 FUNDS FOR THE REHABILITATION OF A DUPLEX LOCATED AT 505 AND 507 E. COOLIDGE AVENUE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LOAN AGREEMENTS

WHEREAS, $6 million in NSP2 funds received in 2010 from the Housing and Urban Development (HUD) was designated to fund an innovative program to be implemented by HACS to serve emancipated foster and homeless youth, and

WHEREAS, the HACS acquired 505 and 507 E. Coolidge Avenue on January 2012 for $59,813.01 of NSP2 funds, and

WHEREAS, the City of Modesto, in partnership with HACS, proposed to acquire 40 foreclosed, abandoned or vacant units to house emancipated foster and homeless youth between the ages of 18 to 28, and

WHEREAS, funds used for the Emancipated Foster and Homeless Youth Activity have specific usage requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the loan of $172,052.50 in Neighborhood Stabilization Program 2 funds for the rehabilitation of a duplex located at 505 and 507 E. Coolidge Avenue Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign loan documents and all related 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, 2012, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION (i) AUTHORIZING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (DISTRICT) FOR THE CORDLESS ZERO-EMISSION COMMERCIAL LAWN AND GARDEN EQUIPMENT DEMONSTRATION PROGRAM; (ii) ACCEPT FUNDING NOT TO EXCEED $9,869.01 FROM THE DISTRICT TO FUND THE EQUIPMENT FOR THE PROGRAM; AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Parks, Recreation and Neighborhoods Department was notified of a request for applications to receive funding from the San Joaquin Valley Air Pollution Control District, and

WHEREAS, funding is to be used for the purchase of zero-emission commercial lawn and garden equipment, and

WHEREAS, equipment cost is not to exceed $9,869.01 with the City of Modesto contributing a refundable deposit of $986.90, and

WHEREAS, equipment will be tested and its use reported to the District through June 1, 2015, and

WHEREAS, on October 12, 2012, the Parks, Recreation and Neighborhoods Department received notification that it was awarded $9,869.01 for the purchase of zero-emission commercial lawn and garden equipment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby (i) authorizes the Parks, Recreation and Neighborhoods Department to enter into an agreement with the San Joaquin Valley Air Pollution Control District (District) for the Cordless Zero-Emission Commercial Lawn and Garden Equipment
Demonstration Program; (ii) accept funding not to exceed $9,869.01 from the District to fund the equipment for the program; and authorizing the City Manager, or his designee, to execute the necessary program documents.

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 6th day of November, 2012, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT OF NITRATE ANALYZER EQUIPMENT AND MAINTENANCE SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER OPERATIONS DIVISION, WITH HACH COMPANY, LOVELAND, CO, FOR A ONE YEAR AGREEMENT WITH TWO (2) 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 TOTAL ANNUAL COST OF $46,570, WITH A THREE (3) YEAR TOTAL OF $141,348

WHEREAS, in 2006, the California Department of Public Health (CDPH) operating permit states that the nitrate concentrations shall be monitored continuously by an online nitrate analyzer at certain drinking water facilities, and

WHEREAS, over the last six (6) years, ten (10) nitrate analyzers have been purchased and installed at the affected drinking water facilities in compliance with the CDPH permit, and

WHEREAS, the City’s current agreement with HACH Company for all service and maintenance of the existing nitrate analyzers expired in September 2012, and

WHEREAS, Staff is recommending renewal of this agreement with the added option for replacement of nitrate units as needed, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(b), states whereas the purchasing agencies’ requirements can be met solely by a single article or process; the sole source procurement for the purchase of HACH services and equipment 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 of nitrate analyzer equipment and services for the Department of Public Works, Water Operations Division with HACH Company, Loveland, CO, for a one year agreement with two (2) 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 a purchase agreement for an estimated annual cost of $46,570.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2012, 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: 

(SEAL)

APPROVED AS TO FORM:

BY: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE STREET-RELATED GRANTS FOR WHICH THE CITY OF MODESTO IS ELIGIBLE AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS AND ENTER INTO AN AGREEMENT TO RECEIVE THE GRANT FUNDS (IF AWARDED)

WHEREAS, Public Resources code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs (grants) in furtherance of the State of California’s (state) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment, and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the application, awarding, and management of the grants, and

WHEREAS, CalRecycle grant application procedures require, among other things, an Applicant’s governing body to declare by Resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of application(s) to CalRecycle for all street-related grants for which the City of Modesto is eligible; and

BE IT FURTHER RESOLVED that the Public Works Director, or his designee is hereby authorized and empowered to execute in the name of the City of Modesto all grant-related documents, and enter into an agreement to receive the grant funds (if awarded); and
BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption 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, 2012, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN ON-CALL AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) TO PROVIDE THE CITY WITH ENVIRONMENTAL STUDIES IN SUPPORT OF A TREE TRIMMING AND REMOVAL PROJECT ON LANDS OWNED BY THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Federal Aviation Administration (FAA) and California Department of Transportation – Aeronautics have asked Modesto City-County Airport to pursue obstruction removal for significant tree penetrations into the protected airspace surrounding the Airport, and

WHEREAS, federal grant money will be used for this project, the FAA desires a permanent solution to this problem, and

WHEREAS, before tree trimming and removal can be done, a complete environmental analysis is required by the FAA, including studies under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), and

WHEREAS, Airport staff is seeking a consultant who can perform the environmental studies required prior to tree trimming and removal on lands adjacent to the Airport, and

WHEREAS, ESA is qualified, willing and able to provide the services to prepare and provide these required studies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-Call Agreement with Environmental Science Associates to provide the City with Environmental Studies in support of removal tree trimming and
removal project on lands owned by the Modesto City-County Airport, for a sum not to exceed $188,612 as full remuneration, through January 1, 2014.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Agreement and any related 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, 2012, 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: Councilmember: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-444

RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL TO PROVIDE ANNUAL WASTEWATER RATE REVIEW SERVICES FOR CURRENT AND FUTURE YEARS THROUGH FISCAL YEAR 2015-16 AT A TOTAL COST NOT TO EXCEED $120,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto original hired Brown and Caldwell to prepare the Wastewater Rate Study that was adopted in July 2007, and

WHEREAS, on July 24, 2007, City Council, by Resolution 2007-463, established maximum wastewater rates beginning August 1, 2007, and

WHEREAS, on May 25, 2010, by Resolution 2010-222, City Council adopted a five-year rate plan in anticipation of debt financing the Phase 2 BNR/Tertiary Treatment Project, and

WHEREAS, This 2010 Resolution also required City Council to conduct an annual review of the proposed rate increases prior to implementation, and that this review will be completed 60 days in advance of the new rates becoming effective, and

WHEREAS, this new agreement will allow Brown and Caldwell to continue to prepare the annual review for the upcoming fiscal year and for each fiscal year through June 30, 2016, and

WHEREAS, the analysis provided will include any new rate tables that would be required when applying an approved rate change to the various customer categories, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Brown and Caldwell to provide annual wastewater rate review services for current and future years through Fiscal Year 2015-16. Total cost for four years is not to exceed $120,000.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Brown and Caldwell.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2012, 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: _________________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _________________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION REJECTING ALL BIDS FOR THE PRIMARY OUTFALL REHABILITATION PROJECT - PHASE III AND AUTHORIZING CITY STAFF TO RE-ADVERTISE THE PROJECT WITH A REDUCED SCOPE OF WORK

WHEREAS, the bids received for the Primary Outfall Rehabilitation Project - Phase III were opened at 11:00 a.m. on October 16, 2012, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, City staff and the consultant determined that it would be in the best interest of the City to reject the sole bid, and

WHEREAS, the consultant will revise the plans and specifications to a reduced scope, segregating the proposed segments under the Tuolumne River and Primary Treatment Plant into a separate project to be constructed later, and

WHEREAS, City staff recommends re-advertising the project with a reduced scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Primary Outfall Rehabilitation Project - Phase III, opened in the office of the City Clerk on October 16, 2012.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 2012, 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

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 ANNUAL OPERATING BUDGET

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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 annual operating budget 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 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
HUMAN RESOURCES
An adjustment is necessary to establish a transfer in the amount of $300,000 from the General Liability Fund 5330 to the Property Insurance Fund 5340, as a result of a refund from the Retrospective rating account of the City's excess liability pool. Once transferred to the Property Insurance Fund, these funds will be available to pay any future Property Insurance claims.

PARKS, RECREATION AND NEIGHBORHOODS
The following budget adjustment has multiple components; 1) In FY2011-12 a multi-year transfer was adopted in the amount of $66,000 from Solid Waste Fund, 4890, to Project #100588 – Centre Plaza. An adjustment is necessary to re-appropriate $50,000 of this transfer to Project #100688 – Energy Efficiency in Modesto Facilities; 2) an adjustment is necessary to reduce budgeted revenues in Project #100203, Install Foam Roof, by $4,614, Project #100204, Install Solar Panels, by $37,240 and Project #100206, Transportation Center Energy Upgrades, by $85 as these projects are being closed and the funding is being re-appropriated to Project #100688 – Energy Efficiency in Modesto Facilities; 3) recognize revenue in the amount of $457 in Project #100588 – Centre Plaza Lighting and $41,482 in Project #100688 – Energy Efficiency in Modesto Facilities; 4) appropriate $91,482 in Construction expense for Project #100688 – Energy Efficiency in Modesto Facilities.

POLICE
An adjustment is necessary to recognize additional State Law Enforcement Supplemental Fund (SLESF) revenue in the amount of $217,675 and appropriate said revenues to Salary and Discretionary expense in the 2011-12 SLESF Operating Grant.
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-447

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AIRPORT NEIGHBORHOOD COMMUNITY CENTER PROJECT, ACCEPTING THE BID, APPROVING AN AGREEMENT WITH HARRIS BUILDERS, INC. OF HILMAR, CA IN THE AMOUNT OF $327,450; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on May 24, 2011, the City Council, by Resolution No. 2011-177, approved the purchase of property located at 805/807 Empire Avenue as the site for the Airport Neighborhood Community Center (ANCC), and

WHEREAS, the Project renovation of an existing residential duplex into a community center includes: rough-in for a small commercial kitchen for future use, three offices, ADA compliant restrooms, meeting rooms, landscaping and site utilities, and

WHEREAS, the Project was advertised for bid on August 18, 2012, and bids were opened on October 23, 2012, with six (6) contractors submitting sealed bids, and

WHEREAS, upon review of the submitted bids, it was determined that Harris Builders, Inc. of Hilmar was the apparent low bidder, and

WHEREAS, the lowest responsible bid by Harris Builders, Inc. is 12.91% above the engineer’s estimate; while the lowest responsible bid is greater than 10% above of the engineer’s estimate, and

WHEREAS, staff and consulting Architect agree that the bid is a reasonable and competitive bid for the Project and bidder competition was clearly evident with six (6) contractors submitting responsible and competitive bids, and
WHEREAS, City staff recommends awarding the contract to Harris Builders, Inc. of Hilmar, CA in the amount of $327,450,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Airport Neighborhood Community Center Project, accepts the bid, and approves and agreement with Harris Builders, Inc. of Hilmar, CA in the amount of $327,450.

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 13th day of November, 2012, by Councilmember Lopez, who moved its adoption, with 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore, Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FY 2012-13 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO ADJUST THE EXPENSE CATEGORIES WITHIN THE PROJECT ACCOUNT, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on May 24, 2011, the City Council, by Resolution No. 2011-177, approved the purchase of property located at 805/807 Empire Avenue as the site for the Airport Neighborhood Community Center (ANCC), and

WHEREAS, the Project renovation of an existing residential duplex into a community center includes: rough-in for a small commercial kitchen for future use, three offices, ADA compliant restrooms, meeting rooms, landscaping and site utilities, and

WHEREAS, the Project was advertised for bid on August 18, 2012, and bids were opened on October 23, 2012, with six (6) contractors submitting sealed bids, and

WHEREAS, City staff recommends awarding the contract to Harris Builders, Inc. of Hilmar, CA in the amount of $327,450, and

WHEREAS, a budget adjustment is necessary in order to reallocate the expense budgets in the Parks CIP Account 100698 PRN.CDBG Housing Rehabilitation (Airport Neighborhood Community Center-ANCC) based on the bid results, and

WHEREAS, this budget adjustment will adjust the allocation of Neighborhood Stabilization and entitlement Community Development Block Grant funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2012-13 Annual Operating and Capital Improvement Budgets to reflect the approved adjusted allocation of Neighborhood
Stabilization and entitlement Community Development Block Grant funds as set forth in Exhibit “A”, attached hereto and incorporated herein by reference.

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 13th day of November, 2012, by Councilmember Lopez, who moved its adoption, with 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore, Mayor Marsh

ATTEST:  
STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
## Airport Neighborhood Center Expense Budget

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>NEW</th>
<th>Diff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Contract</td>
<td>285,041.00</td>
<td>327,450.00</td>
<td>42,409.00</td>
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<tr>
<td>Construction Administration</td>
<td>38,000.00</td>
<td>17,705.00</td>
<td>(20,295.00)</td>
</tr>
<tr>
<td>Construction Contingency (7.3%)</td>
<td>30,100.00</td>
<td>23,986.00</td>
<td>(6,114.00)</td>
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<td>Administration</td>
<td>70,000.00</td>
<td>69,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td>423,141.00</td>
<td>438,141.00</td>
<td>15,000.00</td>
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## Airport Neighborhood Center Revenue Budget

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>NEW</th>
<th>Diff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer from Fund 1130 (Grants - CDBG Direct Program) to Airport Neighborhood Center Project 100698</td>
<td>185,000.00</td>
<td>200,000.00</td>
<td>15,000.00</td>
</tr>
</tbody>
</table>

## Expense Budget in Fund 1130 (Grants - CDBG Direct Program)

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>NEW</th>
<th>Diff</th>
</tr>
</thead>
<tbody>
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<td>185,000.00</td>
<td>200,000.00</td>
<td>15,000.00</td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING A LEASE AND MANAGEMENT AGREEMENT WITH MODESTO CITY SCHOOLS FOR THE AIRPORT NEIGHBORHOOD COMMUNITY CENTER; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE AGREEMENT

WHEREAS, on May 24, 2011, by Resolution No. 2011-177, the City Council approved the purchase of 805/807 Empire Avenue to serve as the site of a community center for the Airport Neighborhood, and

WHEREAS, on May 7, 2012, the Modesto City Schools Board of Trustees approved a lease and management agreement with City of Modesto to provide a variety of community and youth development activities, including, but not limited to: baseball, soccer, leadership development, Boy and Girl Scouts, neighborhood watch, and neighborhood collaborative activities, and

WHEREAS, the term of this lease and management agreement between Modesto City Schools and City of Modesto is for a period commencing upon the grand opening of the Community Center, and expiring June 30, 2014, with the option to extend for an additional two-year term, and

WHEREAS, on April 18, 2012, the Citizens’ Housing & Community Development Committee recommended the City Council approve entering into a lease and management agreement with Modesto City Schools for the Airport Neighborhood Community Center,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease and management agreement with Modesto City Schools for the Airport Neighborhood Community Center for a period commencing upon the
BE IT RESOLVED that the City Manager, or his designee, is hereby authorized to sign the lease management agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, by Councilmember Lopez, who moved its adoption, with 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Mayor Marsh

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A LEASE AGREEMENT WITH TUOLUMNE RIVER TRUST FOR THE AIRPORT NEIGHBORHOOD COMMUNITY CENTER; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE LEASE AGREEMENT

WHEREAS, on May 24, 2011, by Resolution No. 2011-177, the City Council approved the purchase of 805/807 Empire Avenue to serve as the site of a community center for the Airport Neighborhood, and

WHEREAS, Tuolumne River Trust has approved a lease agreement with the City of Modesto to provide nature exploration and youth development activities, and

WHEREAS, the term of the agreement between Tuolumne River Trust and City of Modesto is for a period commencing upon the grand opening of the Community Center and expiring November 15, 2013, with the option to extend the term of the lease.

WHEREAS, on April 18, 2012, the Citizens’ Housing & Community Development Committee recommended the City Council approve entering into a lease agreement with Tuolumne River Trust for the Airport Neighborhood Community Center,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease agreement with Tuolumne River Trust for the Airport Neighborhood Community Center for a period commencing upon the grand opening of the Community Center, and expiring November 15, 2013, with the option to extend the term of the lease.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign the lease agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of November, 2012, by Councilmember Lopez,
who moved its adoption, with 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Mayor Marsh

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney

2012-450
RESOLUTION APPROVING AN AGREEMENT TO CONVEY REAL PROPERTY AND MUTUAL RELEASE (AGREEMENT) BETWEEN THE CITY OF MODESTO AND MISSION HOUSING DEVELOPMENT CORPORATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND RELATED DOCUMENTS REQUIRED TO CLOSE THE TRANSACTION

WHEREAS, on August 24, 2010 the City of Modesto entered into a NSP2 loan agreement with MHDC in the amount of $159,142 for the purpose of acquiring and rehabilitating the property at 625 Benson located in the Airport Neighborhood in order to create home ownership and generate program income, and

WHEREAS, two separate fires at the property resulted in unsafe conditions requiring the complete demolition of the remaining structures as well as a back-fill of the substructure beneath the house, and

WHEREAS, to ensure the City of Modesto meets the NSP2 National Objectives it is recommended that MHDC transfer ownership of the property to the City of Modesto and issue a check to in the amount of $20,200 which is the amount received by MHDC for the insurance settlement for both fires, and

WHEREAS, the City of Modesto will then release MHDC of all NSP2 legally binding restrictions and obligations as they relate to the property located at 625 Benson, and

WHEREAS, the property will then be transferred to a suitable non-profit agency to be identified at a later date for the purpose of creating affordable housing on the now vacant lot, and
WHEREAS, this transaction is dependent upon approval from MHDC Board of Directors through a resolution, and

WHEREAS, should MHDC Board of Directors choose not to transfer the property to the City of Modesto, MHDC will then be responsible for producing a comparable affordable housing unit on the vacant lot by February 11, 2013 or risk being in default of current agreements, and

WHEREAS, this action was reviewed by the Citizens’ Housing and Community Development Committee on November 7, 2012 and was recommended for Council approval, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of the NSP2 property located at 625 Benson from Mission Housing Development Corporation to the City of Modesto in order to meet the NSP2 National Objective of creating affordable housing for moderate to very low income households.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement to Convey Real Property and Mutual Release and related documents required to close the transaction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, by Councilmember Lopez, who moved its adoption, with 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore, Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CERTIFICATE OF ACCEPTANCE ACCEPTING THE GRANT DEED TRANSFERRING THE REAL PROPERTY AT 625 BENSON AVENUE FROM MISSION HOUSING DEVELOPMENT CORPORATION TO THE CITY OF MODESTO

WHEREAS, on August 24, 2010 the City of Modesto entered into a NSP2 loan agreement with Mission Housing Development Corporation (MHDC) in the amount of $159,142 for the purpose of acquiring and rehabilitating the property at 625 Benson located in the Airport Neighborhood in order to create home ownership and generate program income, and

WHEREAS, two separate fires at the property resulted in unsafe conditions requiring the complete demolition of the remaining structures as well as a back-fill of the substructure beneath the house, and

WHEREAS, to ensure the City of Modesto meets the NSP2 National Objectives it is recommended that MHDC transfer ownership of the property to the City of Modesto and issue a check to in the amount of $20,200 which is the amount received by MHDC for the insurance settlement for both fires, and

WHEREAS, the City of Modesto will then release MHDC of all NSP2 legally binding restrictions and obligations as they relate to the property located at 625 Benson, and

WHEREAS, the property will then be transferred to a suitable non-profit agency to be identified at a later date for the purpose of creating affordable housing on the now vacant lot, and
WHEREAS, this transaction is dependent upon approval from MHDC Board of Directors through a resolution, and

WHEREAS, should MHDC Board of Directors choose not to transfer the property to the City of Modesto, MHDC will then be responsible for producing a comparable affordable housing unit on the vacant lot by February 11, 2013 or risk being in default of current agreements, and

WHEREAS, this action was reviewed by the Citizens’ Housing and Community Development Committee on November 7, 2012 and was recommended for Council approval, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute a Certificate of Acceptance (attached) accepting the Grant Deed transferring the real property at 625 Benson Avenue from MHDC to the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, by Councilmember Lopez, who moved its adoption, with 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Muratore, Mayor Marsh

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest paid in real property conveyed to the CITY OF MODESTO, a municipal corporation, by the Grant Deed dated _____________, 2012 from Mission Housing Development Corporation, a California Nonprofit Benefit Corporation, is hereby accepted on behalf of the CITY OF MODESTO as Grantee by its City Manager pursuant to authority confirmed by Modesto City Council Resolution No. 2012-______, adopted on _________________, 2012, and that Grantee consents to the recordation of the Grant Deed by its duly authorized officer.

Date: ____________________________

By: ______________________________

GREG NYHOFF, City Manager

ATTEST: ____________________________

STEPHANIE LOPEZ
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-453

A RESOLUTION APPROVING CITY STAFF TO WORK ON THE TRANSFER OF THE 416 DOWNEY AVENUE PARCEL FROM THE SUCCESSOR AGENCY, ACTING ON BEHALF OF THE RDA TO THE CITY OF MODESTO AS THE SUCCESSOR HOUSING ENTITY

WHEREAS, on December 10, 2008, the Redevelopment Agency (Agency) purchased 416 Downey Avenue for $520,000 based on an appraisal prepared by Pacific Valley Appraisal Inc., on May 18, 2008, and

WHEREAS, the property consists of one rectangular shaped parcel containing approximately 11,250 square feet improved at the time, with one commercial office building containing a total of approximately 2,252 square feet that was once utilized as a fire station, and

WHEREAS, since then purchase of the property the commercial office building has been demolished and cleared, and

WHEREAS, this property along with 412 Downey Avenue, which was purchased on February 28, 2008 with Community Development Block Grant (CDBG) funds, were purchased with the purpose of developing 11 senior housing units, and

WHEREAS, on February 9, 2010, staff released an RFP soliciting affordable housing developers to submit a proposal on or before March 26, 2010, and

WHEREAS, staff received four applications and only one application met the threshold of the unit count and funding constraints.

WHEREAS, on June 22, 2010 the RDA and the City Council approved the Housing Authority of the County of Stanislaus as the selected developer, and

WHEREAS, at the time the RFP was released, additional RDA funding was
anticipated from the RDA’s Housing Set-Aside fund, however due to the Court decision regarding RDA payments to the State of California and then later the dissolution of the RDA, there were no additional RDA funds available for this project, and

WHEREAS, on June 28, 2011, as part of the 2011-2012 State of California budget bill, companion bills Assembly Bill 1X 26 ("AB 26") and Assembly Bill 1X 27 ("AB 27") were enacted, dissolving the Agency unless the City elected to participate in an "Alternative Voluntary Redevelopment Program" established by AB 27 and paid an annual "community remittance" payment to the County of Stanislaus, and

WHEREAS, on August 1st, 2012, the City of Modesto in its capacity as the housing successor agency to the former Redevelopment Agency of the City of Modesto and as required by AB 1484, submitted to the Department of Finance (DOF) a list of all housing assets transferred to it by the dissolved RDA, with explanation of how assets met criteria set forth in law, and

WHEREAS, on September 5, 2012, the City of Modesto received a letter from DOF indicating that DOF was not objecting to any assets or transfers of assets identified in the form submitted by the City of Modesto, and

WHEREAS, the 416 Downey property was included in the list, and

WHEREAS, the City of Modesto has identified other sources of funding to move forward the senior housing project that will be located at 416 and 412 Downey,

WHEREAS, the sales price will be determined based on an appraisal submitted on October 2, 2012 by the Housing Authority which values the property at $66,000, and

WHEREAS, the value of the property is based on bare land, and
WHEREAS, at the time of purchase there was a 2,252 square foot commercial office building that was once utilized as a fire station, and

WHEREAS, this building was demolished and cleared to proceed with the development of senior housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as the Successor Housing Entity to the former RDA that it hereby approves staff to work on the transfer of the 416 Downey Avenue parcel from the Successor Agency, acting on behalf of the RDA to the City of Modesto as the Successor Housing Entity is hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING CITY STAFF AND THE SUCCESSOR AGENCY ATTORNEYS TO WORK ON DRAFTING THE AGREEMENTS FOR THE SALE OF THE 416 DOWNEY AVENUE PARCEL TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR THE DEVELOPMENT OF SENIOR HOUSING AND BRINGING THE AGREEMENT FOR APPROVAL AT A LATER DATE

WHEREAS, on December 10, 2008, the Redevelopment Agency (Agency) purchased 416 Downey Avenue for $520,000 based on an appraisal prepared by Pacific Valley Appraisal Inc., on May 18, 2008, and

WHEREAS, at the time of purchase, the approximately 11,250 square feet rectangular shaped parcel contained one (1) 2,525 square feet commercial office building that was once utilized as a fire station, and

WHEREAS, since the purchase of the property the commercial office building has been demolished and cleared, and

WHEREAS, this property along with 412 Downey Avenue, which was purchased on February 28, 2008 with Community Development Block Grant (CDBG) funds, was purchased with the intent of developing eleven (11) senior housing units, and

WHEREAS, on February 9, 2010, staff released an RFP soliciting affordable housing developers to submit a proposal on or before March 26, 2010, and

WHEREAS, staff received four applications and only one application met the threshold of the unit count and funding constraints.

