RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE FEBRUARY 2, 2016 CITY OF
MODESTO MUNICIPAL RUN-OFF MAIL BALLOT ELECTION WHICH WAS
HELD IN THE CITY OF MODESTO ON FEBRUARY 2, 2016, AND
DECLARING THE RESULTS OF SAID ELECTION

WHEREAS, the Charter of the City of Modesto provides that if no candidate for
an elective office of Mayor for the City of Modesto receives a majority vote at a regular
municipal election, a second Regular Municipal Election shall be held at which the two
candidates receiving the highest number of votes at the first election shall have their
names on the ballot for the election to the office, and

WHEREAS, at said Regular Municipal Election on November 3, 2015 a majority
vote was not cast for Mayor of the City of Modesto, and

WHEREAS, the two candidates receiving the highest number of votes for Mayor
Garrad Marsh and Ted Brandvold, will have their names on the ballot for a run-off
election to be held on Tuesday, February 2, 2016, and

WHEREAS, the February 2, 2016 City of Modesto Municipal Run-Off Mail
Ballot Election was held by mail ballot in the City of Modesto on Tuesday, February 2,
2016, to elect the Mayor for the City of Modesto, as mentioned above, and said election
was held in accordance with the with laws and the proceedings of this Council, and the
votes thereat received and canvassed, and the returns thereof ascertained, determined and
declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said February 2, 2016 City of
Modesto Municipal Run-Off Mail Ballot Election in accordance with law, and certified
the results of the election to the Council by a Certificate of Canvass and Statement of
Votes dated February 23, 2016, a copy of which is hereto marked EXHIBIT “A” and made a part hereof,

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

SECTION 1. Said Canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as EXHIBIT “A” and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city
(b) The names of the persons voted for
(c) For what office each person was voted for
(d) The number of votes given in the city for each person

SECTION 3. That, at said February 2, 2016 City of Modesto Municipal Run-Off Mail Ballot Election, held by mail ballot, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit “A”, are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying her/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

TED BRANDVOLD Mayor, for a term of four years, City of Modesto
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO MUNICIPAL RUN-OFF MAIL BALLOT ELECTION
February 2, 2016

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office on February 2, 2016, to publicly canvass the returns of the City of Modesto Municipal Run-Off Mail Ballot Election held on February 2, 2016, in accordance with Modesto City Council Resolution No. 2011-123. The following are results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor, City of Modesto</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ted Brandvold</td>
<td>15,455</td>
<td>58.34%</td>
</tr>
<tr>
<td>Garrad Marsh</td>
<td>11,037</td>
<td>41.66%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOTAL REGISTERED VOTERS</th>
<th>TOTAL TURNOUT</th>
<th>TURNOUT PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto</td>
<td>91,373</td>
<td>26,532</td>
</tr>
</tbody>
</table>

STEPHANIE LOPEZ
City Clerk
City of Modesto

February 23, 2016
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-57

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT FOR WATER SERVICE BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS TO CONNECT TO THE CITY OF MODESTO’S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 1716 MORGAN ROAD IN MODESTO (APN: 040-006-002), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT FOR WATER SERVICE

WHEREAS, the County of Stanislaus owns property located at 1716 Morgan Road, and WHEREAS, the County of Stanislaus recently awarded a construction contract for the construction of the Morgan Road Heavy Equipment Shop/Administration Building Project, and

WHEREAS, the County of Stanislaus has requested an additional water connection to serve the new facilities, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001, and
WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval, and

WHEREAS, the property located at 1716 Morgan Road is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, water service may be granted to properties outside the Modesto City limits, outside the Sphere of Influence and inside, contiguous to and near the former Del Este Water Service Area, as provided by Modesto City Council Policy 5.001 when certain conditions are met, and

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

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

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Water Service for the property located at 1716 Morgan Road in Modesto (APN: 040-006-002).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve Letter and execute the Outside Service Agreement for Water Service.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney

02/23/2016/C&ED/VD/on/Item 7
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-58

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT FOR SEWER SERVICE BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS TO CONNECT TO THE CITY OF MODESTO’S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 1716 MORGAN ROAD IN MODESTO (APN: 040-006-002), AND AUTHORIZING THE CITY MANAGE, OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT FOR SEWER SERVICE

WHEREAS, the County of Stanislaus owns property located at 1716 Morgan Road, and

WHEREAS, the County of Stanislaus recently awarded a construction contract for the construction of the Morgan Road Heavy Equipment Shop/Administration Building Project, and

WHEREAS, the County of Stanislaus has requested an additional sewer connection to serve the new facilities, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.002 relating to sewer connection charges, and

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

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05, and
WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval, and

WHEREAS, the property located at 1716 Morgan Road is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Sewer Service for the property located at 1716 Morgan Road (APN 040-006-002) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter and execute the Outside Service Agreement for Sewer Service.
The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE 2016-2020 AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) FOR SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA) AND CALTRANS AERONAUTICS

WHEREAS, Modesto City-County Airport (Airport) is a federally obligated airport, 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 FAA requires that the City submit a revised ACIP annually covering at least the next five (5) 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 distribution of funds on a priority rating, and

WHEREAS, CalTrans Aeronautics uses the ACIP submission to develop the State Capital Improvement Plan (SCIP), and

WHEREAS, the Airport CIP update will be focusing on mandated safety and compliance issues, current infrastructure needs and planning for future Airport needs and,

WHEREAS, the total package of capital improvements submitted to the FAA for 2016-2020 is estimated to cost $5,798,341, and

WHEREAS, funding for projects that are approved will be borne by the FAA at 90% with the Airport Fund providing the remaining 10% ($579,834), and
WHEREAS, Passenger Facility Fees or Local Match will generate most of the revenue for the 10% match, and

WHEREAS, on January 20, 2016, the Airport Advisory Committee recommended the forwarding of this item to City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the ACIP, attached hereby as Exhibit A, for submittal to the FAA and CalTrans Aeronautics.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

STEFANIE LOPEZ, City Clerk
<table>
<thead>
<tr>
<th>PROJECT</th>
<th>FFY 1G PRIORITIES</th>
<th>Total Cost</th>
<th>Federal Share</th>
<th>City Share</th>
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<tr>
<td>Admin</td>
<td>4,620</td>
<td>4,158</td>
<td>462</td>
<td>4,158</td>
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<tr>
<td>FMAP Plan</td>
<td>90,000</td>
<td>81,000</td>
<td>9,000</td>
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<td>Wildlife Management Plan</td>
<td>50,000</td>
<td>45,000</td>
<td>5,000</td>
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<td><strong>TOTAL</strong></td>
<td><strong>144,620</strong></td>
<td><strong>130,158</strong></td>
<td><strong>14,462</strong></td>
<td><strong>130,158</strong></td>
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<td>Construct Taxiway E/D with Stormwater Improvements</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Admin</td>
<td>262,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Design</td>
<td>1,722,000</td>
<td>1,549,800</td>
<td>172,200</td>
<td>172,200</td>
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<tr>
<td>Construction</td>
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<td>354,900</td>
<td>17,200</td>
<td>77,490</td>
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<td><strong>TOTAL</strong></td>
<td><strong>2,916,000</strong></td>
<td><strong>2,275,500</strong></td>
<td><strong>715,000</strong></td>
<td><strong>715,000</strong></td>
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<tr>
<td>Reconstruct Taxiways C with Stormwater Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>NEPA (Assumes CatEx - due to FAA by June 2016)</td>
<td></td>
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<td></td>
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<tr>
<td>Admin</td>
<td>4,332</td>
<td>3,899</td>
<td>433</td>
<td>3,899</td>
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<tr>
<td>Design</td>
<td>72,000</td>
<td>64,980</td>
<td>7,020</td>
<td>21,660</td>
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<tr>
<td>Construction</td>
<td>216,600</td>
<td>194,940</td>
<td>21,660</td>
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<td><strong>TOTAL</strong></td>
<td><strong>293,932</strong></td>
<td><strong>284,810</strong></td>
<td><strong>9,122</strong></td>
<td><strong>9,122</strong></td>
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<tr>
<td>Rehab Airport Passenger Terminal Building with ADA Compliances</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Admin</td>
<td>7,144</td>
<td>6,429</td>
<td>714</td>
<td>3,225</td>
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<tr>
<td>Construction</td>
<td>121,969</td>
<td>109,772</td>
<td>12,197</td>
<td>109,772</td>
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<tr>
<td>ADA Compliance Retrofits during construction</td>
<td>375,000</td>
<td>317,500</td>
<td>57,500</td>
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<tr>
<td>Construction Admin</td>
<td>238,124</td>
<td>214,312</td>
<td>23,812</td>
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<td><strong>TOTAL</strong></td>
<td><strong>913,189</strong></td>
<td><strong>856,762</strong></td>
<td><strong>56,427</strong></td>
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<td>Phase 2: Rehab Airport Perimeter Fence and Install Card Reader Access</td>
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<td>Admin</td>
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<td>6,300</td>
<td>700</td>
<td>6,300</td>
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<tr>
<td>Design</td>
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<td>31,500</td>
<td>3,500</td>
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<tr>
<td>Construction</td>
<td>350,000</td>
<td>315,000</td>
<td>35,000</td>
<td>315,000</td>
</tr>
<tr>
<td>Construction Admin</td>
<td>28,000</td>
<td>25,200</td>
<td>2,800</td>
<td>25,200</td>
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<td><strong>TOTAL</strong></td>
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<td><strong>378,000</strong></td>
<td><strong>42,000</strong></td>
<td><strong>378,000</strong></td>
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<tr>
<td>Jato Airport Layout Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Admin</td>
<td>50,000</td>
<td>45,000</td>
<td>5,000</td>
<td>45,000</td>
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<tr>
<td>Planning (Scope of work to FAA by August 2016)</td>
<td>200,000</td>
<td>196,000</td>
<td>4,000</td>
<td>180,000</td>
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<tr>
<td>Survey</td>
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<td>135,000</td>
<td>15,000</td>
<td>115,000</td>
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<td><strong>TOTAL</strong></td>
<td><strong>400,000</strong></td>
<td><strong>360,000</strong></td>
<td><strong>40,000</strong></td>
<td><strong>360,000</strong></td>
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<tr>
<td>Total Funding to be requested</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Omits funding already granted in 2014 &amp; 2015)</td>
<td>8,798,941</td>
<td>5,218,507</td>
<td>579,834</td>
<td>1,831,553</td>
</tr>
</tbody>
</table>

**FEDERAL SHARE FUNDED IN:**

- 2016
- 2017
- 2018
- 2019
- 2020

*Admin = (CatEx 2014)*
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-60

RESOLUTION APPROVING THE PREQUALIFIED DESIGN-BUILD TEAMS TO PROPOSE ON THE CONSTRUCTION OF THE RECYCLED WATER DELIVERY SYSTEM FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on December 22, 2015 the City issued a Request for Qualifications to invite interested parties to submit their team’s D-B experience and qualifications to generate a pre-qualified short-list, and
WHEREAS, only the firms on the short-list will be allowed to submit proposals for this project, and

WHEREAS, on January 27, 2016, the City received statements of qualifications (SOQs) from seven respondents, and

WHEREAS, a panel of Modesto Utilities and Del Puerto Water District staff reviewed the SOQs on February 10, 2016, and determined the following D-B teams will be included in the prequalified short-list:

- Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
- Myer-Rados (Joint Venture) of Santa Ana, CA
- Overaa Construction of Richmond, CA

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following prequalified list of Design-Build teams to propose the construction of the recycled water delivery system for the North Valley Regional Recycled Water Program project:

- Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
- Myer-Rados (Joint Venture) of Santa Ana, CA
- Overaa Construction of Richmond, CA
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR THE CONSTRUCTION OF THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on December 22, 2015 the City issued a Request for Qualifications to invite interested parties to submit their team’s D-B experience and qualifications to generate a pre-qualified short-list, and
WHEREAS, only the firms on the short-list will be allowed to submit proposals for this project, and

WHEREAS, on January 27, 2016, the City received statements of qualifications (SOQs) from seven respondents, and

WHEREAS, a panel of Modesto Utilities and Del Puerto Water District staff reviewed the SOQs on February 10, 2016, and determined the following D-B teams will be included in the prequalified short-list to receive the Request for Proposals (RFPs):

- Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
- Myer-Rados (Joint Venture) of Santa Ana, CA
- Overaa Construction of Richmond, CA

WHEREAS, the RFPs will include proposal requirements for the D-B services, preliminary design information, contract documents and draft agreements, technical requirements, project reference information, funding and permitting requirements, and cost proposal forms, and

WHEREAS, in order to meet the expedited project schedule, the RFPs will need to be issued on March 2, 2016, with submittal in early May 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the issuance of Request for Proposals for the construction of the North Valley Regional Recycled Water Program project to the prequalified list of Design Build teams.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION DESIGNATING CITY COUNCILMEMBER BILL ZOSLOCKI TO PARTICIPATE IN THE SELECTION PROCESS FOR A DESIGN-BUILD TEAM FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on December 22, 2015 the City issued a Request for Qualifications to invite interested parties to submit their team's D-B experience and qualifications to generate a pre-qualified short-list, and
WHEREAS, only the firms on the short-list will be allowed to submit proposals for this project, and

WHEREAS, on January 27, 2016, the City received statements of qualifications (SOQs) from seven respondents, and

WHEREAS, a panel of Modesto Utilities and Del Puerto Water District staff reviewed the SOQs on February 10, 2016, and determined the following D-B teams will be included in the prequalified short-list to receive the Request for Proposals (RFPs):

• Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
• Myer-Rados (Joint Venture) of Santa Ana, CA
• Overaa Construction of Richmond, CA

WHEREAS, the RFPs will include proposal requirements for the D-B services, preliminary design information, contract documents and draft agreements, technical requirements, project reference information, funding and permitting requirements, and cost proposal forms, and

WHEREAS, in order to meet the expedited project schedule, the RFPs will need to be issued on March 2, 2016, with submittal in early May 2016, and

WHEREAS, because the D-B process is a new project delivery method for the City, staff is requesting the City Council designate Councilmember Bill Zoslocki, the City’s NVRRWP Policy Board member, to participate in the selection of the most qualified D-B team,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby designates City Councilmember Bill Zoslocki to participate in the selection process for a Design-Build team for the North Valley Regional Recycled Water Program project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-63

RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR DESIGN-BUILD OWNER ADVISOR SERVICES FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM, IN AN AMOUNT NOT TO EXCEED $218,498 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $30,097 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $248,595, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on July 7, 2015, by Resolution No. 2015-240, the City Council authorized City staff to initiate the Design-Build process for the Project, and
WHEREAS, on November 4, 2015, by Resolution No. 2015-422, the City Council approved an agreement with Carollo Engineers (Carollo) to provide the City with Owner Advisor services to assist the City with the D-B process for the Project, and

WHEREAS, Carollo’s scope of services includes: 1) Project Management and Administration; 2) Develop D-B Procurement strategy, criteria, documentation, and schedule; 3) Develop D-B Qualification and Proposal Documents and review criteria; 4) Predesign geotechnical evaluations and survey; 5) Prepare conceptual and selective preliminary design; and 6) Assist staff to evaluate proposals and negotiate final D-B contract, and

WHEREAS, during the preparation of the conceptual and preliminary design in support of the D-B effort, significant additional design effort by Carollo was required to address several permitting requirements, most notably the underground crossings of the San Joaquin River, Highway 33, the Genesee & Wyoming Railroad line, as well as the outfall structure at the DMC, and

WHEREAS, these additional design efforts, and permit costs, were not anticipated in the original scope of work; however, it was necessary in order to secure the required agency permits and approvals before the award of the D-B construction contract, and

WHEREAS, securing these permits ahead of time will result in fewer risks to the contract and preserve the anticipated project construction schedule, and

WHEREAS, staff recommends that the amendment to the agreement with Carollo be approved,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement with Carollo Engineers, Inc. to provide additional work for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, in an amount not to exceed $218,498 for the identified scope of services, plus $30,097 for additional services (if needed), for a maximum total amount of $248,595.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $159,037 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR DESIGN-BUILD OWNER ADVISOR SERVICES FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of $159,037, in order to fund the Design-Build Owner Advisor Services amendment to agreement, including support by City staff for the North Valley Regional Recycled Water Program, and

WHEREAS, the Fiscal Year 2015-2016 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 2015-2016 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 23rd day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Exhibit A

Due to the increase of estimated engineering/design/administration costs for the amendment to agreement, including support by City staff for CIP Account #100521-“North Valley Regional Recycled Water Program”, the project costs need to be increased by $159,037. This would be done by adjusting Engineering/Design/Administration (EDA) in CIP Account #100521-“North Valley Regional Recycled Water Program” by $159,037.

To fund the above account, $159,037 will be transferred from Wastewater Fund Reserves into CIP Project #100521-“North Valley Regional Recycled Water Program” project.
RESOLUTION APPROVING THE APPOINTMENTS OF DOUGLAS PARMAN AND RICHARD MAGGARD TO CITY OF MODESTO CITIZENS’ HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH AN EXPIRATION DATE OF DECEMBER 31, 2019

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commission; and

WHEREAS, both DOUGLAS PARMAN and RICHARD MAGGARD have expressed an interested in serving on the Citizen’s Housing and Community Development Committee (CH&CDC); and

WHEREAS, on January 26, 2016, the City of Modesto Appointments Committee reviewed applications and recommended that both DOUGLAS PARMAN and RICHARD MAGGARD be appointed to the CH&CDC; and

WHEREAS, DOUGLAS PARMAN will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 to December 31, 2019; and

WHEREAS, RICHARD MAGGARD will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 to December 31, 2019; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Council of the City of Modesto that DOUGLAS PARMAN is hereby appointed to the Citizens’ Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 through December 31, 2019.

BE IT FURTHER RESOLVED that RICHARD MAGGARD is hereby appointed to the Citizens’ Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 through December 31, 2019.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By:

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE APPOINTMENTS OF JAMES LIBERTO AND CHARLES AUSTIN TO CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE WITH AN EXPIRATION DATE OF DECEMBER 31, 2019

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commission; and

WHEREAS, JAMES LIBERTO and CHARLES AUSTIN expressed an interested in serving on the Housing and Rehabilitation Loan Committee (HRLC); and

WHEREAS, on January 26, 2016, the City of Modesto Appointments Committee reviewed applications and recommended that both JAMES LIBERTO and CHARLES AUSTIN be appointed to the HRLC; and

WHEREAS, JAMES LIBERTO will serve in the seat designation of Financial Institution and will serve for the time period March 1, 2016 to December 31, 2019; and

WHEREAS, CHARLES AUSTIN will serve in the seat designation of Provider of Service and will serve for the time period March 1, 2016 to December 31, 2019;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Council of the City of Modesto that JAMES LIBERTO is hereby appointed to the Housing Rehabilitation and Loan Committee and will serve in the seat designation of Financial Institution for the time period March 1, 2016 through December 31, 2019.