WHEREAS, on June 22, 2010 the RDA and the City Council approved the Housing Authority of the County of Stanislaus as the selected developer, and

WHEREAS, at the time the RFP was released, additional RDA funding was
anticipated from the RDA’s Housing Set-Aside fund, however due to the Court decision regarding RDA payments to the State of California and then later the dissolution of the RDA, there were no additional RDA funds available for this project, and

WHEREAS, on June 28, 2011, as part of the 2011-2012 State of California budget bill, companion bills Assembly Bill 1X 26 (“AB 26”) and Assembly Bill 1X 27 (“AB 27”) were enacted, dissolving the Agency unless the City elected to participate in an “Alternative Voluntary Redevelopment Program” established by AB 27 and paid an annual “community remittance” payment to the County of Stanislaus, and

WHEREAS, on August 1st, 2012, the City of Modesto in its capacity as the housing successor agency to the former Redevelopment Agency of the City of Modesto and as required by AB 1484, submitted to the Department of Finance (DOF) a list of all housing assets transferred to it by the dissolved RDA, with explanation of how assets met criteria set forth in law, and

WHEREAS, on September 5, 2012, the City of Modesto received a letter from DOF indicating that DOF was not objecting to any assets or transfers of assets identified in the form submitted by the City of Modesto which included the 416 Downey Avenue property, and

WHEREAS, the City of Modesto has identified other sources of funding to move forward the senior housing project that will be located at 416 and 412 Downey Avenue, and

WHEREAS, the sales price will be determined based on an appraisal submitted on October 2, 2012 by the Housing Authority which values the property at $66,000, and

WHEREAS, the value of the property is based on bare land, and
WHEREAS, at time of purchase there was a 2,252 square foot commercial office building that was once utilized as a fire station, and

WHEREAS, this building was demolished and cleared to proceed with the development of senior housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as the Successor Housing Entity to the former RDA hereby approves City staff and the Successor Agency attorney's to work on drafting agreements for the sale of the 416 Downey parcel to the Housing Authority of the County of Stanislaus for the development of senior housing and bringing the agreements for approval at a later date.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-455

RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $146,794 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 1614 TEAKWOOD DRIVE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all “boilerplate” loan agreements for the purchase and rehabilitation of 1614 Teakwood Drive, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 1614 Teakwood Drive at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $146,794 to purchase and
rehabilitate real property which is located at 1614 Teakwood Drive to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $165,000 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 1509 ENTRADA WAY TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all “boilerplate” loan agreements for the purchase and rehabilitation of 1509 Entrada Way, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 1509 Entrada Way at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $165,000 to purchase and
rehabilitate real property which is located at 1509 Entrada Way to be carried out by the
Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is
authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of November, 2012, 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: _______________________

(SEAL)

APPROVED AS TO FORM:
By: _______________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $148,515 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 1120 KAHALA LANE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all “boilerplate” loan agreements for the purchase and rehabilitation of 1120 Kahala Lane, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 1120 Kahala Lane at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $148,515 to purchase and
rehabilitate real property which is located at 1120 Kahala Lane to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: [Signature]
STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA JALCALA WOOD, City Attorney
RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $155,546 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 2021 ROBBIE AVENUE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity not to exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all “boilerplate” loan agreements for the purchase and rehabilitation of 2021 Robbie Avenue, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 2021 Robbie Avenue at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $155,546 to purchase and
rehabilitate real property which is located at 2021 Robbie Avenue to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: ________________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROPOSAL AND CONTRACT TO CELPLAN TECHNOLOGIES, INC. OF RESTON, VA, TO PROVIDE AND INSTALL A VIDEO SURVEILLANCE SYSTEM AT THE NEW BUS MAINTENANCE FACILITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT FOR AN AMOUNT EQUAL TO $76,288.20

WHEREAS, the City of Modesto has constructed a new bus maintenance facility, and

WHEREAS, the City wishes to procure a fully functional video surveillance system for said facility, and

WHEREAS, said system must be integrated into the City’s existing video surveillance system utilized at the Transportation Center and in downtown Modesto, and

WHEREAS, the new installation must reuse equipment previously installed at the old bus facility, and

WHEREAS CelPlan Technologies, Inc. provided and installed the systems at the Transportation Center, the old bus facility and downtown Modesto, and

WHEREAS, procuring the hardware from the same firm that previously provided the viewing software ensures that only one vendor is responsible for a fully integrated and functional system, and

WHEREAS, using the same company that did the initial installation at the old bus facility eliminates potential issues relative to the functionality and compatibility of the relocated hardware, and

WHEREAS, staff compared CelPlan’s pricing for this project with its pricing for the aforementioned City projects and believes the pricing is reasonable.
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC8-3.204(b), states where as the purchasing agencies’ requirements can be met solely by a single article or process: the sole source procurement for the purchase and installation of a video surveillance system conforms to the Modesto Municipal Code.

NOW THEREFORE, BE IT RESOLVED by the City of Modesto that it authorizes the award of a sole source proposal and contract to CelPlan Technologies, Inc. of Reston, VA, to provide and install a video surveillance system at the new Bus Maintenance Facility, and authorizing the City Manager, or his designee, to execute a contract for an amount equal to $76,288.20

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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: Cogdill, Geer, Gunderson, Lopez, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Mayor Marsh

ATTEST:  

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT OF REMOTE TERMINAL UNITS (RTU'S) AND ALL ASSOCIATED CIRCUIT BOARDS AND PARTS FOR THE HSQ MISER SCADA SYSTEMS, TO HSQ TECHNOLOGY, HAYWARD CA, FOR A TWO 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, the Wastewater and Water Divisions utilize HSQ Technology (HSQ) to transmit and receive operational data from over 200 remotely located facilities such as wells, storage tanks, sewer lift stations, storm stations, and the Sutter and Jennings Treatment Plants for the HSQ Miser SCADA System, and

WHEREAS, HSQ utilizes Remote Terminal Units and the associated circuit boards and parts to ensure that there is no interruption of service in the transmission of this operational data, and

WHEREAS, HSQ has been providing service and technical support for approximately 17 years on approximately $4 million worth of equipment that is used for our SCADA System, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC8-3.204(b), states where as the purchasing agencies’ requirements can be met solely by a single article or process: the sole source procurement for the sole source procurement of remote terminal units (RTU’s) and all associated circuit boards 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 of Remote Terminal Units (RTU’s) and all associated circuit boards and parts for the HSQ Miser SCADA Systems to HSQ Technology, Hayward, CA, 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 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 13th day of November, 2012, 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]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT, PARKING SERVICES DIVISION TO PROVIDE FREE PARKING IN CITY-OWNED LOTS AND GARAGES DURING THE FOLLOWING 2012/2013 HOLIDAYS: THANKSGIVING DAY (NOVEMBER 22 AND FRIDAY, NOVEMBER 23), CHRISTMAS DAY (DECEMBER 25), AND NEW YEAR’S DAY (JANUARY 1, 2013) AND AUTHORIZING THE CITY MANAGER TO MAKE THIS ADJUSTMENT AT HIS DISCRETION GOING FORWARD ON A YEARLY BASIS

WHEREAS, for a number of years, the City Council has authorized free parking on specified Holidays to encourage shopping in the downtown area, and

WHEREAS, this effort has been well received and has resulted in improved shopping traffic during these important shopping days,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Parking Services Division to provide free parking in City-owned lots and garages during the following 2012/2013 Holidays: Thanksgiving Day (November 22 and Friday, November 23), Christmas Day (December 25), and New Year’s Day (January 1, 2013) and authorizing the City Manager to make this adjustment at his discretion going forward on a yearly basis.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012 by Councilmember Lopez, who moved its adoption, which motion be duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore

NOES: Councilmember: None

ABSENT: Councilmember: Mayor Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CHEVRON U.S.A., INC. FOR A 1,564 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT OF A PARCEL LOCATED AT 2101 SYLVAN AVENUE (APN 052-063-025), IN THE AMOUNT OF $2,550, FOR THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS TIER 2 PRESSURE REGULATING VALVES PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED

WHEREAS, the City of Modesto is continuing to make improvements to the City’s water system to increase the overall dependability and efficiency of delivering quality drinking water to its users, and

WHEREAS, the improvements in this project include installing special pressure regulating valves throughout the City, and

WHEREAS, these valves are part of the City’s Downstream Water System Improvements and will be used to control the flow of treated surface water to the City’s distribution system, and

WHEREAS, due to safety and operational requirements, one of the valve stations will be located in an existing Public Utility Easement, and

WHEREAS, this valve station will require a Temporary Construction Easement for construction within the Public Utility Easement, and

WHEREAS, City staff has investigated the subject property to ensure it is suitable for this purpose, and recommends approving the Purchase Agreement for acquisition of the temporary property easement granted by Chevron,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase Agreement with Chevron U.S.A., Inc. for a 1,564
square foot Temporary Construction Easement of a parcel located at 2101 Sylvan Avenue (APN 052-063-025), in the amount of $2,550, for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez, Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill, Mayor Marsh

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-463

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CERTIFICATE OF ACCEPTANCE FOR THE TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 2101 SYLVAN AVENUE, OWNED BY CHEVRON U.S.A., INC., (APN 052-063-025) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS TIER 2 PRESSURE REGULATING VALVES 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 a Temporary Construction Easement for the acquisition of property interests located at 2101 Sylvan Avenue (APN 052-063-025), owned by Chevron U.S.A., Inc., to be purchased by the City of Modesto for the Downstream Water Improvements Tier 2 Pressure Regulating Valves 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 a Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 2101 Sylvan Avenue, owned by Chevron U.S.A., Inc., (APN 052-063-025) to be purchased by the City of Modesto for the Downstream Water System Improvements Tier 2 Pressure Regulating Valves Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Mayor Marsh

ATTEST:  

(SIGNATURE)

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

(SIGNATURE)

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE WORK BY HOWK SYSTEMS FOR THE “IRRIGATION WELLS AT CITY PARKS 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 $482,174

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Irrigation Well for City Parks Project has been completed by Howk Systems in accordance with the contract agreement dated November 1, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Irrigation Well for City Parks Project is hereby accepted as complete from said contractor, Howk Systems, 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 $482,174 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 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE WORK BY JW EBERT CORP OF SAN JOSE, CALIFORNIA, FOR THE “2010 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT 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 $1,179,710

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the 2010 Sanitary Sewer Collection System Replacement Project has been completed by JW Ebert Corp of San Jose, California, in accordance with the contract agreement dated September 27, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that 2010 Sanitary Sewer Collection System Replacement Project is hereby accepted as complete from said contractor JW Ebert Corp of San Jose, California, 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 $1,179,710 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 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-466

RESOLUTION APPROVING AN APPLICATION BY MAGDY S. ELSAKR FOR A STREET NAME CHANGE FROM BOB’S WAY TO ELSAKR WAY

WHEREAS, Bob’s Way is a street that runs north-south just east of Oakdale Road, from Sylvan Avenue to Post Office Drive in the northwest corner of Village One, and

WHEREAS, there are no existing businesses or residents that reside on Bob’s Way nor are there existing addresses for this street in use at this time, and

WHEREAS, Magdy S. Elsakr has requested that the street be renamed Elsakr Way, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 13, 2012, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, Government Code Section 34091.1 states, “Whenever the legislative body finds that a name should be adopted and applied to any city street, or that the existing name of any city street should be changed, the legislative body may adopt a resolution designating a name for, or change the name of, such street,”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the application by Magdy S. Elsakr for a street name change from Bob’s Way to Elsakr Way, subject to the following condition:

Within 10 days of approval, the applicant shall deposit funds with the Community & Economic Development Department sufficient to pay for the cost of replacing the three street name signs.
BE IT FURTHER RESOLVED that in accordance with Section 34092 of the Government Code, the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, and city departments regarding the street name change.

BE IT FURTHER RESOLVED that the City shall replace the street name signs.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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: 

(Seal)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-467

RESOLUTION APPROVING AN AMENDMENT TO THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR FISCAL YEAR 2012-13, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE RELATED DOCUMENTS

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD) and allocates those funds to various eligible activities, and

WHEREAS, the City Council, on May 8, 2012, by Resolution No. 2012-170, approved the Fiscal Year 2012-13 HUD Annual Action Plan (AAP), and

WHEREAS, any changes to the allocations adopted in the AAP are accomplished through an AAP amendment, 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, notice has been duly given to the community of the proposed amendment to the AAP, and to provide a 30-day comment period, which began October 12, 2012, and ends on November 13, 2012, and

WHEREAS, this first amendment will amend the Fiscal Year 2012-13 AAP to include the allocation of revolving loan and entitlement carryover funds, and

WHEREAS, the Citizens’ Housing and Community Development Committee (CH&CDC) considered the proposed amendment to the HUD AAP at its November 7, 2012, meeting, and the Committee recommended that the City Council approve the amendment to the HUD AAP as proposed by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council on
November 13, 2012, 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 2012-13 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 13th day of November, 2012, by Councilmember Lopez, who moved its adoption, with 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
## 2012/2013 CDBG Budget

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<tr>
<th>Project Description</th>
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<th>RLF</th>
<th>TOTAL Funds Committed 2012-13</th>
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<td>ADA Accessibility Project - Restroom / Playground Citywide</td>
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<td>ADA Accessibility Project - CentrePlaza ADA Door</td>
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<tr>
<td>Energy Efficiency Improvement Program (EEI)</td>
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</tr>
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</table>

**TOTAL** 469,102 315,000
RESOLUTION AMENDING THE FY 2012-13 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT THE APPROVED AMENDMENT TO THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2012-13 AND THE REALLOCATION OF CARRYOVER FUNDS AS NOTED IN EXHIBIT A; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and allocates those funds to various eligible activities, and

WHEREAS, on May 8, 2012, by Resolution No. 2012-170, the Modesto City Council approved the Fiscal Year 2012-13 HUD Annual Action Plan (AAP), and

WHEREAS, any changes to the allocations adopted in the AAP are accomplished through an AAP amendment, and

WHEREAS, this first amendment will amend the Fiscal Year 2012-13 HUD AAP to include the allocation of revolving loan and entitlement carryover funds as set forth in Exhibit “A”, attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to the community of the proposed amendment to the HUD AAP, and to provide a 30-day comment period, which began October 12, 2012 and ends on November 13, 2012, and

WHEREAS, the Citizens’ Housing and Community Development Committee (CH&CDC) considered the proposed amendment to the HUD AAP at its November 7, 2012, meeting, and recommended that the Council approve, and

WHEREAS, a duly noticed public hearing was held by the City Council on November 13, 2012, 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 2012-13 HUD Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2012-13 Annual Operating and Capital Improvement Budgets to reflect the approved amendment to the Annual Action Plan for Fiscal Year 2012-2013, and the reallocation of carryover funds as noted 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 13th day of November, 2012, by Councilmember Lopez, who moved its adoption, with 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
## FY 2012/13 Annual Action Plan Amendment
### CARRYOVER

<table>
<thead>
<tr>
<th>2012/2013 CDBG Budget</th>
<th>CARRYOVER Funds November 13, 2012</th>
<th>TOTAL Funds Committed 2012-13</th>
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<tr>
<td>Economic Development - Small business Loans</td>
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<td>200,000</td>
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<tr>
<td>Energy Efficiency Improvement Program (EEI)</td>
<td>134,000</td>
<td>-</td>
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</tbody>
</table>

**Total**: 469,102 315,000
RESOLUTION APPROVING THE REVISED FUNDING PLAN FOR THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) 2 & 3 FOR THE ADDITION OF 29 UNITS OF NEW SENIOR/SPECIAL NEEDS HOUSING, AND A REDUCTION OF THE TOTAL FUNDING ALLOCATION TO THE EMANCIPATED FOSTER AND HOMELESS YOUTH PROGRAM AND AUTHORIZE STAFF TO PREPARE ALL NECESSARY AND SPECIFIC DOCUMENTATION REQUIRED TO ENACT THIS PLAN

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed a revised NSP 2 & 3 Expenditure Plan which includes the funding of a new affordable senior housing project located on Downey Avenue consisting of 11 units and the funding of a new affordable senior/special needs housing project located at 421 Lincoln Avenue consisting of 18 units, and

WHEREAS, the Downey Avenue project will be developed by the Housing Authority of the County of Stanislaus (HACS) which will utilize $450,000 of current NSP2 funding and a not to exceed amount of $301,605 from future NSP2 Program Income, $998,395 of current NSP3 funding and $500,000 from FY 12-13 HOME Entitlement to complete the acquisition, pre-development and construction phases of this project, and
WHEREAS, the 421 Lincoln Avenue project will be developed by Stanislaus County Affordable Housing Corporation (STANCO) which will utilize $646,100 of current NSP2 funding and a not to exceed amount of $748,382 from future NSP2 Program Income and $558,000 of current NSP3 funding combined with a previously allocated $940,421 of HOME Entitlement to help complete the pre-development and construction phases of this project, and

WHEREAS, the revised Expenditure Plan requires the reduction to the NSP2 Emancipated Foster Youth and Homeless Youth program overall unit count goal of 33 to 26, and

WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens’ Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Revised Expenditure Plan for the Neighborhood Stabilization Program (NSP) 2 & 3 for the addition of 29 units of New Senior/Special Needs Housing, and a reduction of the total funding allocation to the Emancipated Foster and Homeless Youth Program and authorize Staff to prepare all necessary and specific documentation required to enact this Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: ____________________________

______________________________
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANNA LACALA WOOD, City Attorney
RESOLUTION APPROVING BOTH FIRST AMENDMENTS TO MEMORANDUMS OF UNDERSTANDING (MOU) FOR THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP) 2 & 3 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE BOTH MOU’S

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed revisions to the NSP 2 & 3 Expenditure Plan which includes the first amendment of the HACS NSP2 and NSP3 MOU’s to include NSP Eligible Use E – Redevelopment in order to create 11 units of new affordable senior
housing on Downey Avenue in addition to the existing Housing Authority Acquisition and Rehabilitation Activities, and

WHEREAS, the Downey Avenue project will be developed by HACS which will utilize $450,000 of current NSP2 funding and a not to exceed amount of $301,605 from future NSP2 Program Income, $998,395 of current NSP3 funding and $500,000 from FY 12-13 HOME Entitlement to complete the acquisition, pre-development and construction phases of this project, and

WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens' Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves both First Amendments to Memorandums of Understanding (MOU) for the Housing Authority of the County of Stanislaus (HACS) for Neighborhood Stabilization Program (NSP) 2 & 3 and authorizing the City Manager, or his designee to execute both MOU's.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: ____________________________

(S Seal)

APPROVED AS TO FORM:

By: _________________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE ESTABLISHMENT OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP) 2 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE MOU

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP 2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed revisions to the NSP 2 & 3 Expenditure Plan to include a MOU with STANCO for NSP2 which includes NSP Eligible Use E – Redevelopment in order to create 18 units of new affordable senior/special needs housing located at 421 Lincoln Avenue, and

WHEREAS, the 421 Lincoln Avenue project will be developed by STANCO which will utilize $646,100 of current NSP2 funding and a not to exceed amount of $748,382 from future NSP2 Program Income and $558,000 of current NSP3 funding combined with a previously allocated $940,421 of HOME Entitlement to help complete the pre-development and construction phases of this project, and
WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens’ Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the establishment of a Memorandum of Understanding (MOU) with the Stanislaus County Affordable Housing Corporation (STANCO) for Neighborhood Stabilization Program (NSP) 2 and authorizing the City Manager, or his designee, to execute the MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING (MOU) FOR THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP) 3 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE MOU

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed revisions to the NSP 2 & 3 Expenditure Plan which includes the second amendment of the STANCO NSP3 MOU which includes NSP Eligible Use E – Redevelopment in order to create 18 units of new affordable senior/special needs housing located at 421 Lincoln Avenue, and

WHEREAS, the 421 Lincoln Avenue project will be developed by STANCO which will utilize $646,100 of current NSP2 funding and a not to exceed amount of $748,382 from future NSP2 Program Income and $558,000 of current NSP3 funding combined with a previously allocated $940,421 of HOME Entitlement to help complete the pre-development and construction phases of this project, and
WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens' Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to Memorandum of Understanding (MOU) for the Stanislaus County Affordable Housing Corporation (STANCO) for Neighborhood Stabilization Program (NSP) 3 and authorizing the City Manager, or his designee, to execute the MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST:  

(SIGNATURE)

APPROVED AS TO FORM:

By:  

(SIGNATURE)

SUSANNA ALCALA WOOD, City Attorney
RESOLUTION APPROVING BOTH SETS OF LOAN DOCUMENTS FOR THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP) 2 & 3 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL LOAN DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met PRND staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed revisions to the NSP 2 & 3 Expenditure Plan which includes Loan Documents for HACS to expend $450,000 in NSP2 funds and $998,395 in NSP3 funds in order to create 11 units of new affordable senior housing on Downey Avenue in addition to the existing Housing Authority Acquisition and Rehabilitation Activities, and
WHEREAS, the Downey Avenue project will be developed by the Housing Authority of the County of Stanislaus which will utilize $450,000 of current NSP2 funding and a not to exceed amount of $301,605 from future NSP2 Program Income, $998,395 of current NSP3 funding and $500,000 from FY 12-13 HOME Entitlement to complete the acquisition, pre-development and construction phases of this project, and

WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens’ Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following loan transactions with HACS for the Downey Avenue Project:

- $450,000.00 in current NSP2 funding,
- not to exceed $301,605 in NSP2 program income, and
- $998,395 in current NSP3 funding,

and authorizing the City Manager, or his designee, to execute all loan documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

(SEAL)

ATTEST: ______________________

SEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ______________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE LOAN DOCUMENTS FOR THE STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP) 2 & 3 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE LOAN DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed revisions to the NSP 2 & 3 Expenditure Plan which includes Loan Documents for STANCO to expend $646,100 in NSP2 funds and $558,000 in NSP3 funds to create 18 units of new affordable senior/special needs housing located at 421 Lincoln Avenue, and

WHEREAS, the 421 Lincoln Avenue project will be developed by STANCO which will utilize $646,100 of current NSP2 funding and a not to exceed amount of $748,382 from future NSP2 Program Income and $558,000 of current NSP3 funding combined with a previously allocated $940,421 of HOME Entitlement to help complete the pre-development and construction phases of this project, and
WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens' Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following loan transactions with the Stanislaus County Affordable Housing Corporation (STANCO) for 421 Lincoln Avenue Project:

- $646,100 in current NSP2 funding,
- not to exceed $748,342 in NSP2 program income, and
- $558,000 in current NSP3 funding;

and authorizing the City Manager, or his designee, to execute the loan documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE COMMITMENT OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS IN THE AMOUNT OF $500,000 FROM FY 2012-13 HOME ENTITLEMENT FOR THE COMPLETION OF CONSTRUCTION FOR THE DOWNEY AVENUE PROJECT

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, in an effort to ensure that the Neighborhood Stabilization Program (NSP) 2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed a revised NSP 2 & 3 Expenditure Plan which includes the funding of a new affordable senior housing project located on Downey Avenue consisting of 11 units and the funding of a new affordable senior/special needs housing project located at 421 Lincoln Avenue consisting of 18 units, and

WHEREAS, the Downey Avenue project will be developed by the Housing Authority of the County of Stanislaus (HASC) which will utilize $450,000 of current NSP2 funding and a not to exceed amount of $301,605 from future NSP2 Program Income, $998,395 of current NSP3 funding and $500,000 from FY 12-13 HOME Entitlement to complete the acquisition, pre-development and construction phases of this project, and
WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens’ Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the commitment of HOME Investment Partnerships Program (HOME) funds in the Amount of $500,000 from FY 2012-13 HOME Entitlement for the completion of construction for the Downey Avenue Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2012-476  

RESOLUTION APPROVING THE LAND TRANSFER OF 412 DOWNEY AVENUE TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) FOR DEVELOPMENT OF 11 UNITS OF SENIOR AFFORDABLE HOUSING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS REQUIRED TO COMPLETE THE LAND TRANSFER  

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and  

WHEREAS, in an effort to ensure that the Neighborhood Stabilization Program (NSP) 2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and  

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed a revised NSP 2 & 3 Expenditure Plan which includes the funding of a new affordable senior housing project located on Downey Avenue consisting of 11 units and the funding of a new affordable senior/special needs housing project located at 421 Lincoln Avenue consisting of 18 units, and  

WHEREAS, the Downey Avenue project will be developed by the Housing Authority of the County of Stanislaus which will utilize $450,000 of current NSP2 funding and a not to exceed amount of $301,605 from future NSP2 Program Income, $998,395 of current NSP3 funding and $500,000 from FY 12-13 HOME Entitlement to complete the acquisition, pre-development and construction phases of this project, and
WHEREAS, the City of Modesto acquired 412 Downey Avenue through Community Development Block Grant funds, and

WHEREAS, 412 Downey Avenue shall be transferred to HACS from the City of Modesto at no cost to develop 11 units of new affordable senior housing, and

WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens' Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the land transfer of 412 Downey Avenue to the Housing Authority of the County of Stanislaus (HACS) for development of 11 units of Senior Affordable Housing and authorizing the City Manager, or his designee to execute all necessary documents required to complete the land transfer.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: [Signature]

(SIGNATURE)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP)2 SUBSTANTIAL AMENDMENT FOR SUBMITTAL TO HOUSING URBAN DEVELOPMENT (HUD) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS REQUIRED TO COMPLETE THE AMENDMENT

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, together with Housing Urban Development (HUD) Technical Assistance (TA), staff proposed a revised NSP 2 & 3 Expenditure Plan which includes the funding of a new affordable senior housing project located on Downey Avenue consisting of 11 units and the funding of a new affordable senior/special needs housing project located at 421 Lincoln Avenue consisting of 18 units, and

WHEREAS, the Downey Avenue project will be developed by the Housing Authority of the County of Stanislaus (HACS) which will utilize $450,000 of current NSP2 funding and a not to exceed amount of $301,605 from future NSP2 Program Income, $998,395 of current NSP3 funding and $500,000 from FY 12-13 HOME Entitlement to complete the acquisition, pre-development and construction phases of this project, and
WHEREAS, the 421 Lincoln Avenue project will be developed by Stanislaus County Affordable Housing Corporation (STANCO) which will utilize $646,100 of current NSP2 funding and a not to exceed amount of $748,382 from future NSP2 Program Income and $558,000 of current NSP3 funding combined with a previously allocated $940,421 of HOME Entitlement to help complete the pre-development and construction phases of this project, and

WHEREAS, the revised Expenditure Plan requires the reduction to the NSP2 Emancipated Foster Youth and Homeless Youth program overall unit count goal of 33 to 26, and

WHEREAS, the proposed Revised Expenditure Plan will increase the overall NSP2 unit count from 175 to 190 while completing two previously approved projects that have been dormant due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens' Housing and Community Development Committee, and

WHEREAS, together the Substantial Amendment once approved by HUD will fully complete the required changes to carry out the Revised Expenditure Plan for NSP 2 & 3.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Neighborhood Stabilization Program (NSP) 2 Substantial Amendment for submittal to Housing Urban development (HUD) and authorizing the City Manager or his designee to execute all necessary documents required to complete the amendment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2012, 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, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FY 2012-13 MULTI-YEAR BUDGET FOR PROJECT 100243 TO INCLUDE THE REALLOCATIONS AS APPROVED IN THE NSP2 SUBSTANTIAL AMENDMENT FOR THE REVISED FUNDING PLAN AS SET FORTH IN EXHIBIT “E”, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City received a $25 Million grant award under the American Recovery and Reinvestment Act of 2009 (ARRA) for NSP2, and

WHEREAS, any changes to the allocations adopted are accomplished through a Substantial Amendment, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met, Parks, Recreation and Neighborhood Department Staff were presented with an opportunity to revive two previously approved projects that have been placed on hold due to lack of funding, and

WHEREAS, on November 7, 2012 this action was recommended for Council approval by the Citizens’ Housing and Community Development Committee, and

WHEREAS, together the Substantial Amendment once approved by HUD will fully complete the required changes to carry out the Revised Expenditure Plan for NSP 2, and

WHEREAS, notice has been duly given to the community of the proposed amendment through a 15-day comment period, which began on October 28, 2012 and ended on November 13, 2012, and
WHEREAS, this amendment will amend the Multi-Year NSP2 Project 100243 Budget to include the allocations as set forth in Exhibit “E”, attached hereto and incorporated herein by reference, and

WHEREAS, the Citizens’ Housing and Community Development Committee (CH&CDC) considered the proposed amendment to the NSP2 Expenditure Plan at its November 7, 2012, meeting, and recommended that the Council approve, and

WHEREAS, a duly noticed public hearing was held by the City Council on November 13, 2012, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, to consider approval of the proposed funding allocations as described in the NSP2 Substantial Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2012-13 Multi-year budgets for project 100243 to include the reallocations as set forth in Exhibit “E”.

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 13th day of November, 2012, by Councilmember Cogdill,
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: Burnside, Cogdill, Geer, Gunderson, Lopez

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Marsh

ATTEST: __________

(SEAL)

APPROVED AS TO FORM:

By: __________

SUSANA ALCALA WOOD, City Attorney
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RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT OPERATING BUDGET TO INCREASE FUNDING TO PROVIDE ONE ADDITIONAL COMMUNITY FORESTRY TREE CREWS AND OVERTIME FUNDING FOR A MISTLETOE ABATEMENT PROGRAM

WHEREAS, the Parks, Recreation and Neighborhoods Department, Community Forestry Division, has seen significant budget reductions over the last ten years, and

WHEREAS, these budget reductions have resulted in a change in the pruning cycle from five years to over eight years, and

WHEREAS, the delayed pruning cycle has resulted in significant mistletoe infestation causing the loss of trees, and

WHEREAS, in order to combat this problem the Division will increase staffing by two Tree Trimmers, part-time staff, additional equipment, and overtime funding, and

WHEREAS, the on-going cost to increase staff and equipment is $259,635, one-time startup cost is $1,535, and one-time overtime funding is $100,000, and

WHEREAS, the total Parks, Recreation and Neighborhoods Department Operating Budget increase in Fiscal Year 2012-2013 will be $361,170 and will be funded through MCEA, MCMA, and Unrepresented group General Fund labor concessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 Parks, Recreation and Neighborhoods Department Operating Budget.

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 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers Mayor Marsh

ATTEST: \[Signature\]

SEAL

APPROVED AS TO FORM:

By: \[Signature\]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-480

RESOLUTION AMENDING THE POSITION ALLOCATION IN THE PARKS,
RECREATION AND NEIGHBORHOODS DEPARTMENT ADOPTED BY THE
CITY COUNCIL AS PART OF THE FY 2012-2013 BUDGET TO ADD TWO (2)
TREE TRIMMER ALLOCATIONS IN COST CENTER 35010

WHEREAS, a Position Allocation for the Parks, Recreation and Neighborhoods
Department was adopted by the Modesto City Council on June 21, 2012, as part of the
Annual Budget of the City of Modesto for Fiscal Year 2012-2013, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, Community
Forestry Division, has identified the need to increase staffing to add two (2) Tree
Trimmer position allocations in the Fiscal Year 2012-2013 budget, and

WHEREAS, the positions will be funded through MCEA, MCMA, and
Unrepresented group labor concessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves amending the Position Allocation in the Parks, Recreation and
Neighborhoods Department for Fiscal Year 2012-2013 to add two (2) Tree Trimmer
allocations in Cost Center 35010.

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 13th day of November, 2012, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPOINTING JENNY KENOYER AND RHODA YARE TO THE CITY OF MODESTO CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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 13, 2012, and recommended appointment of Jenny Kenoyer and Rhoda Yare to the Citizens Housing and Community Development Committee.

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

SECTION 1. Jenny Kenoyer is hereby appointed to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2015.

SECTION 2. Rhoda Yare is hereby appointed to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2015.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing and Community Development Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPOINTING GILBERT STEVEN GONZALEZ TO THE
HUMAN RELATIONS 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 14, 2012,
and recommended appointment of Gilbert Steven Gonzalez to the Human Relations
Commission.

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

SECTION 1. Gilbert Steven Gonzalez is hereby appointed to the Human
Relations 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 Human Relations 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 4th day of December, 2012, 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]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR CITY OF MODESTO; AND RESCINDING RESOLUTION 2010-487

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a Conflict of Interest Code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted the Conflict of Interest Code, and

WHEREAS, The Political Reform Act requires every local government agency to review its Conflict of Interest Code on a biennial basis to determine if it is accurate or, alternatively, the need for amendment, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the Code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of December 4, 2012, considered the adoption of the Amended Conflict of Interest Code for the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts an amended Conflict of Interest Code for the City of Modesto attached hereto.

BE IT FURTHER RESOLVED that Resolution 2010-487, adopted by the City Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of December, 2012, 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]

(SIGNATURE)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
CONFLICT OF INTEREST CODE
FOR THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the City of Modesto.

Designated employees shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk.
## Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
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</thead>
<tbody>
<tr>
<td>Assistant City Attorney</td>
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<tr>
<td>City Attorney</td>
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</tr>
<tr>
<td>Consultant</td>
<td>1</td>
</tr>
<tr>
<td>Deputy City Attorney I, II</td>
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</tr>
<tr>
<td>Senior Deputy City Attorney I, II</td>
<td>1</td>
</tr>
<tr>
<td>Paralegal/EEO Investigator</td>
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</tr>
<tr>
<td>Designated Positions</td>
<td>Disclosure Category</td>
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<tr>
<td>----------------------</td>
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</tr>
<tr>
<td>Auditor</td>
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<tr>
<td>Consultant*</td>
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OFFICE OF THE CITY CLERK
CONFLICT OF INTEREST CODE
APPENDIX "A"

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<th>Designated Positions</th>
<th>Disclosure Category</th>
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<tbody>
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<td>Assistant City Clerk</td>
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<td>City Clerk</td>
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### OFFICE OF THE CITY MANAGER

**CONFLICT OF INTEREST CODE**

**APPENDIX "A"**

<table>
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<tr>
<th>Designated Positions</th>
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<tr>
<td>City Manager</td>
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## Designated Positions

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<td>Administrative Services Technician I, II</td>
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<tr>
<td>Assistant Civil Engineer</td>
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<td>Associate Civil Engineer</td>
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<td>Assistant Engineer</td>
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<tr>
<td>Associate Engineer</td>
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<tr>
<td>Associate Planner</td>
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<tr>
<td>Building Inspection Program Coordinator</td>
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<td>Building Inspector I, II</td>
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<td>Business Analyst</td>
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<td>Chief Building Official</td>
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<td>City Engineer</td>
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<td>Code Enforcement Officer, I, II</td>
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<td>Engineering Assistant II</td>
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<td>Assistant Chief Building Official</td>
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2012
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<td>Fire Division Chief - Fire Marshal</td>
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<td>Parks Project Coordinator</td>
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<td>Recreation Program Manager</td>
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<td>Recreation Supervisor II</td>
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<td>Recycling Program Coordinator</td>
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<td>Senior Community Development Program Specialist</td>
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<td>Senior Housing Rehabilitation Specialist</td>
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<td>Solid Waste Enforcement Officer</td>
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<td>Solid Waste Program Manager</td>
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2010
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<td>Deputy Director of Public Works</td>
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<td>Environmental &amp; WQ Laboratory Supervisor</td>
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<td>Director of Public Works</td>
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<td>Operations &amp; Maintenance Supervisor</td>
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<tr>
<td>Administrative Analyst II</td>
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<tr>
<td>Associate Civil Engineer</td>
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<tr>
<td>Construction Inspector</td>
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<td>Land Surveyor</td>
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<tr>
<td>Property Agent</td>
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<td>Senior Civil Engineer</td>
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<tr>
<td>Senior Construction Inspector</td>
<td>8</td>
</tr>
<tr>
<td>Supervising Construction Inspector</td>
<td>8</td>
</tr>
</tbody>
</table>
Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) FULL DISCLOSURE*

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses from business entities located in or doing business within the jurisdiction. FULL DISCLOSURE W/OUT PROPERTY

Group 3: Designated employees in this group shall report interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency. PROPERTY ONLY

Group 4: Designated employees in this group shall report interest in real property, investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which engage in land development, construction, or the acquisition or sale of real property. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) COMMUNITY & ECONOMIC DEVELOPMENT

Group 5: Designated employees in this group shall report investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which manufacture, sell or design data processing equipment or related services of the type used by the designated employees department or division. FINANCE

Group 6: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which manufacture or sell fire-related equipment or parts of the type used by the designated employees department or division. FIRE

Group 7: Designated employees in this group shall report investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which manufacture, sell or design data processing equipment or related services of the type used by the designated employees department or division. INFORMATION TECHNOLOGY
Group 8: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment of the type used by the designated employees department or division.

PARKS RECREATION & NEIGHBORHOODS/PUBLIC WORKS/UTILITY PLANNING AND PROJECTS DEPARTMENT

Group 9: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which are involved in healthcare or vocational rehabilitation of the type used by the designated employees department or division.

HUMAN RESOURCES

Group 10: Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which sell, manufacture, or distribute equipment and supplies for office, personnel or vehicles of the type used by the designated employees department or division.

POLICE

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code (Group 1) subject to the following limitation:

*The City Manager, or his or her designee, may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon the description, a statement of the extent of disclosure requirements. The City Manager’s, or his or her designee, determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Statutory Required Filers:

The following positions are not covered by this conflict of interest code because those individuals holding these positions must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

- Mayor
- Council Members
- City Manager
- City Attorney
- Planning Commissioners
- Treasurer/Finance Director
RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING A CONFLICT OF INTEREST CODE FOR THE REDEVELOPMENT AGENCY OVERSIGHT BOARD

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a Conflict of Interest Code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted the Conflict of Interest Code, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the Code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of December 4, 2012, considered the adoption of the Conflict of Interest Code for of the Redevelopment Agency Oversight Board of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Redevelopment Agency Oversight Board of the City of Modesto as attached hereto, is hereby approved.

RESCINDED

DEC 2 2014

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2014-810
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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

(Seal)

ATTEST: ___________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ___________________________

SUSANA ALCALA WOOD, City Attorney
CONFLICT OF INTEREST CODE

OF THE

MODESTO REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Modesto Redevelopment Successor Agency Oversight Board.

Designated employees/members shall file their statements with the Clerk of the Modesto Redevelopment Successor Agency Oversight Board which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees/members will be retained by the Clerk of the Modesto Redevelopment Successor Agency Oversight Board.
### APPENDIX “A”

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson, All Board Members</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 2:** A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the Clerk on beginning and ending the job.
RESOLUTION GRANTING AN EXCEPTION TO THE VILLAGE ONE SPECIFIC PLAN TO ALLOW FOR THE CONSTRUCTION OF SHADE STRUCTURES LOCATED AT 1612 CLAUS ROAD, MODESTO, CA AND NOT REQUIRE THE PARCEL TO FORM OR ANNEX TO A COMMUNITY FACILITIES DISTRICT

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 a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council, by Resolution No. 90-828A, adopted the Village One Specific Plan, to guide the development of 1,780 acres located in northeast Modesto, and

WHEREAS, Westurf Nursery ("Applicant") contacted the City to construct a 5,496 +/- square foot retail nursery building expansion located at 1612 Claus Road, Modesto, CA ("Parcel"), and

WHEREAS, said Parcel resides within the Village One Specific Plan Area, Precise Plan Area 35 (commonly known as the "Industrial Triangle"), and

WHEREAS, the Village One Specific Plan states that no precise plan, final map, final development plan, building permit or other development entitlement for currently unvested property shall be consistent with this Specific Plan until and unless the affected parcel is required to form or annex to the Village One CFD, and

WHEREAS, the Village One Specific Plan does allow City to defer the requirement to form or annex to the Village One CFD if it meets the following criteria:

1) Residential properties of less than ten acres, until there is a land
division, addition of any dwelling unit or change of use, or

2) The existing commercial properties in Precise Plan Area No. 2....unless there is a change of use, physical expansion of the existing buildings, construction of new buildings, or division of property, and

WHEREAS, since Applicant did not meet above-referenced deferral criteria, staff recommended Council approve an exception to the Village One Specific Plan for the following reasons:

1) Applicant did not trigger the need for preparation of a Precise Plan,

2) The existing business was operating on the site before the Parcel was annexed into the City limits,

3) Circumstances had changed since the Village One CFD #2 was formed in 2004. Reprioritization of the projects occurred two years ago. The infrastructure in CFD #2 that availed the subject parcel was intended to be part of a separate and distinct financing mechanism to be developed and implemented in the future, and

WHEREAS, on October 25, 2011, the City Council, by Resolution No. 2011-406, approved a One-Time Exception to the Village One Specific Plan to construct a 5,496 +/- square foot retail nursery building expansion, and

WHEREAS, the Applicant contacted the City to construct a 3,200 square foot shade structure on the Parcel, and
WHEREAS, the applicant has also indicated it has plans to construct an additional shad structure in the future, and

WHEREAS, since the reasons stated above also apply to the construction shade structures, staff recommends the Council approve an exception to the Village One Specific Plan, and

WHEREAS, upon future development, the Parcel will be required to adhere to the Village One Specific Plan as amended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves an exception to the Village One Specific Plan to allow for the construction of shade structures located at 1612 Claus Road, Modesto, CA and not require the Parcel to form or annex to a Community Facilities District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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

12/04/2012/CED/TRocha/Item 7  3  2012-485
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-486

A RESOLUTION APPROVING THE AWARD OF PROPOSAL AND
CONTRACTS FOR PROFESSIONAL ASSISTANCE WITH PLAN REVIEW
AND INSPECTION SERVICES TO 4LEAF INC., BUREAU VERITAS, CSG
CONSULTANTS INC., AND INTERWEST CONSULTING GROUP FOR A
THREE (3) YEAR PROFESSIONAL SERVICES AGREEMENT WITH
TWO (2) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF
THE CITY, FOR AN ESTIMATED ANNUAL COST OF $30,000, AND A TOTAL
COST NOT TO EXCEED $90,000

WHEREAS, on April 1, 2008, by Resolution No. 2008-171, the Council
authorized the award of proposal and contracts for the furnishing of plan check services
to Bureau Veritas, CSG Consultants, Scott Fazekas & Associates, and NAFFA
International, and

WHEREAS, each of these contracts expired on April 1, 2012, and was based on
the old valuation fee schedule, and

WHEREAS, in addition, recent state mandate requires the division to include
services of Certified Access Specialists, which were not covered in the previous
contracts, and

WHEREAS, the Building Safety Division’s dependence on these consultants has
increased due to reduction of a Plans Examiner position and the elimination of an
Associate Civil Engineer position, and

WHEREAS, the plan review staff needs assistance in review of complex
structural projects and a relief mechanism when the volume exceeds their ability to meet
performance standards, and

WHEREAS, as commercial construction increases the Division will rely on these
consultants on a regular basis, and
WHEREAS, in addition to plan review services, the Division has identified the need to contract for inspection services as well, and

WHEREAS, due to limited inspection staff resources the Division is concerned about its ability to continue to provide timely inspection services, and

WHEREAS, staffing reductions have severely limited back up capabilities, and

WHEREAS, the Division does not have an immediate need for these services on a consistent basis, any increase in permit volume would increase inspection turnaround times, and

WHEREAS, having inspection consultants available will not only allow the Division to maintain current performance levels but also account for any future increase in inspection volumes, and

WHEREAS, under the new business philosophy of including consultants as part of the Division’s future to avoid “staffing up,” the need to enter into new contracts is critical, and

WHEREAS, staff does not recommend this alternative, as in-house resources are limited and any increase in permit volume or unforeseen staff shortage will result in longer plan review and inspection turnaround times, and

WHEREAS, the City Manager authorized the Chief Building Official to issue formal Requests for Proposals (RFP) for professional assistance with plan review and inspection services, and

WHEREAS, the Building Safety Division issued an RFP for Plan Check and Inspection Services on May 7, 2012, posted the RFP on the City’s website and formally advertised it as required by law, and
WHEREAS, seven (7) companies responded, including two (2) local vendors. All seven (7) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of one (1) City staff member and three (3) technical experts outside the City evaluated and ranked the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group for an estimated annual cost of $30,000, and a total cost not to exceed $90,000, 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, and

WHEREAS, the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group for a three (3) year professional services agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of $30,000, and a total cost not to exceed $90,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreements as recommended.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of December, 2012, 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 TWO (2) JOHN DEERE 410K BACKHOE LOADERS FOR THE PUBLIC WORKS DIVISION, WATER DIVISION, THROUGH THE FLEET SERVICES DIVISION, BY “PIGGYBACKING OFF A COMPETITIVE BID PROCESS” WITH THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES, CALIFORNIA MULTIPLE AWARD SCHEDULES (CMAS) TO PAPE MACHINERY, FRENCH CAMP, CA, FOR AN ESTIMATED TOTAL COST OF $220,770

WHEREAS, the Public Works Department, Fleet Services Division has requested the purchase of two (2) John Deere Backhoe Loaders for use by the Water Division. Backhoe Loaders are used by the Water Division to construct, maintain, and repair the water infrastructure.