BE IT FURTHER RESOLVED that CHARLES AUSTIN is hereby appointed to the Housing Rehabilitation and Loan Committee and will serve in the seat designation of Provider of Service for the time period March 1, 2016 through December 31, 2019.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-67

RESOLUTION AFFIRMING THE PROPOSED APPOINTMENT OF YAMILET VALLADOLID FROM EL CONCILIO TO SERVE AS A NONPROFIT REPRESENTATIVE ON THE SAFER NEIGHBORHOOD INITIATIVE OVERSIGHT BOARD; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS RELATED TO THE APPOINTMENT

WHEREAS, at the October 27, 2015 City Council meeting, Council approved representatives to serve on the Safer Neighborhood Initiative Oversight Board; and

WHEREAS, at that time there was no Nonprofit Representative appointed; and

WHEREAS, staff is now requesting Council affirm the proposed appointment of Yamilet Valladolid from El Concilio to serve as a Nonprofit Representative on the Safer Neighborhood Initiative Oversight Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed appointment of Yamilet Valladolid from El Concilio to serve as a Nonprofit Representative on the Safer Neighborhood Initiative Oversight Board.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents related to the appointment.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of March, 2016, by Councilmember Zoslocki,
who moved its adoption, which motion being duly seconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-68

RESOLUTION APPROVING THE THIRD AMENDED LONG RANGE PROPERTY MANAGEMENT PLAN OF THE CITY OF MODESTO REDEVELOPMENT SUCCESSOR AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34191.5(B) AND SENATE BILL 107

WHEREAS, on October 17, 2013, the Modesto Redevelopment Successor Agency Oversight Board adopted Resolution No. 2013-07 approving the City of Modesto Redevelopment Successor Agency Long Range Property Management Plan (the Plan), and

WHEREAS, the Plan was submitted to the State Department of Finance (DOF) on October 24, 2013, and

WHEREAS, City staff was contacted by the DOF to discuss the permissible uses identified in the Plan for the following properties:

1. 11th Street Parking Garage (TSP)
2. 1010 10th Street – 1st Floor Retail Space
3. 1125 9th Street – Parking Garage
4. 1150 9th Street – Centre Plaza; and

WHEREAS, the DOF’s position was these properties do not meet the definition of the Government / Public Use designation, and

WHEREAS, based on discussions with DOF staff and the City’s legal counsel, the Plan was amended (the Amended Plan) to retain these properties as Government / Public Use until the debts are retired, at which time they would be evaluated for disposition if appropriate, and
WHEREAS, the Amended Plan was approved by the City Council (Resolution No. 2014-70) and Redevelopment Successor Agency (Resolution No. 01-2014) on February 25, 2014 and the Redevelopment Successor Agency Oversight Board (Resolution No. 2014-06) on February 27, 2014, and submitted to the DOF on March 4, 2014, and

WHEREAS, additional discussions with the DOF staff occurred following the submission of the Amended Plan, and

WHEREAS, DOF staff maintained the position that the identified properties do not meet the Government / Public Use designation and must be designated for disposition in order for the Plan to be approved, and

WHEREAS, options regarding this designation were considered, including the option for the City of Modesto to purchase the properties, which requires the execution of a Compensation Agreement with the taxing entities, with the net sales proceeds being distributed to the taxing entities on a pro rata basis in proportion to each entity’s respective share of the property tax base, and

WHEREAS, given the long-term contracts restricting the use of the properties, the disposition price for the properties is anticipated to be minimal, and

WHEREAS, the Plan was amended a second time to designate these properties for sale to the City of Modesto in accordance with the Plan,

WHEREAS, the Second Amended Long Range Property Management Plan was approved by the City Council (Resolution No. 2014-138), City of Modesto Redevelopment Successor Agency (Resolution No. 02-2014) on April 15, 2014, the City

WHEREAS, Senate Bill 107, adopted September 10, 2015, authorized Successor Agencies to amend their previously approved Long Range Property Management Plan to allow for retention of real properties that constitute parking facilities and lots dedicated solely to public parking, and

WHEREAS, the Plan has been amended a third time to designate the two (2) properties listed as 11th Street Parking Garage and 1125 9th Street- Parking Garage for retention as Government / Public Use in accordance with the Plan,

WHEREAS, the Redevelopment Successor Agency Oversight Board approved the Third Amended Long Range Property Management Plan on January 28, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amended Long Range Property Management Plan (Exhibit A) of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b) and Senate Bill 107.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyfer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

2016-68
THIRD AMENDED LONG-RANGE PROPERTY MANAGEMENT PLAN

CITY OF MODESTO REDEVELOPMENT SUCCESSOR AGENCY

MODESTO
CALIFORNIA

JANUARY 2016

Prepared By:

Laurie A. Smith
City of Modesto
P.O. Box 642
Modesto, CA 95353
(209) 577-5347
lsmith@modestogov.com
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<td>Property #4: 1125 9th Street - Parking Garage</td>
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<td>20</td>
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<td>3.0 Attachments</td>
<td>21</td>
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1.0 Introduction

1.1 Background & Purpose

Health and Safety Code Section 34191.5, added by AB 1484 (signed into law on June 27, 2012), requires each Successor Agency ("SA") to prepare and approve a Long-Range Property Management Plan ("LRPMP") that addresses the disposition and use of the real properties of the former redevelopment agency. Properties held by a successor agency cannot be disposed of until the State Department of Finance ("DOF") has approved the LRPMP. This document is the LRPMP for the Successor Agency to the former Modesto Redevelopment Agency.

Senate Bill 107, amended September 10, 2015, authorized Successor Agencies to amend their previously approved Long-Range Property Management Plans to allow for retention of real properties that constitute “parking facilities and lots dedicated solely to public parking.” This document amends those properties affected by this legislation.
1.2 Successor Agency Property Summary

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

Only Sites #1 and #4 are included in this third amended Long-Range Property Management Plan as the disposition for the other sites have already been determined. For easy reference, items not being submitted within this amendment have been grayed out.

<table>
<thead>
<tr>
<th>#</th>
<th>Address/Description</th>
<th>APN</th>
<th>Purpose</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11th Street Parking Garage</td>
<td>105-037-032</td>
<td>X</td>
<td>6-8*</td>
</tr>
<tr>
<td>2</td>
<td>1010 10th Street – 1st Floor Retail</td>
<td>105-037-033;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>105-037-034</td>
<td>X*</td>
<td></td>
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<tr>
<td>3</td>
<td>9th Street Parking Lot</td>
<td>105-041-021</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>1125 9th Street – Parking Garage</td>
<td>105-048-006</td>
<td>X</td>
<td>13-15*</td>
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<td>5</td>
<td>9th Street Pedestrian Bridge</td>
<td>105-048-008</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1150 9th Street – Centre Plaza</td>
<td>105-048-011</td>
<td>X*</td>
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<td>7</td>
<td>777 10th Street – Parking Lot</td>
<td>106-042-001;</td>
<td></td>
<td></td>
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<td>106-042-002;</td>
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<tr>
<td></td>
<td></td>
<td>106-042-003;</td>
<td></td>
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<td></td>
<td></td>
<td>106-042-004</td>
<td>X</td>
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</table>

* Note: Amended property information pages are included for consideration in the Third Amended Long-Range Property Management Plan. All other property information remains intact and unchanged.
2.0 Long-Range Property Management Plan (PMP)

Property #1: 11th Street Parking Garage

<table>
<thead>
<tr>
<th>Address</th>
<th>Southwest Corner 11th Street and K Street</th>
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</thead>
<tbody>
<tr>
<td>APN</td>
<td>105-037-032</td>
</tr>
<tr>
<td>Lot Size</td>
<td>1.15 acre (50,094 square feet)</td>
</tr>
<tr>
<td>Use</td>
<td>Parking Structure</td>
</tr>
<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
</tr>
<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
</tr>
<tr>
<td>Improvements</td>
<td>Four-story + basement parking structure (connected to Tenth Street Place (TSP), City-County Administration Building)</td>
</tr>
</tbody>
</table>

| Purchase Date    | 6/29/2001 (date of existing grant deed in the former RDA name) |
| Purchase Price   | New Construction                                             |
| Funding Source   | Land purchased with City general fund monies; construction was financed through issuance of bonds secured by Redevelopment Agency tax increment. |
| Existing Debt    | This property is collateral for the Lease Revenue Bonds scheduled to be paid in full on 9/1/2033. Outstanding balance of this debt is $26,483,169. |
| Purpose          | A multi-level public parking facility constructed to serve the City-County Administration building employers and visitors and adjacent office and retail businesses. |
| Estimate of Current Value | $7,035,624 |
| Method of Valuation | Straight line depreciation on fixed assets. |

The analyses, projections, assumptions, risks of return, and any estimates presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro formas and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
Annual revenue generated equals $409,117. A portion of this revenue is derived from the parking fees which are charged as follows:
- $1 per hour 6 a.m. to 6 p.m.
- $5 flat fee 6 p.m. to 6 a.m.

Additionally included in that revenue amount are three (3) parking agreements as summarized below:
- $38,472 from Centerra Capital (Parking Garage retail space)
- $44,250 from Civic Partners (TSP retail space)
- $114,411 from AIM Property Management (Cinema)

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

The City of Modesto pays for all maintenance out of the City Parking Fund.

Of the 727 parking spaces, 432 are perpetually reserved under recorded contracts (Attachment A); 377 for government employees and 55 for the office building owned by Centerra Capital, to satisfy downtown parking requirements. In addition, the parking agreement with Civic Partners requires validation of parking for retail business patrons on a first-come, first-served basis. In addition, there is a parking agreement with the Joint Powers Authority per attachment A.

Approximately 52% of the parking spaces are contractually obligated to provide government employee parking for as long as the City-County JPA is in existence and the government agencies continue to operate and provide services in the public structure adjacent to the garage. In addition, the parking agreements with Centerra Capital, and Civic Partners also continue as long as the parking garage and retail and office uses are in existence and open for business, thus limiting resale value.
Recommendation for Disposition – Property #1

**Change From:**
At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net sale proceeds for the disposition will be distributed to all of the taxing entities on a pro-rata basis in proportion to each entity’s respective share of the property tax base, provided however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOR’s directive regarding such agreements.

**Change To:**
Transfer of these parcels to the City of Modesto in accordance with Senate Bill 107, amended September 10, 2015, which authorized the Successor Agency to amend its previously approved LRPMP to allow for retention of real properties that constitute “parking facilities and lots dedicated solely to public parking.”
Property #2: 1010 10th Street 1st Floor Retail

<table>
<thead>
<tr>
<th>Address</th>
<th>1010 10th Street 1st Floor Retail Condominium Airspace Parcel</th>
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</thead>
<tbody>
<tr>
<td>APN</td>
<td>105-37-33,105-37-34</td>
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<tr>
<td>Lot Size</td>
<td>26,984 square feet</td>
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<tr>
<td>Use</td>
<td>Ground Floor Retail within City-County Administration Building</td>
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<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
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<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
</tr>
<tr>
<td>Improvements</td>
<td>1st floor retail airspace of the City/County Administration Building</td>
</tr>
</tbody>
</table>

| Purchase Date                  | 8/24/2001 (date of existing grant deed in the former RDA name) |
| Purchase Price                | New Construction                                             |
| Funding Source                | Construction of City-County Administration Building was financed by bonds issued by the City-County Capital Improvements and Financing Agency. |
| Existing Debt                 | This property is collateral for the Lease Revenue Bonds scheduled to be paid in full on 9/1/2033. Outstanding balance of this debt is $28,493,199 |
| Purpose                       | First floor retail/office leasable airspace in the multi-story joint administration building from which both the City of Modesto and County of Stanislaus operate. The space primarily services the users of the City-County Administration Building. |
| Estimate of Current Value     | $956,912                                                     |
| Method of Valuation           | Straight line depreciation on fixed assets.                 |

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro formas and tax analyses are projections only. Actual results may differ materially from those expressed in the analysis.
Annual Revenues: $106,294
Annual Maintenance Costs: $63,017
Annual Debt Service: a portion of $1,353,104 (in conjunction with debt service on the 11th Street Parking Garage)

Agreements Affecting the Condominium Parcel

The Redevelopment Agency has a Lease Agreement with Option to Purchase with Civic Partners Modesto, Inc., on the first floor retail airspace of 1010 10th Street. The Agreement provides for a purchase price of $1,605,962; the option can be exercised at any time during the lease; the lease term runs through 2032. In addition, the condominium airspace is subject to several other agreements, including a Reciprocal Easement and Maintenance Agreement, and Conditions, Covenants and Restrictions for the City-County Administration Building.

SALE

At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net sales proceeds for the disposition will be distributed to all of the taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base, provided, however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOF's directive regarding such agreements.

None

Potential for TOD

Not applicable, fully developed as airspace within a governmental building.

Agency Planning Objectives

Dependent upon the terms of the Lease Agreement with Option to Purchase by and Between Redevelopment Agency of the City of Modesto and Civic Partners Modesto, Inc. and the public financing bonds.

History

Unknown.
Property #3: 9th Street Parking Lot

<table>
<thead>
<tr>
<th>Address</th>
<th>9th Street Parking Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN</td>
<td>105-041-021</td>
</tr>
<tr>
<td>Lot Size</td>
<td>19,040 square feet</td>
</tr>
<tr>
<td>Use</td>
<td>Parking Lot</td>
</tr>
<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
</tr>
<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
</tr>
<tr>
<td>Improvements</td>
<td>Flat parking lot</td>
</tr>
</tbody>
</table>

**Purchase Date**: 12/1/1994 (date of existing grant deed in the former RDA name)

**Purchase Price**: $0

**Funding Source**: Purchased with City of Modesto general fund monies and transferred without consideration to the Redevelopment Agency for potential development.

**Existing Debt**: None

**Purpose**: As the potential project did not occur, the property has been used, operated and maintained by the City of Modesto continuously as a surface parking lot. Title should have been transferred back to the City, but was not.

**Estimate of Current Value**: Due to the nature of the reporting of fixed assets, this property is not clearly identifiable in records and therefore an estimate of current value is unknown.

**Method of Valuation**: N/A
City / Successor Agency Lease Agreement

Annual revenue generated equals $30,727. This revenue is derived from the parking fees which are charged as follows:

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

The annual maintenance of this parcel is $16,250. City pays for all maintenance costs.

Potential for TOD

The property supports the Modesto Downtown Transportation Center which resides across 9th Street and runs Amtrak, ACE, a connection to BART, Greyhound buses, and all Modesto Area Express lines.

Agency Planning Objectives

The property should be transferred back to the City of Modesto for continued use as a surface parking lot.

History

The proposed development with McDonald’s Corporation for the development of a restaurant, associated parking and landscaping, trash enclosures and restorative work on adjacent parking lot never occurred. It has been used for many years as a City parking lot.

Retain as Government/Public Use

Transfer to the City of Modesto. This property was previously owned by the City of Modesto and was conveyed to the Redevelopment Agency for a potential project which never occurred. No Redevelopment Agency funds were used to acquire or maintain the property. The Resolution related to this transfer specifically states “…and the Site will not be acquired by the Agency, either directly or indirectly, with tax increment monies…” (Attachment D)
Property #4: 1125 9th Street Parking Garage

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

| Purchase Date    | 6/30/1988 (date placed in service as a fixed asset) |
| Purchase Price   | Construction financing costs (see below)            |
| Funding Source   | Underlying land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment. This property (along with Properties Nos. 5 and 6) is collateral for the Certificates of Participation scheduled to be paid in full on 11/2/2023. Outstanding balance of this debt is $20,933,535. |
| Existing Debt    | A multi-level parking garage serving the City’s Community Center and DoubleTree Hotel |
| Estimate of Current Value | $1,714,740 |
| Method of Valuation | Straight line depreciation on fixed assets. |
### Agreements Affecting Garage

Annual revenue generated equals $175,051 which are deposited into the City’s Parking Fund. A portion of this revenue is derived from the parking fees which are charged as follows:
- $1 per hour 6 a.m. to 6 p.m.
- $5 flat fee 6 p.m. to 6 a.m.

Included in that revenue amount is an agreement with the DoubleTree Hotel in the amount of $103,440. The City of Modesto has maintained the garage since it was constructed out of its Parking Fund.

This parking structure has 737 parking spaces. As mentioned above, the garage is collateral under the COP financing agreements. In addition, the agreement between the DoubleTree Hotel and the City of Modesto allocates 615 parking spaces for use by the DoubleTree employees, office tenants, hotel guests or customers 24 hours a day 7 days a week. In addition, the Amendment provides that the City shall have the right to use 120 parking spaces on the roof of the garage until May 31, 2023. The Agreement with the DoubleTree terminates on May 31, 2055 but gives DoubleTree two (2) ten year options to extend.

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

### Potential for TOD

Not applicable, fully developed as parking structure.

### Agency Planning Objectives

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

### History

Construction of the existing multi-level parking garage in support of the Community Center.
Change From:
At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net-sales proceeds for the disposition will be distributed to all of the taxing entities on a pro-rata basis in proportion to each entity's respective share of the property tax base, provided, however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOF's directive regarding such agreements.

SALE

Retain as Government/Public Use

Change To:
Transfer of these parcels to the City of Modesto in accordance with Senate Bill 107, amended September 10, 2015, which authorized the Successor Agency to amend their previously approved LRPMP to allow for retention of real properties that constitute “parking facilities and lots dedicated solely to public parking.”
**Property #5: 9th Street Pedestrian Bridge**

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
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<tbody>
<tr>
<td>Address</td>
<td>9th Street Pedestrian Bridge</td>
</tr>
<tr>
<td>APN</td>
<td>105-48-08</td>
</tr>
<tr>
<td>Lot Size</td>
<td>703 square feet</td>
</tr>
<tr>
<td>Use</td>
<td>Pedestrian Bridge</td>
</tr>
<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
</tr>
<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
</tr>
<tr>
<td>Improvements</td>
<td>703 square foot pedestrian bridge between the parking garage and the City Community Center and DoubleTree hotel.</td>
</tr>
<tr>
<td>Purchase Date</td>
<td>March 23, 1984 (date of existing grant deed in the former RDA name)</td>
</tr>
<tr>
<td>Purchase Price</td>
<td>New Construction</td>
</tr>
<tr>
<td>Funding Source</td>
<td>Land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment.</td>
</tr>
<tr>
<td>Existing Debt</td>
<td>This property (along with Properties Nos. 4 and 6) is collateral for the Certificates of Participation scheduled to be paid in full on 11/2/2023. Outstanding balance of this debt is $20,933,535.</td>
</tr>
<tr>
<td>Purpose</td>
<td>Public Use</td>
</tr>
<tr>
<td>Estimate of Current Value</td>
<td>Due to the nature of the reporting of fixed assets, this property is not clearly identifiable in records and therefore an estimate of current value is unknown.</td>
</tr>
<tr>
<td>Method of Valuation</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The analysis, projections, assumptions, rates of return, and any examples presented herein are for illustration purposes only and are not a guarantee of actual and/or future results. Projected returns and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.
### City / Successor Agency Lease Agreement

As mentioned above, the bridge is pledged collateral under the COP financing agreements. There are no revenues for this property nor are there any contractual requirements. The City currently pays for the annual maintenance of the facility which is approximately $16,970. In addition, this property is included in the debt service payments with the Modesto Centre Plaza and the 9th Street Parking Garage – this annual payment is $1,961,450.

### Potential for TOD

| None | Unknown |

### Agency Planning Objectives

<table>
<thead>
<tr>
<th>Potential for TOD</th>
<th>Not Applicable.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Planning Objectives</td>
<td>Transfer to City to maintain as pedestrian bridge to provide access from parking garage to Modesto Centre Plaza/Community Center.</td>
</tr>
</tbody>
</table>

### History

Property was developed as a pedestrian bridge in 1988 to support the Modesto Centre Plaza/Community Center as part of the redevelopment project identified in the 1983 RDA Master Plan (Attachment G).

### Retain as Government/Public Use

| Retain as Government/Public Use | This property will be retained by the City for government use, as its value is undetermined due to no revenue. The City of Modesto desires to take ownership of this property “as is” as it is already responsible for the annual maintenance of this facility. |

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*The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro formas and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.*
Property #6: 1150 9th Street – Modesto Centre Plaza (Community Center)

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

| Purchase Date   | 7/31/1991 (date of existing grant deed in the former RDA name) |
| Purchase Price  | New Construction |
| Funding Source  | Land was purchased using City general fund monies; Certificates of Participation were issued to finance construction; tax increments pledged for payment. |

| Existing Debt   | This property (along with Properties Nos. 4 and 5) is collateral for the Certificates of Participation scheduled to be paid in full on 11/2/2023. Outstanding balance of this debt is $20,933,635. |
| Purpose         | Community Center |
| Estimate of Current Value | $4,001,166 |
| Method of Valuation | Straight line depreciation on fixed assets. |
Relevant to the property management plan of the City of Modesto Redevelopment Successor Agency, the revenue generated equals $744,000. This revenue is generally derived from the following sources:

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

In addition to the leases entered into as part of the COP financing, the Modesto Centre Plaza (through the City of Modesto) is under a catering contract with the DoubleTree Hotel (Attachment H). Revenue from this catering contract is included in the line item for "Commissions." The existing contract expires in May 2019 and has three 10-year extension options. The contract states "DOUBLETREE will have the exclusive right to provide all catering services at the CENTER." Catering Services is defined as "the preparation and serving of food and non-alcoholic beverages at a per-plate, per-person or per-order charge at the CENTER, regardless of the event, including, without limitation, banquets, meetings, conferences, exhibits, trade shows, concerts and any other uses of the CENTER. The exception relates to Non-Profit Organizations which are allowed to "(1) prepare their own food items in the CENTER’s kitchen if the food items are prepared by the non-profit organization’s members; and (2) supply their own donated alcoholic beverages for hosted functions provided such non-profit organizations pay any corkage fees established by DOUBLETREE from time to time.

Revenue is also received from the Parking Lot which is part of this parcel. Annual revenues total: $52,587. Annual maintenance costs total approximately: $50,000. In addition, this property is included in the debt service payments with the 9th Street Parking Garage and the 9th Street Pedestrian Bridge – this annual payment is $1,961,450. The City is responsible for all maintenance costs of the Center.

Prior to purchase by the City of Modesto, the Modesto Centre Plaza site was occupied by Bradbury’s Cleaners. During construction and demolition work at the site, four leaking underground storage tanks used to store Stoddard Solvent were uncovered. Contaminated soils were excavated to 25 feet below ground surface, aerated, and backfilled into the excavation area. "This information is per the Department of Toxic Substances Control ENVIROSTOR database."
<table>
<thead>
<tr>
<th>Potential for TOD</th>
<th>Not applicable, fully developed as a City community center.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Planning Objectives</td>
<td>Maintaining the property as public space to increase tourism downtown as a planning objective identified in the 1983 RDA Master Plan (Attachment G).</td>
</tr>
</tbody>
</table>

**History**

Unknown.