WHEREAS, the Backhoe Loaders are replacements for 2000 and 2001 model year that are at the end of their useful life. The Backhoe Loaders have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 12/13 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The two (2) John Deere Backhoe Loaders are included in the FY 12/13 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the State of California, Department of General Services, went through a competitive bid process for the purchase of John Deere construction products and issued contract #4-08-23-022A. The most responsive and responsible bidder that met
the bid specifications was Pape Machinery, French Camp, CA. Pape Machinery was awarded the California Multiple Award Schedules (CMAS) contract #4-08-23-0022A for John Deere construction products and is extending the CMAS discount to the City of Modesto, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 12/13, in Fleet Replacement account: 5410-53241-57003, and

WHEREAS, there are no local vendors for this type of equipment. Taking advantage of this process and awarding a contract by “piggybacking off a competitive bid process” of the State of California CMAS contract is an efficient and effective way to purchase the two (2) John Deere backhoe loaders, 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, and

WHEREAS, 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. There are no local vendors who can supply this type of equipment. The purchase of a two (2) John Deere Backhoe Loaders by “piggybacking off a competitive
bid process” of the State of California CMAS contract with Pape Machinery, French Camp, CA, will conform to MMC Section 8-3.204(d), and

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) John Deere Backhoe Loaders for the Department of Public Works, Water Division through the Fleet Services Division, to Pape Machinery, French Camp, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of $220,279.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 2012-488  

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO (2) VAC-CON COMBINATION SEWER AND STORM DRAIN CLEANER TRUCKS FOR THE WATER QUALITY CONTROL DIVISION, WASTEWATER SECTION THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY “PIGGYBACKING OFF A COMPETITIVE BID PROCESS” WITH THE CITY AND COUNTY OF SAN FRANCISCO THROUGH MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $786,392

WHEREAS, the Water Quality Control Division, Wastewater Section utilizes Vac-Con combination sewer and storm drain cleaner trucks to clean, maintain and repair sewer pipes to comply with the Clean Water Act, and

WHEREAS, the Vac-Con combination sewer and storm drain cleaner trucks are used to clean out roots and grease in sewer lines, keeping them clear of blockages and reducing the potential for sewer system overflows. The trucks are also utilized to clean out storm drain lines and to provide flood control support during storm events, and

WHEREAS, the Vac-Con trucks are replacing two (2), 2003 model year units that are at the end of their useful life. The Vac-Con trucks have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 12/13 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, on December 9, 2011, the City and County of San Francisco went through a competitive bid process for the purchase of a Vac-Con combination sewer and
storm drain cleaner truck. The most responsive and responsible bidder that met the bid specifications was Municipal Maintenance Equipment, Sacramento, CA, and

WHEREAS, Municipal Maintenance Equipment was awarded the City and County of San Francisco bid and is extending the same bid pricing to the City of Modesto, and

WHEREAS, there are no local vendors for this type of equipment and to take advantage of this process and award by “piggybacking off the competitive bid process” is an efficient and effective way to purchase these Vac-Con combination sewer and storm drain cleaner trucks, by saving the time and expense to the City to formally solicit RFB’s, and

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

WHEREAS, 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. There are no local vendors can supply this type of equipment. The purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks, by “piggybacking off a competitive bid process” of the City and County of San Francisco contract with Municipal
Maintenance Equipment, Sacramento, CA, will conform to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds are budgeted in Fiscal year 2012-13 in the following Fleet Equipment replacement account: 5410-53241-57003.

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) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Sections through the Public Works Department, Fleet Services Division, by “piggybacking off a competitive bid process” with the City and County of San Francisco through Municipal Maintenance Equipment, Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $786,392.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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
A RESOLUTION RESCINDING MODESTO CITY COUNCIL RESOLUTION NO. 2011-470 FOR THE AWARD OF CONTRACT FOR THE SOLE BRAND PROCUREMENT, DESIGN AND INSTALLATION OF A LIEBERT UNINTERRUPTIBLE POWER SUPPLY SYSTEM FOR THE MODESTO POLICE DEPARTMENT BY ACCESSING THE TERMS OF THE WESTERN STATE CONTRACT ALLIANCE CONTRACT #B27164 TO NWN CORPORATION, SACRAMENTO, CA

WHEREAS, the City Council, by Resolution No. 2011-470, approved the sole brand procurement design and installation of a Liebert Uninterruptible Power Supply System for the Modesto Police Department by accessing the terms of the Western State Contract Alliance Contract #B27164 to NWN Corporation, Sacramento, CA for an estimated cost of $119,800, and

WHEREAS, NWN Corporation could not meet the licensing requirements set by the California State Contractors Board to perform the installation of the UPS, and

WHEREAS, The City of Modesto cannot enter into an agreement with NWN Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2011-470, effective upon adoption of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of December, 2012, 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: 

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE AVOID THE TWELVE GRANT FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY, IN THE AMOUNT NOT TO EXCEED $35,000, TO REDUCE ALCOHOL RELATED FATAL AND INJURY TRAFFIC COLLISIONS IN STANISLAUS COUNTY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, The City of Modesto Police Department desires to undertake a certain project designated as Avoid the Twelve from the State of California Office of Traffic Safety (OTS), and

WHEREAS, the goal of the grant in the amount of $109,000 is to reduce alcohol related injuries and death within Stanislaus County and raise the awareness of the general public regarding the problems with drinking and driving, and

WHEREAS, the project was accepted for funding for a period of one year commencing on October 1, 2012 and ending on September 30, 2013, and

WHEREAS, the Ceres Police Department will administer the program, and

WHEREAS, the total amount of reimbursable overtime expenses for the Modesto Police Department for this grant shall not exceed $35,000,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Avoid the Twelve Grant from the State of California Office of Traffic Safety, in the amount not to exceed $35,000.
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 4th day of December, 2012, 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
A RESOLUTION AMENDING THE FISCAL YEAR 2012/13 OPERATING BUDGET ESTIMATING REVENUE AND OFFSETTING EXPENSES NOT TO EXCEED $35,000, FOR THE AVOID THE TWELVE GRANT, TO REDUCE ALCOHOL RELATED FATAL AND INJURY TRAFFIC COLLISIONS IN STANISLAUS COUNTY; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto Police Department, in partnership with Ceres, Turlock, Oakdale, Newman, Stanislaus County Probation Department, Sheriff’s Office, and the California State University Police, will unite in “Avoid the Twelve” to reduce alcohol related fatal and injury traffic collisions in Stanislaus County, and

WHEREAS, the Ceres Police Department will have a Project Manager who will oversee administration and implementation of this county-wide program, and

WHEREAS, the City of Ceres Police Department will administer the reimbursement of the various law enforcement agencies that participate in the project, and

WHEREAS, the grant will commence on October 1, 2012 and end on September 30, 2013, and

WHEREAS, the City of Modesto Police Department shall be compensated in an amount not to exceed $35,000 for overtime on this program, and

WHEREAS, there is no local match required for this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2012/2013 Operating Budget estimating revenue and offsetting expenses not to exceed $35,000, for the Avoid the Twelve Grant is hereby as indicated on 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 4th day of December, 2012, 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:  SUSANA ALCALA WOOD, City Attorney

ATTEST:  [Signature]

[SEAL]

STEPHANIE LOPEZ, City Clerk

12/04/2012/MPD/SBlom/Item 13  2  2012-491
Exhibit A

The Avoid the Twelve grant allocation for Fiscal Year 2012/2013 will be applied to:

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-1341-19999-42199-100731</td>
<td>$ 35,000</td>
<td>State – Miscellaneous Grants</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>$ 35,000</td>
<td></td>
</tr>
</tbody>
</table>

Expenses:

<table>
<thead>
<tr>
<th>Expenses:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-100731- Appr Unit A</td>
<td>$ 35,000</td>
<td>Overtime</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$35,000</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION ACCEPTING AN AWARD IN THE AMOUNT OF $5,884, FROM THE U.S. DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP PROGRAM FOR ARMOR VESTS

WHEREAS, on May 23, 2012, City staff submitted an application to the U.S. Department of Justice (DOJ) for award funding as part of the Bulletproof Vest Partnership (BVP) Program, and

WHEREAS, on October 16, 2012, staff received notification of award funding approval in the amount of $5,884, and

WHEREAS, through the BVP Program federal award funds were made available for the purchase of armor vests for law enforcement officers, and

WHEREAS, the BVP Program pays up to 50% of the cost of vests purchased and requires that each applicant jurisdiction be responsible for matching the cost of each qualifying vest purchased, and

WHEREAS, the reimbursable program term is April 1, 2012 through August 31, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an award in the amount of $5,884 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests.

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 4\textsuperscript{th} day of December, 2012, 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:

<table>
<thead>
<tr>
<th>AYES: Councilmembers:</th>
<th>Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOES: Councilmembers:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT: Councilmembers:</td>
<td>None</td>
</tr>
</tbody>
</table>

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA-WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2012/13 MULTI-YEAR OPERATING BUDGET TO ESTIMATE REVENUE OF $5,884 FROM THE U.S. DEPARTMENT OF JUSTICE, BULLETPROOF VEST PARTNERSHIP PROGRAM, AND APPROPRIATE FUNDS FOR THE PURCHASE OF BULLETPROOF VESTS

WHEREAS, the City of Modesto Police Department was awarded funding in the amount of $5,884 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and

WHEREAS, the funds were made available for the purchase of armor vests for law enforcement officers, and

WHEREAS, the program pays up to 50% of the cost of vests purchased, and requires that each applicant jurisdiction be responsible for matching the cost of each qualifying vest purchased, and

WHEREAS, the Council of the City of Modesto authorized the City Manager, or his designee, to accept the Bulletproof Vest Partnership program funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2012/13 Multi-Year Operating Budget is hereby amended as shown in Exhibit A attached.

BE IT FURTHER RESOLVED that the Finance Director, 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 4th day of December, 2012, 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
Exhibit A

The Bulletproof Vest allocation for Fiscal Year 2012/2013 will be applied to:

<table>
<thead>
<tr>
<th>Reduction of existing General Fund MPD Budget</th>
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<tbody>
<tr>
<td>Current Budget</td>
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<tr>
<td>13-0100-19420-52038</td>
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<table>
<thead>
<tr>
<th>Establish transfer from General Fund to Grant Fund 1341 for the City’s match contribution</th>
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<tbody>
<tr>
<td>From: 13-0100-70100-71341</td>
</tr>
<tr>
<td>To: 13-1341-19999-60100-100730</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Budget</td>
</tr>
<tr>
<td>13-1341-19999-42090-100730</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Expense Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Budget</td>
</tr>
<tr>
<td>MY-100730-Appr Unit C</td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING SUBMITTAL OF APPLICATION TO THE ANTI-DRUG ABUSE (ADA) ENFORCEMENT PROGRAM GRANT FROM THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC), IN THE AMOUNT OF $251,372, FOR THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA), TO COMBAT MAJOR DRUG TRAFFICKING AND MANUFACTURING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS AND ENTER INTO AN AGREEMENT TO RECEIVE THE GRANT FUNDS (IF AWARDED)

WHEREAS, the Modesto Police Department is requesting approval to submit an application on behalf of the allotted funding for Stanislaus County from the Board of State and Community Corrections (BSCC) for the Stanislaus Anti-Drug Abuse Enforcement Program, and

WHEREAS, in California, these programs fall under the ADA Enforcement Team Program and are funded by the Edward Byrne Memorial Justice Assistance Grant (JAG), 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 funding will allow the task force to work on special operations, service of warrants, arrests and seizure of drugs and assets, conduct probation searches, prosecute and convict arrestees, and major methamphetamine manufacturers and distributors, 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, and

WHEREAS, federal grant funds received hereunder shall not be used to supplant expenditures, and

WHEREAS, the term of this program grant is October 1, 2012 through September 30, 2013, and

WHEREAS, partnering entities agree to abide by the statues and regulations governing the federal Justice Assistance Grant Program as well as the terms and conditions of the Grant Agreement as set forth by the BSCC,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of application to the Anti-Drug Abuse (ADA) Enforcement Team Program Grant from the Board of State and Community Corrections (BSCC), in the amount of $251,372 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, and enter into an agreement to receive the grant funds and any extensions (if awarded).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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 REJECTING ALL QUOTATIONS FOR THE PURCHASE AND INSTALLATION OF SYNTHETIC TURF AT MARY E. GROGAN COMMUNITY PARK, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT

WHEREAS, the quotations received for the purchase and installation of synthetic turf at the Mary E. Grogan Community Park were received and opened on October 15, 2012, and

WHEREAS, City staff have reviewed and evaluated all quotations and specifications submitted and has determined it is in the best interest of the City to recommend that all quotations be rejected, and

WHEREAS, City staff will revise and broaden the technical specifications of the Request for Quotations (RFQ) so that manufacturers can submit qualified quotes, and

WHEREAS, City staff recommends re-advertising the project for the purchase and installation of synthetic turf at Mary E. Grogan Community Park with revisions to the project technical specifications,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all quotations received for the purchase and installation of synthetic turf at Mary E. Grogan Community Park opened on October 15, 2012.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for the purchase and installation of synthetic turf at Mary E. Grogan Community Park with revisions to the project technical specifications.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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

(SEAL)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED OCTOBER 2012 FOR THE DEL RIO TANK, PUMP STATION, AND NEW WELL PROJECT AS COMPLETE

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, a hydraulic assessment of this system was performed in order to evaluate the system’s ability to meet the community’s current and build-out demands, and

WHEREAS, this assessment identified the need to construct a new 1,000 gallon per minute domestic well, 250,000 gallon storage tank, and one million gallon per day booster pump station in order to correct existing deficiencies in the system, and

WHEREAS, the City is currently obligated to provide these improvements by July 15, 2013 in accordance with the terms of a Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, delays resulting from a change in the final project site have precluded meeting the original deadline; however, staff is moving forward with delivery of these improvements as soon as possible, and

WHEREAS, staff is also currently working with the Del Rio Community Association to extend the deadline, and

WHEREAS, given the unique and specialized expertise required for design of tanks and pump stations, staff determined a consultant would be necessary to provide design services for this project, and

RESOLVED, that the preliminary design report dated October 2012 for the Del Rio Tank, Pump Station, and New Well Project is accepted as complete.

This resolution was rescinded by Modesto City Council Resolution No. 2013-496.
WHEREAS, the scope of the consultant’s work would first be the preparation of a 35% Preliminary Design Report (PDR), and

WHEREAS, in accordance with the Public Works Department’s Major Scope Policy approved on September 26, 2006, all projects exceeding $1,000,000 are required to be presented at Council at the 35% PDR report stage, and

WHEREAS, upon acceptance of the report by City Council, it is intended to execute a separate consultant agreement for preparation of final design documents, as well as bidding and construction phase services, and

WHEREAS, on June 12, 2012, by Resolution No. 2012-242, Council approved an agreement with NorthStar Engineering Group, Inc. (NorthStar) to complete the 35% design services for the Del Rio Tank, Pump Station and New Well project and summarize the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, since that time, NorthStar has successfully completed the 35% PDR, and staff now recommends acceptance of the 35% PDR by City Council, and

WHEREAS, this report will serve as the basis for the final design of the Del Rio Tank, Pump Station, and New Well project, and

WHEREAS, staff has determined the design presented in the 35% PDR for the Del Rio Tank, Pump Station and New Well project meets the City’s operational needs, and staff recommends acceptance of the project 35% PDR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated October 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 4th day of December, 2012, 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

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

(SEAL)

ATTEST:  

Stephanie Lopez, City Clerk
RESOLUTION APPROVING AN AGREEMENT WITH NORTHSTAR ENGINEERING GROUP, INC. FOR FINAL DESIGN SERVICES FOR DEL RIO TANK, PUMP STATION, AND NEW WELL PROJECT IN AN AMOUNT NOT TO EXCEED $350,391.97 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $35,039.00 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $385,430.97, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, a hydraulic assessment of this system was performed in order to evaluate the system's ability to meet the community's current and build-out demands, and

WHEREAS, this assessment identified the need to construct a new 1,000 gallon per minute domestic well, 250,000 gallon storage tank, and one million gallon per day booster pump station in order to correct existing deficiencies in the system, and

WHEREAS, in addition, the City is obligated to provide these improvements by July 15, 2013 in accordance with the terms of a Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, staff is currently working with the Del Rio Community Association to extend this deadline, but it is intended to move forward with delivery of these improvements as soon as possible, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, approval was granted by the Director of Utility Planning
and Projects to issue a combined Request for Qualifications and Request for Proposal (RFQ/RFP), and

WHEREAS, the RFQ/RFP was mailed to a list of 111 civil engineering firms for preparation of a 35% PDR for the Del Rio Tank, Pump Station and New Well project, and

WHEREAS, the RFQ/RFP specifically indicated that the City intended to execute an agreement for final design services with the selected consultant upon successful completion of the 35% PDR, and

WHEREAS, NorthStar Engineering Group, Inc. (NorthStar), a local firm, was determined to be the top-ranked consultant through the review and ranking process of the submitted proposals, and

WHEREAS, NorthStar’s scope of work under the proposed final design services agreement includes preparation of biddable construction documents based on the design presented in the 35% PDR, and

WHEREAS, in addition, NorthStar will provide engineering support during the bidding and construction phases of the project, and

WHEREAS, staff has thoroughly reviewed the proposed scope of work, and has determined it to be comprehensive and appropriate for the engineering needs of the project, and

WHEREAS, the proposed fee has also been thoroughly reviewed and negotiated, and represents a 13.3% reduction from Northstar’s originally proposed cost, and
WHEREAS, in addition, NorthStar has agreed to utilize its same hourly rates
from the existing 35% PDR agreement, and these rates have been utilized for previous
City projects since 2009, and

WHEREAS, on June 12, 2012, by Resolution No. 2012-242, Council approved an
agreement with NorthStar to complete the 35% design services for the Del Rio Tank,
Pump Station and New Well project and summarize the project scope and cost estimates
in a PDR, and

WHEREAS, NorthStar has provided excellent quality service to date through
preparation of the 35% PDR, and

WHEREAS, the proposed scope of work for the final design services agreement
is comprehensive, and the negotiated fee is reasonable, and

WHEREAS, therefore, staff recommends approval of an agreement for final
design services in accordance with the original RFQ/RFP, and

WHEREAS, City staff recommends approving an Agreement with NorthStar as
the City does not have the staffing level or subject matter expertise to complete the Final
Design Services for the Del Rio Tank, Pump Station and New Well 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 NorthStar Engineering Group, Inc. for final
design services for the Del Rio Tank, Pump Station and New Well project in an amount
not to exceed $350,391.97 for the identified scope of services, plus $35,039.00 for
additional services (if needed), for a maximum total amount of $385,430.97.
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 4th day of December, 2012, 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 APPROVING A PREQUALIFIED CONSULTANT LIST CONSISTING OF HARRIS AND ASSOCIATES AND HF&H CONSULTANTS, LLC TO PROVIDE PROPOSITION 218 COMPLIANCE SERVICES FOR A PERIOD NOT TO EXCEED THREE YEARS

WHEREAS, the City of Modesto has adopted programs to construct substantial improvements and repairs to our water, wastewater, and storm drain systems to address the challenges of population growth and limitations on conveyance and disposal, to meet expected, new, more restrictive permit conditions, and to improve reliability, and

WHEREAS, in order to fund these improvements and normal operating costs, it may be necessary to increase rates and connection fees in the future, and a mandatory component of this process is Proposition 218 compliance, and

WHEREAS, in order to take the first step in establishing a prequalified list of consultants to provide Proposition 218 compliance services, a Request for Qualifications (RFQ) was issued, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants, City staff solicited and formally advertised an RFQ to 177, including 16 local engineering and/or financial consulting firms, and

WHEREAS, due to the specialized nature of this service, staff received only two Statement of Qualifications (no local firms), and

WHEREAS, after review by staff from the Utility Planning and Projects and Finance Departments, the following two firms were selected:

- Harris and Associates
- HF&H Consultants, LLC,
WHEREAS, this prequalified list will be active for three years from the date of Council approval, at which time the City may decide to extend the list, and

WHEREAS, Request for Proposals will be issued to all firms on the prequalified list. Firms will then be selected based on an evaluation and ranking of all submitted proposals in accordance with City of Modesto policies, and

WHEREAS, the City will select a professional services firm that the City believes will best fit the needs and circumstances of each study, and

WHEREAS, the City retains the right to recruit consultants for individual projects and not be restricted to only using the approved list, and

WHEREAS, it is intended that the staff will request proposals and negotiate a scope of work and agreement with the most qualified consultant before recruiting consultants that are not on the prequalified list, and

WHEREAS, the City will also select additional project teams, including financial advisors, and if required, consulting engineers, as needed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a prequalified consultant list consisting of Harris and Associates and HF&H Consultants, LLC to provide Proposition 218 compliance services for a period not to exceed three years.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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

(Seal)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE REVISED PLANS AND SPECIFICATIONS FOR THE MODESTO WEST BASIN IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH HOBBS CONSTRUCTION INC. OF CLOVIS, CALIFORNIA IN THE AMOUNT OF $392,358.30, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, revised plans and specifications have been prepared for the Modesto West Basin Improvements project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Modesto West Basin Improvements project were opened at 11:00 a.m. on November 13, 2012, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning & Projects has recommended that the bid of $392,358.30, received from Hobbs Construction Inc. of Clovis, California, be accepted as the lowest responsive and responsible bid and the contract be awarded to Hobbs Construction Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revised plans and specifications for the Modesto West Basin Improvements project, accepts the bid of Hobbs Construction Inc. of Clovis, California, in the amount of $392,358.30, and awards Hobbs Construction Inc. the contract for the Modesto West Basin Improvements 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 4th day of December, 2012, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-500

RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE
SCOPE OF THE PROJECT COVERED BY THE MODESTO WASTEWATER
MASTER PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR)
(SCH#2006052076): SCENIC LIFT STATION IMPROVEMENTS

WHEREAS, on March 13, 2007, the City Council, by Resolution No. 2007-178
certified the Final Wastewater Master Plan Master Environmental Impact Report (MEIR)
for the City of Modesto Wastewater Master Plan Update (SCH No. 2006052076,
EA/PW2008-03), and

WHEREAS, the City of Modesto intends to rehabilitate and upgrade the Scenic
Lift Station to replace deteriorated pumps, valves, piping, and electrical control gear, and
to eliminate unsafe confined space entry conditions, and

WHEREAS, the project will also increase pump capacity as well as capacity of
associated pipework in conformance with capacity planned for in the WWMP MEIR, all
within the confines of the existing lift station, and

WHEREAS, associated site work will include construction of ornamental iron
fencing in the front of the site, new curb, gutter, and sidewalk, front landscaping, and
installation of one standard streetlight, and

WHEREAS, the Utility Planning and Projects Department has prepared an Initial
Study, Environmental Assessment No. EA/PW 2008-03 for proposed Scenic Sewer Lift
Station Improvements, and

WHEREAS, pursuant to Section 15162 (a) and 15177 of the CEQA Guidelines,
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
WHEREAS, in accordance with CEQA guidelines on April 22, 2008, 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 regular meeting on October 23, 2012, 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:

A. The type of Project under consideration is described in the Final Wastewater Master Plan Master Environmental Impact Report (MEIR).

B. All applicable policies, regulations, and mitigation measures identified in the MEIR have been applied to the project or otherwise made conditions of approval of the project.

C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR. It has been determined that the project is within the scope of the MEIR (SCH No. 2006052076), which analyzed the potential impacts of build out of the Wastewater Master Plan MEIR.

D. Based on the Initial Study, the City of Modesto finds and determines:

1) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR;
2) No new or additional mitigation measures or alternatives are required.
E. The Initial Study, Environmental Assessment No. EA/PW 2008-03, provides the substantial evidence to support findings A through D, above.

F. The criteria for currency of the Master EIR were reviewed and it was determined that the Master EIR is current for all areas of the Initial Study.

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 4th day of December, 2012, 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: SUSANA ALCALA WOOD, City Attorney
Exhibit "A"

INITIAL STUDY
EA/PW 2008-03
City of Modesto

Finding of Conformance to Wastewater Master Plan Update Master EIR

Initial Study Environmental Checklist
PW No. 2008-03

For the proposed:
Scenic Lift Station Improvements

Prepared by:
City of Modesto
Public Works Department
Capital Improvement Services/Engineering Design Division

April, 2008
City of Modesto
Wastewater 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 EIR. This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether a subsequent project is “within the scope” of the project analyzed in the Modesto Wastewater Master Plan Master EIR (SCH# 2006052076) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is “within the scope” of the 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))

The determination must be based on substantial evidence in the record. “Substantial evidence” means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City’s Wastewater Master Plan MEIR (SCH# 2006052076) was also consulted which lists mitigation measures for each area of environmental study.