---

**SALE**

At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net sales proceeds for the disposition will be distributed to all of the taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base, provided, however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOF's directive regarding such agreements.
Property #7: 777 10th Street – Parking Lot (Proposed Courthouse Site)

<table>
<thead>
<tr>
<th>Address</th>
<th>777 10th Street</th>
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</thead>
<tbody>
<tr>
<td>APN</td>
<td>106-042-001, 106-042-002, 106-042-003, 106-042-004</td>
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<tr>
<td>Lot Size</td>
<td>31,500 square feet</td>
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<tr>
<td>Use</td>
<td>Parking Lot</td>
</tr>
<tr>
<td>Zoning</td>
<td>DC (Downtown Core)</td>
</tr>
<tr>
<td>Current Title</td>
<td>Modesto Redevelopment Agency</td>
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<tr>
<td>Improvements</td>
<td>Surface Parking Lot</td>
</tr>
</tbody>
</table>

<p>| Purchase Date      | 1/25/2005 |
| Purchase Price     | $0 |
| Funding Source     | City of Modesto General Fund – property was transferred without consideration to the Redevelopment Agency for a potential project. |
| Existing Debt      | None |
| Purpose            | Use from pre-1987 to present is a surface parking lot. These parcels are currently part of an entire block of parcels that the State Administrative Office of the Courts has selected as the future site for the State of California Superior Court Courthouse for Stanislaus County. |
| Estimate of Current Value | Unknown. |
| Method of Valuation | A certified appraisal was completed by the State of California Judicial Council Administrative Office of the Court (AOC) in 2011. It is the property of the AOC and has not been released for public disclosure. |</p>
<table>
<thead>
<tr>
<th><strong>City / Successor Agency Lease Agreement</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual revenue generated equals $89,266. This revenue is derived from the parking fees which are charged as follows:</td>
</tr>
<tr>
<td>$1 per hour 6 a.m. to 6 p.m.</td>
</tr>
<tr>
<td>$5 flat fee 6 p.m. to 6 a.m.</td>
</tr>
<tr>
<td>Annual maintenance costs for this property are approximately $42,581.22.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>None</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Phase 2 environmental study was recently conducted by the State of California Administrative Office of the Courts; however, the findings have not been released for public disclosure. In addition, a Phase 1 was conducted as part of a previous development project lead by Team Modesto.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Potential for TOD</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The property is located within close proximity (0.2 miles/5 minute walk) of the Modesto Downtown Transportation Center, which provides access to Amtrak, ACE, a connection to BART, and all Modesto Area Express lines. Also located next to bus stop for Modesto Area Express, Bus Lines include 25, 34, 37, 38, and 39.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Agency Planning Objectives</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>These parcels are currently part of an entire block of parcels that the State Administrative Office of the Courts has selected as the future site for the State of California Superior Court Courthouse for Stanislaus County. In addition, these parcels are located along 10th Street which is a focal point in the 2007 RDA Master Plan (Attachment I).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>History</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>These parcels were originally acquired and owned by the City of Modesto and were the subject of two mixed-use projects which did not come to fruition.</td>
</tr>
</tbody>
</table>
Transfer of these parcels to the City of Modesto in order to meet the State of California Administrative Office of the Courts' deadline for securing the State of California Stanislaus County Superior Courthouse project. In addition, this property was previously owned by the City of Modesto and was conveyed to the Redevelopment Agency for purposes of disposition to a developer pursuant to a DDA. No property tax increment was used to purchase these parcels.
3.0 Attachments

A. 11th Street Parking Garage Agreements and Assignment of Agreements
B. 1991 - FINAL Environmental Impact Report
C. 1994 RDA Master Plan
D. Civic Partners Lease Agreement
E. DDA between City and RDA for 9th Street Lot/McDonalds
F. Amendment to 9th Street Parking Garage Agreement with DoubleTree Hotel
G. 1983 RDA Master Plan
H. DoubleTree Catering and Concessionaire Agreement
I. 2007 RDA Master Plan
Summary Report:
Litéra® Change-Pro 7.0.0.400 Document Comparison done on 4/8/2014 9:28:32 PM

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<td>Modified DMS: iw://iManage/iManage/8701220/2</td>
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Changes:

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<td><strong>Total Changes:</strong></td>
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</tr>
</tbody>
</table>

RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION FOR UP TO $1,000,000 IN FUNDING UNDER THE HOUSING RELATED PARKS GRANT PROGRAM

WHEREAS, the State of California Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated October 26, 2015 (NOFA), under its Housing-Related Parks (HRP) Program, and

WHEREAS, the City of Modesto (Applicant) desires to apply for an HRP Program grant and submit the 2015 Designated Program Year Application Package released by the Department for the HRP Program, and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1) Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released November 2015 for the 2015 Designated Program Year in an amount not to exceed $1,000,000.00. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in an amount not to exceed $1,000,000.00, and any and all documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the “HRP Grant Documents”).

2) Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.
3) The City Manager, or his designee, is authorized to execute in the name of the Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
Department of Housing and Community Development

HOUSING-RELATED PARKS PROGRAM

Grant Application

2015 Designated Program Year NOFA

### Applicant Information

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>City of Modesto</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>1010 10th Street</td>
</tr>
<tr>
<td>City:</td>
<td>Modesto</td>
</tr>
<tr>
<td>State:</td>
<td>California</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>95354</td>
</tr>
<tr>
<td>County:</td>
<td>Stanislaus</td>
</tr>
<tr>
<td>Website:</td>
<td><a href="http://www.cityofmodesto.com">www.cityofmodesto.com</a></td>
</tr>
</tbody>
</table>

**Authorized Representative Name:** James N. Holgersson

**Authorized Representative Title:** City Manager

**Phone:** 209.577-5404

**Fax:**

**Email:** holgersson@modesto.gov

**Contact Person Name:** Tina Rocha

**Contact Person Title:** Community Development Manager

**Phone:** 209.577-5321

**Fax:** (209)491-5798

**Email:** trocha@modesto.gov

### Applicant Certification

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the HRP Program, the City of Modesto assumes the responsibilities specified in the HRP Program Notice of Funding Availability and Program Guidelines and certifies that the information, statements, and attachments contained in this application are, to the best of my knowledge and belief, true and correct.

**Signature:** ____________________________  **Name:** James N. Holgersson

**Date:** ____________________________  **Title:** City Manager

*Updated 10/15/15*
**Legislative Information**

Please list all representatives for the City/County. Attach additional sheets if necessary. Legislative information is available at [http://www.leginfo.ca.gov](http://www.leginfo.ca.gov).

Applicant: City of Modesto

<table>
<thead>
<tr>
<th>District</th>
<th>Legislator Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Congressional District:</td>
<td>10 Jeff Denham</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>State Assembly District:</td>
<td>12 Kristen Olsen</td>
</tr>
<tr>
<td></td>
<td>21 Adam Gray</td>
</tr>
<tr>
<td>State Senate District:</td>
<td>5 Cathleen Galgiani</td>
</tr>
<tr>
<td></td>
<td>12 Anthony Canella</td>
</tr>
</tbody>
</table>
Applicant: City of Modesto

1. HOUSING ELEMENT COMPLIANCE

Does the applicant have an adopted housing element which has been found to be in substantial compliance with Housing Element Law pursuant to Government Code Section 65585 which was submitted to the Department by the issuance date of the NOFA?

☐ YES Date of HCD Review Letter: July 26, 2011 ☐ NO

2. ELIGIBLE UNITS

Did the applicant issue building permits or certificates of occupancy for Eligible Units during the Designated Program Year 2014 which meet the affordability requirements for extremely low-, very low- or low-income households?

☐ 2010 ☐ 2011 ☐ 2012 ☐ 2013 ☐ 2014 ☐ 2015

3. ANNUAL PROGRESS REPORT SUBMITTAL

Has the applicant submitted to the Department the Annual Progress Report (APR) for the applicable calendar years, pursuant to Government Code Section 65400, on the jurisdiction’s progress in implementing the housing element prior to February 5, 2015?

For example, applicants must submit the 2013 APR in order to be eligible to receive funding for Eligible Units from 2014. To receive funding for 2013 Eligible Units, the 2012 APR must be submitted to the Department. Please refer to the chart below:

<table>
<thead>
<tr>
<th>Eligible Units from:</th>
<th>APR</th>
<th>Date Submitted</th>
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</thead>
</table>

4. MINIMUM GRANT AMOUNT

Does the applicant meet the minimum grant amount of $75,000, including any bonus awards, based on Eligible Units from the 2014 Designated Program Year?

☐ YES ☐ NO

Note: If the applicant has answered NO to any of the questions above, the application will not be reviewed further and the applicant is ineligible for funding.
### Park and Recreation Facility (Park Project) Description

Applicant: City of Modesto  
Park Project Name: J.M. Pike Park Renovation  
Type of Park Project: [ ] Creation  [ ] Development  [ ] Rehabilitation  
Park Project Location (include address, if known, or otherwise indicate nearest intersection):  
1601 Princeton Avenue, Modesto, CA 95350

Park Project Census Tract: 06-065-001400  
Senate & Assembly District: Senate District [ ] Assembly District [ ]

**Park Project Summary:**
Renovate J.M. Pike Park by removing some existing site amenities, including turf, restroom, basketball court and irrigation. A water efficient irrigation system, as well as a reduced area of turf will be installed to reduce water use in the park. The basketball court, restroom, pathway system and play areas will all receive ADA improvements and the installation of site furnishings and LED park lighting for safety will finish the project.

**Project Cost and Other Funding Sources**

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Estimated Cost</th>
<th>Subproject</th>
<th>Estimated Cost</th>
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</thead>
<tbody>
<tr>
<td>Demo/Grading/Site Prep</td>
<td>$65,000.00</td>
<td>Park Lighting</td>
<td>$30,000.00</td>
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<tr>
<td>Restroom Building</td>
<td>$55,000.00</td>
<td>Site Amenities</td>
<td>$15,000.00</td>
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<tr>
<td>Turf and Landscape Improvements</td>
<td>$200,700.00</td>
<td>ADA Improvements/Concrete</td>
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<td>Total Project Cost: $535,150.00</td>
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**Other Funding Sources**

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<th>Name of Source</th>
<th>Dollar Amount</th>
<th>Name of Source</th>
<th>Dollar Amount</th>
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</table>

* Applicable Bonus Funds as detailed in Section 106(D) of the Program Guidelines.
Park and Recreation Facility (Park Project) Description

Applicant: City of Modesto
Park Project Name: Garrison Park Renovation
Type of Park Project: Development

Park Project Location (include address, if known, or otherwise indicate nearest intersection):
1733 Teresa Street, Modesto, CA 95350

Park Project Census Tract:
06-099-001400

Senate & Assembly District:
Senate District: 5
Assembly District: 21

Park Project Summary:
Renovate approx. 2.5 acres of Garrison Park by removing some existing site amenities, including turf, restroom and irrigation. A water efficient irrigation system, as well as a reduced area of turf will be installed to reduce water use in the park. The restroom, pathway system and play areas will all receive ADA improvements and the installation of site furnishings and LED park lighting for safety will finish the project.

Will the Park Project be in support of any Infill developments, as described in Section 106(F)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) OR Does the jurisdiction’s adopted General Plan conform to the region’s adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required.

<table>
<thead>
<tr>
<th>Infill-Supporting</th>
<th>Regional Blueprint</th>
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<tr>
<td>YES</td>
<td>If claiming infill-Supporting, provide name/address of at least one infill development and status:</td>
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<tr>
<td>NO</td>
<td>NO</td>
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Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>Park project is located in a QCT, see attached map from the HUD - User GIS Service QCT locator.</th>
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<tbody>
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</table>

Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>Park project is located in a Park-Deficient Community as documented on the attached California State Parks Fact Finder Report.</th>
</tr>
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<tbody>
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Project Cost Breakdown and Other Funding Sources

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Estimated Cost</th>
<th>Subproject</th>
<th>Estimated Cost</th>
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</thead>
<tbody>
<tr>
<td>Demo/Grading/Site Prep</td>
<td>$20,000.00</td>
<td>Park Lighting</td>
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<td>Restroom Building</td>
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<tr>
<td>Turf and Landscape Improvmts</td>
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<td>ADA Improvements/Concrete</td>
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<td>Total Project Cost:</td>
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Other Funding Sources

<table>
<thead>
<tr>
<th>Name of Source</th>
<th>Dollar Amount</th>
<th>Name of Source</th>
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</table>

Total Other Funds: $0.00

* Applicable Bonus Funds as detailed in Section 106 of the Program Guidelines.
Park and Recreation Facility (Park Project) Description

Applicant: City of Modesto

Park Project Name: Shackelford Park Acquisition

Type of Park Project: Creation

Park Project Location (include address, if known, or otherwise indicate nearest intersection):
New park will be located in the Shackelford Neighborhood between Crow's Landing Road, E. Hatch Road, Main Street and Pecos Avenue in South Modesto. Exact location to be determined.

Park Project Census Tract: 06-099-002301

Park Project Summary:
This project will purchase land that will eventually be able to be developed into a small park for the Shackelford neighborhood.

Will the Park Project be in support of any Infill developments, as described in Section 106(E)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) OR Does the jurisdiction's adopted General Plan conform to the region's adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required.

Infill-Supporting
NO YES OR Regional Blueprint
NO YES

Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.

YES NO Park project is located in a QCT, see attached map from the HUD - User GIS Service QCT

Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.

YES NO Park project is located in a Park-Deficient Community as documented on the attached California State Parks Fact Finder Report.

Project Cost: Breakdown and Other Funding Sources

<table>
<thead>
<tr>
<th>Subproject</th>
<th>Estimated Cost</th>
<th>Subproject</th>
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<tr>
<td>Purchase Land</td>
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<td>Total Project Cost: $50,000.00</td>
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Other Funding Sources

<table>
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<tr>
<th>Name of Source</th>
<th>Dollar Amount</th>
<th>Name of Source</th>
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<tr>
<td>Total Other Funds</td>
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</table>

* Applicable Bonus Funds as detailed in Section 106 of the Reinvestment Guidelines
The applicant must demonstrate that it has conformed applicable sections of its adopted General Plan, including the land use and open space elements, to the land use provisions of the applicable adopted Regional Blueprint Plan. The documentation must include ALL of the following, in a manner specific to the grant application for the proposed park improvements:

1. Copies of relevant text, diagrams, or maps from both the General Plan and Regional Blueprint Plan;

2. A resolution from the elected body of the applicant jurisdiction describing the basis of conformity between the two plans; and

3. A letter or resolution from the Council of Governments (COG) having jurisdiction over the Regional Blueprint Plan attesting to the conformity of the general plan with the adopted Regional Blueprint Plan.
### Comprehensive Unit Listing

**Applicant:** City of Modesto

Please provide a listing by unique project identifier used in the Housing Project Cover Sheet of units contained in this application. The Department will use this listing in both reviewing the application to determine eligibility of each project and calculating the final grant award amount. There should be a separate line entry for each of the Housing Project Cover Sheets included in the application. Please list the projects in the same order as they appear in the application to facilitate the application review process.

**Note:** If necessary, please add additional rows to accommodate all eligible projects, but be sure to copy formatting to carry forward associated formulas.

<table>
<thead>
<tr>
<th>Project Name/Identifier from Housing Project Cover Sheet</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>Bonus Awards</th>
<th>TOTAL</th>
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<td>3</td>
<td>50</td>
<td>31</td>
<td>84</td>
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<td>4 Hope Village Phase II</td>
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**Total:** 32 138 59 51 207 1 4 372 $593,200 $621,900 $855,500

2014 DPY Housing-Related Parks Program Application
RESOLUTION APPROVING AN AMENDMENT TO THE STORM DRAINAGE SECTION OF THE KIERNAN BUSINESS PARK EAST FACILITIES MASTER PLAN TO ALLOW FOR THE UTILIZATION OF INFILTRATION TRENCHES AND TO PROMOTE GROUND WATER RECHARGE

WHEREAS, the Kiernan Business Park Specific Plan outlines a plan for the development in the area located north of Pelandale Avenue, east of Dale Road, west of the future expansion of American Avenue, and south of Kiernan Avenue, and

WHEREAS, the Kiernan Business Park East (KBPE) project is part of the Kiernan Business Park Specific Plan, and

WHEREAS, on October 27, 2009 per Resolution No. 2009-525, the Modesto City Council adopted the Kiernan Business Park East Facilities Master Plan (FMP), and

WHEREAS, the FMP describes the infrastructure needed to develop the KBPE area, and a portion of the FMP outlined the storm drainage infrastructure requirements, and

WHEREAS, in August of 2008, Stantec Consulting prepared a “Final Storm Drainage Technical Report” that detailed the proposed storm drainage requirements for the KBPE area, and

WHEREAS, the report was used as a basis for determining the storm drainage infrastructure needed in the FMP, and

WHEREAS, the report concluded that the KBPE would be served by a combination of on-site infiltration basins, terminal detention basins and a drainage discharge to Modesto Irrigation District (MID) Lateral No. 6, and
WHEREAS, the terminal detention basins and discharge to MID were to be utilized only in the event that the infiltration capabilities diminish permanently over time, and

WHEREAS, the detention basins and discharge to the MID canals would be a redundant system, and

WHEREAS, in June of 2009, just prior to the FMP being adopted, the decision was made to have Stantec modify their technical memo to remove the infiltration trenches and go back to a traditional storm drainage system with pipes in the street draining the storm water to a basin and pumping it to the MID canal, and

WHEREAS, the current FMP includes a large detention basin on nearly 11 acres of developable property, and

WHEREAS, in light of recent concerns related to the drought, the City of Modesto will soon be modifying its storm drainage standards to move away from pumping our storm water into MID canals and encouraging storm water infiltration and groundwater recharge, and

WHEREAS, the developers of each property in the KBPE area will be required to design a storm drainage system to retain and infiltrate their storm water on their own property, and

WHEREAS, the storm water that is captured within the City right of way will be handled in a public storm drain system of vegetative swales and rain gardens in parkway strips adjacent to the road, and perforated pipes located within infiltration trenches beneath the swales, and
WHEREAS, the system will be designed to contain the 100 year, 24 hour storm event (2.88 inches of rain) and infiltrate all of the water within 48 hours, and

WHEREAS, staff recommends that the KBPE FMP be amended to follow the recommendations from the original August, 2008 “Final Storm Drainage Technical Report” prepared by Stantec with the exception that the City will not require a redundant system of pipes, basin and pump station, and

WHEREAS, storm water within the street right of way will be directed to vegetative swales and infiltration trenches located within the parkway strips,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the storm drainage section of the Kiernan Business Park East Facilities Master Plan to allow for the utilization of infiltration trenches and to promote ground water recharge.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE DESTINATION MODESTO REPORT FOR THE SECOND QUARTER OF FISCAL YEAR 2015-16

WHEREAS, on October 27, 2015, the City Council accepted the Destination Modesto Report – First Quarter Fiscal Year 2015-16 for the convention and tourism activity,

WHEREAS, the Destination Modesto Report – Second Quarter Fiscal Year 2015-16 has been expanded to include activity at the McHenry Mansion, McHenry Museum, all three (3) City owned golf courses, and City parks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Destination Modesto Report – Second Quarter Fiscal Year 2015-16.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF A STERTIL-KONI SKYLIFT FROM MUNICIPAL MAINTENANCE EQUIPMENT; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED $114,016.86

WHEREAS, Fleet Services Administration Division utilizes vehicle lifts daily for the repair and maintenance of heavy vehicles, sweepers and various equipment, and

WHEREAS, recently one of the lifts has become inoperable and has decreased the operation efficiency of the Fleet Services Administration Division, and

WHEREAS, the Fleet Services Administration Division recommends the purchase of a Stertil-Koni Skylift, and

WHEREAS, the Stertil-Koni Skylift is a high production lift with an excellent network of serviceability, and

WHEREAS, the Stertil-Koni Skylift is the only 100% vertical lift with no posts as obstructions for a clean work surface and no tripping hazards, and

WHEREAS, the Stertil-Koni Skylift will fit into the City's Corporation Yard Shop, and,

WHEREAS, the Stertil-Koni Skylift is also designed to be utilized in the City's future Fleet Maintenance Facility, and

WHEREAS, a Stertil-Koni Skylift has performed very well in the Bus Maintenance Facility, and,

WHEREAS, the Fleet Services Administration Division would like to use the same lifts in all shops for safety, consistency and future maintenance and upkeep cost effectiveness.
WHEREAS, due to the unique nature of the product, this purchase is exempt from the formal bidding requirements of Modesto Municipal Code section 8-3.203. Pursuant to Modesto Municipal Code section 8-3.204 (b), the “Skylift” heavy duty lift is only available through Stertil Koni and as such, a sole source procurement is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of a sole source procurement for the purchase of a Stertil-Koni Skylift from Municipal Maintenance Equipment.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an amount not to exceed $114,016.86.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO 2016-73

RESOLUTION AUTHORIZING AN AGREEMENT WITH SIDLEY AUSTIN LLP FOR LEGAL SERVICES RELATED TO THE NEW SERVICE AGREEMENT WITH COVANTA STANISLAUS INC., IN AN AMOUNT NOT TO EXCEED $100,000 PER FISCAL YEAR, FOR A MAXIMUM OF $500,000 OVER THE FIVE-YEAR TERM THROUGH 2020, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus Inc.) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been partners with Stanislaus County and Covanta Stanislaus Inc. in the Stanislaus Resource Recovery Facility (the “Waste-to-Energy” or “WTE” Facility), and

WHEREAS, Sidley Austin LLP has been retained by the City of Modesto and Stanislaus County (Contracting Communities) to act as legal counsel in negotiations with Covanta Stanislaus Inc. at various times over the 30 year project, and

WHEREAS, Sidley Austin LLP was similarly retained by the Contracting Communities to act as legal counsel in negotiations with Covanta during the renegotiation of the Service Agreement, and

WHEREAS, once the new 15 year Service Agreement was executed in June of 2012, there was no immediate need for legal services and the contract with Sidley Austin LLP was allowed to expire in April of 2013, and

WHEREAS, two pieces of legislation are considered “unforeseen circumstances” (“change in law”) under the contract that could potentially affect the WTE Service
Agreement; Senate Bill 350 (SB 350), Clean Energy and Pollution Reduction Act of 2015 (Clean Energy Act), and Assembly Bill 1063 (AB 1063) Solid Waste Charges, and

WHEREAS, a reduction in revenues resulting from SB 350 and an increase in costs resulting from AB 1063 could possibly change the facility economics and require renegotiation of the Service Agreement under the “Change in Law” clause of the Agreement, and

WHEREAS, as a result of the potential impacts of this legislation, on October 15, 2015, the Waste-to-Energy Executive Committee approved a recommendation to the Council and Board of Supervisors to retain Sidley Austin LLP to advise the Contracting Communities on the impacts of the legislation and to assist in the possible renegotiation of the Service Agreement with Covanta Inc., and

WHEREAS, the Committee budgeted $50,000 for legal services for the remainder of Fiscal Year 2015-2016, and

WHEREAS, the proposed contract has a not-to-exceed limit of $500,000 for the five-year period beginning Fiscal Year 2015-2016 and ending 2019-2020, with a per calendar year budget limit of $100,000, and

WHEREAS, Sidley Austin LLP’s services will be paid for from the JPA’s Waste-to-Energy Fund, and

WHEREAS, Sidley Austin LLP’s Rate Schedule is shown as Exhibit B to the Agreement for Legal Services and is appropriate for the legal services that will be provided.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes execution of an Agreement with Sidley Austin LLP
for legal services related to the new Service Agreement with Covanta Stanislaus Inc. in an amount not to exceed $100,000 per Fiscal year, for a maximum of $500,000 over the five year term through 2020.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute said Agreement with Sidley Austin LLP for legal services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
EXHIBIT B

RATE SCHEDULE

The Attorney will bill the Client on the basis of its hourly billable blended rate. The hourly billable rate is as follows:

Attorney $880.00
Paralegals $295.00

The Attorney will provide to the Client a computer printout, which will detail the exact hours spent by the partner attorney.

The above rates will be subject to an upward adjustment of 5%, effective as of July 1, 2016, and on each July 1, thereafter.
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SEWER LIFT STATION COATING PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH F.D. THOMAS, INC., OF CENTRAL POINT, OREGON IN THE AMOUNT OF $304,069 PLUS $30,407 FOR CONTINGENCY (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $334,476 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Sewer Lift Station Coating Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Sewer Lift Station Coating Project were opened at 11:00 a.m. on January 26, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $304,069 received from F.D. Thomas Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to F.D. Thomas Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Sewer Lift Station Coating Project, accepts the bid of F.D. Thomas, Inc. of Central Point, Oregon in the amount of $304,069, plus $30,407 for contingency (if needed) for a maximum total of $334,476 and awards F.D. Thomas, Inc. of Central Point, Oregon the contract for the Sewer Lift Station Coating 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 1st day of March, 2016, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED DECEMBER 2015 FOR THE HEADWORKS, DRYDEN BOX AND INFLUENT FLUME IMPROVEMENTS PROJECTS AS COMPLETE

WHEREAS, the 2007 Wastewater Treatment Master Plan (WWMP) identified key deficiencies in the wastewater treatment system, and

WHEREAS, these projects will address deficiencies in the primary treatment facilities at the Sutter Avenue Treatment Plant (Sutter Plant), and

WHEREAS, the improvements include upgrades to the Headworks facility, upgrades to Pumping Plant No.3, hydraulic improvements to the Influent Flumes, and construction of a new Dryden Box which receives flows from the Cannery Segregation Trunk and the domestic wastewater River Trunk, and

WHEREAS, on November 4, 2014, by Resolution No. 2014-464, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for the projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies at the Sutter Plant, and

WHEREAS, staff recommends acceptance of the Preliminary Design Report as complete, and

WHEREAS, upon acceptance of the report by City Council, Carollo is intended to proceed with the preparation of final design documents, as well as bidding and construction phase services,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated December 2015 for the Headworks, Dryden Box and Influent Flume Improvements Projects as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-76

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR FINAL DESIGN SERVICES FOR HEADWORKS, DRYDEN BOX AND INFLUENT FLUME IMPROVEMENTS PROJECTS, IN AN AMOUNT NOT TO EXCEED $1,046,728 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $104,673 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $1,151,401, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Treatment Master Plan (WWMP) identified key deficiencies in the wastewater treatment system, and

WHEREAS, these projects will address deficiencies in the primary treatment facilities at the Sutter Avenue Treatment Plant (Sutter Plant), and

WHEREAS, the improvements include upgrades to the Headworks facility, upgrades to Pumping Plant No.3, hydraulic improvements to the Influent Flumes, and construction of a new Dryden Box which receives flows from the Cannery Segregation Trunk and the domestic wastewater River Trunk, and

WHEREAS, on November 4, 2014, by Resolution No. 2014-464, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for the projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies at the Sutter Plant, and

WHEREAS, considering the technical complexity of these projects and current staff workload, City staff is recommending the continued use of Carollo to complete the final design as its work on the PDR was satisfactorily completed, and
WHEREAS, Carollo’s final negotiated cost is $1,046,728, and

WHEREAS, this scope includes the design of a new smaller lift station that would be located adjacent to the Cannery Waste Pump Station No.3, and will convey lower cannery flows during the non-cannery season, and

WHEREAS, the scope of services to be provided under this agreement includes:
1) Project Management: administration, meetings and quality assurance; 2) Final Design: documents, utility location, public outreach, permit coordination, modeling, surveying, cost estimate, and scheduling; 3) Bid Period Services: addenda, meetings and bid summary, and

WHEREAS, staff recommends acceptance of the Preliminary Design Report as complete, and also recommends approving Carollo’s agreement to proceed in completing the final design of the Headworks, Dryden Box and Influent Flume Improvements Projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc. for Final Design Services for Headworks, Dryden Box and Influent Flume Improvements Projects, in an amount not to exceed $1,046,728 for the identified scope of services, plus $104,673 for additional services (if needed), for a maximum total amount of $1,151,401.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _______________________

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE APPOINTMENT OF AMIN VOHRA AS THE 2016 PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Planning Commission met on February 1, 2016, and recommended the appointment of Amin Vohra as its representative to the Board of Zoning Adjustment,

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

SECTION 1. Amin Vohra is hereby appointed as the 2016 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of January 1, 2017.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Zoning Adjustment, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Madrigal who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE APPOINTMENT OF CARMEN MORAD AS THE 2016 PLANNING COMMISSION REPRESENTATIVE TO THE 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, on February 1, 2016, the Planning Commission recommended Carmen Morad as its representative to the Citizens Housing and Community Development Committee,

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

SECTION 1. Carmen Morad is hereby appointed as the 2016 Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of January 1, 2017.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing and Community Development, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING, WITH REGRET, THE RESIGNATION OF KEITH COPELAND FROM THE CITY OF MODESTO EQUAL OPPORTUNITY / DISABILITY COMMISSION, EFFECTIVE JANUARY 26, 2016

WHEREAS, KEITH COPELAND was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, KEITH COPELAND has tendered his resignation from the Equal Opportunity/Disability Commission effective January 26, 2016, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of KEITH COPELAND is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to KEITH COPELAND for his service to the community.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING, WITH REGRET, THE RESIGNATION OF JESSICA SELF FROM THE CITY OF MODESTO EQUAL OPPORTUNITY / DISABILITY COMMISSION, EFFECTIVE FEBRUARY 22, 2016

WHEREAS, JESSICA SELF was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, JESSICA SELF has tendered her resignation from the Equal Opportunity/Disability Commission effective February 22, 2016, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of JESSICA SELF is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to JESSICA SELF for her service to the community.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING, WITH REGRET, THE RESIGNATION OF DUWAYNE STENGER FROM THE CITY OF MODESTO EQUAL OPPORTUNITY / DISABILITY COMMISSION, EFFECTIVE FEBRUARY 22, 2016

WHEREAS, DUWAYNE STENGER was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, DUWAYNE STENGER has tendered his resignation from the Equal Opportunity/Disability Commission effective February 22, 2016, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of DUWAYNE STENGER is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to DUWAYNE STENGER for his service to the community.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-82

A RESOLUTION APPOINTING ROSIE ARCE TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND HUMAN RELATIONS COMMISSION WITH A TERM EXPIRATION OF SEPTEMBER 1, 2017

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 Appointments Committee met on February 16, 2016, and recommended appointment of ROSIE ARCE to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission.

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

SECTION 1. ROSIE ARCE is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of September 1, 2017.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-83

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2016-2017 ANNUAL ENGINEER'S REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements,

NOW, THEREFORE, BE IT RESOLVED that the Community Development Manager is designated by this Council as the Engineer of Work for LMAD No. 1, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

(SEAL)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2016-2017 ANNUAL ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2, and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements,

NOW, THEREFORE, BE IT RESOLVED, that the Community Development Manager is designated by this City Council as the Engineer of Work for LMAD No. 2, and is hereby directed to prepare and file an annual report in accordance with the

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney

(Seal)
RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2016-2017 ANNUAL ENGINEER'S REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering the maintaining seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 496 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus, and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements,
NOW, THEREFORE, BE IT RESOLVED that the Community Development Manager is designated by this Council as the "Engineer of Work" for the Shackelford LLD, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-86

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2015-2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Annual Operating and Capital Improvement 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 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
EXHIBIT A

FISCAL YEAR 2015-16

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to reduce the Community Development Block Grant (CDBG) Program federal revenue budget in the amount of $232,410. This is due to the cancelation of the 1230 12th Street Retrofit Project, #100302. Per direction from the Department of Housing and Urban Development, the City of Modesto is to use the funds already received as reimbursement for the canceled project expenditures for Section 108 Loan Repayment, Activity 01176, before requesting additional reimbursements related to said activity. Therefore, the previously budgeted current year federal revenue in Activity 01176 is to be reduced by this amount, and these expenses will be paid from fund balance.

A budget adjustment totaling $557,250 is necessary in Project 100302 in the Capital Grants – Capital Improvement Projects Fund 3140, to reduce Transfer-In revenue from the Grants – RLF Housing Loan Program Fund, Fund 1150 ($251,498), and the Grants – CDBG Direct Program Fund, Fund 1130 ($305,752), due to the cancelation of the 1230 – 12th St. Retrofit Project, #100302.

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $310,740 from the State Department of Transportation to match an increase in funding received from CalTrans on April 15, 2013 and to decrease the revenue budget for the State Prop 1B-PTMISEA funding in the amount of $113,177 to match the actual revenue received for the Capital Improvement Carpenter Road Bridge Seismic Retrofit, Project #100053.

A budget adjustment in the amount of $200,000 is necessary to reduce the transfer-out from Fund 5800 (P/R Building Services Fund) to Fund 3130 (Parks Fund) for the Infrastructure Preservation Project, #100294, and establish a transfer from Fund 5800 (P/R Building Services Fund) to Fund 3130 (Parks Fund) for the Downey Shade Structure Replacement Project, #100922, and establish the expense budget.

A budget adjustment is necessary to restore Community Development Block Grant (CDBG) funding in the amount of $55,000 that was encumbered to pay for Professional Services to conduct and prepare the ADA (American with Disabilities Act) Survey. These costs were not eligible CDBG expenses and must be repaid from the General Fund reserves. In addition, the professional services agreement will be amended to conduct surveys on city facilities not included in the original survey: Modesto Centre Plaza, McHenry Mansion, Senior Center, Maddox Center, James Marshall Center, and the King Kennedy Center. This will result in additional costs of $9,500 from the General Fund. This adjustment will increase a transfer from the General Fund to the CDBG Fund in the amount of $55,000 to cover the ineligible expenses of the original survey as well as increase the budget in account 1130-14015-53300 by the same amount. This action will also increase funding in Planning Division professional services account (0100-14410-53300) by $9,500 to cover the costs of the amended agreement.

A budget adjustment is necessary to pay for the expenditures related to the improvements to 10th Street that are not eligible for funding using the Surface Transportation Funds. These costs must be cover by the General Fund. This adjustment will increase the various discretionary
accounts in the Public Works Streets Maintenance, Curbs, Gutter & Sidewalks, and Electrical Divisions by $190,714. The CED – Administration Division will also increase their budget by $6,588 to pay for the costs of the trees in the planters. This action will also increase the transfer from the General Fund to the Surface Transportation Fund in the amount of $190,714 to cover the costs of the ineligible expenses.

**PUBLIC WORKS**
A budget adjustment is necessary to increase the budget in the Public Works Tagging Abatement Division by $500,000 from the General Fund reserves for the purchase of anti-tagging cameras. The amount was originally approved by Council to be expended in FY 2014-15 but the purchase was delayed (Council Resolution 2015-163). The original amount set-aside for this purpose was from FY 2013-14 carryover funds that were identified by Council to be used for this expense. This action will increase the budget for Tools & Equipment in the Public Works Tagging Abatement Division by $500,000 for the purchase of the anti-tagging abatement cameras.

**UTILITIES**
A budget adjustment is necessary to recognize $325,000 in unbudgeted revenue from Wastewater Fund Reserves for Capital Improvement Project #100931, Sutter Plant Structural Improvements.

A budget adjustment is necessary to recognize $150,000 in unbudgeted revenue from Wastewater Fund Reserves for Capital Improvement Project #100916, La Loma Sewer for Engineering, Design and Administration costs.

A budget adjustment is necessary to recognize $100,000 in unbudgeted revenue from Storm Drain Fund Reserves for Capital Improvement Project #100928, Ninth Street Storm Drain Basin for Engineering, Design and Administration costs.

A budget adjustment is necessary to allow for the purchase of a cyclone street sweeper. This street sweeper will be used by the Parking, Transit and Parks divisions. The asset will reside in the Parking Fund as I will be utilized most by the Parking Division (39%). The cyclone street sweeper will be used by Parks 19% of the time and by Amtrak 3% of the time, Transportation Center 26% of the time, and the Bus Maintenance Facility 13% of the time. In order to carry out this action multiple adjustments must occur: First the Project 100749 (Bus Stop Improvements) will reduce their expense budget by $66,016. This will then be transferred from the Bus Fixed Route Fund to the Parking Fund. Then the General Fund Parks Operations Services Division will reduce its expense budget for Repair and Maintenance by $30,469 which will then be transferred from the General Fund to the Parking Fund. Finally, the Parking Services Division will reduce its budget for Repair and Maintenance Services by $61,515. All of the transferred funds ($96,485) in addition to the reduction in expense in the Parking Services Division ($61,515) will allow for the increase of the Parking Services Division Vehicles > $5,000 account by $158,000 for the purchase of the cyclone street sweeper.

A budget adjustment is necessary to transfer funds from the Wastewater Fund (Fund 4210) in the amount of $3,717,135 to the 2015 Wastewater Refunding Private Placement Fund (Fund 4241). The funds were originally budgeted for the payments of the 2005A Series Bonds that were refunded. Due to the refunding the payments will now need to be tracked in the new fund (4241). This budget adjustment will transfer the funds in the amount of $3,717,135 from...
Wastewater to the 2015 Wastewater Refunding Private Replacement Fund and increase the discretionary accounts accordingly to pay for the bond payments.
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-87

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF WATER STORAGE TANK INSPECTION AND REPAIR SERVICES FOR THE UTILITIES DEPARTMENT, WATER DIVISION TO DRS MARINE, INC., VALLEJO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A FIVE-YEAR CONTRACT WITH AN ESTIMATED ANNUAL COST OF $115,038 AND TOTAL CONTRACT AMOUNT OF $575,190

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of water storage tank inspection and repair services for the Utilities Department, Water Division, and

WHEREAS, the Purchasing Division issued RFB 1516-01 Water Storage Tank Inspection and Repair Services on the City’s website under the commodity code for diving services, and

WHEREAS, prospective bidders were noticed online of the bid opportunity, none of which were local companies, and

WHEREAS, no local companies provide this service, and

WHEREAS, ten (10) companies chose to download the RFB document, and

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

WHEREAS, one company provided a responsive and responsible bid. One company submitted a non-responsive bid, and

WHEREAS, the company submitting a non-responsive bid is not a licensed contractor, which was a requirement in the RFB specifications and confirmed by the California State Contractors License Board, and
WHEREAS, the company’s bid was disqualified and received no further consideration, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the furnishing of water storage tank inspection and repair services for the Utilities Department, Water Division to DSR Marine, Inc., Vallejo, CA, for an estimated annual cost of $115,038, and over five (5) years of $575,190, 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 furnishing of water storage tank inspection and repair services to DRS Marine, Inc., Vallejo, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 4100-45050-53300 (Water Fund).

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 furnishing of water storage tank inspection and repair services to DRS Marine, Inc., Vallejo, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a five-year contract for an estimated annual cost of $115,038, and total contract amount of $575,190.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember
Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____________________________

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-88

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF GRANULAR ACTIVATED CARBON FOR THE UTILITIES DEPARTMENT, WATER DIVISION, TO CALGON CARBON, PITTSBURGH, PA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $276,989 AND OVER FIVE (5) YEARS OF $1,384,945.

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of granular activated carbon (GAC), and

WHEREAS, prospective bidders were noticed online of the proposal opportunity, none of which were local companies, and

WHEREAS, no local companies perform this service, and

WHEREAS, thirteen (13) companies chose to download the RFB document, and

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

WHEREAS, both companies responded with responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of GAC for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $276,989 and over five (5) years of $1,384,945, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services.
to be formally bid. The award of bid for the purchase and installation of GAC for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 4100-45050-53100, Water Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of GAC for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA., for an estimated annual cost of $276,989 and over five (5) years of $1,384,945;

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

03/08/2016/Finance/TSnow Item 12 2 2016-88
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-89

RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGEMENT' ASSOCIATION (MPMA) AMENDING THE MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016 TO CHANGE LANGUAGE IN SECTION 5, SPECIAL COMPENSATION; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Management’ Association (MPMA) expires on December 31, 2016, and

WHEREAS, representatives of the CITY and the MPMA have met and conferred in good faith concerning special pays, and

WHEREAS, the CITY and MPOA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

SECTION 1. SPECIAL COMPENSATION.

Effective the first full pay period following December 31, 2016, Section 5.N POST Certification Pay shall be amended to read as follows:

1. Employees who provide evidence that they have received an Advanced POST Certificate shall be eligible for three and two tenths percent (3.2%) certification pay.

2. Employees who provide evidence that they have received a Supervisory POST Certificate shall be eligible for five sixths and seven tenths percent (6.7%) certification pay.
3. These amounts are not cumulative and employees receiving Supervisory POST pay shall not also receive Advanced POST pay (i.e., $7\% - 6.7\%$ is the maximum allowable POST pay).

WHEREAS, the Council considered this matter at its meeting of March 1, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police Management Association (MPMA), amending Section 5 of the Memorandum of Understanding which covers a term from January 1, 2016 through December 31, 2016, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or 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 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

(Seal)

ATTEST:  

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-90

RESOLUTION AMENDING AN AGREEMENT TO ENTER AND CONSTRUCT IMPROVEMENTS, WITH AUTOZONE, INC., FOR PROPERTY LOCATED AT 1901 PRESCOTT ROAD (PARCELS A & B OF 47-PM-2, APN: 005-082-037) REQUIRED FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) CML 5059 (187) – PRESCOTT ROAD AND PLAZA PARKWAY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway Project involves the expansion of Prescott Road to include a southbound right turn lane at the northwest corner of Prescott Road and Plaza Parkway, and

WHEREAS, on March 1, 2012, Caltrans determined this project to be a categorical exclusion pursuant to the National Environmental Policy Act (NEPA) and all other applicable federal environmental law, regulations and executive orders, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R. and no additional California Environmental Quality Act (CEQA) clearance is needed, and

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037) owned by AutoZone, Inc., and

WHEREAS, on February 5, 2013 by Resolution 2013-48, Modesto City Council approved an Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037), and

WHEREAS, the City has not yet commenced construction of the Project and the completion deadline of thirty-six (36) months is February 5, 2016, and
WHEREAS, City of Modesto and AutoZone, Inc. agree and desire that the deadline for completion of the Project be extended from thirty-six (36) months to fifty-four (54) months but due to time constraints, the Amendment will not be executed and approved by the February 5, 2016 deadline, and

WHEREAS, the Amendment shall be effective February 5, 2016, regardless of when the Amendment is executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the Agreement to Enter and Construct located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037) owned by AutoZone, Inc.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment and related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-91

RESOLUTION AMENDING AN AGREEMENT TO ENTER AND CONSTRUCT IMPROVEMENTS WITH CAROL CORCORAN WILLIAMS AND PATRICK C. CORCORAN, AS TRUSTEES FOR THE CORCORAN 2004 LIVING TRUST, FOR PROPERTYPLOCEATED AT 1901 PRESCOTT ROAD (PARCEL C OF 47-PM-2, APN: 005-082-036) REQUIRED FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) CML 5059 (187) – PRESCOTT ROAD AND PLAZA PARKWAY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway Project involves the expansion of Prescott Road to include a southbound right turn lane at the northwest corner of Prescott Road and Plaza Parkway, and

WHEREAS, on March 1, 2012, Caltrans determined this project to be a categorical exclusion pursuant to the National Environmental Policy Act (NEPA) and all other applicable federal environmental law, regulations and executive orders, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R., and no additional California Environmental Quality Act (CEQA) clearance is needed, and

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036), and

WHEREAS, on February 5, 2013, by Resolution 2013-49 Modesto City Council approved an Agreement to Enter and Construct Improvements with Patrick G. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036), and
WHEREAS, the City has not yet commenced construction of the Project and the completion deadline of thirty-six (36) months is February 5, 2016, and

WHEREAS, there has been a change in trustee of the Corcoran 2004 Living Trust, Carol Corcoran Williams and Patrick C. Corcoran represent and warrant that they are now the trustees of the Corcoran 2004 Living Trust, and have authority to enter into this Amendment and as trustees, are duly authorized to execute this Amendment, and

WHEREAS, the City of Modesto, Carol Corcoran Williams and Patrick C. Corcoran agree and desire that the deadline for completion of the Project be extended from thirty-six (36) months to fifty-four (54) months, but due to time constraints, this Amendment will not be executed and approved by February 5, 2016 deadline, and

WHEREAS, the Amendment shall be effective February 5, 2016, regardless of when the Amendment is executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the Agreement to Enter and Construct located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036) owned by the Corcoran 2004 Living Trust.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment and all related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION DECLARING FORMATION OF CITY OF MODESTO
COMMUNITY FACILITIES NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2),
AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN AND
ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

WHEREAS, on January 26, 2016 pursuant to a petition filed by Joann Irene
Bledsoe, Carl R. Fischer, Jr. and Sandy Fischer, aka Sandra Fischer, (the “Petitioner”) this City Council adopted Resolution No. 2016-20 (the “Resolution of Intention”) stating its intention to form City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the “Community Facilities District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, a copy of the Resolution of Intention, setting forth a description of the proposed boundaries of the Community Facilities District, the facilities and services to be financed by the Community Facilities District, the rate and method of apportionment of special tax proposed to be levied within the Community Facilities District, and setting a public hearing to consider this matter, on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing on March 8, 2016; and

WHEREAS, a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the “Report”) has been filed with the City Clerk; and
WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District and authorize the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolutions; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District and the levy of special taxes and were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and the proposed special taxes to be levied within the Community Facilities District was not precluded by a majority protest of the type described in Government Code Section 53324, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District and the levy of the special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in Attachment A hereto and (ii) the establishment of an appropriations limit for the Community Facilities District;
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated “City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2)” is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District and the proposed future annexation areas to the Community Facilities District are established as shown on the map designated “Boundary Map of Proposed City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2),” which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 5, at Page 42, as Instrument No. 2016-0009797-00.