II. PROJECT DESCRIPTION

A. Title: Scenic Lift Station Improvements

B. Address or Location:

Applicant: Capital Improvement Services Division
Public Works Department
1010 Tenth Street
P. O. Box 642
Modesto, CA 95353

D. City Contact Person: Rich Ulm, Deputy Director/William Wong, Senior Civil Engineer

Project Manager: William Wong, Senior Civil Engineer
Department: Public Works Department
Phone Number: (209) 571-5801

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR 2 Initial Study
EA PW-2008-03
April 2008
E-mail address: wwong@modestogov.com

E. Current General Plan Designation(s): Residential

F. Current Zoning Classification(s): R-1

G. Surrounding Land Uses: North: Dry Creek, single family residential
   South and East: Dry Creek channel with Creekside Golf Course beyond
   West: Residence

H. Project Description (Attach additional maps/support materials as needed for complete record):

   The purpose of the project is to rehabilitate and upgrade the Scenic Lift Station to replace deteriorated pumps, valves, piping, and electrical control gear, and to eliminate unsafe confined space entry conditions. The project will also increase pump capacity as well as capacity of associated pipework in conformance with capacity planned for in the WWMP MEIR, all within the confines of the existing lift station. Associated site work will include construction of ornamental iron fencing in the front of the site, new curb, gutter, and sidewalk, front landscaping, and installation of one standard streetlight.

I. Other Public Agencies Whose Approval is Required: none
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. X Within the Scope - The project is within the scope of the Wastewater Master Plan Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

A. The type of project is described in Chapter III of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

D. Based on the Initial Study, the City of Modesto finds and determines:
   a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
   b) No new or additional mitigation measures or alternatives are required.

E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

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. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

A. The type of project is described in Chapter III of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the 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 for the project.

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. A Focused EIR will be prepared for the project. The following items are found to be true:

A. The type of project is described in Chapter III of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the 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.

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR

Project Manager

Senior Civil Engineer
Title

Date

Initial Study
EA PW-2008-03
April 2008
4. Within the Scope Analysis of this Document:

The Wastewater Master Plan Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any “No” response must be discussed.

YES NO

(1) The lead agency for subsequent projects is the City of Modesto or a responsible agency identified in the Master EIR.

(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.

(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 Master EIR).

(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.

(5) The project will occur within the boundaries of the planning area as established in the Wastewater Master Plan.

(6) Development within the project will comply with all mitigation measures identified in the Wastewater Master Plan Master EIR.

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 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any no response must be discussed.

YES NO

(1) Certification of the Wastewater Master Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.

(2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings.

(3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.

(4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the Wastewater Master 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 Wastewater Master Plan 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 a notice of conformity after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect buildout of the project as identified in the MEIR.

The Master EIR for the Wastewater Master Plan organizes its analysis of environmental impacts into eleven subject areas plus Effects Found Not to be Significant (and additional five topics). The following analysis is based on the impact analyses contained in Chapter IV of the Master EIR.

1. AESTHETICS (Visual Resources)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. At that level of detail, no significant effects on Visual Resources were identified. This topic is discussed in Chapter 4.1 of the MEIR.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

No mitigation measures for this topic are identified in the MEIR. Any new mitigation to be incorporated into or made conditions of approval of this project is listed in Section V, Mitigation Applied to Project:

c. Project-Specific Effects

Section IV.I of the MEIR provides analysis of Visual Resources impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. A project-specific effect is less than significant unless:

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<td>(1)</td>
<td>The project is inconsistent with the Modesto Wastewater Master Plan.</td>
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<td>The project would have a substantial adverse effect on a scenic vista or scenic resources.</td>
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<td>(3)</td>
<td>The project would substantially degrade the existing visual character or quality of the project site and its surroundings.</td>
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<td>The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.</td>
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Discussion:

(1) The project is specifically provided for in the Modesto Wastewater Master Plan.

(2) The project is rehabilitation of a lift station. The majority of the project is within an existing building. Minor re-landscaping, the installation of a decorative iron fence, and replacement of curb, gutter, and sidewalk are included, but will not result in visible impacts.

(3) The project is rehabilitation of a lift station. The majority of the project is within an existing building. Minor re-landscaping, the installation of a decorative iron fence, and replacement of curb, gutter, and sidewalk are included, but will not result in visible impacts.

(4) A single new standard street light will be installed oriented toward the street frontage. No lighting impacts will occur.

2. AGRICULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.B of the MEIR.

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: 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).

Effect: Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of Prime Farmland (Significant and Unavoidable).

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages IV.B.8 and IV.B.11 of the MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
The project is inconsistent with the Modesto Urban Area General Plan and/or the Modesto Wastewater Master Plan.

The project will directly result in the development of land outside the Modesto Urban Area General Plan planning area boundaries.

The project will conflict with existing zoning for agricultural use, or a Williamson Act contract.

The project will involve other changes in the existing environment which, due to their location or nature, could result in additional conversion of Farmland to non-agricultural use.

Discussion:

The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.

The project is rehabilitation of an existing lift station, with no direct development of additional land.

The project is rehabilitation of a lift station, on a site not zoned for agricultural use.

The project is rehabilitation of a lift station, as provided for in the Modesto Wastewater Master Plan.

3. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.G of the MEIR.

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: 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).

Effect: Emissions of criteria pollutants during the operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region (Significant and Unavoidable).

Effect: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Modesto Urban Area General Plan (Significant and Unavoidable).

Effect: The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment (Significant and Unavoidable).
b. Master EIR and/or New Mitigation Measures Applied to the Project

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages IV.G.16 through IV.G.28 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

Mitigation Measure G.1 in the MEIR shall be made a part of the proposed project to reduce the impacts of construction related PM$_{10}$ and impacts of ozone precursors from construction equipment exhaust to the extent possible.

c. Project-Specific Effects

Section IV.G of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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Discussion:

(1) Best management practices for air pollutant reduction established by the SJVUAPCD will be incorporated into the construction of the project.

(2) The project is rehabilitation of an existing lift station, and will not increase air pollutant emissions when in operation.

(3) The project is rehabilitation of an existing lift station, and will not increase air pollutant emissions when in operation.

(4) The project is rehabilitation of an existing lift station, and will not increase air pollutant emissions when in operation.

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR

Initial Study
EA PW-2008-03
April 2008
4. BIOLOGICAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.E of the MEIR.

The Master EIR identified the following significant environmental impacts relative to Biological Resources.

**Effect:** 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).

**Effect:** Construction of project facilities could cause loss of occupied Burrowing Owl habitat (Less than Significant with Mitigation).

**Effect:** Construction of project facilities could cause disturbance of nesting raptors (Less than Significant with Mitigation).

**Effect:** Construction of 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).

**Effect:** 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).

**Effect:** Construction during the Swainson’s Hawk breeding season could result in the accidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment (Less than Significant with Mitigation).

**Effect:** Construction of improvements to the Secondary Plant may cause impacts to regulated habitats (Less than Significant with Mitigation).

**Effect:** 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).

**Effect:** 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

Biological Resources mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.E.25 through IV.E.37. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.E of the MEIR provides analysis of Biological Resources impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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1. The project is inconsistent with the Modesto Wastewater Master Plan.
2. Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.
3. The project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Discussion:

1. The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.
2. The project is rehabilitation of an existing lift station, and will not have any new effects on wildlife. All work will be confined to already-developed portions of the site.
3. The project is rehabilitation of an existing lift station. No local policies or ordinances will be affected.

5. CULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (pp. IV.L.10-13) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Cultural Resources.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Cultural Resources mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.L (pp. IV.L.10-12) of the MEIR provides analysis of Cultural Resources impacts of development of the Wastewater Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Wastewater Master Plan.
2. The project would adversely affect a cultural (historical or archaeological) resource pursuant to § 15064.5.
3. The project would directly or indirectly destroy a unique paleontological resource or site, or disturb any human remains, including those interred outside of formal cemeteries.

Discussion:

1. The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.
2. The project is rehabilitation of an existing lift station, and will not have any new effects on cultural resources.
3. The project is rehabilitation of an existing lift station, and will not have any new effects on paleontological resources or human remains.

6. GEOLOGY AND SOILS

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L of the MEIR.

The Master EIR identified no significant environmental impacts relative to Geology and Soils.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Geology and Soils mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.L (pp. IV.L.7-9) of the MEIR provides analysis of Cultural Resources impacts of development of the Wastewater Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

\[
\begin{align*}
(1) & \quad \text{The project is inconsistent with the Modesto Wastewater Master Plan.} & \quad \text{YES} & \quad \text{NO} \\
(2) & \quad \text{The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.} & \quad \text{YES} & \quad \text{NO}
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Discussion:

1. The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.
2. The project is rehabilitation of an existing lift station, and will not have any new effects in relation to unstable soils.

7. HAZARDS AND HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.J and IV.K of the MEIR.

The Master EIR identified no significant environmental impacts relative to hazardous materials.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazard and Hazardous Materials mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.K.11 through IV.K.15. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.J and IV.K of the MEIR provides analysis of hazardous materials and contaminated soils and Demolition impacts of development of the Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Wastewater Master Plan.
2. The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.
3. The project contains a contaminated site not identified as of December 2006.
4. The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
5. The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

Discussion:

1. The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.
2. The project is rehabilitation of an existing lift station. Diesel fuel will continue to be properly stored/used in conformance with all applicable regulations on-site in conjunction with the back-up generator; no change is contemplated in this activity.
3. The project is rehabilitation of an existing lift station, with no impact on contaminated sites.
4. The project is rehabilitation of an existing lift station. Diesel fuel will continue to be properly stored/used in conformance with all applicable regulations on-site in conjunction with the back-up generator; no change is contemplated in this activity.
5. The project is rehabilitation of an existing lift station, with no impact on contaminated sites.

8. HYDROLOGY AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.D of the MEIR

The Master EIR identified the following significant environmental impacts relative to Hydrology and Water Quality:

Effect: 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).

Effect: Elimination of the cross-connections between the stormwater drainage system and the wastewater collection system could result in localized flooding (Less than Significant with Mitigation).
Effect: Implementation of the proposed project at a rate that does not match projected growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system (Significant and Unavoidable).

Effect: Implementation of the proposed project may result in operation-period surface water degradation due to pollutant loading associated with treated wastewater discharges (Significant and Unavoidable).

Effect: Implementation of the proposed project may result in operation-period surface water degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area (Significant).

Effect: 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).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hydrology and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.D.26 through IV.D.41 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

Mitigation Measure D.1 in the MEIR shall be made a part of the proposed project to reduce the impacts to surface water quality through the construction period.

c. Project-Specific Effects

Section IV.D of the MEIR provides analysis of Hydrology and Water Quality impacts of development of the Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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- YES: The project is inconsistent with the Modesto Wastewater Master Plan.
- NO: The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.
- YES: The project does not comply with Modesto’s Guidance Manual for New Development Storm water Quality Control Measures.
- NO: The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
Discussion:

(1) The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.

(2) Construction of the project will comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act as applicable.

(3) Construction of the project will comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.

(4) The project is rehabilitation of an existing lift station. No additional runoff will be created.

9. LAND USE AND PLANNING (Land Use, Plans, and Policies)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.A of the MEIR.

The Master EIR identified no significant environmental impacts relative to Land Use and Planning.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Land Use and Planning mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>Effect</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan or any applicable Specific Plan.</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>(2) The project includes a substantive amendment to the Modesto Urban Area General Plan or any Specific Plan.</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(3) The project would physically divide an established community</td>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.

(2) The Project involves no amendment to any Plan.

(3) The project is rehabilitation of an existing lift station, and will not physically divide an established community.
10. MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L. (p. IV.L.8) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Land Use and Planning.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No mineral resources mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:
No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

1. The project is inconsistent with the Modesto Wastewater Master Plan.

2. The project would result in the loss of availability of a known mineral resource, either locally important or of regional/statewide significance.

Discussion:
(1) The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan.
(2) The project is rehabilitation of an existing lift station, and will have no effect on the availability of any mineral resource.

11. NOISE

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.H of the MEIR.

The Master EIR identified the following significant environmental impacts relative to Noise:

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR 17

Initial Study
EA PW-2008-03
April 2008
Effect: 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).

Effect: 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/or Stanislaus County, or the noise performance standards set by the City and County (Significant and Unavoidable).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.H.9 through IV.H.13 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

Mitigation Measure H.1 in the MEIR shall be made a part of the proposed project to reduce noise impacts to sensitive receptors through the construction period.

c. Project-Specific Effects

Section IV.H of the MEIR provides analysis of noise impacts of development of the Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

YES NO

(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance. ☒ ☐

(2) The project will exceed the noise policies of the Modesto Urban Area General Plan. ☒ ☐

(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ☒ ☐

(4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. ☒ ☐

Discussion:

(1) The project is rehabilitation of an existing lift station. During the construction phase, construction activities will be subject to the provisions of the Modesto noise ordinance.

(2) The project is rehabilitation of an existing lift station. During the construction phase, construction activities will be subject to the provisions of the Modesto Urban Area General Plan.

(3) The project is rehabilitation of an existing lift station and will not result in any permanent increase in ambient noise levels.
(4) The project is rehabilitation of an existing lift station. During the construction phase, construction activities will be subject to the provisions of the Modesto noise ordinance and the project will not result in substantial temporary increase in ambient noise levels.

12. POPULATION AND HOUSING

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.13) of the MEIR.

The Master EIR identified no significant environmental impacts relative to population and Housing.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Population and Housing mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan.

13. COMMUNITY SERVICES: PARKS, SCHOOLS, POLICE, AND FIRE

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.C and IV.L (p. IV.L.1-5) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Community Services.
b. Master EIR and/or New Mitigation Measures Applied to the Project

No Community Services mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

YES NO

(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.

Discussion:

(1) The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan.

14. TRANSPORTATION/TRAFFIC (Transportation)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.F of the MEIR.

The Master EIR identified the following significant and unavoidable traffic impacts:

Effect: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Modesto Urban Area General Plan (Significant and Unavoidable).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages IV.F.12. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.F of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent project will have a new significant effect on the environment if it would exceed the following criteria:

(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.

(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

(3) Result in inadequate emergency access.

Discussion:

(1) The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan.

(2) The project is rehabilitation of an existing lift station, and will have no effect on traffic design.

(3) The project is rehabilitation of an existing lift station, and will have no effect on emergency access.

15. UTILITIES AND SERVICES SYSTEMS: WATER SUPPLY, SANITARY SEWER, STORM DRAINAGE, SOLID WASTE, ENERGY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.5, 9-10) of the MEIR

The Master EIR identified no significant environmental impacts relative to Community Services.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Community Services mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.

Discussion:

(1) The project is rehabilitation of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan.

V. MITIGATION MEASURES APPLIED TO THE 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 CEQA Section 21157.1(c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted Master EIR Mitigation Measures shall be made part of the 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 specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study.

No new or additional mitigation measures are required for this project. The following measures from the Wastewater Master Plan Master EIR shall be applied to the project:

Aesthetics/Visual Resources Measures:

None.

Agricultural Resources Measures:

None.

Air Quality Measures:

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR

Initial Study
EA PW-2008-03
April 2008
Biological Resources Measures:
None.

Cultural Resources Measures:
None.

Geology and Soils Measures:
None.

Hazard and Hazardous Materials Measures:
None.

Hydrology and Water Quality Measures:
Wastewater Master Plan EIR Mitigation Measure D.1

Land Use and Planning Measures:
None.

Mineral Resources Measures:
None.

Noise Measures:
Wastewater Master Plan EIR Mitigation Measure H.1

Community Services Measures:
None.

Transportation/Traffic Measures:
None.

Utility and Service System Measures:
None.
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SCENIC SEWER LIFT STATION, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH W.M. LYLES CO. OF FRESNO, CALIFORNIA IN THE AMOUNT OF $1,575,344.20, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Scenic Sewer Lift Station, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Scenic Sewer Lift Station were opened at 11:00 a.m. on October 2, 2012, 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 $1,575,344.20 received from W.M. Lyles Co. of Fresno, California be accepted as the lowest responsible 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 Scenic Sewer Lift Station, accepts the bid of W.M. Lyles Co. of Fresno, California in the amount of $1,575,344.20, and awards W.M. Lyles Co. the contract for the Scenic Sewer Lift Station.

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 4th day of December, 2012, 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

(SIGNATURE)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

(SEAL)

ATTEST: STEPHANIE LOPEZ, City Clerk

2012-501
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-502

RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDERS UP TO 10% OF THE ORIGINAL CONTRACT PRICE WITH W.M. LYLES CO.

WHEREAS, the bids received for the Scenic Sewer Lift Station were opened at 11:00 a.m. on October 2, 2012, 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 $1,575,344.20 received from W.M. Lyles Co. of Fresno, California be accepted as the lowest responsible bid and the contract for Scenic Sewer Lift Station be awarded to W.M. Lyles Co.,

WHEREAS, the Scenic Lift Station, located at 2812 Scenic Bend, pumps wastewater under Dry Creek to the gravity pipeline near Lincoln Avenue, and

WHEREAS, the lift station was last upgraded in 1986, and

WHEREAS, the tributary area of the station includes Village I and the proposed Tivoli development, and

WHEREAS, as these developments build-out, the increased sewage flow will make the need for this lift station more critical, while it becomes less reliable with age, and

WHEREAS, the cost for possible change orders during construction is estimated to be $157,535 (10%), an amount which exceeds the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994,
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the issuance of change orders up to 10% of the original contract price with W.M. Lyles Co.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $511,732 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE SCENIC SEWER LIFT STATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $511,732, in order to fund construction, contingency, construction administration, and design support during construction for the Scenic Sewer Lift Station project, and

WHEREAS, the Fiscal Year 2012-2013 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 2012-2013 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 4th day of December, 2012, 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: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
Exhibit A

Due to the increase of estimated construction, contingency, construction administration and design support during construction costs for CIP Account #100537 “Scenic Sewer Lift Station”, the total project costs need to be increased by $511,732. This would be done by adjusting Construction by $369,935, Contingency by $36,994, Construction Administration by $93,580 and Engineering/Design/Administration by $11,223.

To fund the above account, $511,732 will be transferred from Wastewater Fund Reserves into CIP Project 100537 for the Scenic Sewer Lift Station project.
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-504

RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2011-2012, 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 northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and

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 2011-2012 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 27, 2012, 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. 2011-105, 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. 2011-105, 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. 2011-105, 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. 2011-105, 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. 2011-105, 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. 2011-105, 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. 2011-105, 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. 2011-105, 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 2011-2012 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 4th day of December, 2012, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ACALA WOOD, City Attorney
City of Modesto Capital Facilities Fees Annual Report
Fiscal Year 2011-12

Prepared By:
Community & Economic Development
Infrastructure Financing Program

October 15, 2012
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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 services provided by a city, affect 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
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
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 2012-13, the CFF Program could have applied an inflationary adjustment of 0.9%. However, due to the continuing economic challenges faced by the City (few anticipated housing starts, continued decrease in housing values and a decrease in construction costs), staff recommended that the inflationary adjustment be frozen as it had been previously done in Fiscal Year 2011-12. On May 1, 2012, the City Council adopted Resolution No. 2012-141 and waived the annual inflationary adjustment for Fiscal Year 2012-13. Table 1 provides the adopted fee schedule for Fiscal Year 2011-12.

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 2011-2012. 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 1.28% between Fiscal Years 2010-11 and 2011-12 while expenditures increased 125.85% over the same time period. Even with the decline in revenue, due to previously accumulated revenues in the Streets and Parks Capital Facilities Fees funds, staff has continued to design and put projects out to
FIVE YEAR REVENUE AND EXPENSE HISTORY (Con’t.)

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, several deferral agreements remain outstanding and are provided 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 three (3) active deferrals in Fiscal Year 2011-2012: Village Corners and Modesto Mufflers (Commercial) and Acme Construction (Industrial Warehouse & Office).

REFUNDS

A total of four (4) CFF refunds were issued in Fiscal Year 2011-2012. These refunds, outlined in Table 8, were for the removal of temporary trailers. The City’s CFF Policies and Procedures (Resolution No. 2008-010) requires CFF to be paid at the time of building permit issuance and later refunded, less the administrative fees, if the temporary trailer is removed within five (5) years.

TRANSFERS

A total of fourteen (14) interfund transfers occurred in Fiscal Year 2011-2012. The transfers included loan payments for the City’s new Financial System, 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 1: Current Fee Schedules Effective July 1, 2011 through June 30, 2012

#### 2011 CFF PROGRAM - Development within City Limits

<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>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>Dwelling Unit</td>
<td>$ 5,268</td>
<td>$ 91</td>
<td>$ 548</td>
<td>$ 852</td>
<td>$ 363</td>
<td>$ 5,193</td>
<td>$ 479</td>
<td>$ 272</td>
<td>$ 14,066</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>Dwelling Unit</td>
<td>4,342</td>
<td>64</td>
<td>722</td>
<td>513</td>
<td>167</td>
<td>3,228</td>
<td>264</td>
<td>146</td>
<td>9,476</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>Dwelling Unit</td>
<td>3,782</td>
<td>34</td>
<td>705</td>
<td>500</td>
<td>164</td>
<td>3,148</td>
<td>288</td>
<td>104</td>
<td>8,726</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Room</td>
<td>3,259</td>
<td>57</td>
<td>194</td>
<td>64</td>
<td></td>
<td></td>
<td>111</td>
<td>82</td>
<td>3,767</td>
</tr>
<tr>
<td>Retail &lt;50,000 SF</td>
<td>1,000 SF</td>
<td>9,423</td>
<td>187</td>
<td>231</td>
<td>76</td>
<td></td>
<td></td>
<td>133</td>
<td>255</td>
<td>10,305</td>
</tr>
<tr>
<td>Retail 50,000-100,000 SF</td>
<td>1,000 SF</td>
<td>7,823</td>
<td>154</td>
<td>231</td>
<td>75</td>
<td></td>
<td></td>
<td>132</td>
<td>212</td>
<td>8,627</td>
</tr>
<tr>
<td>Retail 100,000-300,000 SF</td>
<td>1,000 SF</td>
<td>6,603</td>
<td>130</td>
<td>232</td>
<td>76</td>
<td></td>
<td></td>
<td>133</td>
<td>180</td>
<td>7,354</td>
</tr>
<tr>
<td>Medical Office</td>
<td>1,000 SF</td>
<td>11,903</td>
<td>238</td>
<td>386</td>
<td>126</td>
<td></td>
<td></td>
<td>221</td>
<td>328</td>
<td>13,202</td>
</tr>
<tr>
<td>General Office</td>
<td>1,000 SF</td>
<td>5,760</td>
<td>102</td>
<td>386</td>
<td>126</td>
<td></td>
<td></td>
<td>222</td>
<td>148</td>
<td>6,744</td>
</tr>
<tr>
<td>Hospital</td>
<td>1,000 SF</td>
<td>8,347</td>
<td>147</td>
<td>385</td>
<td>126</td>
<td></td>
<td></td>
<td>222</td>
<td>207</td>
<td>9,434</td>
</tr>
<tr>
<td>Daycare</td>
<td>1,000 SF</td>
<td>4,609</td>
<td>81</td>
<td>386</td>
<td>126</td>
<td></td>
<td></td>
<td>222</td>
<td>120</td>
<td>5,544</td>
</tr>
<tr>
<td>Church</td>
<td>1,000 SF</td>
<td>982</td>
<td>17</td>
<td>391</td>
<td>127</td>
<td></td>
<td></td>
<td>225</td>
<td>34</td>
<td>1,776</td>
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<tr>
<td>Nursing Home</td>
<td>1,000 SF</td>
<td>1,438</td>
<td>25</td>
<td>389</td>
<td>127</td>
<td></td>
<td></td>
<td>224</td>
<td>45</td>
<td>2,248</td>
</tr>
<tr>
<td>Industrial (Manufacturing)</td>
<td>1,000 SF</td>
<td>2,233</td>
<td>39</td>
<td>165</td>
<td>54</td>
<td></td>
<td></td>
<td>95</td>
<td>57</td>
<td>2,643</td>
</tr>
<tr>
<td>Industrial (Warehousing)</td>
<td>1,000 SF</td>
<td>1,566</td>
<td>28</td>
<td>166</td>
<td>54</td>
<td></td>
<td></td>
<td>95</td>
<td>42</td>
<td>1,951</td>
</tr>
</tbody>
</table>

#### 2011 CFF PROGRAM - Development within City's Sphere of Influence

<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>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>Dwelling Unit</td>
<td>$ 6,815</td>
<td>$ 72</td>
<td>$ 1,382</td>
<td>$ 176</td>
<td></td>
<td></td>
<td>$ 176</td>
<td>$ 8,445</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>Dwelling Unit</td>
<td>4,904</td>
<td>52</td>
<td>876</td>
<td>120</td>
<td></td>
<td></td>
<td>95</td>
<td>5,952</td>
<td></td>
</tr>
<tr>
<td>Senior Housing</td>
<td>Dwelling Unit</td>
<td>2,870</td>
<td>31</td>
<td>958</td>
<td>95</td>
<td></td>
<td></td>
<td>51</td>
<td>3,954</td>
<td></td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Room</td>
<td>3,435</td>
<td>36</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>143</td>
<td>10,048</td>
<td></td>
</tr>
<tr>
<td>Retail &lt;50,000 SF</td>
<td>1,000 SF</td>
<td>9,802</td>
<td>103</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>120</td>
<td>8,367</td>
<td></td>
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<tr>
<td>Retail 50,000-100,000 SF</td>
<td>1,000 SF</td>
<td>8,161</td>
<td>86</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>102</td>
<td>7,093</td>
<td></td>
</tr>
<tr>
<td>Retail 100,000-300,000 SF</td>
<td>1,000 SF</td>
<td>6,918</td>
<td>73</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>95</td>
<td>6,627</td>
<td></td>
</tr>
<tr>
<td>Medical Office</td>
<td>1,000 SF</td>
<td>12,463</td>
<td>132</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>183</td>
<td>12,778</td>
<td></td>
</tr>
<tr>
<td>General Office</td>
<td>1,000 SF</td>
<td>6,100</td>
<td>64</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>93</td>
<td>6,257</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>1,000 SF</td>
<td>8,729</td>
<td>92</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>130</td>
<td>8,951</td>
<td></td>
</tr>
<tr>
<td>Daycare</td>
<td>1,000 SF</td>
<td>4,922</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>76</td>
<td>5,050</td>
<td></td>
</tr>
<tr>
<td>Church</td>
<td>1,000 SF</td>
<td>1,178</td>
<td>12</td>
<td></td>
<td></td>
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<td></td>
<td>25</td>
<td>1,215</td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1,000 SF</td>
<td>1,661</td>
<td>17</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>31</td>
<td>1,700</td>
<td></td>
</tr>
<tr>
<td>Industrial (Manufacturing)</td>
<td>1,000 SF</td>
<td>2,374</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>36</td>
<td>2,435</td>
<td></td>
</tr>
<tr>
<td>Industrial (Warehousing)</td>
<td>1,000 SF</td>
<td>1,634</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>27</td>
<td>1,739</td>
<td></td>
</tr>
</tbody>
</table>
Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2012

<table>
<thead>
<tr>
<th></th>
<th>3410 Streets</th>
<th>3420 Public Transp.</th>
<th>3430 Air Quality</th>
<th>3440 Police</th>
<th>3450 Fire</th>
<th>3460 Parks</th>
<th>3470 General Gov't</th>
<th>3480 Admin.</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>REVENUES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant Monies</td>
<td>$1,855,733</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$2,855,733</td>
</tr>
<tr>
<td>Fees Collected</td>
<td>$638,746</td>
<td>$11,694</td>
<td>$13,488</td>
<td>$41,697</td>
<td>$15,859</td>
<td>$128,909</td>
<td>$24,131</td>
<td>$20,558</td>
<td>$895,064</td>
</tr>
<tr>
<td>Interest and Rent</td>
<td>$239,192</td>
<td>$1,053</td>
<td>$2,501</td>
<td>$504</td>
<td>$316</td>
<td>$47,751</td>
<td>$511</td>
<td>$789</td>
<td>$292,615</td>
</tr>
<tr>
<td>Net Change in Fair Value of Investments</td>
<td>$(127,836)</td>
<td>$(606)</td>
<td>$(1,926)</td>
<td>$(559)</td>
<td>$(196)</td>
<td>$(27,128)</td>
<td>$(676)</td>
<td>$(359)</td>
<td>$(159,288)</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>$3,605,834</td>
<td>$12,141</td>
<td>$14,063</td>
<td>$41,642</td>
<td>$15,979</td>
<td>$150,832</td>
<td>$23,946</td>
<td>$20,988</td>
<td>$3,885,424</td>
</tr>
</tbody>
</table>

| EXPENDITURES:       |              |                      |                  |            |          |           |                   |            |         |
| Current:            |              |                      |                  |            |          |           |                   |            |         |
| General Gov't       | $6,540,817   | $ -                  | $ -              | $ -        | $ -      | $ -       | $ -               | $ -        | $6,540,817 |
| Highways & Streets  | $ -          | $ -                  | $ -              | $ -        | $ -      | $ -       | $ -               | $ -        | -       |
| Public Works        | -            | -                    | -                | -          | -        | -         | -                 | -          | -       |
| Parks & Recreation  | -            | -                    | -                | -          | -        | -         | 1,142,808         | -          | -       |
| Public Safety       | -            | -                    | -                | -          | -        | -         | -                 | -          | -       |
| Capital Outlay:     | -            | -                    | -                | -          | -        | -         | -                 | -          | -       |
| TOTAL EXPENDITURES  | $6,540,817   | $ -                  | $ -              | $ -        | $ -      | $ -       | $1,142,808        | $ -        | $7,740,311 |

| EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES | $ (2,934,983) | $12,141 | $14,062 | $41,641 | $15,979 | $(991,076) | $23,947 | $(35,699) | $(3,854,888) |
| OTHER FINANCING SOURCES (USES) | $ - | $ - | $ - | $ - | $ - | $1,160,332 | $ - | $1,160,332 | $ - |
| Transfers In        | - | $ - | - | - | - | $1,160,332 | $ - | $1,160,332 | $ - |
| Transfers Out       | - | - | (1) | (19,784) | (228) | (315,257) | (116,777) | - | (452,047) |
| Sale of Assets      | - | - | - | - | - | - | - | - | - |
| TOTAL OTHER FINANCING SOURCES | $ - | $ - | $ (1) | (19,784) | (228) | 845,075 | (116,777) | $ - | 708,285 |

| EXCESS (DEFICIENCY) OF REVENUES & OTHER USES | $ (2,934,983) | $12,141 | $14,062 | $21,857 | $15,751 | $(146,901) | $(92,830) | $(35,699) | $(3,146,603) |
| FUND BALANCES, July 1 | 27,021,741 | 104,589 | 370,085 | 116,835 | 146,567 | 5,525,941 | 194,210 | 124,853 | 32,401,497 |
| FUND BALANCES, June 30 | 24,086,758 | 116,730 | 384,347 | 138,693 | 1,046,048 | 5,378,040 | 101,300 | 80,184 | 29,234,884 |
### Table 3: Five Year Revenue History

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></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>$6,652,755</td>
<td>$1,894,183</td>
<td>$1,047,367</td>
<td>$561,069</td>
<td>$638,746</td>
<td>$10,794,120</td>
</tr>
<tr>
<td>Grant Monies</td>
<td>$452,710</td>
<td>$1,285,467</td>
<td>$423,473</td>
<td>$2,726,437</td>
<td>$2,855,733</td>
<td>$7,743,820</td>
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<tr>
<td>All Other Revenue Sources</td>
<td>$1,971,665</td>
<td>$1,277,416</td>
<td>$449,573</td>
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<td>$26,275</td>
<td>$8,945</td>
<td>$1,263</td>
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<td>$447</td>
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<td>$100,841</td>
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<td>$33,356</td>
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<tr>
<td>All Other Revenue Sources</td>
<td>$89,232</td>
<td>$31,253</td>
<td>$4,634</td>
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<td>(53)</td>
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<tr>
<td>All Other Revenue Sources</td>
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<td>(28,889)</td>
<td>(28,782)</td>
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<td>120</td>
<td>(87,762)</td>
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<td>$17,658</td>
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<td>$101,06</td>
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<td>(10,904)</td>
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<td>(10,904)</td>
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<td>All Other Revenue Sources</td>
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<td>$92,794</td>
<td>$26,764</td>
<td>$21,923</td>
<td>$752,151</td>
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<td>$400,455</td>
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<td>$137,770</td>
<td>$150,832</td>
<td>$2,214,808</td>
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<td><strong>FUND 3470 - GENERAL GOVT</strong></td>
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<td>Fees Collected</td>
<td>$143,128</td>
<td>$25,477</td>
<td>$20,117</td>
<td>$14,201</td>
<td>$24,113</td>
<td>$227,036</td>
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<tr>
<td>All Other Revenue Sources</td>
<td>$121,343</td>
<td>$42,416</td>
<td>$7,950</td>
<td>$3,521</td>
<td>(165)</td>
<td>$175,065</td>
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<td>$28,067</td>
<td>$17,722</td>
<td>$23,947</td>
<td>$402,101</td>
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<td><strong>FUND 3480 - ADMINISTRATION</strong></td>
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<tr>
<td>Fees Collected</td>
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<td>$32,546</td>
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<td>$20,558</td>
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<tr>
<td>All Other Revenue Sources</td>
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<td>$155,000</td>
<td>$20,987</td>
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<td><strong>TOTAL</strong></td>
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<td>$5,129,280</td>
<td>$2,815,646</td>
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<td>$3,085,424</td>
<td>$26,658,896</td>
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## Table 4: Five Year Expenditure History

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<th></th>
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</thead>
<tbody>
<tr>
<td>Fund 3410 – Streets</td>
<td>$3,634,276</td>
<td>$10,550,642</td>
<td>$7,274,188</td>
<td>$3,204,214</td>
<td>$6,540,817</td>
<td>$31,204,137</td>
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<td>Fund 3420 – Public Transp.</td>
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</tr>
<tr>
<td>Fund 3430 – Air Quality</td>
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<td>-</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Fund 3440 – Police</td>
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<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Fund 3450 – Fire</td>
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<td>-</td>
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<td>Fund 3460 – Parks</td>
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<td>$69,661</td>
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<td>Fund 3480 – Administration</td>
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<td>$195,264</td>
<td>$209,539</td>
<td>$186,170</td>
<td>$56,686</td>
<td>$845,440</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$5,118,900</strong></td>
<td><strong>$10,861,697</strong></td>
<td><strong>$7,854,572</strong></td>
<td><strong>$3,460,046</strong></td>
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Table 5: Five Year Revenue and Expenditure History

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<th>Year</th>
<th>Total Revenues</th>
<th>Fees Collected</th>
<th>Grant Monies</th>
<th>All Other Revenues</th>
<th>Expenditures</th>
<th>Fund Balance, June 30</th>
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</thead>
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<td>2007-2008</td>
<td>$50.0</td>
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<tr>
<td>2008-2009</td>
<td>$45.0</td>
<td></td>
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<tr>
<td>2009-2010</td>
<td>$40.0</td>
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<tr>
<td>2010-2011</td>
<td>$35.0</td>
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<tr>
<td>2011-2012</td>
<td>$30.0</td>
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## Table 6: Single-Family Residential Deferrals

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</thead>
<tbody>
<tr>
<td>Streets</td>
<td>Oakdale Building Partners – 21 Permits</td>
<td>$131,628</td>
<td>$12,824</td>
<td>$18,804</td>
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<tr>
<td></td>
<td>Steve and Darlene Mix – 2 Permits</td>
<td>12,536</td>
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<tr>
<td></td>
<td>Fletcher Organization, Inc. – 6 Permits</td>
<td>37,608</td>
<td>12,536</td>
<td>25,072</td>
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<td><strong>Subtotal</strong></td>
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<td><strong>$137,895</strong></td>
<td><strong>$43,876</strong></td>
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<td>Public Transportation</td>
<td>Oakdale Building Partners – 21 Permits</td>
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<td>1,638</td>
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<td>Steve and Darlene Mix – 2 Permits</td>
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<td>Fletcher Organization, Inc. – 6 Permits</td>
<td>546</td>
<td>182</td>
<td>364</td>
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<td><strong>Subtotal</strong></td>
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<td><strong>$637</strong></td>
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<td>Air Mitigation</td>
<td>Oakdale Building Partners – 21 Permits</td>
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<td>Steve and Darlene Mix – 2 Permits</td>
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<td>1,096</td>
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<td>1,096</td>
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<td>Police</td>
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<td>16,336</td>
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<tr>
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<td>Fletcher Organization, Inc. – 6 Permits</td>
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<td>3,408</td>
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<td>Fire</td>
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<td>6,534</td>
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<tr>
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<td>Fletcher Organization, Inc. – 6 Permits</td>
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<td>Parks</td>
<td>Oakdale Building Partners – 21 Permits</td>
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<tr>
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<tr>
<td></td>
<td>Fletcher Organization, Inc. – 6 Permits</td>
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<td><strong>$309,452</strong></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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<th>Years Remaining</th>
<th>Balance June 30, 2011</th>
<th>Payoffs</th>
<th>Outstanding Balance June 30, 2011</th>
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<tr>
<td>Fund 3410 Streets</td>
<td>Village Corners - 3 Permits</td>
<td>7/9/2010</td>
<td>4/30/2015</td>
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<td>4/30/2013</td>
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<td>9/23/2008</td>
<td>4/30/2018</td>
<td>6</td>
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<td>Village Corners - 3 Permits</td>
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<td>4/30/2015</td>
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<td>4/30/2018</td>
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<td><strong>$608</strong></td>
<td><strong>$3,314</strong></td>
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<td>Fund 3440 Police</td>
<td>Village Corners - 3 Permits</td>
<td>7/9/2010</td>
<td>4/30/2015</td>
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<td>$776</td>
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<td>$561</td>
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<td>4/30/2013</td>
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<td></td>
<td><strong>$12,200</strong></td>
<td><strong>$2,035</strong></td>
<td><strong>$11,167</strong></td>
<td></td>
</tr>
<tr>
<td>Fund 3450 Fire</td>
<td>Village Corners - 3 Permits</td>
<td>7/9/2010</td>
<td>4/30/2015</td>
<td>3</td>
<td>$200</td>
<td>$72</td>
<td>$138</td>
</tr>
<tr>
<td></td>
<td>Modesto Mufflers - 1 Permit</td>
<td>7/1/2008</td>
<td>4/30/2013</td>
<td>1</td>
<td>$195</td>
<td>-</td>
<td>$195</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td><strong>$4,326</strong></td>
<td><strong>$665</strong></td>
<td><strong>$3,659</strong></td>
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</tr>
<tr>
<td></td>
<td>Modesto Mufflers - 1 Permit</td>
<td>7/1/2008</td>
<td>4/30/2013</td>
<td>1</td>
<td>$336</td>
<td>-</td>
<td>$336</td>
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<tr>
<td></td>
<td>Acme Construction - 1 Permit</td>
<td>9/23/2008</td>
<td>4/30/2018</td>
<td>6</td>
<td>$6,812</td>
<td>1,045</td>
<td>5,766</td>
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<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td><strong>$7,595</strong></td>
<td><strong>$1,170</strong></td>
<td><strong>$6,425</strong></td>
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<tr>
<td>Fund 3480 Administration</td>
<td>Village Corners - 3 Permits</td>
<td>7/9/2010</td>
<td>4/30/2015</td>
<td>3</td>
<td>$856</td>
<td>$237</td>
<td>$618</td>
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<tr>
<td></td>
<td>Modesto Mufflers - 1 Permit</td>
<td>7/1/2008</td>
<td>4/30/2013</td>
<td>1</td>
<td>$644</td>
<td>-</td>
<td>$644</td>
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<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td><strong>$5,620</strong></td>
<td><strong>$870</strong></td>
<td><strong>$4,749</strong></td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$251,249</strong></td>
<td><strong>$98,669</strong></td>
<td><strong>$212,378</strong></td>
<td></td>
</tr>
</tbody>
</table>
## Table 8: Refund of Capital Facilities Fees

<table>
<thead>
<tr>
<th>Fund</th>
<th>Date</th>
<th>Applicant</th>
<th>Permit #</th>
<th>Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3410 Streets</td>
<td>April 11, 2012</td>
<td>Gordon Trucking, Inc.</td>
<td>BLD2008-62083</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BLD2008-62084</td>
<td>6,931.90</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BLD2008-62086</td>
<td>14,854.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BLD2008-62087</td>
<td>6,931.90</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
<td>$35,649.70</td>
</tr>
<tr>
<td>Fund 3420 Public Transportation</td>
<td>April 11, 2012</td>
<td>Gordon Trucking, Inc.</td>
<td>BLD2008-62083</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BLD2008-62084</td>
<td>73.24</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BLD2008-62086</td>
<td>156.95</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BLD2008-62087</td>
<td>73.24</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
<td>$376.47</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>$36,026.17</td>
</tr>
</tbody>
</table>
# Table 9: Transfers within Capital Facilities Fees Funds

<table>
<thead>
<tr>
<th>Fund</th>
<th>Transfer Description</th>
<th>Loan Maturity Date</th>
<th>Rate of Interest</th>
<th>Transfer Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 3430 – Air Quality</td>
<td>Transfer out to Fund 5230 – Oracle Payment FY 12</td>
<td>2012</td>
<td>2.5%</td>
<td>$ (1)</td>
</tr>
<tr>
<td>Fund 3440 – Police</td>
<td>Transfer out to Fund 5230 – Oracle Payment FY 12</td>
<td>2012</td>
<td>2.5%</td>
<td>$ (655)</td>
</tr>
<tr>
<td></td>
<td>Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment</td>
<td>2034</td>
<td>Variable Interest</td>
<td>(20,000)</td>
</tr>
<tr>
<td></td>
<td>Transfer in from Fund 5230 – INET Project Refunds</td>
<td></td>
<td></td>
<td>871</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td></td>
<td>$ (19,784)</td>
</tr>
<tr>
<td>Fund 3450 – Fire</td>
<td>Transfer out to Fund 5230 – Oracle Payment FY 12</td>
<td>2012</td>
<td>2.5%</td>
<td>$ (228)</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td></td>
<td>$ (228)</td>
</tr>
<tr>
<td>Fund 3460 – Parks</td>
<td>Transfer in from Fund 3200 – Mary Grogan Park Project for FY 12</td>
<td></td>
<td></td>
<td>$ 416,094</td>
</tr>
<tr>
<td></td>
<td>Transfer in from Fund 3200 – Mary Grogan Park Project Match FY 12</td>
<td></td>
<td></td>
<td>210,747</td>
</tr>
<tr>
<td></td>
<td>Transfer in from Fund 3290 – Mary Grogan Park Project for FY 12</td>
<td></td>
<td></td>
<td>216,991</td>
</tr>
<tr>
<td></td>
<td>Transfer in from Fund 3291 – Mary Grogan Park Project for FY 12</td>
<td></td>
<td></td>
<td>314,500</td>
</tr>
<tr>
<td></td>
<td>Transfer out to Fund 3130 – Park Partners Project 100300</td>
<td></td>
<td></td>
<td>(20,000)</td>
</tr>
<tr>
<td></td>
<td>Transfer out to Fund 3140 – Virginia Corridor Project Match Funding FY 12</td>
<td></td>
<td></td>
<td>(295,257)</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td></td>
<td>$ 845,075</td>
</tr>
<tr>
<td>Fund 3470 – General Gov’t</td>
<td>Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment</td>
<td>2034</td>
<td>Variable Interest</td>
<td>(121,000)</td>
</tr>
<tr>
<td></td>
<td>Transfer out to Fund 5230 – Oracle Payment FY 12</td>
<td>2012</td>
<td>2.5%</td>
<td>(1,124)</td>
</tr>
<tr>
<td></td>
<td>Transfer in from Fund 5230 – INET Project Refunds</td>
<td></td>
<td></td>
<td>5,347</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td></td>
<td>$ (116,777)</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$ (798,288)</td>
</tr>
</tbody>
</table>
### Table 10: Capital Improvement Project (CIP) Expenditures

<table>
<thead>
<tr>
<th>Fund</th>
<th>Project Number</th>
<th>Project Name</th>
<th>% Funded by Per</th>
<th>% Funded by Other</th>
<th>Budget</th>
<th>Previous FY Expenditures</th>
<th>FY 11/12 Expenditures</th>
<th>Balance Available</th>
<th>Estimated Construction Start FY</th>
<th>Estimated Construction End FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3410</td>
<td>100030</td>
<td>Right Turn Lane – Northbound McHenry to Eastbound Briggsmore</td>
<td>-</td>
<td>100%</td>
<td>$823,329</td>
<td>$119,679.95</td>
<td>$251,911.81</td>
<td>$451,837.24</td>
<td>2010/11</td>
<td>2012/13</td>
</tr>
<tr>
<td>3410</td>
<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>$97,257.21</td>
<td>$67,206.19</td>
<td>568,539.60</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>3410</td>
<td>100032</td>
<td>New Traffic Signals 2010</td>
<td>-</td>
<td>100%</td>
<td>$853,124</td>
<td>$21,040.02</td>
<td>$40,014.66</td>
<td>792,069.32</td>
<td>2012/13</td>
<td>2013/14</td>
</tr>
<tr>
<td>3410</td>
<td>100035</td>
<td>Dale Road CCTV Cameras</td>
<td>-</td>
<td>100%</td>
<td>$350,000</td>
<td>$44,993.23</td>
<td>$254,519.62</td>
<td>50,487.15</td>
<td>2011/12</td>
<td>2012/13</td>
</tr>
<tr>
<td>3410</td>
<td>100036</td>
<td>Right Turn Lanes – Four (4) Intersections</td>
<td>9.90%</td>
<td>90.10%</td>
<td>$1,787,955</td>
<td>$831,123.90</td>
<td>$792,554.85</td>
<td>164,266.25</td>
<td>2009/10</td>
<td>2010/11</td>
</tr>
<tr>
<td>3410</td>
<td>100037</td>
<td>Turn Signals: Scott/Cheyenne &amp; Prescott/Jawn</td>
<td>10.39%</td>
<td>89.61%</td>
<td>$457,027</td>
<td>$453,805.23</td>
<td>$593.43</td>
<td>40,628.34</td>
<td>2009/10</td>
<td>2010/11</td>
</tr>
<tr>
<td>3410</td>
<td>100041</td>
<td>Claus/Sylvan/Floyd/Lincoln to Carpenter</td>
<td>11.47%</td>
<td>88.53%</td>
<td>$977,650</td>
<td>$719,957.03</td>
<td>$487.80</td>
<td>257,215.17</td>
<td>2008/09</td>
<td>2009/10</td>
</tr>
<tr>
<td>3410</td>
<td>100044</td>
<td>Pelandale CCTV/Fiber Optics</td>
<td>11.47%</td>
<td>88.53%</td>
<td>$425,000</td>
<td>$385,062.48</td>
<td>$88.50</td>
<td>39,849.02</td>
<td>2008/09</td>
<td>2009/10</td>
</tr>
<tr>
<td>3410</td>
<td>100046</td>
<td>Pelandale Interchange at SR 99</td>
<td>77.37%</td>
<td>22.63%</td>
<td>$10,274,137</td>
<td>$2,733,954.97</td>
<td>$4,171,647.61</td>
<td>3,368,574.42</td>
<td>2013/14</td>
<td>2015/16</td>
</tr>
<tr>
<td>3410</td>
<td>100049</td>
<td>Oakdale Road Widening</td>
<td>100%</td>
<td>-</td>
<td>$400,000</td>
<td>$12,126.04</td>
<td>$101.52</td>
<td>387,722.44</td>
<td>Unknown</td>
<td>Unknown</td>
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<tr>
<td>3410</td>
<td>100051</td>
<td>Claritina: McHenry to Coffee Four (4) Lanes</td>
<td>100%</td>
<td>-</td>
<td>$3,904,936</td>
<td>$123,231.70</td>
<td>$52,126.77</td>
<td>3,729,777.53</td>
<td>2015/16</td>
<td>2016/17</td>
</tr>
<tr>
<td>3410</td>
<td>100053</td>
<td>Carpenter Road Bridge Seismic</td>
<td>-</td>
<td>100%</td>
<td>$11,334,441</td>
<td>$441,505.34</td>
<td>$733,521.02</td>
<td>10,159,414.64</td>
<td>2011/12</td>
<td>2012/13</td>
</tr>
<tr>
<td>3410</td>
<td>100456</td>
<td>Pelandale: Dale to McHenry Six (6) Lanes</td>
<td>99.99%</td>
<td>0.01%</td>
<td>$17,756,052</td>
<td>$16,542,845.24</td>
<td>$3,403.38</td>
<td>1,189,803.38</td>
<td>2009/10</td>
<td>2011/12</td>
</tr>
<tr>
<td>3410</td>
<td>100585</td>
<td>Right Turn Lane – Oakdale to Scenic</td>
<td>12.50%</td>
<td>87.50%</td>
<td>$400,000</td>
<td>$17,366.69</td>
<td>$382,633.31</td>
<td>Unknown</td>
<td>2014/16</td>
<td></td>
</tr>
<tr>
<td>3410</td>
<td>100586</td>
<td>7th Street Bridge at Tuolumne River</td>
<td>100%</td>
<td>-</td>
<td>$540,000</td>
<td>$6,001.74</td>
<td>$6,674.83</td>
<td>137,121.63</td>
<td>2015/16</td>
<td>2017/18</td>
</tr>
<tr>
<td>3410</td>
<td>100614</td>
<td>SR 132 West Expressway</td>
<td>100%</td>
<td>-</td>
<td>$400,000</td>
<td>$12,354.99</td>
<td>$27,645.01</td>
<td>366,388.88</td>
<td>2016/17</td>
<td>2019/19</td>
</tr>
<tr>
<td>3410</td>
<td>100631</td>
<td>Oakdale/Sylvan intersection Improvements</td>
<td>62.41%</td>
<td>37.59%</td>
<td>$1,995,120</td>
<td>$53,401.66</td>
<td>$1,941,718.34</td>
<td>Unknown</td>
<td>2013/14</td>
<td></td>
</tr>
<tr>
<td>3410</td>
<td>100632</td>
<td>Right Turn Lane – McHenry to Briggsmore</td>
<td>100%</td>
<td>-</td>
<td>$310,000</td>
<td>$47,887.62</td>
<td>$262,912.38</td>
<td>Unknown</td>
<td>2013/14</td>
<td></td>
</tr>
<tr>
<td>3410</td>
<td>100635</td>
<td>Traffic Model Maintenance</td>
<td>100%</td>
<td>-</td>
<td>$400,000</td>
<td>$33,261.14</td>
<td>$366,388.88</td>
<td>2011/12</td>
<td>2013/16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$6,538,421.89</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3460</td>
<td>100238</td>
<td>Mary Grogan Community Park</td>
<td>43.30%</td>
<td>56.64%</td>
<td>$10,961,610</td>
<td>$109,237.89</td>
<td>$1,140,248.18</td>
<td>$9,712,123.93</td>
<td>2011/12</td>
<td>2012/13</td>
</tr>
<tr>
<td>3460</td>
<td>100577</td>
<td>Lighting Playground and Shade</td>
<td>100%</td>
<td>-</td>
<td>$285,824</td>
<td>$2,559.45</td>
<td>$283,274.55</td>
<td>2010/11</td>
<td>2012/13</td>
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<td></td>
<td>Subtotal</td>
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<td></td>
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<td></td>
<td>$1,142,807.63</td>
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<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$7,681,289.52</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.
RESOLUTION APPROVING THE SUBMITTAL OF THE UPDATED AIRPORT CAPITAL IMPROVEMENT PLAN SUMMARY TO THE FEDERAL AVIATION ADMINISTRATION AND CALTRANS AERONAUTICS