SECTION 4. The facilities authorized to be provided for the Community Facilities District are those identified as the “Facilities” in the recitals of this resolution and the services authorized to be paid for by the Community Facilities District are those set forth in Appendix A to the Resolution of Intention (the “Services”).
SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors of the Community Facilities District, to levy the proposed special taxes at the rates set forth in Attachment A hereto on all non-exempt property within the Community Facilities District sufficient to pay for (i) the Services, (ii) the Facilities, and (iii) the other costs including forming the Community Facilities District and administering the levy and collection of the special tax and all other administrative costs related to the special tax levy. The City expects to incur, and in certain cases has already incurred, incidental expenses in connection with the creation of the Community Facilities District, the levying and collecting of the annual facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The rate and method of apportionment of special tax is described in detail on Attachment A hereto and incorporated herein by this reference, and the City Council hereby finds that Attachment A contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property. Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than
10% as a consequence of delinquency or default by the owner of any other parcel or parcels within the Communities Facilities District.

The City’s Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor’s parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in Attachment A, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the rate and method of apportionment of special tax attached hereto as Attachment A.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.
SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

SECTION 9. Written protests against the establishment of the Community Facilities District have not been filed by one-half or more registered voters within the boundaries of the Community Facilities District or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. The annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established at $5,000,000.

SECTION 11. An election is hereby called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The language of the proposition to be placed on the ballot is attached hereto as Attachment B.
SECTION 12. The date of the election for the Community Facilities District on the proposition of authorizing the levy of the special taxes and establishing the appropriations limit for the Community Facilities District shall be March 8, 2016. The City Clerk shall conduct the election. Except as otherwise provided by the Act, the election shall be conducted by personally delivered or mailed ballot and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable.

The City Council having found that there have been fewer than twelve (12) persons registered to vote within the territory of the Community Facilities District for each of the ninety days preceding the close of the public hearing described above, pursuant to Section 53326 of the Government Code each landowner who is the owner of record on the date hereof or the authorized representative thereof shall have one vote for each acre or portion thereof that he or she owns within the Community Facilities District.

SECTION 13. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki,

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Mayor Brandvold

ATTEST: (Signature)

(SEAL)

APPROVED AS TO FORM:

By: (Signature)

ADAM U. LINDGREN, City Attorney
ATTACHMENT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO.2016-1
(KIERNAN BUSINESS PARK EAST #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX
ATTACHMENT B

BALLOT PROPOSITION

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)
ATTACHMENT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor’s Parcel in the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-1, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Acre” or “Acreage” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“Administrative Expenses” means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-1, including, but not limited to, levying and collecting the Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor’s Office, Tax Collector’s Office, and/or Treasurer’s Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Taxes according to this RMA.

“Annual Maintenance Special Tax” means a special tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

“Annual Maintenance Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.
“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel Number.

“Assessor’s Parcel Number” or “APN” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“CFD” or “CFD No. 2016-1” means the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2016-1 was adopted by the City Council.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-1.

“County” means the County of Stanislaus.

“Escalation Factor” means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

“Final Map” means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, et seq.) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.

“Maximum Annual Maintenance Special Tax” means the Maximum Annual Maintenance Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Maximum One-Time Facilities Special Tax” means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Section C below.

“Maximum Special Taxes” means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.
“One-Time Facilities Special Tax” means a special tax levied and collected in full by the City prior to a structural building permit being issued for new construction on a Parcel of Taxable Property.

“Proportionately” means the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Taxable Property.

“Public Property” means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“Special Taxes” means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

“Taxable Property” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Taxes pursuant to law or Section F below.

“Taxable Public Property” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Annual Maintenance Special Taxes were assigned to the Parcels in prior Fiscal Years.

“Tax Zone” means a mutually exclusive geographic area within which the Special Taxes may be levied pursuant to this RMA. All of the property within CFD No. 2016-1 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor’s Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor’s Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

“Unanimous Approval Form” means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner’s approval and unanimous vote in favor of annexing into the CFD and the levy of Special Taxes against his/her Parcel or Parcels pursuant to this RMA.
B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) in which Tax Zone each Parcel of Taxable Property is located, (ii) the Acreage for each Parcel of Taxable Property, and (iii) the Annual Maintenance Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

1. Tax Zone 1

Table 1 below identifies the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax assigned to all Parcels of Taxable Property in Tax Zone 1 at CFD Formation and all Parcels that annex into Tax Zone 1 after CFD Formation.

<table>
<thead>
<tr>
<th>Fiscal Year 2015-16 Assessor’s Parcel Number (s)</th>
<th>Fiscal Year 2015-16 Maximum One-Time Facilities Special Tax*</th>
<th>Fiscal Year 2015-16 Maximum Annual Maintenance Special Tax*</th>
</tr>
</thead>
<tbody>
<tr>
<td>078-015-029</td>
<td>$0</td>
<td>$2,872 per Acre</td>
</tr>
<tr>
<td>078-015-030</td>
<td>$0</td>
<td>$2,872 per Acre</td>
</tr>
</tbody>
</table>

* On January 1, 2016 and each January thereafter, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.
2. **Additional Tax Zones**

If property is annexed into the CFD and a separate Tax Zone is established for such property, a Maximum One-Time Facilities Special Tax and a Maximum Annual Maintenance Special Tax will be identified for Taxable Property in the new Tax Zone in the Unanimous Approval Form signed by the annexing property owner.

**D. METHOD OF LEVY OF SPECIAL TAXES**

1. **One-Time Facilities Special Tax**

The Maximum One-Time Facilities Special Tax determined pursuant to Section C above shall be levied on all Taxable Property in CFD No. 2016-1 and shall be collected as set forth in Section E below.

2. **Annual Maintenance Special Tax**

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall be levied on all Parcels of Taxable Property as follows:

   **Step 1:** The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Property that is not Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

   **Step 2:** If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

**E. COLLECTION OF SPECIAL TAXES**

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of a structure on a Parcel of Taxable Property within CFD No. 2016-1, and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax for CFD No. 2016-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected in perpetuity unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay for Authorized Services and Administrative Expenses.
F. **EXEMPTIONS**

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Public Property except Taxable Public Property, as defined herein.

G. **INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City’s discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

H. **ENFORCEMENT**

All delinquent One-Time Facilities Special Taxes, and delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
ATTACHMENT B

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST #2)

March 8, 2016

SPECIAL ELECTION

This ballot is for a special landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 8, 2016, either by mail or in person. The City Clerk’s offices are located at 1010 Tenth Street, Modesto, California 95354.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a “+,” “x” or other distinguishing mark on the line after the word “Yes” or on the line after the word “No.” If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the “Community Facilities District”) be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of planning, designing, constructing, acquiring, modifying, expanding, improving, furnishing, equipping or rehabilitating certain real and other tangible property with an estimated useful life of five years or longer, consisting of certain storm drain system, transportation, landscaping and lighting system improvements and appurtenances and appurtenant work and to finance the incidental expenses associated therewith, all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the “Resolution of Formation”), (ii) certain administrative expenses and (iii) the cost of maintaining parkways, landscaped medians, storm drainage pump and basin facilities, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems and related facilities, and shall the annual appropriations limit of Community Facilities District No. 2016-1 (Kiernan Business Park East #2) be established in the amount of $5,000,000.

YES_______

NO_______
RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)

WHEREAS, on this date, this City Council adopted a resolution entitled “A Resolution Declaring Formation of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), Authorizing the Levy of Special Taxes Therein and Establishing an Annual Appropriations Limit” (the “Resolution of Formation”), which established the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the “Community Facilities District”), authorized the levy of special taxes therein, and established an annual appropriations limit, and

WHEREAS, pursuant to the provisions of said resolution, propositions to authorize the levy of special taxes within the Community Facilities District and to establish an appropriations limit of the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”),

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), hereby finds and determines as follows:

SECTION 1. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and
submitted to the qualified electors of the Community Facilities District as provided herein.

SECTION 2. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

SECTION 3. The date of the election shall be March 8, 2016, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on March 8, 2016; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 4. The form of the ballot for the election is attached hereto as Attachment A and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall be enclosed with the ballot, shall
have the postage prepaid and shall contain (a) the name and address of the landowner,  
(b) a declaration, under penalty of perjury, stating that the elector is the owner of record,  
or the authorized representative thereof, and is the person whose name appears on the  
identification envelope, (c) the printed name, signature and address of the elector, (d) the  
date of signing and place of execution of the declaration described above and (e) a notice  
that the envelope contains an official ballot and is to be opened only by the canvassing  
board. Analysis and arguments with respect to the ballot proposition are hereby waived.  

SECTION 5. The City Clerk shall accept the ballots of the qualified electors in  
the office of the City Clerk to and including 5:30 p.m. on March 8, 2016, whether said  
ballets shall be personally delivered or received by mail.  

SECTION 6. There is on file with the City Clerk a written instrument executed  
by each qualified elector of the Community Facilities District requesting a shortening of  
the time for the special election in order to expedite the process of formation of the  
Community Facilities District and waiving any requirement for analysis and arguments in  
connection therewith.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Mayor Brandvold

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
ATTACHMENT A
BALLOT PROPOSITION

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK
EAST #2)
ATTACHMENT A

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST #2)

March 8, 2016

SPECIAL ELECTION

This ballot is for a special landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 8, 2016, either by mail or in person. The City Clerk’s offices are located at 1010 Tenth Street, Modesto, California 95354.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a “+,” “x” or other distinguishing mark on the line after the word “Yes” or on the line after the word “No.” If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the “Community Facilities District”) be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of planning, designing, constructing, acquiring, modifying, expanding, improving, furnishing, equipping or rehabilitating certain real and other tangible property with an estimated useful life of five years or longer, consisting of certain storm drain system, transportation, landscaping and lighting system improvements and appurtenances and appurtenant work and to finance the incidental expenses associated therewith, all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the “Resolution of Formation”), (ii) certain administrative expenses and (iii) the cost of maintaining parkways, landscaped medians, storm drainage pump and basin facilities, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems and related facilities, and shall the annual appropriations limit of Community Facilities District No. 2016-1 (Kiernan Business Park East #2) be established in the amount of $5,000,000.

YES_______
NO_______
RESOLUTION DECLARING THE RESULTS OF THE MARCH 8, 2016, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District"), called and duly held an election of the Community Facilities District pursuant to resolutions adopted by the City Council on March 8, 2016, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District and (b) the establishment of an appropriations limit for the Community Facilities District, and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is attached hereto as Attachment A;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. Two-thirds or more of the votes cast by the qualified electors of the Community Facilities District at the special election held on March 8, 2016, on the Proposition were cast in favor of the Proposition, and the Proposition
carried. The City Council, acting as the legislative body of the Community Facilities
District, is hereby authorized to take the necessary steps to levy the special taxes
authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute
and cause to be recorded in the office of the County Recorder of Stanislaus County a
notice of special tax lien in the form required by law, said recording to occur no later than
fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA    )

) ss.  

COUNTY OF STANISLAUS )

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the “Community Facilities District”). With my concurrence, the election was conducted on March 8, 2016. On or prior to said date I had mailed or personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to March 8, 2016 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: X

NO: __

TOTAL NUMBER OF VOTES CAST: 20

Dated this 8th day of March, 2016.

Stephanie Lopez,
City Clerk of the City of Modesto
WHEREAS, on January 26, 2016 pursuant to a petition filed by Setrok, L.P., a California Limited Partnership, (the “Petitioner”) this City Council adopted Resolution No. 2016-21 (the “Resolution of Intention”) stating its intention to form City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the “Community Facilities District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”); and

WHEREAS, a copy of the Resolution of Intention, setting forth a description of the proposed boundaries of the Community Facilities District, the services to be financed by the Community Facilities District, the rate and method of apportionment of special tax proposed to be levied within the Community Facilities District, and setting a public hearing to consider this matter, on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing on March 8, 2016; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the “Report”); and

RESOLUTION DECLARING FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES NO. 2016-2 (THE VINTAGE), AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN AND ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

RESOLUTION NO. 2016-95

MODESTO CITY COUNCIL

03/08/2016/C&ED/TRocha/Item 16

1

2016-95
WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District and authorize the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolutions; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District and the levy of special taxes and were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and the proposed special taxes to be levied within the Community Facilities District was not precluded by a majority protest of the type described in Government Code Section 53324, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District and the levy of the special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in Attachment A hereto and (ii) the establishment of an appropriations limit for the Community Facilities District;
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated “City of Modesto Community Facilities District No. 2016-2 (The Vintage)” is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District and the proposed future annexation areas to the Community Facilities District are established as shown on the map designated “Boundary Map of Proposed City of Modesto Community Facilities District No. 2016-2 (The Vintage),” which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 5, at Page 42, as Instrument No. 2016-0009797-00.

SECTION 4. The services authorized to be paid for by the Community Facilities District are those set forth in Appendix A to the Resolution of Intention (the “Services”).

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors of the Community Facilities District, to levy the proposed special taxes at the rates set forth in Attachment A hereto on all non-exempt
property within the Community Facilities District sufficient to pay for (i) the Services, (ii) the Facilities, and (iii) the other costs including forming the Community Facilities District and administering the levy and collection of the special tax and all other administrative costs related to the special tax levy. The City expects to incur, and in certain cases has already incurred, incidental expenses in connection with the creation of the Community Facilities District, the levying and collecting of the annual facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The rate and method of apportionment of special tax is described in detail on Attachment A hereto and incorporated herein by this reference, and the City Council hereby finds that Attachment A contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property. Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or default by the owner of any other parcel or parcels within the Communities Facilities District.
The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in Attachment A, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the rate and method of apportionment of special tax attached hereto as Attachment A.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost
incurred by it in creating the Community Facilities District. The City may enter into an
agreement with the person or entity advancing the funds or work-in-kind, to repay all or a
portion of the funds advanced, or to reimburse the person or entity for the value, or cost,
whichever is less, of the work-in-kind, as determined by the City, with or without
interest.

SECTION 9. Written protests against the establishment of the
Community Facilities District have not been filed by one-half or more registered voters
within the boundaries of the Community Facilities District or by the property owners of
one-half (1/2) or more of the area of land within the Community Facilities District. The
City Council hereby finds that the proposed special taxes have not been precluded by a
majority protest pursuant to Section 53324 of the Act.

SECTION 10. The annual appropriations limit (as defined in Section 8(h)
of Article XIII B of the California Constitution) of the Community Facilities District is
hereby established at $1,000,000.

SECTION 11. An election is hereby called for the Community Facilities
District on the propositions of levying the special taxes on the property within the
Community Facilities District and establishing the appropriations limit for the
Community Facilities District pursuant to Section 53325.7 of the Act. The language of
the proposition to be placed on the ballot is attached hereto as Attachment B.

SECTION 12. The date of the election for the Community Facilities
District on the proposition of authorizing the levy of the special taxes and establishing the
appropriations limit for the Community Facilities District shall be March 8, 2016. The
City Clerk shall conduct the election. Except as otherwise provided by the Act, the
election shall be conducted by personally delivered or mailed ballot and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable.

The City Council having found that there have been fewer than twelve (12) persons registered to vote within the territory of the Community Facilities District for each of the ninety days preceding the close of the public hearing described above, pursuant to Section 53326 of the Government Code each landowner who is the owner of record on the date hereof or the authorized representative thereof shall have one vote for each acre or portion thereof that he or she owns within the Community Facilities District.

SECTION 13. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
ATTACHMENT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2
(VINTAGE MAINTENANCE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor’s Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Acre” or “Acreage” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“Administrative Expenses” means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; the fees and expenses of legal counsel; charges levied by the County Auditor’s Office, Tax Collector’s Office, and/or Treasurer’s Office; costs related to property owner inquiries regarding the Special Tax; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Tax according to this RMA.

“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

“Assessor’s Parcel Map” means an official map of the County Assessor designating parcels by Assessor’s Parcel Number.
“Assessor’s Parcel Number” or “APN” means a unique number assigned to an Assessor’s Parcel by the County Assessor for purposes of identifying a property.

“Authorized Services” means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

“CFD” or “CFD No. 2016-2” means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2016-2 was adopted by the City Council.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

“Commercial Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

“County” means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Multi-Family Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year; and
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

“Escalation Factor” means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

“Final Map” means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, et seq.) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

“Fiscal Year” means the period starting on July 1 and ending on the following June 30.
“Land Use Class” means one of the three mutually-exclusive land use classes identified in Table I in Section C below and defined in this Section A.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Multi-Family Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

“Proportionately” means, for Developed Property, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Taxable Property that is Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“Public Property” means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; and (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“SFR Lot” means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

“Single Family Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

“Special Tax” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

“Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.
“Taxable Property” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

“Taxable Public Property” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) which Parcels are Commercial Property, Single Family Residential Property, and Multi-Family Property, (iii) the Acreage of each Parcel of Commercial Property and Multi-Family Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.
TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2015-16

<table>
<thead>
<tr>
<th>Developed Property</th>
<th>Land Use Category</th>
<th>Fiscal Year 2015-16 Maximum Special Tax*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single Family Residential Property</td>
<td>$326 per SFR Lot</td>
</tr>
<tr>
<td></td>
<td>Multi-Family Property</td>
<td>$300 per Acre</td>
</tr>
<tr>
<td></td>
<td>Commercial Property</td>
<td>$300 per Acre</td>
</tr>
<tr>
<td>Undeveloped Property</td>
<td>Single Family Residential Property</td>
<td>$1,950 per Acre</td>
</tr>
<tr>
<td></td>
<td>Multi-Family Property</td>
<td>$300 per Acre</td>
</tr>
<tr>
<td></td>
<td>Commercial Property</td>
<td>$300 per Acre</td>
</tr>
</tbody>
</table>

* On January 1, 2016 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY OF SPECIAL TAXES

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year. The Special Tax shall then be levied on all Parcels of Taxable Property as follows:

**Step 1:** The Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

**Step 2:** If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Assessor’s Parcel of Undeveloped Property that is not Commercial Property within the CFD, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

**Step 3:** If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Assessor’s Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods. The Special Tax shall be levied and collected in perpetuity unless and
until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Commercial Property that are Undeveloped Property and Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City’s discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

H. ENFORCEMENT

All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
ATTACHMENT B

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

MARCH 8, 2016

SPECIAL ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 1, 2016, either by mail or in person. The City Clerk’s offices are located at 1010 Tenth Street, Modesto, California 95353.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a “+,” “x” or other distinguishing mark on the line after the word “Yes” or on the line after the word “No.” If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the “Community Facilities District”) be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of maintaining, repairing and replacing parkways, landscaped medians, storm drainage facilities including, but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover and irrigation systems, and related facilities all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the “Resolution of Formation”) and (ii) certain administrative expenses and shall the annual appropriations limit of Community Facilities District No. 2016-2 (The Vintage) be established in the amount of $1,000,000.

YES______

NO______
RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

WHEREAS, on this date, this City Council adopted a resolution entitled "A Resolution Declaring Formation of City of Modesto Community Facilities District No. 2016-2 (The Vintage), Authorizing the Levy of Special Taxes Therein and Establishing an Annual Appropriations Limit" (the "Resolution of Formation"), which established the City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District"), authorized the levy of special taxes therein, and established an annual appropriations limit, and

WHEREAS, pursuant to the provisions of said resolution, propositions to authorize the levy of special taxes within the Community Facilities District and to establish an appropriations limit of the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"),

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-2 (The Vintage), hereby finds and determines as follows:

SECTION 1. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and submitted to the qualified electors of the Community Facilities District as provided herein.
SECTION 2. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

SECTION 3. The date of the election shall be March 8, 2016, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on March 8, 2016; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 4. The form of the ballot for the election is attached hereto as Attachment A and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record,
or the authorized representative thereof, and is the person whose name appears on the
identification envelope, (c) the printed name, signature and address of the elector, (d) the
date of signing and place of execution of the declaration described above and (e) a notice
that the envelope contains an official ballot and is to be opened only by the canvassing
board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 5. The City Clerk shall accept the ballots of the qualified electors in
the office of the City Clerk to and including 5:30 p.m. on March 8, 2016, whether said
ballots shall be personally delivered or received by mail.