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

WHEREAS, as airport sponsor, the City is eligible for discretionary funding from the Federal Airport Improvement Program (AIP), and

WHEREAS, the Federal Aviation Administration (FAA) requires that the City submit a revised ACIP covering at least the next five years to maintain eligibility for future project funding, and

WHEREAS, in addition to updating cost estimates, the ACIP annual update is intended to reflect ongoing changes in City priorities, airport needs, and/or federal mandates, and

WHEREAS, keeping the ACIP current helps the FAA plan for the airport’s long-term funding needs and better distribute the funds on a priority rating, and

WHEREAS, Caltrans uses the ACIP submission to develop the State Capital Improvement Plan (SCIP), and

WHEREAS, the Modesto City-County Airport ACIP update will be focusing on mandated safety and compliance issues (obstruction removal), current infrastructure needs, and planning for future airport needs, and

WHEREAS, the total package of capital improvements submitted to the FAA for the multi-year period ending in 2022 is estimated to cost $12,884,060, and
WHEREAS, funding for projects that are approved will be borne by the FAA at 90% ($11,595,681) with the Airport Fund providing the remaining 10% ($1,288,409), and

WHEREAS, Passenger Facility Fees will generate most of the revenue for the 10% match, and

WHEREAS, the Airport Advisory Committee, at its September 20, 2012, meeting recommended forwarding this item to Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of the Airport Capital Improvement Plan Update, attached hereby as Exhibit A, to the Federal Aviation Administration and Caltrans Aeronautics.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2012, 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: Councilmember: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Marsh

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
## Airport Capital Improvement Program (ACIP) Summary, 2013-2022

### Oct. 1, 2012 (FFY 2013)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Total</th>
<th>FAA (90%)</th>
<th>Sponsor (10%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obstruction Removal - Environmental NEPA/CEQA (18 mos.)</td>
<td>$203,612</td>
<td>$183,251</td>
<td>$20,361</td>
</tr>
<tr>
<td>West Ramp Reconstruction/Strengthening - Design</td>
<td>$277,778</td>
<td>$250,000</td>
<td>$27,778</td>
</tr>
</tbody>
</table>

### Oct. 1, 2013 (FFY 2014)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Total</th>
<th>FAA (90%)</th>
<th>Sponsor (10%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfield Perimeter Fence - Reconstruct - Access Control System - Design</td>
<td>$277,778</td>
<td>$250,000</td>
<td>$27,778</td>
</tr>
<tr>
<td>Airfield Electrical Improvements (est.) - 25% of project</td>
<td>$277,778</td>
<td>$250,000</td>
<td>$27,778</td>
</tr>
<tr>
<td>Airfield Drainage Improvements (est.) - 75% of project</td>
<td>$833,334</td>
<td>$750,000</td>
<td>$83,334</td>
</tr>
<tr>
<td>Obstruction Removal - Tree Trimming</td>
<td>$500,000</td>
<td>$475,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>West Ramp Reconstruction/Strengthening - Construct</td>
<td>$833,334</td>
<td>$750,000</td>
<td>$83,334</td>
</tr>
</tbody>
</table>

### Oct. 1, 2014 (FFY 2015)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Total</th>
<th>FAA (90%)</th>
<th>Sponsor (10%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfield Perimeter Fence - Reconstruct - Access Control System - Construct</td>
<td>$833,334</td>
<td>$750,000</td>
<td>$83,334</td>
</tr>
<tr>
<td>Airfield Slurry Seal - Rubber Removal - Marking Removal, Crack Repair and Repaint, Pave Shoulders RW28R</td>
<td>$1,111,112</td>
<td>$1,000,000</td>
<td>$111,112</td>
</tr>
</tbody>
</table>

### Oct. 1, 2015-2020 (FFY 2016-2021); prices in 2002 dollars

#### Runway 28R Extension, 500' - 600'

**2015**
- Environmental NEPA/CEQA | $300,000 | $270,000 | $30,000 |

**2016**
- Land Acquisition - Phase 1 (15) | $1,875,000 | $1,687,500 | $187,500 |

**2017**
- Land Acquisition - Phase 2 (15) | $1,875,000 | $1,687,500 | $187,500 |

**2018**
- Land Acquisition - Phase 3 (13) | $1,625,000 | $1,462,500 | $162,500 |

**2019**
- Relocate Localizer | $400,000 | $360,000 | $40,000 |
- Relocate Perimeter Road | $160,000 | $144,000 | $16,000 |

**2020**
- Extend Runway/Taxiway 500' | $1,260,000 | $1,134,000 | $126,000 |
- Pavement Removal | $11,000 | $9,900 | $1,100 |
- Replace VASI with PAPI, 10L/28R | $80,000 | $72,000 | $8,000 |

**Total** | $7,586,000 | $6,827,400 | $758,600 |

### Oct. 1, 2021 (FFY 2022)

- Wildlife Assessment Study | $150,000 | $135,000 | $15,000 |

**TOTAL for ALL YEARS SHOWN ABOVE** | **$12,884,060** |

**Pending:**
- Computer-based Airfield Drivers Education Program
- Construct New Airport Fire Station
- Construct New Airport Maintenance Shop

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**Exhibit A**

Q:A:\ACIP\2011-2028\ACIP 2013-2022.xls
RESOLUTION SUMMARILY VACATING A 10-FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 616 COLUMBIA WAY IN THE CITY OF MODESTO

WHEREAS, there is a public utility easement on the property located at 616 Columbia Way, and

WHEREAS, there are no utilities located within the easement, and

WHEREAS, the property owner has submitted a written request that the public utility easement be vacated, and

WHEREAS, the public utility easement to be summarily vacated is more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference, and

WHEREAS, California Streets and Highways Code Section 8333 states that, “The legislative body of a local agency may summarily vacate a public service easement, in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation” and

WHEREAS, the Land Development Engineering Division contacted all affected City departments and public utility companies, and no objections to the proposed vacations have been received, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The summary vacation of this 10-foot wide public utility easement at 616 Columbia Way is made pursuant to California Streets and Highways Code Section 8333.
2. Streets and Highways Code Section 8333 allows for the summary vacation of a public service easement when “The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.”

3. California Environmental Quality Act (CEQA) Sec. 15061 (b)(3) exempts all activities where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Since this is an abandonment of a utility easement that is no longer needed for utility purposes, it meets the criteria for exemption under this section.

4. That from and after the date this resolution is recorded, the public utility easement, which is proposed to be summarily vacated, will no longer constitute public easements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the public utility easement located at 616 Columbia Way in the City of Modesto, which is more particularly described in Exhibit “A” attached hereto and incorporated herein by reference, is hereby summarily abandoned.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to sign the document to vacate the 10-foot wide public utility easement.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder’s Office. From and after the date this resolution is recorded, said easements shall no longer constitute public easements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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"

Stacie M. Bradford and John Carter

10-ft Utility Easement Abandonment

All that portion of the southwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Meridian, more particularly described as follows:

The Southerly Ten feet (10.00-ft) of Lot 9 as shown on the Subdivision "Liberty Park Tract" filed for records in Volume 14 of Maps, at Page 17, Stanislaus County Records; excepting therefrom the Easterly Ten feet (10-ft) thereof.

Kaiser I. Shahbaz
L.S. 8599
Expires: 12/31/2013
RESOLUTION SUMMARILY VACATING A 10-FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 1700 CROWS LANDING ROAD IN THE CITY OF MODESTO

WHEREAS, there is a public utility easement on the property located at 1700 Crows Landing Road, and

WHEREAS, there are no utilities located within the easement, and

WHEREAS, the property owner has submitted a written request that the public utility easement be vacated, and

WHEREAS, the public utility easement to be summarily vacated is more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference, and

WHEREAS, California Streets and Highways Code Section 8333 states that, “The legislative body of a local agency may summarily vacate a public service easement, in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation” and

WHEREAS, the Land Development Engineering Division contacted all affected City departments and public utility companies, and no objections to the proposed vacations have been received, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The summary vacation of this 10-foot wide public utility easement at 1700 Crows Landing Road is made pursuant to California Streets and Highways Code Section 8333.
2. Streets and Highways Code Section 8333 allows for the summary vacation of a public service easement when “The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.”

3. California Environmental Quality Act (CEQA) Sec. 15061 (b)(3) exempts all activities where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Since this is an abandonment of a utility easement that is no longer needed for utility purposes, it meets the criteria for exemption under this section.

4. That from and after the date this resolution is recorded, the public utility easement, which is proposed to be summarily vacated, will no longer constitute public easements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the public utility easement located at 1700 Crows Landing Road in the City of Modesto, which is more particularly described in Exhibit “A” attached hereto and incorporated herein by reference, is hereby summarily abandoned.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to sign the document to vacate the 10-foot wide public utility easement.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder’s Office. From and after the date this resolution is recorded, said easements shall no longer constitute public easements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

12/11/2012/C&ED/DEngland/Item 6
EXHIBIT "A"
Legal Description

All that portion lying in the Northwest ¼ of Section 9, Township 4 South, Range 9 East, Mount Diablo Meridian described as follows:

Being an abandonment of a portion of a certain 10-foot P.U.E situate in Parcel "2" as shown on the Parcel Map Filed for record February 25, 1982, in Book 32 of Parcel Maps, Page 109, said P.U.E. having been created on the Parcel Map filed for record June 2, 1970, in Book of Parcel Maps, Page 8, all in Stanislaus County Records, said abandoned portion being more particularly described as follows:

The south 10 feet of above said Parcel "2" excepting therefrom the west 10 feet of said Parcel "2" as the west line of said Parcel "2" is measured at 70-feet easterly from the west line of said Section 9.
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-508

RESOLUTION AMENDING THE FISCAL YEAR 2012/13 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $734,641

WHEREAS, City Staff worked diligently with StanCOG to expedite schedules for federal aid projects CML 5059 (197) Bus Turnout SB Dale Road, CML 5059 (198) Right Turn Lane WB D Street @ 9th Street and CML 5059 (199) 14th and D Street Improvements by using the Expedited Project Schedule Procedure (EPSP) to effectively move forward the programming of $365,641 of additional CMAQ appropriations, and

WHEREAS, $334,000 of additional CMAQ appropriations has been programmed for federal aid project CML 5059 (176) Right Turn Lane Bangs and Prescott, and

WHEREAS, $35,000 of CMAQ appropriations reallocate from Eng/Design/Admin to Utility and EIR for federal aid project CML 5059 (176) Right Turn Lane Bangs and Prescott, and

WHEREAS, the revised appropriations will result in CIP amounts totaling $734,641 for roadway projects, and

WHEREAS, as a result, the Fiscal Year 2012/13 Capital Improvement Program budget needs to be amended to reflect the addition of $734,641 CMAQ appropriations, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2012-2013 Capital Improvement Program budget to modify and add Capital Improvement Program funding in the amount of $734,641.
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 11th day of December, 2012, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-509

RESOLUTION ACCEPTING CONGESTION MITIGATION AIR QUALITY (CMAQ) FUNDS IN THE AMOUNT OF $699,641, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the staff worked diligently with StanCOG staff to effectively move forward federal aid projects CML 5059 (197) Bus Turnout SB Dale Road, CML 5059 (198) Right Turn Lane WB D Street @ 9th Street and CML 5059 (199) 14th and D Street Improvements in the amount of $365,641 from FFY 2014/15 to FFY 2011/12, and

WHEREAS, staff expedited project schedules for federal aid projects CML 5059 (197) Bus Turnout SB Dale Road, CML 5059 (198) Right Turn Lane WB D Street @ 9th Street and CML 5059 (199) 14th and D Street Improvements by using Expedited Project Schedule Procedure (EPSP), and

WHEREAS, the City has received an additional $334,000 in CMAQ funds for federal aid project CML 5059 (176) Right Turn Lane EB Bangs Ave to SB Prescott Road,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts Congestion Mitigation Air Quality (CMAQ) funds in the amount of $669,641.

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 11th day of December, 2012, 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 EXHIBIT “C” OF RESOLUTION NO. 2012-370, WHICH AMENDED THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT INCLUDING CHARTER OFFICERS, TO AMEND THE SALARY RANGE FOR CHIEF OF POLICE

WHEREAS, by Resolution No. 2012-370 which became effective on September 11, 2012, the City Council amended the class range tables for unrepresented Management and Confidential employees including Charter Officers and Executives, and

WHEREAS, the Council of the City of Modesto desires to amend the Chief of Police salary range, and

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2012-370. Exhibit “C” entitled, "City Of Modesto Class Range Table, Executive Management, Effective July 2, 2013" attached to Resolution No. 2012-370, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table, Executive Management, Effective December 4, 2012” which is attached hereto and made a part hereof as though set forth in full herein. Said Exhibit “A” amends the Chief of Police salary from range 1427 to range 1431.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after December 11, 2012.

AMENDED on January 28, 2014
By Resolution 2014-39
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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 OF MODESTO
### CLASS RANGE TABLE
### EXECUTIVE MANAGEMENT
Effective **December 4, 2012**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 1414  | City Auditor  
       | City Clerk                                                          |
| 1420  | Director of Finance  
       | Director of Human Resources                                         |
| 1422  | Chief Information Officer  
       | Director of Community and Economic Development  
       | Director of Parks, Recreation and Neighborhoods  
       | Director of Public Works  
       | Director of Utility Planning and Projects                          |
| 1427  | Deputy City Manager  
       | Fire Chief                                                          |
| 1428  | City Attorney                                                      |
| 1431  | **Chief of Police**                                                |
| 1436  | City Manager                                                       |

**EXHIBIT A**
RESOLUTION RECOMMENDING TO CONTINUE WITH THE MEMORANDUM OF UNDERSTANDING (MOU) FOR EXEMPTION FROM THE MOBILE HOME RENT STABILIZATION ORDINANCE BETWEEN THE CITY OF MODESTO AND SIGNATORY MOBILE HOME PARKS WITH AN AMENDMENT TO SUSPEND CONTRIBUTIONS TO THE RENTAL ASSISTANCE PROGRAM UNTIL THE CITY HAS MATCHING FUNDS TO RESUME THE PROGRAM AND AUTHORIZING THE MAYOR, CITY ATTORNEY AND/OR CITY MANAGER, OR THEIR DESIGNEES, TO EXECUTE THE MOU AND ANY RELATED DOCUMENTS

WHEREAS, on September 4, 2007 the City Council introduced a Mobile Home Rent Stabilization Ordinance, Modesto Ordinance 4-19.05(c), including a draft MOU as proposed by the stakeholders group, which includes owners of local mobile home parks. In the proposed MOU, mobile home park owners agreed to provide funding, up to $20 per space, per year, for a rental assistance program, if the City provided matching funds, and

WHEREAS, as a positive alternative to the Mobile Home ordinance, mobile home parks within the City of Modesto agreed to enter into an MOU agreement with the City of Modesto, and

WHEREAS, since this MOU has been in effect, each of the Signatory Park Owners has received an exemption from any rent control ordinance or regulation adopted by the City, and

WHEREAS, on September 25, 2007, by motion, the City Council approved the MOU with any change in circumstances requiring amendments to or revision of this MOU, and

WHEREAS, any of the Signatory Park Owners or the City may decide to withdraw from the MOU at any time upon providing at least one hundred and eighty days
WHEREAS, in the event that the MOU is to be amended or revised, all parties to
the MOU must agree in writing to such amendment or revision, and

WHEREAS, on June 28, 2011, as part of the 2011-2012 State of California
budget bill, companion bills Assembly Bill 1X 26 and Assembly Bill 1X 27 were
enacted, dissolving the Redevelopment Agency unless the City elected to participate in
an Alternative Voluntary Redevelopment Program, established by AB 27 and paid an
annual “commitment remittance” payment to the County of Stanislaus, and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the
Legal Action, upholding AB 26, invalidating AB 27, extending certain statutory
deadlines under Health and Safety Code Sections 34170 through 34191, and dissolving
all redevelopment agencies throughout the State, effective February 1, 2012, and

WHEREAS, pursuant to AB 26, on January 24, 2012, the City Council adopted
Resolution No. 2012-40 electing to serve as the Successor Agency to the former Agency,
and

WHEREAS, the City Council adopted Resolution No. 2012-41 electing to retain
the housing assets and functions previously performed by the Agency, and

WHEREAS, RDA funds were no longer available for the Mobile Home Rental
Assistance Program, and

WHEREAS, City staff brought the five year review of the MOU to Citizens’
Housing and Community Development Committee for guidance, and
WHEREAS, per the request received via e-mail, mobile home park owners have decided to continue the MOU for five more years through October 2017, and

WHEREAS, the Citizens’ Housing and Community Development Committee (CH&CDC) considered this item at its October 17, 2012, meeting, and the Committee recommended that the City Council approve to continue with the MOU with an amendment to suspend contributions to the rental assistance program until the City has matching funds to resume the program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves to continue with the MOU with an amendment to suspend contributions to the rental assistance program until the City has matching funds to resume the program.

BE IT FURTHER RESOLVED, that the Mayor, City Attorney and/or City Manager, or their designees, are hereby authorized to execute the MOU and any related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, by Councilmember Lopez, who moved its adoption, with 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 APPROVING AN AMENDMENT TO THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) LOAN AGREEMENT WITH THE CITY OF MODESTO FOR THE DEVELOPMENT OF BENNETT PLACE APARTMENTS LOCATED AT 421 LINCOLN, MODESTO AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS AND RELATED DOCUMENTS

WHEREAS, on July 24, 2007, by Resolution No. 2007-442, the City Council approved HOME predevelopment funds for a project located at 416 Downey Avenue for $250,000 of which $52,040 has been spent to date with $112,960 needed to complete the remaining predevelopment activities, and

WHEREAS, the remaining balance of $85,000 was recommended and approved as part of the revised expenditure plan for NSP 2 & 3 for the Bennett Place Apartments project located at 421 Lincoln Avenue, and

WHEREAS, on June 24, 2008, City Council, by Resolution No. 2008-363, approved the allocation of $940,427 in HOME funds to Stanislaus County Affordable Housing Corporation (STANCO) for the acquisition and development of 18 senior housing units for permanent supportive housing, and

WHEREAS, on October 6, 2009, an amendment to the HOME loan agreement was approved to: (1) reduce the number units assisted with HOME funds from eighteen (18) to eight (8) to conform to a state law allowing borrowers to seek additional financing for the Project from multiple funding sources, and (2) require STANCO to prepare and submit to the City a detailed project budget and project time line, and

WHEREAS, due to economic conditions, STANCO was unsuccessful in securing additional financing to fund the Project and as a result the Project has been delayed, and
WHEREAS, in order to get the project completed, Staff identified additional funding to allocate to the project which includes $85,000 of unspent HOME funds from fiscal year 2007-2008 and along with NSP funds, and

WHEREAS, due to the combination of funding sources, it is necessary to:
modify the target population for the Project to include (a) seniors (b) emancipated foster youth, and (c) special needs population, including homeless and persons at risk of homelessness, and

WHEREAS, six (6) of the HOME assisted units of the Project need to be reserved for qualified persons/households whose income does not exceed 65% of the area median income (AMI), and

WHEREAS, two (2) HOME assisted units need to be reserved for persons/households whose income does not exceed 50% AMI, and

WHEREAS, STANCO will provide the City of Modesto a project budget and timeline, commencement of construction and completion of the Project plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the HOME Investment Partnership Program (HOME) loan agreement with the City of Modesto for the development of Bennett Place Apartments located at 421 Lincoln Avenue, Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements and related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

Attest:  

APPROVED AS TO FORM:

By:  

(SIGNATURE)  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ADJUST THE EXPENSE CATEGORIES WITHIN THE PROJECT ACCOUNT, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on July 24, 2007, by Resolution No. 2007-442, the City Council approved HOME predevelopment funds for a project located at 416 Downey Avenue for $250,000 of which $52,040 has been spent to date with $112,960 needed to complete the remaining predevelopment activities, and

WHEREAS, the remaining balance of $85,000 was recommended and approved as part of the revised expenditure plan for NSP 2 & 3 for the Bennett Place Apartments project located at 421 Lincoln Avenue, and

WHEREAS, on June 24, 2008, City Council, by Resolution No. 2008-363, approved the allocation of $940,427 in HOME funds to Stanislaus County Affordable Housing Corporation (STANCO) for the acquisition and development of 18 senior housing units for permanent supportive housing, and

WHEREAS, in order to get the project completed, Staff identified additional funding to allocate to the project which includes $85,000 of unspent HOME funds from fiscal year 2007-2008 and along with NSP funds, and

WHEREAS, STANCO will provide the City of Modesto a project budget and timeline, commencement of construction and completion of the Project plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2012-2013 Capital Improvement Program budget as shown in Exhibit A, which is attached hereto.
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 11th day of December, 2012, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

$85,000 in HOME funds are being transferred from the Downey Project (#100317) to assist with activity delivery fees for the Bennett Place Project located at 421 Lincoln Avenue, Modesto. Developer: Stanislaus County Affordable Housing Corporation (STANCO)

Funds from: Project #100317 ($85,000)
Funds to: 1170-38500-54720-000000-00830 $85,000
RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $140,655 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 2101 RESEDA LANE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all “boilerplate” loan agreements for the purchase and rehabilitation of 2101 Reseda Lane, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 2101 Reseda Lane at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $140,655 to purchase and
rehabilitate real property which is located at 2101 Reseda Lane to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $165,000 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 1901 VALLEJO DRIVE TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZATE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all “boilerplate” loan agreements for the purchase and rehabilitation of 1901 Vallejo Drive, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 1901 Vallejo Drive at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $165,000 to purchase and
rehabilitate real property which is located at 1901 Vallejo Drive to be carried out by the Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE RELEASE OF FUNDS IN THE AMOUNT OF $134,903 TO PURCHASE AND REHABILITATE REAL PROPERTY WHICH IS LOCATED AT 1634 WYLMA WAY TO BE CARRIED OUT BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN LOAN DOCUMENTS AND ALL RELATED CLOSING DOCUMENTS

WHEREAS, on January 26, 2012 a Special Council Study/Workshop session was held to outline a plan to move forward with expending the remaining NSP2 funds in the NSP2 General Acquisition and Rehabilitation activity, and

WHEREAS, on March 13, 2012, by Resolution 2012-104, Council approved the updated NSP2 Guidelines which included approving the HACS as the sub-recipient to expend the remaining NSP2 funds, and

WHEREAS, on September 4, 2012, City Council, by Resolution No. 2012-361, approved a NSP2 Memorandum of Understanding (MOU) with the HACS to expend the remaining funds budgeted in the NSP2 “General Acquisition and Rehabilitation” activity to not exceed $2 million, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-362, City Council approved all “boilerplate” loan agreements for the purchase and rehabilitation of 1634 Wylma Way, and

WHEREAS, the CH&CDC sub-committee recommended the property acquisition and rehabilitation loan for real property located at 1634 Wylma Way at its meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the release of funds in the amount of $134,903 to purchase and
rehabilitate real property which is located at 1634 Wylma Way to be carried out by the
Housing Authority of the County of Stanislaus that City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is
authorized to execute the required documents for the release of funds.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of December, 2012, 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,
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TUOLUMNE RIVER REGIONAL PARK GATEWAY - PHASE 1.3 TRAILS PROJECT, ACCEPTING THE BID, AND APPROVING AN AGREEMENT WITH HARRIS BUILDERS, INC. OF HILMAR, CA, IN THE AMOUNT OF $364,900.00 FOR THE TUOLUMNE RIVER REGIONAL PARK GATEWAY - PHASE 1.3 TRAILS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project were opened at 11:00 a.m. on November 13, 2012, and later tabulated by the Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods has recommended that the bid of $364,900.00 received from Harris Builders, Inc. for the project be accepted as the lowest responsible bid and the contract be awarded to Harris Builders, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tuolumne River Regional Park Gateway – Phase 1.3 Trails Project, accepts the bid of Harris Builders, Inc. in the amount of $364,900.00 for the project and awards Harris Builders, Inc. the contract for the Tuolumne River Regional Park Gateway – Phase 1.3 Trails 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 11th day of December, 2012, 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

STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-518

RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ADJUST THE EXPENSE CATEGORIES WITHIN THE PROJECT ACCOUNT FOR THE TUOLUMNE RIVER REGIONAL PARK GATEWAY – PHASE 1.3 TRAILS PROJECT, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Project was advertised for bid on October 22, 2012, and bids were opened on November 13, 2012, with three (3) contractors submitting sealed bids, and

WHEREAS, a budget adjustment is necessary in order to adjust the expense budgets in the Parks CIP Account 100709.PRN.Park Planning and Development (TRRP Gateway – Phase 1.3 Trails) in order to award this bid; and

WHEREAS, the Fiscal Year 2012-2013 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 2012-2013 Capital Improvement Program budget as shown in Exhibit A, which is attached hereto.

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 11th day of December, 2012, 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]

(SIGNATURE)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
### Exhibit A

#### TREP Gateway Phase 1.3 Expense Budget

<table>
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<td><strong>Total</strong></td>
<td>550,000.00</td>
<td>496,578.00</td>
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RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SANITARY LIFT STATION LINING REHABILITATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH SOCAL PACIFIC CONSTRUCTION CORP OF LAKE ELSINORE, CALIFORNIA IN THE AMOUNT OF $173,719, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Sanitary Lift Station Lining Rehabilitation, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Sanitary Lift Station Lining Rehabilitation were opened at 11:00 a.m. on November 6, 2012, 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 $173,719 received from Socal Pacific Construction Corp of Lake Elsinore, California be accepted as the lowest responsible bid and the contract be awarded to Socal Pacific Construction Corp,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Sanitary Lift Station Lining Rehabilitation project, accepts the bid, and approves a contract with Socal Pacific Construction Corp of Lake Elsinore, California in the amount of $173,719.

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 11th day of December, 2012, 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, Lopez, Muratore, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Geer

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
RESOLUTION APPROVING THE CITY OF MODESTO (I) TAKING OWNERSHIP OF REMAINING UNSOLD SINGLE-FAMILY PROPERTIES FROM NSPI ACTIVE DEVELOPERS THROUGH A MUTUAL RELEASE IN EXCHANGE FOR PAYMENT OF DEVELOPER FEE, (II) REALLOCATING NSPI ADMINISTRATION FUNDS TO INCREASE THE NSPI SUBSIDY FOR THE AIRPORT NEIGHBORHOOD COMMUNITY CENTER, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY AGREEMENTS AND RELATED DOCUMENTS REQUIRED TO ENACT ALL NSPI GRANT CLOSE OUT TRANSACTIONS DEPICTED IN THIS RESOLUTION

WHEREAS, On May 12, 2009, the City Council, by Resolution No. 2009-212, approved the allocation of $8.1 million in NSPI funds received through U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant Program, under the Housing and Economic Recovery Act of 2008 (HERA), AND

Whereas, under the terms of the NSPI agreement, all remaining grant funds must be spent by March 19, 2013, and

WHEREAS, in an effort to ensure that the NSPI expenditure deadline is met, Staff recommended the City of Modesto take ownership of any remaining unsold single-family properties from NSPI from active developers through a mutual release in exchange for payment of developer fee, and

WHEREAS, staff recommended to increase the allocation of NSPI funds for the Airport Neighborhood Community Center and decrease the allocation of Community Development Block Grant (CDBG) funds, and

WHEREAS, the exact amount is determined by the rate of completion for Airport Neighborhood Community Center Project 100698 in keeping with the NSPI deadlines, and
WHEREAS, this recommendation does not change the approved budget/bid for the Airport Neighborhood Community Center and will not exceed the total allocation approved by Council, and

WHEREAS, while assisting the City with meeting the expenditure deadlines for the NSPI grant, this reallocation will free up CDBG funds for use on other projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto (i) take ownership of any remaining unsold single-family properties from NSPI from active developers through a mutual release in exchange for payment of developer fee and (ii) increase the allocation of NSPI funds for the Airport Neighborhood Community Center Project 100698 and decrease the allocation of Community Development Block Grant (CDBG) funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any and all related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

( SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2012-521

RESOLUTION APPROVING THE CITY OF MODESTO (I) TRANSFERRING FULL OWNERSHIP OF ALL UNSOLD CONDOMINIUMS TO ACTIVE NSP2 NON-PROFIT DEVELOPERS, (II) MODIFYING THE MAXIMUM TOTAL UNIT SUBSIDY FOR FUTURE ACQUISITION AND REHABILITATION PROPERTIES, (III) INCREASING THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (HACS) ALLOCATION FOR “GENERAL ACQUISITION AND REHABILITATION ACTIVITIES, (IV) ALLOCATING A MINIMUM OF $100,000 IN NSP2 FUNDS TO TOWER PARK PROJECT, WITH A NOT TO EXCEED AMOUNT OF $250,000, (V) TAKING OWNERSHIP OF REMAINING UNSOLD SINGLE-FAMILY PROPERTIES FROM NSP2 ACTIVE DEVELOPERS THROUGH A MUTUAL RELEASE IN EXCHANGE FOR PAYMENT OF DEVELOPER FEE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY AGREEMENTS AND RELATED DOCUMENTS TO THESE ACTIONS

WHEREAS, the City of Modesto received a $25 million grant award under the American Recovery and Reinvestment Act of 2009 (ARRA) for NSP2, and

WHEREAS, under the terms of the agreement all NSP2 grant funds, including all funds budgeted for administrative oversight, must be spent fully expended by February 11, 2013, and

WHEREAS, in an effort to ensure that the NSP2 expenditure deadline is met, Staff recommended the City of Modesto transfer ownership of condominiums from current NSP2 developers to active non-profits or sub-recipients within the NSP2 program, and

WHEREAS, on March 13, 2012, the City Council, by Resolution, 2012-104, approved the revised NSP2 guidelines to set the maximum amount of total unit subsidy for acquisition and rehabilitation of NSP2 units at $165,000 for single-family homes and $125,000 for multi-family homes, and
WHEREAS, these guidelines, together with increasing real estate prices, have greatly restricted the number of properties available to the program as shown in graph “A” attached, and

WHEREAS, staff recommended an increase to the maximum amount for single-family homes subsidy for acquisition and rehabilitation of NSP2 units of 15% to $189,750 which reflects current market trends as shown in graph “B” attached, and

WHEREAS, staff recommended the remaining single-family housing units that have not sold or are not in contract to be sold prior to January 11, 2013 be transferred to the City of Modesto in exchange for the transfer of property, the City of Modesto will pay each developer their current developer fee and release the developers of all NSP2 liability, and

WHEREAS, the properties will then be sold by the City of Modesto to an eligible household, which will allow the City to meet its national objective, and

WHEREAS, on September 4, 2012, by Resolution No. 2012-361, the City Council approved a Memorandum of Understanding (MOU) with the HACS to expend the remaining funds in NSP2 on “General Acquisition and Rehabilitation” activities not to exceed $2 million, and

WHEREAS, staff recommended the MOU for the HACS be revised to now include all unspent NSP2 funds, including funds previously budgeted for administration oversight, to be used on NSP2 “General Acquisition and Rehabilitation” activities, and

WHEREAS, staff recommended providing additional eligible funding to Satellite Housing for a 46 unit multifamily apartment complex located at 17th and G Street (Tower Park Project) with eligible NSP2 funds to facilitate the predevelopment process.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto (i) transfer full ownership of all unsold condominiums to active NSP2 non-profit developers, (ii) modify the maximum total unit subsidy for future acquisition and rehabilitation properties, (iii) increase the HACS allocation in order to expend all remaining NSP2 funds on “General Acquisition and Rehabilitation” activities (iv) allocate a minimum of $100,000 in NSP2 funds to Tower Park Project with a not to exceed amount of $250,000, (v) take ownership of remaining unsold single-family properties from NSP2 active developers through a mutual release in exchange for payment of developer fee.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign any and all related documents required to enact all NSP2 grant close out transactions depicted in this Resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of December, 2012, 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,
Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

(Seal)

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
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<th>Homes for Sale</th>
<th>Sep '12</th>
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<th>vs. Prev. Year</th>
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<td>Median List Price</td>
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<td>Median List $/SqFt.</td>
<td>$97</td>
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<td>↑ 24.4%</td>
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<th>Jul '12</th>
<th>vs. Prev. Month</th>
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<td># Homes Sold</td>
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<td>Median Sold Price</td>
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<td>Median Sold $/SqFt.</td>
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<td>% Sale to List</td>
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<td>↓ 0.5%</td>
<td>↓ 0.4%</td>
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Source: www.Redfin.com
RESOLUTION AMENDING THE FY 2012-13 MULTI-YEAR BUDGET FOR NSP1 PROJECT 100265 AND NSP2 PROJECT 100243 AS DETERMINED BY THE REALLOCATION OF FUNDS AS SET FORTH IN ACTUAL GRANT CLOSE OUT PER THE DISASTER RECOVERY GRANT REPORTING SYSTEM (DRGR), AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on May 12, 2009, the City Council, by Resolution No. 2009-212, approved the allocation of $8.1 million in NSP1 funds received through U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant Program, under the Housing and Economic Recovery Act of 2008 (HERA), and

WHEREAS, under the terms of the agreement, all NSP1 grant funds must be spent by March 19, 2013, and

WHEREAS, the City received a $25 Million grant award under the American Recovery and Reinvestment Act of 2009 (ARRA) for NSP2, and

WHEREAS, under the terms of the agreement, all NSP2 grant funds must be spent by February 11, 2013, and

WHEREAS, the Multi-Year NSP1 100265 and NSP2 Project 100243 budgets will be amended to include new allocations within the approved grants to be determined by the Disaster Recovery Grant Reporting System (DRGR), and

WHEREAS, staff will report back to City Council with the final allocations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2012-13 multi-year budgets for NSP1 Project 100265 and NSP2 Project 100243 as determined by the reallocation of funds as set forth in actual grant close out per the Disaster Recovery Grant Reporting System (DRGR).
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 11th day of December, 2012, by Councilmember Lopez, who moved its adoption, with 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING A NEW CAPITAL IMPROVEMENT PROGRAM (CIP) ACCOUNT FOR THE PROJECT TITLED, “RECONFIGURATION OF 10TH AND 11TH STREETS BETWEEN D STREET AND MORTON BOULEVARD”, WITH AN ESTIMATED INITIAL COST OF $36,000

WHEREAS, Stanislaus Foods applied for and was issued an Encroachment Permit on July 24, 2012 for the temporary closure of 11th Street, from D Street to Morton Boulevard, from July 20, 2012 to September 30, 2012, and

WHEREAS, Stanislaus Food Products and City of Modesto agree to use their best efforts to reach an agreement within 90 days of issuance of the permit, addressing the permanent closure of 11th Street and opening of 10th Street, and

WHEREAS, Stanislaus Food Products paid the City of Modesto $36,000, which monies will be used specifically for the first phase (Design Phase) of the closure of 11th Street and opening of 10th Street project, and

WHEREAS, on August 21, 2012, the CIP Task Force approved this project to develop preliminary plans and cost estimates for opening 11th Street and closing 10th Street between D Street and Morton Boulevard, and

WHEREAS, City staff recommends approving a new Capital Improvement Program Account for the project titled “Reconfiguration of 10th and 11th Streets between D Street and Morton Boulevard”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new Capital Improvement Program Account for the project titled “Reconfiguration of 10th and 11th Streets between D Street and Morton Boulevard”.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, by Councilmember Cogdill, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE RECONFIGURATION OF 10TH AND 11TH STREETS AND APPROPRIATING $36,000 FROM TRUST ACCOUNT TO CIP PROJECT # 100725

WHEREAS, Stanislaus Foods applied for and was issued an Encroachment Permit on July 24, 2012 for the temporary closure of 11th Street, from D Street to Morton Boulevard, from July 20, 2012 to September 30, 2012, and

WHEREAS, Stanislaus Food Products and City of Modesto agree to use their best efforts to reach an agreement within 90 days of issuance of the permit, addressing the permanent closure of 11th Street and opening of 10th Street, and

WHEREAS, Stanislaus Food Products paid the City of Modesto $36,000, which monies will be used specifically for the first phase (Design Phase) of the closure of 11th Street and opening of 10th Street project, and

WHEREAS, on August 21, 2012, the CIP Task Force approved this project to develop preliminary plans and cost estimates for opening 11th Street and closing 10th Street between D Street and Morton Boulevard,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2012-2013 Capital Improvement Program budget to appropriate $36,000 from Trust Account 6800-00000-23504 to CIP Project # 100725.

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 11th day of December, 2012, by Councilmember Cogdill, 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, Mayor Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE REPOWERING OF MODEL YEAR 2003 GILLIG TRANSIT BUSES FOR THE DEPARTMENT OF PUBLIC WORKS, TRANSIT DIVISION, TO COMPLETE COACH WORKS, RIVERSIDE, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT FOR AN ESTIMATED TOTAL COST OF $1,285,746

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the repowering of Model Year 2003 Gillig Transit Buses, and

WHEREAS, the Purchasing Division issued RFP No. 1112-38 Repower Model Year 2003 Gillig Transit Buses to four (4) prospective proposers, none of which were local vendors, posted the RFP on the City’s website and formally advertised as required by law, and

WHEREAS, there are no local companies capable of providing this work, and

WHEREAS, proposals were formally opened in the City Clerk’s Office. Three (3) companies choose to respond. All three (3) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of two (2) City staff members evaluated and graded the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommends the award of proposal and contract for the repowering of Model Year 2003 Gillig Transit Buses for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, 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 Model Year 2003 Gillig Transit Buses for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2012-13 for the repowering of Model Year 2003 Gillig Transit Buses 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 Model Year 2003 Gillig Transit Buses for the Department of Public Works, Transit Division, to Complete Coach Works, Riverside, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a contract for an estimated total cost of $1,285,746.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Officer Association (MPOA) expires July 15, 2013, and

WHEREAS, representatives of the CITY and the MPOA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MPOA have reached agreement on language changes for a one year extension of the current MOU which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

SECTION 1. TERM. The term of the MOU shall be extended from June 30, 2013 to June 30, 2014.

SECTION 2. SALARY. Section 4 B.5 shall be amended to change the date of the current salary range increase of 3% effective July 2, 2013 to March 12, 2013.

SECTION 3. SALARY PROGRESSION THROUGH THE STEP RANGES. Section 4.C. steps 2 - 4 will remain temporarily inoperative from the first pay period of fiscal year 2010 – 2011 through March 11, 2013 instead of the current contract period
that ran through June 30, 2013. Therefore, MPOA members will not receive any step increases during this period. Beginning March 12, 2013 instead of June 30, 2013 Section 4.C. steps 2 – 4 will become operative and employees will move to the next step of the salary range (one step) on the employees’ next normal anniversary date.

SECTION 5. RETIREMENT. Section 11 has been amended to include a second tier pension benefit for new employees hired on or after September 11, 2012 and include changes to employee contribution for employees hire prior to September 11, 2012. Effective December 18, 2012, employees under the 3%@50 CALPERS formula shall begin paying 6.5% of their 9% employee contributions which is an increase in payment of 5% by each employee. Employees under the 3%@55 CALPERS formula will continue to pay their 9% of the employee share of retirement contributions so no change for this group is recommended since they already pay their 9%.

1. SECTION 6. HEALTH, DENTAL AND VISION INSURANCE. Section 13 shall be amended as follows to redirect the January 2013 medical contribution to POST Pay:

a. The increases in the City’s contribution for fiscal plan year 2010 – 2011 in Section 13 of the MOU deferred until January 1, 2013 shall be eliminated. The CITY shall contribute the following amounts bi-weekly (based on 24 pay periods) toward the combined total premium for health, dental, and vision insurance plans, with the employee responsible for the balance of the premium cost, if any. The City’s contribution shall remain at the amount listed below until such time as a new agreement is adopted.
1. $550.00 bi-weekly ($1,100.00/monthly) for employees with dependent coverage. For plan year beginning January 1, 2013 through December 31, 2013, active employees with dependent coverage who are enrolled in the CITY-sponsored High Deductible Health plan shall be eligible to receive a health savings incentive in the amount of $35.00 bi-weekly ($70.00/monthly).

2. $310.50 bi-weekly ($621.00/monthly) for employees without dependent coverage.

3. For employees who opt out of health coverage, the City contribution shall be equal to 80% of the designated CITY contribution for employees without dependent coverage.

SECTION 7. SPECIAL COMPENSATION. Section 5 (H) POST pay shall be amended effective January 1, 2013 to increase the intermediate POST pay from 2.5% to 3.2% and to increase the advance POST pay from 5% to 5.7% that represents the amounts redirected from the contributions towards medical that is due through the current contract on January 1, 2013.

2. SECTION 8. REOPENERS. The City and the Association agree to the following reopener:

A. Sick leave conversion program for retiree health: MPOA and the City agree to begin meeting and conferring no later than December 31, 2012 on restructuring the current sick leave program all the way through the conclusion of the process of impasse and binding arbitration as provided for in the City’s charter.
The exact language of all provisions shall be set forth in the LOU between the CITY and MPOA.

WHEREAS, the Council considered this matter at its meeting of December 11, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for an extension agreement to the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers’ Association, which covers a term through June 30, 2014, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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:  

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING A LABOR POLICY FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYER RETIREMENT SYSTEM (CALPERS) ON BEHALF OF EMPLOYEES REPRESENTED BY THE MODESTO POLICE OFFICERS' ASSOCIATION (MPOA)

WHEREAS, by Resolution No 2012-350 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the governing body of the City of Modesto has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691, and

WHEREAS, the governing body of the City of Modesto has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation, and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Modesto of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions, and

WHEREAS, the governing body has the authority to amend all members in a group or class of employment pursuant to Government Code Section 20691.

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

Effective December 18, 2012, MPOA employees hired before September 11, 2012, the City of Modesto elects to pay two and one-half percent (2.5%) of the normal
member contributions of nine percent (9%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation.

Effective September 11, 2012, MPOA employees hired on or after September 11, 2012, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of nine percent (9%). No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

BE IT FURTHER RESOLVED that this Resolution shall become effective on December 18, 2012.

BE IT FURTHER RESOLVED that effective December 18, 2012 Resolution No. 2012-350 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2012, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE HILLTOP AREA STRENGTHEN AND REPLACE WATER SYSTEM PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH DSS COMPANY DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA IN THE AMOUNT OF $967,368, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Hilltop Area Strengthen and Replace Water System project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for Hilltop Area Strengthen and Replace Water System were opened at 11:00 a.m. on November 13, 2012, 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 $967,368 received from DSS Company dba Knife River Construction of Stockton, California be accepted as the lowest responsible bid and the contract be awarded to DSS Company dba Knife River Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Hilltop Area Strengthen and Replace Water System project, accepts the bid of DSS Company dba Knife River Construction of Stockton, California, in the amount of $967,368, and awards DSS Company dba Knife River Construction the contract with for the Hilltop Area Strengthen and Replace Water System 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 11th day of December, 2012, by Councilmember Burnside, 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]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2012-2013 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $441,841 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE HILLTOP AREA STRENGTHEN AND REPLACE WATER SYSTEM PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $441,841, in order to fund construction, contingency, construction administration, and design support during construction for the Hilltop Area Strengthen and Replace Water System project, and

WHEREAS, the Fiscal Year 2012-2013 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 2012-2013 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 11th day of December, 2012, by Councilmember Burnside, 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]

SUSANA ALCALA WOOD, City Attorney
Exhibit A

Due to the increase of estimated construction, contingency, construction administration, and design support during construction costs for CIP Account #100649 “Hilltop Area Water Main Replacement”, the total project costs need to be increased by $441,841. This would be done by adjusting Construction by $215,709, creating Contingency by adding $96,500, creating Construction Administration by adding $77,500, creating Construction City Force by adding $30,000, and adding to Engineering/Design/Administration $22,132.

To fund the above account, $441,841 will be transferred from Water Fund Reserves into CIP Project 100649 for the Hilltop Area Strengthen and Replace Water System project.