SECTION 6. There is on file with the City Clerk a written instrument executed
by each qualified elector of the Community Facilities District requesting a shortening of
the time for the special election in order to expedite the process of formation of the
Community Facilities District and waiving any requirement for analysis and arguments in
connection therewith.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: (SEAL)

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
ATTACHMENT A

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

MARCH 8, 2016

SPECIAL ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 1, 2016, either by mail or in person. The City Clerk’s offices are located at 1010 Tenth Street, Modesto, California 95353.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a “+,” “x” or other distinguishing mark on the line after the word “Yes” or on the line after the word “No.” If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the “Community Facilities District”) be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of maintaining, repairing and replacing parkways, landscaped medians, storm drainage facilities including, but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover and irrigation systems, and related facilities all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the “Resolution of Formation”) and (ii) certain administrative expenses and shall the annual appropriations limit of Community Facilities District No. 2016-2 (The Vintage) be established in the amount of $1,000,000.

YES_______

NO_______
or the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 5. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on March 8, 2016, whether said ballots shall be personally delivered or received by mail.

SECTION 6. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.
RESOLUTION DECLARING THE RESULTS OF THE MARCH 8, 2016, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District"), called and duly held an election of the Community Facilities District pursuant to resolutions adopted by the City Council on March 8, 2016, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District and (b) the establishment of an appropriations limit for the Community Facilities District, and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is attached hereto as Attachment A;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-2 (The Vintage), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. Two-thirds or more of the votes cast by the qualified electors of the Community Facilities District at the special election held on March 8, 2016, on the Proposition were cast in favor of the Proposition, and the Proposition
carried. The City Council, acting as the legislative body of the Community Facilities
District, is hereby authorized to take the necessary steps to levy the special taxes
authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute
and cause to be recorded in the office of the County Recorder of Stanislaus County a
notice of special tax lien in the form required by law, said recording to occur no later than
fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA  )
                     )  ss.
COUNTY OF STANISLAUS  )

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the “Community Facilities District”). With my concurrence, the election was conducted on March 8, 2016. On or prior to said date I had mailed or personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to March 8, 2016 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: X
NO: ___

TOTAL NUMBER OF VOTES CAST: 46

Dated this 8th day of March, 2016.

Stephanie Lopez,
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-98

RESOLUTION APPROVING AN AGREEMENT WITH CGI GROUP FOR THE
SOLE SOURCE PROCUREMENT OF A NEW BUDGET SOFTWARE SYSTEM
FOR A FIRST YEAR CONTRACT PRICE IS $610,780 WITH SUBSCRIPTION
COSTS OF $102,000 FOR YEARS TWO THROUGH TEN, FOR A TOTAL COST
OF $1,528,780 OVER 10 YEARS, TO REPLACE THE OUTDATED EXISTING
SOFTWARE, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, the current budget software used by the City of Modesto, CGI’s
Budget Reporting and Analysis Support System (BRASS), is outdated and reaching the
end of its lifecycle in terms of functionality and sustainability. Finance and the
Information Technology Department have been researching viable solutions for a
replacement budget software/system for BRASS. This process began over one year ago
and has had more developments in the past five to six months, and

WHEREAS, the focus in the City’s strategic plan has shifted to one of
transparency and communicating outcomes of set goals to the citizens, a need for a
stronger more advanced reporting tool in the form of the City’s budget software/system
has become a necessity for reaching obtaining this objective, and

WHEREAS, two major vendors have been narrowed down from the many
possible solutions as viable candidates for providing a new budget software/system for
the City of Modesto. These two vendors are Oracle and the CGI Group, and

WHEREAS, the City of Modesto currently uses a budget software/system that is
outdated and is no longer supported with updates by the software company. The software
has been in use for over 15 years and is struggling to meet the necessary requirements to
bring forth a stronger empirical representation of the many elements of the strategic plan,
WHEREAS, a new budget software/system will be critical for the City of Modesto as it moves forward with its new strategic plan and mission to provide transparent and meaningful data to its citizens, and

WHEREAS, since May of 2015, the City has hired consultants from Macias, Gini & O’Connell LLP (MGO) to assist in a two-step procurement process which would help determine the most qualified budget solution that would meet all of the technical and functional needs that have been identified by City staff for a new budget software/system. Through the guidance of MGO, and both Finance and IT staff, three software demonstrations were held where key staff members from the Information Technology Department (IT) and the Finance Department were able to see the two different solutions from Oracle and the CGI Group first hand. This was a critical component in determining which system could best meet the City’s requirements for a new performance based budgeting system. Both vendors were also asked to complete functional requirements overviews of their respective proposed software solutions along with proposed implementation plans included project teams and proposed timelines. The Purchasing Division requested Best and Final pricing offers to complete the two-step procurement process, and

WHEREAS, Modesto Municipal Code (MMC) 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(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 time constraints and the limited number of competitors available to provide a viable solution which would meet the City's needs. The award of a contract to CGI Technologies and Solutions Inc., Fairfax, VA for the purchase and implementation of a performance based budgeting system will conform to MMC Section 8-3.204(d), and

WHEREAS, the CGI first year contract price is $610,780 with subscription costs of $102,000 for years two through ten, for a total cost of $1,528,780 over 10 years. The project will include a 10% contingency for training and other miscellaneous costs. The first year costs of $671,858 will be fronted by the IT Fund and upon completion of the project, departments will reimburse the IT Fund for the actual costs. The annual subscription fee of $102,000 for years two through ten will be funded by the IT Fund and recovered through the IT Internal Service Fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizes the award of bid for the purchase of the budget software to CGI Group, Fairfax, VA, for a total cost of $1,528,780.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO AMEND THE FY 2015-16 CAPITAL IMPROVEMENT BUDGET TO CREATE CAPITAL PROJECT 100947 AND APPROPRIATE EXPENDITURES OF $671,858 FOR THE IT DEPARTMENT’S PURCHASE AND IMPLEMENTATION OF THE BUDGET SOFTWARE FROM THE CGI GROUP

WHEREAS, the City has approved the agreement with CGI Group for the new budget software to replace the outdated existing system, and,

WHEREAS, a new capital project is necessary because the project will overlap fiscal years and be creating a capital asset for the City, and

WHEREAS, the budget for the purchase of the new budget software’s initial costs must be established ($610,780), as well as the 10% contingency costs ($61,078) for a total project budget of $671,858.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the Director of Finance, or her designee, to amend the Fiscal Year 2015-16 Capital Improvement Budget to appropriate expenditures of $671,858 for the IT Department’s purchase of the new budget software.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8\textsuperscript{th} day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \[Signature\]

(SEAL)

APPROVED AS TO FORM:

By: \[Signature\]

ADAM U. LINDGRE, City Attorney
RESOLUTION APPROVING THE MODESTO FIRE DEPARTMENT’S 2015 STRATEGIC AND MASTER PLANS

WHEREAS, the current Modesto Fire Department’s (MFD) Strategic Plan was approved by the Modesto City Council on August 14, 2007. This plan was developed for a four-year period of 2008-2012; and

WHEREAS, the previous Master Plan was completed was in 1990; and

WHEREAS, the new Master Plan provides long-term (10-year) planning, projections and opportunities while the Strategic Plan will serve as a short-term, annually updated implementation tool that will aid in the establishment of MFD’s mission, vision, goals and objectives; and

WHEREAS, the Modesto Fire Department Strategic Plan is the result of a collaborative effort between our citizens, Fire Operations staff, Administrative staff and Modesto City Fire Fighters Association members; and

WHEREAS, the implementation of goals and strategies identified in the plan will help us move forward with our commitment to provide the City and its citizens with exceptional and efficient service; and

WHEREAS, the support of the City, the community and our personnel is critical to our goal and we appreciate all the effort that has gone into the development of this plan therefore Staff recommends Council adopt this document so that it may serve as a guide for the short term future; and

WHEREAS, the Master Plan will assist the Department’s efforts to protect the residents of Modesto in an efficient and cost effective manner while providing safe and
acceptable standards of cover levels. The Plan will guide the future development of the department, with the goal of serving as a guide to the City Council to identify proper levels of service for Fire Protection, EMS, Fire Prevention, and support services; and

WHEREAS, the Master Plan addresses the maintenance and replacement of fire stations and apparatus, and other fire department responsibilities. In addition to identifying needs for capital and operational expenses as demands for services increase; and

WHEREAS, the Great Safe Neighborhoods Committee reviewed this item on February 8, 2016 and recommended it be forwarded to Council for approval;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Modesto Fire Department’s 2015 Strategic and Master Plans.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STÉPHANIE LOPEZ, City Clerk

(APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney)
RESOLUTION APPROVING A NEW ADMINISTRATIVE DIRECTIVE POLICY ENTITLED WHISTLEBLOWER PROCEDURES

WHEREAS, a 2012-13 study conducted by Moss-Adams into organizational effectiveness and efficiency recommended that a Whistleblower Hotline methodology be developed for those members of the public and / or employees to raise concerns of improper or illegal activities on the job, and

WHEREAS, it was also determined that the investigation of these reports should be done by a third party to keep the process impartial and separate from the City’s direct involvement.

WHEREAS, to be effective and trusted, the Whistleblower Hotline is to be administered independently of the City of Modesto.

WHEREAS, employees who might be fearful of reprisal or retaliation for reporting suspected wrongdoing can utilize the Hotline to make reports, and

WHEREAS, to provide a basis for the whistleblower process, City has developed an Administrative Directive, attached hereto, to provide guidance to employees wishing to raise a concern, and

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

SECTION I. ADMINISTRATIVE DIRECTIVE 8.8. Whistleblower Procedures attached hereto as Exhibit A is hereby approved.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after March 8, 2016.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of March, 2016, by Councilmember Grewal, who
moved its adoption, which motion being duly seconded by Councilmember Madrigal,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

(SEAL)

ATTEST: STEPHANIE LOPEZ, City Clerk

03/08/2016/HR/JLopez/Item 19 2 2016-101
Subject: WHISTLEBLOWER PROCEDURES

Revised:

PURPOSE:
The purpose of this policy is to implement procedures for employees to provide information on possible improper or criminal activity on the job.

BACKGROUND:
City Employees who have reasonable cause to suspect improper or criminal activity on the job have a duty to report any such incidents of improper or illegal activity. This includes information that would disclose a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

To provide an independent analysis of an employee's reported concern, the City of Modesto shall provide for a third-party vendor to receive the reports of suspected improper or criminal activity on the job and to investigate such reports.

Reports of improper or criminal activity that are substantiated by the third-party vendor will be forwarded to the City Attorney's Office for further action.

PROCEDURE:
Except as may be authorized in the course of employment, employees should never confront an employee or contractor whom they suspect is involved in illegal or criminal activity. Instead, they should discuss the matter with their supervisor, the Human Resources Department, the City Manager, a manager, or the City Attorney.

Employees who wish to report improper or criminal activity, but who are not comfortable reporting to their supervisor, Human Resources, the City Manager, a manager, or the City Attorney, may do so by calling the Whistleblower Hotline telephone number published on the City of Modesto's Intranet.

Any supervisor or manager who receives a report of suspected improper or criminal activity must notify the City Attorney's office immediately. Failure to do so is a violation of this Policy and may result in appropriate discipline, up to and including termination.
The City will not retaliate against nor tolerate retaliation against employees for reporting activity that the employee reasonably and in good faith suspects is improper or criminal. Nor will the City retaliate against or tolerate retaliation against employees for providing information to, or testifying before any government or law enforcement agency or public body conducting an investigation, hearing, or inquiry about the alleged improper or criminal activity.

In addition, the City will not retaliate against nor tolerate retaliation against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

Any retaliation in violation of this Policy will result in appropriate discipline, up to and including termination.
RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH O’DELL ENGINEERING, INC. OF MODESTO, TO DEVELOP A MASTER PLAN, DESIGN DEVELOPMENT REPORT AND CONSTRUCTION DOCUMENTS FOR THE RALSTON TOWER PARK SENIOR PLAYGROUND PROJECT IN AN AMOUNT NOT TO EXCEED $54,550 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $5,455 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $60,005, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto’s Ralston Tower Park opened in the mid-1970’s and there have been minor updates to the facility since then, and

WHEREAS, Ralston Tower Park serves the adjacent Ralston Tower affordable housing retirement community and surrounding residential neighborhoods, and

WHEREAS, in 2014 the City of Modesto approved the allocation of funds to construct a senior playground, and

WHEREAS, the City of Modesto has identified a need to develop a master plan, design development report and construction documents for the Ralston Tower Park Senior Playground Project, and

WHEREAS, the City Council, on December 2, 2014, by Resolutions No. 2014-515 and 2014-516, approved an amendment to the FY 2014-2015 Community Development Block Grant (CDBG) Annual Action Plan to create project #100866 (Senior Playground 2014).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Professional Services Agreement with O’Dell Engineering, Inc. of Modesto, to develop a master plan, design development report and construction documents for the Ralston Tower Park Senior Playground in an amount not to exceed
$54,550 for the identified scope of services, plus $5,455 for additional services (if needed), for a maximum total amount of $60,005, and authorizes the City Manager, or his designee, to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-103

RESOLUTION ACCEPTING GRANT FROM SHANE’S INSPIRATION AND ENTERING INTO A GRANT AND LICENSE AGREEMENT FOR DESIGN SERVICES RELATED TO THE DEVELOPMENT OF AN INCLUSIVE PLAYGROUND AT BEYER COMMUNITY PARK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the play equipment at Beyer Community Park was installed in 1986, and

WHEREAS, Beyer Community Park is one of the parks identified for playground improvements, and

WHEREAS, the current playground layout is not in the best location within the park and moving it to the northern edge of the park is recommended, and

WHEREAS, the City does not have an inclusive playground which is a playground designed for citizens of all abilities to be able to play side by side in its park inventory, and

WHEREAS, Shane’s Inspiration has agreed to assist the City with development of a conceptual design for a new inclusive playground at Beyer Community Park, and

WHEREAS, staff recommends that Beyer Community Park would be a good location for an inclusive playground as community parks are designed for higher use facilities such as this, and

WHEREAS, a group of residents have requested development of an inclusive playground and have expressed interest in leading a fund-raising effort to fund the development of the playground, and

WHEREAS, the initial design phase of the project will have minimal direct costs due to staff time being charged to the Park Partners Program, and
WHEREAS, at their February 8, 2016, meeting the Great Safe Neighborhoods Committee recommended forwarding the grant and license agreement to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant and License Agreement with Shane's Inspiration for design services related to the development of an inclusive playground at Beyer Community Park.

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 22nd day of March, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By:  
ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH PACIFIC DESIGN ASSOCIATES, INC. FOR DESIGN SERVICES RELATED TO THE REPLACEMENT OF SEATING AT MACINI BOWL, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Graceada Park is one of the original parks in Modesto, and

WHEREAS, Mancini Bowl was opened in Graceada Park in the mid-1950’s and has had various renovations since then, and

WHEREAS, the most recent renovation was to the Mancini Bowl stage area in the late 1980’s, and

WHEREAS, the original seating capacity in Mancini Bowl was 1,500 and currently, due to deterioration of the benches and seats, capacity has been reduced to fewer than 1,200, and

WHEREAS, Graceada Park and Mancini Bowl host many signature events annually including Earth Day, MoBand and Movies at Mancini, and

WHEREAS, representatives of MoBand and City staff have partnered together to create the Night at the Bowl fundraising event in an effort to develop funds to refurbish Mancini Bowl, and

WHEREAS, Council adopted Resolution No. 2015-317 identifying this project as a Parks Partner project excluding it from going through the formal bid process, and

WHEREAS, sufficient funds have been raised to cover the costs relating to preparing design and construction documents to renovate seating at the Mancini Bowl, and

WHEREAS, said funds are available at the Stanislaus Community Foundation for this project, and
WHEREAS, Pacific Design Associates, Inc. are providing their services at a reduced cost not to exceed $8,750 by donating a portion of their cost for time and materials on this project, and

WHEREAS, the development of construction documents for this project will have minimal direct costs due to staff time being charged to the Park Partners Program, and

WHEREAS, this project qualifies as a Parks Partners project due to the fundraising received, use of in-kind donations and volunteer efforts by MoBand.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Pacific Design Associates, Inc. of Modesto for design services related to the replacement of seating at Mancini Bowl in an amount not to exceed $8,750.

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 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2015-2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Annual Operating and Capital Improvement 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 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
The City Attorney's Office is requesting a budget adjustment in the General Fund -- City Attorney's Office (0100-04010) FY 2015-2016 Operating Budget in the amount of $384,555. As explained below, total attorney expenses for FY 15/16 are still projected to be consistent with the total FY 14/15 budget, but with greater expenses in the General Fund and less in Non-General Fund sources.

The City Attorney's Office budget was reduced from $2,383,592 for FY 14/15, to $1,777,558 for FY 15/16. $505,605 was moved from the City Attorney's Office budget to line items in certain Departments' budgets to pay for Non-General Fund legal services. The intent was not to change the net amount available to pay for legal services, but rather to increase transparency and improve accounting. The City Attorney's Office now tracks attorney time and provides detailed time reports and charges the Departments directly. Year to date, the City Attorney's Office has only charged $86,988 of the funds that were provided back to the Departments for these services, substantially under the $505,605 budget transfer. Annualized, this would leave $331,629 in the Departments' budgets that were designated for Non-General Fund legal services.

While attorney services on Non-General Fund matters have been below budgeted levels, the demand for General Fund legal services has been higher. The City Attorney's Office was called upon to prepare a number of unbudgeted new ordinances related to public safety, to assist in drafting and defending the lawsuit challenging the sales tax measure, and other unexpected General Fund services.

The City Attorney's Office FY 15/16 budget was also inadvertently reduced $100,000 due to reductions the City Attorney's Office was able to make from books, supplies, programs and equipment that are no longer necessary due to the reorganization and modernization of the Office. The intent was to reallocate the $100,000 to actual legal advice/services.

The requested additional $384,555 is less than the sum of $331,629 that has not been spent on legal service in Departments' budgets and the $100,000 that should have been relocated within the City Attorney's Office budget.

POLICE DEPARTMENT
A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $203,000 in the Stanislaus Drug Enforcement Agency Asset Forfeiture account from seized forfeitures, and reallocate said funds for the purchase of new vehicles.

PUBLIC WORKS
A budget adjustment is necessary to; 1) decrease the transfer out of the Airport Operating Fund, Fund 4310, to the General Fund, Fund 0100, in the amount of $240,000 due to a modification in the Fire Department's contract caused by the dissolution of MRFA; 2) establish a transfer in the amount of $240,000 from Fund 4310, Airport Operating Fund Reserves, to the Special Aviation Fund, Fund 4320, for the creation of the Passenger Facility Charge Capital Improvement Project #100936, and establish the revenue budget.

On December 29, 2014, the StanCOG Policy Board approved a Local Transportation Fund (LTF) non-transit claim which included $529,131 for Streets. A budget adjustment is necessary to establish a transfer from the LTF Streets and Road Fund, Fund 1510, to the Streets LTF Fund, Fund 1720.
A budget adjustment is necessary to establish a transfer in the amount of $881,406 from the Transportation CTR Fund, Fund 4530, to the Fleet Management Fund, Fund 5400, to fund Capital Improvement Project #100451, Fleet Maintenance Facility, for Phase II of this project.

A budget adjustment is necessary within the Streets CIP Fund (3160) to establish Capital Improvement Project #100939, Upgrade Traffic Signals 2015, in the amount of $100,000 as funds have been authorized per an E-76 from the California Department of Transportation. This adjustment will establish both the revenue and expense budgets for this project.

A budget adjustment is necessary within the Streets CIP Fund (3160) to establish Capital Improvement Project #100940, Synchronize Traffic Signals, in the amount of $400,000 as funds have been authorized per an E-76 from the California Department of Transportation. This adjustment will establish both the revenue and expense budgets for this project.
RESOLUTION AUTHORIZING AWARD OF PROPOSAL FOR THE PURCHASE OF MOBILE DATA COMPUTERS FOR THE MODESTO POLICE DEPARTMENT TO DELL MARKETING L.P., ROUND ROCK, TX, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $404,209

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase of mobile data computers, and

WHEREAS, the Purchasing Division issued RFP 1516-03 Mobile Data Computers on the City’s website under the commodity code for mobile data laptop / notebook computers, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, and

WHEREAS, ten (10) companies chose to download the RFP document, none of which were local companies, and

WHEREAS, no local company provides this product, and

WHEREAS, proposals were formally opened in the City Clerk’s office. Four (4) companies chose to respond, and

WHEREAS, all four (4) companies responding provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of seven (7) City staff members evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the purchase of mobile data
computers to Dell Marketing L.P., Round Rock, TX, for an estimated total cost of $404,209, 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 purchase of mobile data computers to Dell Marketing L.P., Round Rock, TX, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 5410-53241-57003 and 0100-19320-57005 (Fleet Fund and General Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the purchase of mobile data computers to Dell Marketing L.P., Round Rock, TX.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $404,209.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2016-107  

RESOLUTION ACCEPTING THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJAPCD) FUNDING IN THE AMOUNT OF $81,943.11 IN PUBLIC BENEFIT GRANTS PROGRAM, NEW ALTERNATIVE FUEL VEHICLE PURCHASE FUNDS, FOR THE PURCHASE OF FIVE (5) ELECTRIC CLUB CARS FROM GOLD COUNTRY GOLF AND UTILITY, JAMESTOWN, CA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS.  

WHEREAS, the San Joaquin Valley Air Pollution Control District announced available grant funding for New Alternative Fuel Vehicle purchase, and  

WHEREAS, applicants are able to apply for up to $20,000 for each new vehicle with a maximum funding of $100,000 per applicant, per calendar year, and  

WHEREAS, on August 5, 2015, the City Council, by Resolution 2015-270, approved the submittal of the grant application for five (5) Electric Club Cars at $16,388.62 each, and  

WHEREAS, three Club Cars will be for the Modesto Police Department and two will go to the Fire Department, 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 "piggybacking" exception for this purchase due to the cost savings of staff time and the limited number of competitors, and

WHEREAS, the purchase of five (5) electric club cars from Gold Country Golf and Utility, Jamestown, CA, by piggybacking from a competitively bid US Communities contract will conform to both MMD Section 8-3.204(d) and Public Contract Code (PCC) 20118, which authorizes public entities to rely on terms "piggyback" that have been competitively bid, and

WHEREAS, on February 3, 2016, the Modesto Police Department received a letter from the San Joaquin Valley Air Pollution Control District accepting our request for funding along with an executed agreement, and

WHEREAS, the new alternative fuel vehicles must be purchased, placed into service and submit all final claims no later than nine (9) months from execution date of agreement, and

WHEREAS, the City of Modesto must own and operate the new alternative vehicles for no less than three (3) years from date in which vehicles are first placed into service, and

WHEREAS, agreement obligations also require annual reporting and record keeping for the three year grant term, and

WHEREAS, this grant opportunity will give the City of Modesto a chance to help the environment and save money.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the San Joaquin Valley Air Pollution Control District (SJVAPCD)
funding in the amount of $81,943.11 in Public Benefit Grants Program, New Alternative
Fuel Vehicle Purchase funds for the purchase of five (5) Electric Club Cars from Gold
Country Golf and Utility, Jamestown, CA.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2015/2016 MULTI-YEAR OPERATING BUDGET TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF $81,943.11 RELATED TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD), NEW ALTERNATIVE FUEL VEHICLE PURCHASE FUNDS FOR THE PURCHASE OF FIVE (5) ELECTRIC CLUB CARS FROM GOLD COUNTRY GOLF AND UTILITY, JAMESTOWN, CA; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the San Joaquin Valley Air Pollution Control District announced available grant funding for New Alternative Fuel Vehicle purchase, and

WHEREAS, applicants are able to apply for up to $20,000 for each new vehicle with a maximum funding of $100,000 per applicant, per calendar year, and

WHEREAS, on August 5, 2015, the City Council, by Resolution 2015-270, approved the submittal of the grant application for five (5) Electric Club Cars at $16,388.62 each, and

WHEREAS, three Club Cars will be for the Modesto Police Department and two will go to the Fire Department, 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 “piggybacking” exception for this purchase due to the cost savings of staff time and the limited number of competitors, and

WHEREAS, the purchase of five (5) electric club cars from Gold Country Golf and Utility, Jamestown, CA, by piggybacking from a competitively bid US Communities contract will conform to both MMD Section 8-3.204(d) and Public Contract Code (PCC) 20118, which authorizes public entities to rely on terms “piggyback” that have been competitively bid, and

WHEREAS, on February 3, 2016, the Modesto Police Department received a letter from the San Joaquin Valley Air Pollution Control District accepting our request for funding along with an executed agreement, and

WHEREAS, the new alternative fuel vehicles must be purchased, placed into service and submit all final claims no later than nine (9) months from execution date of agreement, and

WHEREAS, the City of Modesto must own and operate the new alternative vehicles for no less than three (3) years from date in which vehicles are first placed into service, and

WHEREAS, agreement obligations also require annual reporting and record keeping for the three year grant term, and

WHEREAS, this grant opportunity will give the City of Modesto a chance to help the environment and save money.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2015/2016 Multi-Year Operating Budget is hereby adjusted as indicated on budget adjustment attached.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
**Exhibit A**

**Project Name:** Alt. Fuel Vehicle Purchase  
**Project Fund:** 1341 – Grants – Operations Grants Reimbursed

The Multi-Year 2015/2016 Operating Budget will be amended as follows:

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
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<td>To: MY-1341-19998-42440-100895</td>
<td>$81,944</td>
<td>San Joaquin Valley Air Pollution Control Vehicles &gt;$5K</td>
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<table>
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<th></th>
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</thead>
<tbody>
<tr>
<td>To: MY-1341-57003-100895</td>
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</tr>
</tbody>
</table>

$81,944
RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS, OR HIS DESIGNEE, TO ISSUE PAYMENT TO STORER TRANSIT SYSTEMS (STORER) IN THE AMOUNT OF $435,875 FOR FIXED COST ADJUSTMENTS FOR THE FISCAL YEAR 2014/2015 OPERATION OF THE MODESTO AREA DIAL-A-RIDE (MADAR)

WHEREAS, the City entered into an Agreement dated May 13, 2014, with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR), a demand response transit service, and

WHEREAS, Storer is paid on the basis of the number of vehicle service hours its vans operate in service ($69.98 per vehicle service hour) and the Agreement assumes a base number of vehicle service hours of 42,600 for a twelve month period, and

WHEREAS, Section 23 (G) of the Agreement includes a provision that requires the City to compensate Storer for "significant differences between the number of vehicle service hours actually operated by [Storer] and the base number of vehicle service hours (42,600 hours)," and

WHEREAS, at the end of a twelve month period, the City must determine if there is a difference in vehicle service hours (either positive or negative) between the actual vehicle service hours billed and the base number of vehicle service hours. If the difference between the actual service hours and 42,600 is greater than 4,620 (ten percent (10%) of 42,600), then the consideration paid to Storer must be adjusted according to the mathematical formula set forth in Section 23 (G) of the Agreement, and

WHEREAS, for the first year of the Agreement Storer operated 6,185 hours less than the specified 42,600 hours, and
WHEREAS, as provided for by the Agreement, the City and Storer agreed upon the amount of fixed expenses Storer incurred during the first year of the Agreement, and

WHEREAS, the result of the fixed cost adjustment calculation performed pursuant to Section 23 (G) of the Agreement totals $435,875, and

WHEREAS, the definition of "vehicle service hour" included in the May 13, 2014 Agreement is significantly different from the definition of that term in previous agreements, and

WHEREAS, the definition of vehicle service hour was changed to be consistent with a newly adopted Federal Transit Administration (FTA) definition of vehicle service hour, and

WHEREAS, this new definition is the main reason for the reduction in the number of VSH billed, as compared with previous agreements, since the new definition does not include the time it takes a driver to travel to a destination after a break or meal, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Public Works, or his designee, to issue payment to Storer Transit Systems in the amount of $435,875 for fixed cost adjustments for the fiscal year 2014/2015 operation of Modesto Area Dial-A-Ride.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 OPERATING BUDGET IN THE AMOUNT OF $435,875 TO FUND PAYMENT ISSUED TO STORER TRANSIT SYSTEMS (STORER) AS REQUIRED BY SECTION (G) OF THE CITY’S MAY 13, 2014 AGREEMENT REQUIRING THE CITY TO COVER CERTAIN FIXED COSTS INCURRED BY STORER

WHEREAS, the City entered into an Agreement dated May 13, 2014, with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR), a demand response transit service, and

WHEREAS, Storer is paid on the basis of the number of vehicle service hours its vans operate in service ($69.98 per vehicle service hour) and the Agreement assumes a base number of vehicle service hours of 42,600 for a twelve month period, and

WHEREAS, Section 23 (G) of the Agreement includes a provision that requires the City to compensate Storer for “significant differences between the number of vehicle service hours actually operated by [Storer] and the base number of vehicle service hours (42,600 hours),” and

WHEREAS, at the end of a twelve month period, the City must determine if there is a difference in vehicle service hours (either positive or negative) between the actual vehicle service hours billed and the base number of vehicle service hours. If the difference between the actual service hours and 42,600 is greater than 4,620 (ten percent (10%) of 42,600), then the consideration paid to Storer must be adjusted according to the mathematical formula set forth in Section 23 (G) of the Agreement, and

WHEREAS, for the first year of the Agreement Storer operated 6,185 hours less than the specified 42,600 hours, and
WHEREAS, as provided for by the Agreement, the City and Storer agreed upon the amount of fixed expenses Storer incurred during the first year of the Agreement, and

WHEREAS, the result of the fixed cost adjustment calculation performed pursuant to Section 23 (G) of the Agreement totals $435,875, and

WHEREAS, the definition of “vehicle service hour” (VSH) included in the May 13, 2014 Agreement is significantly different from the definition of that term in previous agreements, and

WHEREAS, the definition of VSH was changed to be consistent with a newly adopted Federal Transit Administration (FTA) definition of VSH, and

WHEREAS, this new definition is the main reason for the reduction in the number of VSH billed, as compared with previous agreements, since the new definition does not include the time it takes a driver to travel to a destination after a break or meal, and

WHEREAS, pursuant to Section 23 (G) of the Agreement the City is obligated to issue payment to Storer in the amount of $435,875, and

WHEREAS certain budgetary transactions are necessary in the amount of $435,875, to fund the payment to be issued to Storer as required by Section 23 (G), and

WHEREAS, the Fiscal Year 2015-2016 Operating Budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Operating 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 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
Exhibit A

Amend the FY 15/16 Operating Budget for Dial-A-Ride to fund the fixed expenses Storer incurred during the first year of its contract to operate Modesto Dial-A-Ride (MADAR) that were not otherwise covered by the City payments for hours Storer operated vehicles to provide MADAR service.

1- Increase Dial-A-Ride’s Transportation Operating Contract Expense budget in the amount of $435,875.
2- Recognize Deferred Local Transportation Funds revenue to fund the operating expenses incurred in the amount of $217,938.
3- Recognize Federal Transportation Administration (FTA) funds to fund the operating expenses in the amount of $217,937.
RESOLUTION APPROVING AMENDMENT NO. 1 TO THE FIXED-ROUTE TRANSIT SYSTEM OPERATIONS AGREEMENT WITH TRANSDEV SERVICES, INC. (TRANSDEV) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AMENDMENT NO. 1 AND MAKE ALL APPROPRIATE AND NECESSARY PAYMENTS TO TRANSDEV

WHEREAS, the City entered into an Agreement on August 8, 2012, with Veolia Transportation Services on August 8, 2012 entitled Fixed-Route Transit System Operations Agreement to provide drivers, driver supervision and other services related to the operation of the Modesto Area Express (MAX) fixed route transit system, and

WHEREAS, Veolia changed its name to Transdev in 2014, and

WHEREAS, under the original Agreement, Transdev is paid a specific rate (currently $49.81) for each hour a MAX bus is scheduled to operate in revenue service, and

WHEREAS, Paragraph 23 (k) of the Agreement includes a provision that requires the City to negotiate adjustments to Transdev’s rate if new laws are implemented that increase Transdev’s costs, and

WHEREAS, the Affordable Care Act and the Healthy Workplaces, Healthy Families Act of 2014, were implemented after the original Agreement was approved by the City, and

WHEREAS, pursuant to the requirements of Paragraph 23 (k) of the original Agreement, the City and Transdev negotiated a rate increase to cover Transdev’s expense of implementing the new laws, which is included in Amendment No. 1, and
WHEREAS, in addition to the increase in expenses in implementing new laws, Transdev has also experienced unexpected expenses due to extra time worked by bus drivers, and

WHEREAS, drivers are frequently late arriving at the destination where their shifts are scheduled to end through no fault of Transdev due to delays in bus operations resulting from heavy traffic, railroad crossings blocked by passing trains, and passenger incidents, which would include scenarios whereby passengers do something illegal on the bus that forces the driver to stop and call for police help, passengers who have health emergencies and other problems that are not preventable by the driver, and traffic accidents where Transdev is not at fault, and,

WHEREAS, drivers who arrive late at shift end destinations are due extra wages and benefits from Transdev, and

WHEREAS, Transdev could not have foreseen the additional expense when it submitted its best and final offer for the operation of the fixed route transit system and therefore did not budget for the level of excess driver work hours they have been experiencing since the beginning of operation under the original Agreement, and

WHEREAS, Transdev drivers are anticipated to continue to work, and the City shall not be responsible for, hours in excess of that which could have been reasonably foreseen by Transdev such as preventable accidents and passenger incidents, which would include scenarios whereby drivers initiated problems with passengers that should have been preventable, would not be reimbursable, and
WHEREAS, to help ensure the continuation of high quality transit service and maintain Transdev’s stability it is important to ensure Transdev is fully compensated for its costs, and

WHEREAS, Amendment No. 1 would reimburse Transdev for the actual expense of labor and benefits incurred when drivers arrive at their destination more than ten minutes after the time their shift is scheduled to end.

WHEREAS, the total increase in City payments to Transdev is estimated at $167,000 per year to cover the reimbursement costs for the new laws and the payment for delays in bus operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to Fixed-Route Transit System Operations Agreement with Transdev Services, Inc. (Transdev).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized and designated to make appropriate payments to Transdev that may be necessary, under the terms of the Agreement and Amendment No. 1, during the remainder of the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-112

RESOLUTION ADOPTING THE DESIGNATION OF A SURFACE TRANSPORTATION ASSISTANCE ACT (STAA) TRUCK ROUTE ON MORGAN ROAD BETWEEN NELSON WAY AND WHITMORE AVENUE AND OATES COURT AND UPDATING THE EXISTING CITY OF MODESTO TRUCK ROUTE MAP

WHEREAS, Section 3-2.1301- Truck Routes and Section 3-2.1302 – Interstate Truck Routes of the Modesto Municipal Code of the City of Modesto authorizes the Council to determine and designate truck routes and interstate truck routes by resolution, which designation shall become effective when appropriate signs are placed giving notice of said designations to the public, and

WHEREAS, the Surface Transportation Assistance Act (STAA) network provides safe highway access routes for over dimensional vehicles, and

WHEREAS, by Resolution No. 2003-651 adopted on December 11, 2003, the City Council designated truck routes in the City of Modesto, and

WHEREAS, Stanislaus County has requested inclusion of Morgan Road between Nelson Way and Whitmore Avenue and Oates Court in the STAA network, and

WHEREAS, the City of Modesto Traffic Engineering Division investigates and responds to requests for inclusion of specific routes in the STAA network and recommends that inclusion of Morgan Road between Nelson Way and Whitmore Avenue and Oates Court as an STAA Truck Route, and

WHEREAS, the City Council now desires to designate interstate truck routes in the City of Modesto to include Morgan Road between Nelson Way and Whitmore Avenue and Oates Court as an STAA Truck Route.
NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto hereby authorizes and adopts the designation of a Surface Transportation Assistance Act (STAA) Truck Route on Morgan Road between Nelson Way and Whitmore Avenue and Oates Court, (ii) updating the existing City of Modesto Truck Route.

BE IT FURTHER RESOLVED that Truck Routes are hereby designated as shown on the attached maps entitled “Modesto Truck Routes,” marked and hereinafter incorporated by reference as Exhibit “A”.

BE IT FURTHER RESOLVED that the Public Works Director is hereby directed to cause the truck routes to be marked and designated in accordance with the provisions of this resolution.

BE IT FURTHER RESOLVED that the provisions of this resolution shall be subject to the provisions of Section 3-2.815 of the Modesto Municipal Code requiring the approval of Caltrans as far as they pertain to the regulations of traffic upon State highways within the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
City of Modesto
Truck Route Map

Engineering and Transportation Department

- Designated Truck Route
- State Highway—Requires State Permit
- Designated STAA Truck Route
- Restricted Access—See Permit for Restrictions

Resolution No. 2016-XXX
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-113

RESOLUTION (i) APPROVING THE PLANS AND SPECIFICATIONS, (ii) ACCEPTING THE BID, AND (iii) APPROVING A CONTRACT BETWEEN THE CITY AND CARL JOSEPH BARTALDO CONSTRUCTION OF PALO CEDRO, CA, IN THE AMOUNT OF $280,350 FOR THE EXPANSION OF ATMS AND CCTV ALONG BRIGGSMORE AVENUE FROM OAKDALE ROAD TO CLAUS ROAD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Expand Advanced Traffic Management System (ATMS) and Closed Circuit Television (CCTV) Along Briggsmore Avenue Project, and City staff recommends approval by the City Council, and

WHEREAS, bids received for the Expand ATMS and CCTV Along Briggsmore Avenue Project were opened at 11 a.m. on February 16, 2016, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, this Project will be funded 100% with zero local match by Congestion Mitigation and Air Quality (CMAQ) money, and

WHEREAS, this Project will provide fiber optics along the south side of Briggsmore Avenue between Oakdale Road and Claus Road and closed circuit TV cameras at the intersections of Briggsmore Avenue at Roselle Avenue and Briggsmore Avenue at Claus Road for the City, and

WHEREAS, the Public Works Director has recommended that the bid of $280,350 received from Carl Joseph Bartaldo Construction of Palo Cedro, CA be accepted as the lowest responsible bid, and the contract be awarded to Carl Joseph Bartaldo Construction of Palo Cedro, CA.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications of the Expand ATMS and CCTV Along Briggsmore Avenue Project, accepts the bid from Carl Joseph Bartaldo Construction of Palo Cedro, CA in the amount of $280,350, and awards Carl Joseph Bartaldo Construction of Palo Cedro, CA the contract for the Expand ATMS and CCTV Along Briggsmore Avenue Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE
FURNISHING OF AFTER-HOURS ON-CALL ANSWERING SERVICES FOR
THE UTILITIES DEPARTMENT, WASTEWATER DIVISION AND WATER
DIVISION, TO HARTLEY AND ASSOCIATES, SANTA MONICA, CA, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A
PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $30,600,
AND OVER FIVE (5) YEARS, A TOTAL COST OF $153,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal
Request for Proposals (RFP) for the furnishing of after hour on-call answering services
for the Utilities Department, Wastewater Division and Water Division, and

WHEREAS, the Purchasing Division issued RFP 1516-08 After Hour On-Call
Answering Services on the City’s website under the commodity code for
answering/paging services, and

WHEREAS, prospective proposers were noticed online of the proposal
opportunity, and

WHEREAS, eleven (11) companies chose to download the RFP document, none
of which were local companies, and

WHEREAS, no local company provides this product, and

WHEREAS, proposals were formally opened in the City Clerk’s office. Three (3)
companies chose to respond, and

WHEREAS, all three (3) companies responding provided a responsive and
responsible proposal, and

WHEREAS, an evaluation committee comprised of five (5) City staff members
evaluated the proposals, and
WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the furnishing of after hour on-call answering services to Hartley and Associates, Santa Monica, CA, for an estimated annual cost of $30,600, and over five (5) years of $153,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the furnishing of after hour on-call answering services to Hartley and Associates, Santa Monica, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 4100-45060-53300 and 4210-44211-53300 (Wastewater Fund and Water Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the furnishing of after hour on-call answering services to Hartley and Associates, Santa Monica, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $30,600, and over five (5) years of $153,000.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION RESCINDING RESOLUTION NO. 2011-459 AND TERMINATING A MEMORANDUM OF UNDERSTANDING BETWEEN THE PUBLIC WORKS DEPARTMENT AND PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO REPAY FUNDS FOR THE RELOCATION OF THE SOLID WASTE COMPOST FACILITY

WHEREAS, pursuant to the discharge permit issued by the Regional Water Quality Control Board in April 2008, the City of Modesto was required to reduce discharge limits of some constituents into the San Joaquin River; and

WHEREAS, as a result of the new discharge permit requirements, the City’s Wastewater Operations initiated Phase 2 BNR/Tertiary Treatment Project to expand the City’s capacity to comply with the new requirements by operating a tertiary-level treatment process at the existing Jennings Road Wastewater Treatment and Disposal Facility (Jennings Road Facility); and

WHEREAS, the location of the City’s Solid Waste Compost Facility, managed by the City’s Solid Waste Compost Operations (then a division of the Parks, Recreation and Neighborhoods Department) was proposed as the new site of the Phase 2 Tertiary Facility; and

WHEREAS, the City’s Wastewater Operations (then a division of Public Works Department) obtained a loan from the Clean Water State Revolving Fund (“SRF”) to finance the construction of the Phase 2 Tertiary Facility, including the costs associated with moving the Compost Facility and relocating it to a new site; and

WHEREAS, on December 6, 2011, the City Council adopted Resolution No. 2011-459, approving a Memorandum of Understanding (“MOU”) between the Public Works Department and the Parks, Recreation and Neighborhoods Department (“PRN”)
regarding the repayment of funds from the Compost Fund to the Wastewater Fund to cover the costs associated with the relocation of the Solid Waste Compost Facility; and

WHEREAS, based on further review of the relevant documents, including the SRF loan agreement, it has been determined that the relocation of the Compost Facility was properly paid for by the SRF loan and that the MOU between Public Works Department and the Parks, Recreations, and Neighborhoods Department was unnecessary. The relocation costs were within the scope of the SRF loan and an obligation incurred by the Wastewater Fund in order to comply with state requirements that the Compost Fund should not be responsible for repaying; and

WHEREAS, this Resolution will terminate the MOU and release the Compost Fund from any repayment obligations to the Wastewater Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 2011-459, approving a MOU between the Public Works Department and PRN regarding the repayment of costs associated with relocating the Solid Waste Compost Facility as part of the Phase 2 Tertiary Project, is hereby rescinded.

BE IT FURTHER RESOLVED the MOU between the Public works Department and PRN, dated December 6, 2011, regarding the funding obligations for the relocation of the Solid Waste Compost Facility as part of the Phase 2 Tertiary Project, is hereby terminated. Any and all obligations under such MOU are hereby terminated.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

[Signature]

ATTEST:  STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A SOLE SOURCE AGREEMENT WITH KLEINFELDER, INC., MODESTO, CA FOR GEOPHYSICAL INVESTIGATION SERVICES FOR WELL 274, IN AN AMOUNT NOT TO EXCEED $75,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $7,500 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $82,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Grayson water service area was acquired from the Del Este Water Company in 1995 as part of the overall acquisition of Del Este’s water system, and

WHEREAS, the City now operates and maintains two wells and storage tank No. 9 in the outlying service area of Grayson, and

WHEREAS, nitrate concentrations have been an issue at Well 274, which is currently treated at the Well 295/Tank 9 site, and

WHEREAS, a feasibility study, completed in January 2015, addressing nitrate concentrations in Well 274, recommended a replacement well because the current well was installed in 1967, and

WHEREAS, on November 24, 2015, by Resolution No. 2015-454, Council accepted a 9,945 square foot site from Stanislaus County, which will expand the Well 274 site in order to drill a replacement well, and

WHEREAS, a test boring is needed to assess the subsurface for design of a replacement well, and

WHEREAS, a hydrogeologist will provide direction for testing and sampling, and analyze the results of a test bore hole, which must be performed by a licensed driller, and
WHEREAS, recent well projects have indicated that local licensed drillers capable of performing test bore hole services have a backlog of work ranging from 18 to 24 months, and

WHEREAS, Kleinfelder, Inc. (Kleinfelder) has unique qualifications, as it has geologists and hydrogeologists on staff, a C-57 driller license, and agreements with local drillers, and

WHEREAS, Kleinfelder has performed similar work on previous City projects (Tivoli Well-Mary Grogan Park site); therefore, City staff requested a proposal from Kleinfelder to perform geophysical investigation services for this project, and

WHEREAS, the scope of work includes a licensed driller able to begin work approximately 7 to 10 days after receiving a notice to proceed, and

WHEREAS, there are no other known local consultants with Kleinfelder’s unique qualifications in geophysical investigations, and

WHEREAS, based on the findings that Kleinfelder is the only vendor qualified to perform this service, staff finds that the justification meets the City’s sole source criteria as required under the Modesto Municipal Code, and

WHEREAS, to save time and reduce project costs, City staff recommends approving an agreement with Kleinfelder to perform the geophysical investigation services for Well 274,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sole source Agreement with Kleinfelder, Inc., Modesto, CA for Geophysical Investigation Services for Well 274, in an amount not to exceed $75,000 for
the identified scope of services, plus $7,500 for additional services (if needed), for a maximum total amount of $82,500.

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 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREEN, City Attorney

STEFANIE LOPEZ, City Clerk

03/22/2016/Util/TBryant/Item 20 3 2016-116
RESOLUTION APPROVING THE FIRST AMENDMENT TO AGREEMENT WITH HORIZON WATER AND ENVIRONMENT, LLC, OAKLAND, CA FOR PROJECT LEVEL ENVIRONMENTAL IMPACT REPORT FOR THE DEL RIO TANK AND WELL PROJECT IN AN AMOUNT NOT TO EXCEED $117,238 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $9,136 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $126,374, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO 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 water system has identified necessary upgrades to correct existing supply and pressure deficiencies, and

WHEREAS, the major components of the upgrades include the construction of two new domestic water wells, a storage tank, and booster pump station, and

WHEREAS, the City was obligated to provide these improvements by January 31, 2014 in accordance with the amended terms of a Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, project delays have occurred due to litigation, while staff continues to work with the Del Rio Community Association to extend the deadline, and

WHEREAS, prior Council actions for this project include: 1) On April 5, 2011, by Resolution No. 2011-118, the Council approved an agreement with URS Corporation to perform groundwater impacts analysis for the Del Rio well project; 2) On March 13, 2012, by Resolution No. 2012-100, the Council adopted the project’s environmental analysis; 3) On December 4, 2012, by Resolution No. 2012-496, the Council accepted a Preliminary Design Report for the new tank, booster pump, and well; 4) On December 20, 2012, a lawsuit was filed against the City by the North Modesto Groundwater
Alliance (Stanislaus County Superior Court Case No. 680381); 5) On November 12, 2013, by Resolution No. 2013-413, the Council rescinded the previous March 13, 2012 adoption of the project’s environmental analysis, and directed staff to prepare a new environmental analysis pursuant to California Environmental Quality Act (CEQA) requirements. Concurrently, by Resolution No. 2013-414, City Council also rescinded the previous December 4, 2012 acceptance of the Preliminary Design Report for the tank, pump station, and new well; and 6) On April 1, 2014, by Resolution No. 2014-116, Council approved an agreement with Horizon Water and Environment, LLC (Horizon) for Project Level Environmental Impact Report (EIR) for the Del Rio Water System Improvements Project. Concurrently, by Resolution No. 2014-117, Council approved an agreement with URS Corporation for Groundwater Impacts Analysis for Del Rio Water System Improvements Project, and

WHEREAS, in accordance with CEQA requirements, a Notice of Preparation was prepared in July, 2015, followed by a 30-day public comment period, and

WHEREAS, an administrative draft of the project level EIR was prepared in November, 2015 and was reviewed by the City Attorney and staff, and

WHEREAS, the City Attorney advised that additional documents and technical evaluations be prepared pursuant to CEQA Guidelines, and

WHEREAS, Horizon developed a proposal for the additional work, which includes field surveys and data review, AB52 Compliance, new sections added to the draft EIR and preparation of an initial study, and

WHEREAS, City staff recommends approving a first amendment to agreement with Horizon to complete the necessary CEQA requirements, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to Agreement with Horizon Water and Environment, LLC, Oakland, CA for Project Level Environmental Impact Report for the Del Rio Tank and Well Project in an amount not to exceed $117,238 for the identified scope of services, plus $9,136 for additional services (if needed), for a maximum total amount of $126,374.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $127,238 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE FIRST AMENDMENT TO AGREEMENT WITH HORIZON WATER AND ENVIRONMENT, LLC, OAKLAND, CA FOR PROJECT LEVEL ENVIRONMENTAL IMPACT REPORT FOR THE DEL RIO TANK AND WELL PROJECT, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of $127,238, in order to fund the Project Level Environmental Impact Report (EIR) first amendment to agreement, including support by City staff for the Del Rio Tank and Well Project, and

WHEREAS, the Fiscal Year 2015-2016 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 2015-2016 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 22\textsuperscript{nd} day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

\[\text{(SEAL)}\]

\[\text{ATTEST:} \quad \text{STEFANIE LOPEZ, City Clerk}\]

\[\text{(SEAL)}\]

**APPROVED AS TO FORM:**

**By:** ADAM U. LINDGREN, City Attorney
Exhibit A

Due to the increase of estimated environmental costs for the first amendment to agreement, including support by City staff for CIP Account #100473-“Del Rio Water Tank”, the project costs need to be increased by $127,238. This would be done by adjusting Environmental (ENV) in CIP Account #100473-“Del Rio Water Tank” by $127,238.

To fund the above account, $127,238 will be transferred from Water Fund Reserves into CIP Project #100473-“Del Rio Water Tank” project.
RESOLUTION ACCEPTING THE 2014 HUD CURB RAMPS AND STORM DRAIN IMPROVEMENTS PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, AND RELEASE SECURITIES AND PAYMENTS TOTALING $914,522.15 TO GEORGE REED, INC., OF MODESTO, CALIFORNIA

WHEREAS, the HUD Curb Ramp and Storm Drain Improvements Project has been completed by George Reed Inc. of Modesto, CA in accordance with the contract agreement dated July 14, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the HUD Curb Ramp and Storm Drain Improvements Project is hereby accepted as complete from said contractor, George Reed Inc. of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $914,522.15, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk
(SEAL)

APPROVED AS TO FORM:
By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-120

RESOLUTION AUTHORIZING AN INCREASE TO THE DIRECTOR OF UTILITIES AUTHORITY FOR CHANGE ORDERS FOR THE 2014 HUD CURB RAMPS AND STORM DRAIN IMPROVEMENTS PROJECT WASTEWATER FUNDED PORTION OF WORK IN THE TOTAL AMOUNT OF $61,111 (10.3% OF THE ORIGINAL WASTEWATER PORTION OF THE CONTRACT PRICE)

WHEREAS, on July 14, 2015, the City Council, by Resolution No. 2015-253, awarded a $842,092 contract to George Reed, Inc. of Modesto, California for the construction of the 2014 HUD Curb Ramps and Storm Drain Improvements project, and

WHEREAS, a portion of the scope of this project ($592,180) was funded by the Wastewater Fund, and

WHEREAS, the Director’s Authority of an additional 10 percent ($59,218) for change orders was authorized for the portion funded by the Wastewater Fund, and

WHEREAS, the cost of the change order work for the portion of work funded by the Wastewater Fund has been estimated to be $61,111, 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, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $59,218,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders on the 2014 HUD Curb Ramps and Storm Drain Improvements project in the total amount of $61,111 (10.3% of the original contract price).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE TRANSIT BUILDING RESTROOM REMODEL PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $290,940 TO RMC ENTERPRISES, INC., OF FRESNO, CA

WHEREAS, the Transit Building Restroom Remodel Project has been completed by RMC Enterprises, Inc., of Fresno, CA in accordance with the contract agreement dated November 4, 2014

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Transit Building Restroom Remodel Project is hereby accepted as complete from said contractor, RMC Enterprises, Inc., of Fresno, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $290,940.00, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Brandvold

ATTEST: (SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE WELLHEAD TREATMENT AT WELL NO. 3 PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $1,015,582 TO W.M. LYLES CO., OF FRESNO, CA

WHEREAS, the Wellhead Treatment at Well No.3 Project has been completed by W.M. Lyles Co. of Fresno, CA in accordance with the contract agreement dated July 1, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Wellhead Treatment at Well No. 3 Project is hereby accepted as complete from said contractor, W.M. Lyles Co. of Fresno, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,015,582, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE 2014-2015 STORM DRAIN IMPROVEMENT PROJECT FROM 10 PERCENT ($56,317) TO APPROXIMATELY 27.1 PERCENT ($153,536) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $566,317 WITH ROLFE CONSTRUCTION, INC., OF ATWATER, CA

WHEREAS, the City Council, on December 8, 2015, by Resolution No. 2015-476, awarded a $566,317 contract to Rolfe Construction for the construction of the 2014-2015 Storm Drain Improvements project, and

WHEREAS, the originally authorized construction administration budget was 12 percent ($67,958), and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City’s standards of construction and quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby an increase in the construction administration budget for the 2014-2015 Storm Drain Improvements Project from 12 percent ($67,958) to approximately 13.7 percent ($77,650).
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED SEPTEMBER 2015 FOR THE RIVER TRUNK REALIGNMENT, BEARD BROOK SIPHON, AND CANNERY SEGREGATION LINE IMPROVEMENT PROJECT AS COMPLETE

WHEREAS, the 2007 Wastewater Collection System Treatment Master Plan (WWCSMP) identified key hydraulic and condition deficiencies in the City's wastewater collection system, and

WHEREAS, this project will address deficiencies in the River Trunk, Sutter Trunks and Beard Brook Siphon, and

WHEREAS, the River Trunk consists of a pipeline that ranges from 24-inches to 60-inches in diameter that conveys flow from the Beard Industrial Park to the Sutter Avenue Wastewater Treatment Plant, and

WHEREAS the total length of the River Trunk is approximately five miles and conveys approximately 24 percent of the City's domestic wastewater flow, and

WHEREAS, the Beard Brook Siphon consists of a 48-inch diameter trunk that starts at the west end of Oregon Drive, at the Gallo facility, and crosses under Beard Brook Park to Morton Boulevard, and

WHEREAS, the current location of the River Trunk, adjacent to the Tuolumne River, poses access limitations to operations staff and could be subject to catastrophic damage in the event of elevated river flows, and

WHEREAS, the Beard Brook Siphon also poses access limitations, and
WHEREAS, as City staff evaluated these projects, consideration was given to realigning the River Trunk away from its current location to an alternate route within the public right-of-way and replacing the Beard Brook Siphon with a gravity system, and

WHEREAS, additional consideration was given to realigning the Sutter Trunk to connect to the new River Trunk, and

WHEREAS, the River Trunk Realignment will essentially combine the identified projects into one project, and

WHEREAS, on April 1, 2014, by Resolution No. 2014-121, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for these projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies, and

WHEREAS, staff recommends acceptance of the Preliminary Design Report as complete, and

WHEREAS, upon acceptance of the report by City Council, Carollo is intended to proceed with the preparation of final design documents, as well as bidding and construction phase services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated September 2015 for the River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement Project as complete.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST:  

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR FINAL DESIGN SERVICES FOR RIVER TRUNK REALIGNMENT PROJECT, IN AN AMOUNT NOT TO EXCEED $4,276,692 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $427,669 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $4,704,361, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Collection System Treatment Master Plan (WWCSMP) identified key hydraulic and condition deficiencies in the City’s wastewater collection system, and

WHEREAS, this project will address deficiencies in the River Trunk, Sutter Trunks and Beard Brook Siphon, and

WHEREAS, the River Trunk consists of a pipeline that ranges from 24-inches to 60-inches in diameter that conveys flow from the Beard Industrial Park to the Sutter Avenue Wastewater Treatment Plant, and

WHEREAS the total length of the River Trunk is approximately five miles and conveys approximately 24 percent of the City’s domestic wastewater flow, and

WHEREAS, the Beard Brook Siphon consists of a 48-inch diameter trunk that starts at the west end of Oregon Drive, at the Gallo facility, and crosses under Beard Brook Park to Morton Boulevard, and

WHEREAS, the current location of the River Trunk, adjacent to the Tuolumne River, poses access limitations to operations staff and could be subject to catastrophic damage in the event of elevated river flows, and

WHEREAS, the Beard Brook Siphon also poses access limitations, and
WHEREAS, as City staff evaluated these projects, consideration was given to realigning the River Trunk away from its current location to an alternate route within the public right-of-way and replacing the Beard Brook Siphon with a gravity system, and

WHEREAS, additional consideration was given to realigning the Sutter Trunk to connect to the new River Trunk, and

WHEREAS, the River Trunk Realignment will essentially combine the identified projects into one project, and

WHEREAS, on April 1, 2014, by Resolution No. 2014-121, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for these projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies, and

WHEREAS, considering the technical complexity of these projects and current staff workload, City staff is recommending the continued use of Carollo to complete the final design as their work on the PDR was satisfactorily completed, and

WHEREAS, Carollo’s final negotiated cost is $4,276,692, and

WHEREAS, this scope includes the design of a major lift station and forcemains, gravity sewer crossing under Beard Brook, gravity system along Colorado Avenue, and pump station for the Shackelford Crossing, and

WHEREAS, upon completion of this project, the former River Trunk will be available as a redundant system for domestic and cannery waste flows, and
WHEREAS, the scope of services to be provided under this agreement includes:

1) Project Management: administration, meetings and quality assurance; 2) Final Design: documents, utility location, public outreach, permit coordination, modeling, surveying, cost estimate, and scheduling; 3) Bid Period Services: addenda, meetings and bid summary, and

WHEREAS, staff recommends approving Carollo’s agreement to proceed in completing the final design of the River Trunk Realignment Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with with Carollo Engineers, Inc., Walnut Creek, CA for Final Design Services for River Trunk Realignment Project, in an amount not to exceed $4,276,692 for the identified scope of services, plus $427,669 for additional services (if needed), for a maximum total amount of $4,704,361.

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 22nd day of March, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $3,970,948 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR FINAL DESIGN SERVICES FOR THE RIVER TRUNK REALIGNMENT PROJECT, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of $3,970,948, in order to fund final design services, including engineering, design, and administrative support by City staff, for the River Trunk Realignment Project, and

WHEREAS, the Fiscal Year 2015-2016 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 2015-2016 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 22nd day of March, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
Exhibit A

Due to final design costs being higher than initially budgeted for the project, a line item increase is necessary for CIP Account #100646 “River Trunk Realignment”, and the engineering/design/administration costs need to be increased by $3,970,948. This would be done by adjusting Engineering/Design/Administration by $3,970,948.

To fund the above account, $3,970,948 will be transferred from Wastewater Fund Reserves into CIP Project 100646 for the River Trunk Realignment Project.
RESOLUTION APPROVING THE FORMATION OF AND APPOINTMENTS TO THE MAYOR’S 100 DAYS COMMITTEE

WHEREAS, Section 601(h) of Article VI of the Modesto City Charter grants the Mayor the authority to appoint, with the advice and consent of the City Council, such advisory boards and committees as may be necessary or desirable to advise and assist in the work of the Council; and

WHEREAS, the Mayor desires to form a “100 Days Committee” to make recommendations to the full City Council on the 2016-2017 City budget and hereby seeks to the consent of the City Council for his appointments to such committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, as follows:

Section 1. Formation of Mayor’s 100 Days Committee

The City Council hereby approves the formation of the Mayor’s 100 Days Committee, which shall make recommendations to the full City Council on the 2016-2017 City budget and which shall hold open and public meetings. The committee will dissolve on July 1, 2016, unless its term is extended with the advice and consent of the City Council.

Section 2. Committee Appointments

The City Council hereby consents to the Mayor’s appointments to the 100 Days Committee, which shall be:

Mayor Ted Brandvold
City Council Member Kristi Ah You
City Council Member Mani Grewal
Patricia Gillum, a certified public accountant
Ralph A. Juarez, a certified public accountant
Michelle Funk, a certified public accountant
Charles L. Bryant, a member of the public  
David Benn, a member of the public  
Rick Dahlseid, a member of the public  
Ron Jackson, a member of the public  
Warren Kirk, a member of the public  
Dave Thomas, a member of the public  
Eric Tobias, a member of the public  
Michael P. Zagaris, a member of the public

The City Council further consents to the Mayor’s designation of any of the other four Council Members as an alternate to the Council Member appointees to the 100 Days Committee.

Section 3. Effective Date
This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(APPROVED AS TO FORM:)

By: ADAM U. LINDGREN, City Attorney
RESOLUTION DECLARING COUNCIL’S FISCAL PRIORITIES FOR THE REMAINDER OF THIS FISCAL YEAR 2015-2016 AND PROVIDING GUIDANCE TO CITY STAFF AND THE COMMUNITY REGARDING ITS INTENT TO PRIORITIZE EXPENDITURES ON ONLY ESSENTIAL MATTERS

WHEREAS, the 2008 economic crisis has had and continues to have a severe impact on Modesto’s growth that the City has not yet overcome; and

WHEREAS, the City is challenged each year to balance its General Fund budget and achieve fiscal sustainability; and

WHEREAS, the City is currently experiencing negative sales tax growth coupled with built-in cost increases within existing services; and

WHEREAS, whereas $84 million of the current $115 million FY 2015-2016 Budget is committed to public safety; and

WHEREAS, the City of Modesto experienced a 12% increase in Part One crimes in 2015 compared to 2014; and

WHEREAS, Part One crimes include violent crimes such as homicide, rape, robbery, aggravated assault, and property crimes including burglary, larceny, and auto theft; and

WHEREAS, the City of Modesto has significant unmet needs in public safety; and

WHEREAS, the City Council has approved the establishment of a temporary Committee, composed of members of the City Council and the public, to review the draft 2016-2017 departmental budgets to identify potential funds that could be reallocated to public safety and other essential services; and
WHEREAS, the Committee will complete its work before July 1, 2016, the end of the current fiscal year; and

WHEREAS, the City Council, consistent with the objectives of the Committee, wants to generally limit its expenditures for the remainder of the current fiscal year to those expenditures that are necessary and essential to maintaining the City’s current operations, facilities, and services; and

WHEREAS, the City Council hereby desires by this Resolution to indicate its general policy, for the remainder of this fiscal year, to prioritize expenditures for essential matters, and to disapprove matters that would authorize additional discretionary expenditures; and

WHEREAS, discretionary, or non-essential expenditures, do not include any expenditures that are needed to maintain current operations, facilities, or services, or any other expenditures relating to existing obligations including those necessary to pay for services that have already been provided, are already required by contract, are needed to comply with Federal, State, or local laws, or are required in order to secure a significant amount of non-City funding such as matching allocations required for the receipt of State or Federal funds; and

WHEREAS, this Resolution serves as policy guidance to City staff and the community about the Council’s priorities and to assist City staff in efficiently managing their departmental affairs and priorities; and

WHEREAS, this Resolution does not prohibit requests for discretionary expenditures to be presented to the Council, but directs that any such request shall be well-documented, analyzed, and vetted prior to presentation to the Council.
NOW, THEREFORE, the City Council hereby expresses that, as a general matter for the remainder of the 2015-2016 fiscal year, it will prioritize expenditures on essential matters and not approve additional discretionary expenditures by the City. Discretionary, or non-essential expenditures, do not include any expenditures that are needed to maintain current operations, facilities or services, or any other expenditures relating to existing obligations including those necessary to pay for services that have already been provided, are already required by contract, are needed to comply with Federal, State, or local laws, or are required in order to secure a significant amount of non-City funding such as matching allocations required for the receipt of state or federal funds. This Resolution provides only a general indication of the City Council’s prioritization of the matters addressed herein. It is not legally binding on the City Council, or any of its members, and does not create any right of action to third parties. It may be revised or amended by a majority vote of the City Council. In the event of any conflict between this Resolution and any provision of an existing contract or Federal, State or local law, this Resolution shall not control. This Resolution is only intended to express the City Council’s current priorities.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney