RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2010-2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2010-2011 budgets have been adjusted as shown in Exhibit A, which is 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 special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

(Seal)
APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

1/03/2010/Finance/TSwearingen/Item 3 1 2010-466
EXHIBIT A

COMMUNITY AND ECONOMIC DEVELOPMENT
An adjustment is necessary to reduce appropriations by $1,104 in Capital Improvement Project E006, Lime Green Signs and close the account. Additionally, this adjustment will reduce the transfer from the Special Gas Tax Fund in the amount of $110.

During the FY2010-11 budget development salary and benefit costs relating to the movement of an Office Supervisor position from Organization 1401 (Building Safety) to Organization 1400 (CEDD Admin) were inadvertently reduced. An adjustment is necessary to transfer $75,394 from General Fund Reserves to Salaries and Benefits in Building Safety to correct their budget.

An adjustment is necessary to move funds in the amount of $30,000 from CFF Reserves to Capital Improvement Project (CIP) H465, Carpenter Road Bridge Seismic Retrofit-Design, to complete the design phase of the project and provide funding for design support services during construction. This request was approved by the CIP Taskforce on June 22, 2010.

FINANCE
An adjustment in the amount of $11,090 is necessary to increase salaries for a part-time Account Clerk in the Accounts Payable Division (Org 1222) of Finance. A 100% of this position will be charged to the NSP2 Administration Organization which will generate service credit revenue to Accounting to offset the increased expense.

An adjustment in the amount of $156,080 is necessary to increase salaries for overtime, out-of-class pay and temporary labor in the Accounting (1222), Purchasing (1232), Stores (1272), Cashiering (Org 5021), Business License (1224) and Accounts Receivable (1225) Divisions in Finance for costs related to the ERP project. Funding will be transferred from the Information Technology ERP budget to cover the additional salary costs to ensure backfill resources are available for the staff members who are working on the ERP project.

INFORMATION TECHNOLOGY
An adjustment is necessary to transfer $316,000 from the Information Technology Investment Fund (7131) to the Information Technology Fund (7130) to fund the procurement of Enterprise Resource Planning services with Gartner Consulting that occurred in FY2007-08. This transfer was budgeted in FY2007-08 under Resolution 2008-051, but the funds were never transferred.

PARKS, RECREATIONS AND NEIGHBORHOODS
An adjustment is necessary to decrease the HOME Program Fund (1170), Organization 3259 (HOME – Direct Services) by $840,240 and increase the budget in a newly created multi-year Organization 3269 (HOME-Archway Commons) in the same amount of $840,240. The creation of the multi-year organization and movement of budget is necessary due to the period of time the project will take to get developed. The funds were provided to EAH Housing by Resolution 2009-392 to fund pre-development activities.

An adjustment is necessary to transfer $80,000 of Community Development Block Grant (CDBG) funds from Organization 3254, Direct Services Non-Housing, to a newly established Organization 3264, CDBG Public Service. This will allow CDBG Public Service grant funds for eligible Recreation Programs to be identified for audit and draw purposes.

Each year, Modesto City Schools contracts with the City of Modesto to provide after-school programs at various elementary schools throughout the school district. The contract for Fiscal
Year (FY) 2010-11 was recently approved by both the school district and the City. The total cost of the after-school program is $393,174.13 of which $332,674.13 is reimbursed by the school district. The City’s FY 2010-11 General Fund budget, as adopted, included $136,000 in projected revenue and expenses for the after-school program. This budget adjustment updates the budget by recognizing $196,674.13 in un-budgeted revenue and expenses related to the after-school programs.

POLICE DEPARTMENT
An adjustment is necessary to create a transfer of $54,680 from the General Fund (0100) to the ARRA – Public Safety Fund (0415) in Fiscal Year 2009-10. While the Cops Hiring Recovery Program Grant provides for entry level officer expense, the City has officers at a higher rate than entry level in the fund whose additional expense must be subsidized.
*This item was reviewed and referred to Council for approval at the August 11, 2010 Finance Committee Meeting.

PUBLIC WORKS/UTILITY PLANNING & PROJECTS
An adjustment is necessary to transfer $24,555 from the Surface Transportation Fund, Proposition 1B, (0710) into the Streets CFF project H424, Pelandale/Sisk/SR99 On-Ramp Improvements in the Streets Capital Facility Fund (1410). This transfer will add funds to the Construction object (6040) within the project and allow for the payment of construction expenses at the request of the Streets Division for work out side of the CFF project limits. A night paving permit by CalTrans was required so the work was deemed more cost effective to be performed during the CIP construction. Since the expenses are Proposition 1B eligible the Surface Transportation Fund (STF) will transfer the amount into the project. This action will aid the STF in spending its Proposition 1B funds before the spending deadline of June 30, 2011.
RESOLUTION APPROVING AGREEMENT TO NEGOTIATE EXCLUSIVELY WITH THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS AS THE DEVELOPER FOR THE PROJECT LOCATED AT 412/416 DOWNEY AVENUE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY RELATED DOCUMENTS

WHEREAS, on December 10, 2008, the Redevelopment Agency (RDA) purchased 416 Downey Avenue utilizing Set Aside funds, and

WHEREAS, on February 28, 2008, the City purchased 412 Downey Avenue utilizing Community Development Block Grant (CDBG) funds, and

WHEREAS, on February 9, 2010, staff released an Request for Proposals (RFP) soliciting affordable housing developers for this project, and

WHEREAS, the scope of the RFP included a maximum of 11 dwelling units with $500,000 in City HOME entitlement funds to be used in the construction of the project, and

WHEREAS, additional funding was anticipated from the RDA’s Housing Set-Aside fund; however, with the recent court decision regarding RDA payments to the State of California, there will be no additional RDA dollars available for this project, and

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

WHEREAS, as part of the approval, staff was to draft an Agreement to Negotiate Exclusively (ANE) and bring it back to the Council for final approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement to Negotiate Exclusively with the Housing
Authority of the County of Stanislaus as the Developer for the project located at 412/416 Downey Avenue.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature] SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE AWARD OF THE JENNINGS ROAD RANCH LEASE TO WENDEL TRINKLER, JR., FOR A 10-YEAR TERM BEGINNING JANUARY 1, 2011, WITH THREE FOUR-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LEASE

WHEREAS, on March 22, 2010, the City of Modesto Finance Committee authorized Wastewater Quality Control Division (WQC) staff to issue a request for Statement of Qualifications (SOQ) for the Jennings Road Ranch Lease (Lease), and

WHEREAS, the SOQ was sent to eight interested organizations as well as posted on the City of Modesto’s Purchasing website and staff also sent fliers to the California Farm Bureaus in Fresno, San Joaquin and Stanislaus Counties for them to post at their offices and/or web sites, and

WHEREAS, on May 21, 2010, staff held a mandatory Pre-Submittal Conference at the Jennings Ranch where a total of 23 people attended, and

WHEREAS, on June 9, 2010, WQC received six (6) SOQ’s for the Lease, and

WHEREAS, after reviewing all of the SOQ’s submitted, all six proposers were invited to send a response to the Request for Proposals (RFP) for the lease, and

WHEREAS, on July 9, 2010, WQC received five (5) responses to the RFP, and

WHEREAS, the proposals were reviewed by Laura Anhalt, WQC Plant Manager, Kathryn Gies, P.E. from West Yost Associates and Richarc Smith from RBSmith Consulting, and

WHEREAS, after review and discussion of the proposals, it was determined that WQC would interview the top three (3) proposals and on August 5, 2010, WQC interviewed Wendel Trinkler, Jr., Pahrump Heifer Ranch, and Alamo Farms, and
WHEREAS, based on the proposals submitted and the proposed lease rate per acre, it was determined that Wendel Trinkler, Jr., was the best choice for leasing of the Jennings Road Ranch, and

WHEREAS, WQC and Lessee have reviewed the lease and proposed changes have been approved by the City Attorney’s office, and

WHEREAS, the lease rate of $200 per acre, or $494,000 annually, is the agreed upon amount with the new lease starting January 1, 2011, through December 31, 2021, with three four-year term extensions, as agreed upon by the City and Lessee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of the Jennings Road Ranch Lease to Wendel Trinkler, Jr., for a 10-year term beginning January 1, 2011, with three four-year extension options, at the sole discretion of the City, at a rental rate of $200 per acre for an annual total of $494,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Lease.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED SEPTEMBER 2009 FOR THE SHACKELFORD SEWER CROSSING PROJECT AS COMPLETE

WHEREAS, the existing sewer pipe (siphon) across the Tuolumne River has reached the end of its useful design life as it is nearly 40 years old and has not been maintained during its life, and

WHEREAS, this project will replace the existing 18-inch siphon with two 18-inch siphons which will connect to an existing inlet structure, and

WHEREAS, on February 10, 2009, by Resolution No. 2009-074, Council approved an agreement with O’Dell Engineering, Inc. to complete the 35% design services for the Shackelford Sewer Crossing project and summarize the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, the PDR reviewed three methods of proposed construction alternatives to crossing the river: open-cut, micro-tunneling and Horizontal Directional Drilling (HDD), and

WHEREAS, after evaluating the different alternatives, the PDR recommended the construction of two new 18-inch siphons by HDD with each siphon being capable of handling the design flow individually, thus creating a redundant system that would provide an alternative in the event of failure of the main siphon, and

WHEREAS, HDD also has the advantage of less rigorous permitting with resource agencies, and

WHEREAS, the 35% PDR has been successfully completed and will serve as the basis for the final design of the Shackelford Sewer Crossing project.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated September 2009 for the Shackelford Sewer Crossing project as complete.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-470

RESOLUTION APPROVING AN AGREEMENT WITH O’DELL ENGINEERING, INC. FOR FINAL DESIGN SERVICES FOR SHACKELFORD SEWER CROSSING PROJECT IN AN AMOUNT NOT TO EXCEED $211,189 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $21,119 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $232,308, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing sewer pipe (siphon) across the Tuolumne River has reached the end of its useful design life as it is nearly 40 years old and has not been maintained during its life, and

WHEREAS, this project will replace the existing 18-inch siphon with two 18-inch siphons which will connect to an existing inlet structure, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, six (6) Request for Proposals (RFPs) were sent to the short-listed local design firms approved by Council, and

WHEREAS, the proposals were submitted and subsequently reviewed by the Selection Committee which consisted of Public Works Engineering and Wastewater Operations staff, and

WHEREAS, following the consultant interviews, the Selection Committee determined that the engineering team of O’Dell was the most qualified to prepare the Preliminary Design Report (PDR) of the Shackelford Area Sanitary Sewer Crossing of the Tuolumne River, and

WHEREAS, in addition, O’Dell’s team included Bennett Trenchless, a sub-consultant whose expertise is trenchless design, and
WHEREAS, on February 10, 2009, by Resolution No. 2009-074, Council approved an agreement with O’Dell Engineering, Inc. to complete the 35% design services for the Shackelford Sewer Crossing project and summarize the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, the PDR reviewed three methods of proposed construction alternatives to crossing the river: open-cut, micro-tunneling and Horizontal Directional Drilling (HDD), and

WHEREAS, after evaluating the different alternatives, the PDR recommended the construction of two new 18-inch siphons by HDD with each siphon being capable of handling the design flow individually, thus creating a redundant system that would provide an alternative in the event of failure of the main siphon, and

WHEREAS, HDD also has the advantage of less rigorous permitting with resource agencies, and

WHEREAS, the 35% PDR has been successfully completed and will serve as the basis for the final design of the Shackelford Sewer Crossing project, and

WHEREAS, this Final Design Services Agreement will allow for the final design, development of biddable documents, and assistance during the bid period for the project, and

WHEREAS, City staff recommends approving an Agreement with O’Dell as the City does not have the staffing level or subject matter expertise to complete the Final Design Services for the Shackelford Sewer Crossing project, and current workload levels do not provide for timely in-house solutions/responses,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O’Dell Engineering, Inc. for final design services for the Shackelford Sewer Crossing project an amount not to exceed $211,189 for the identified scope of services, plus $21,119 for additional services (if needed), for a maximum total amount of $232,308.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-471

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE BUS MAINTENANCE FACILITY, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH EMJ CORPORATION OF SACRAMENTO, CA IN THE AMOUNT OF $10,784,000 FOR THE BUS MAINTENANCE FACILITY PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Bus Maintenance Facility project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Bus Maintenance Facility project were opened at 11:00 a.m. on August 24, 2010, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning & Projects has recommended that the bid of $10,784,000 received from EMJ Corporation be accepted as the lowest responsible bid and the contract be awarded to EMJ Corporation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Bus Maintenance Facility project, accepts the bid of EMJ Corporation of Modesto, CA in the amount of $10,784,000, and awards EMJ Corporation the contract for the Bus Maintenance Facility 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 special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
Whereas, Section 8-1.904 of the Modesto Municipal Code authorizes the City Council to establish Capital Facilities Fees (“CFF”) by resolution, and

Whereas, California Government Code Sections 66001 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

Whereas, the City is collecting CFF for the purpose of constructing public improvements that will be needed as a result of new development, and

Whereas, by Resolution 2010-272, the City Council established the nexus for fees imposed by each land use, and

Whereas, the Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and

Whereas, the Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and

Whereas, the Parks and Recreation CFF Fund was established to accrue funds for the development of additional regional parks, community centers, neighborhood parks, expansion of McClure museum, and
WHEREAS, the General Government CFF Fund was established to accrue funds for the expansion of City Hall, expansion of the City’s corporation yards, and technology expansions, and

WHEREAS, the Air Quality Mitigation CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, and

WHEREAS, the Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and

WHEREAS, the Transit CFF fund was established to accrue funds for the expansion of the City’s transit system including additional buses and their associated facilities, and

WHEREAS, the CFF program is a pay-as-you go program that enables improvements to be constructed when enough monies have been accumulated, and

WHEREAS, the Fiscal Year 2009-2010 Capital Facilities Fee Report has been completed and is on file with the City Clerk and is attached as Exhibit “A”, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for November 3, 2010, to enable the public to have the opportunity to comment on the CFF collected,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the Capital Facilities Fee program, set forth in
City Council Resolution No. 2010-272, and incorporated herein by reference, is a necessary program to fund future infrastructure needed for new development.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing additional fire stations, fire vehicles, and a new training station, have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2010-272, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing an additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2010-272, and therefore fees should still be collected for these purposes.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure museum have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2010-272, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of City Hall, expansion of the City’s corporation yards, and additional technology expansions is not yet known, but there is still a need as outlined in Resolution No. 2010-272, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails is not yet known, but there is still a need as outlined in Resolution No. 2010-272, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for arterial roadways, intersections, expressways, freeway interchanges and all of their associated landscaping is not yet known, but there is still a need as outlined in Resolution No. 2010-272, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of the transit system is not yet known, but
there is still a need as outlined in Resolution No. 2010-272, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2009-2010 Capital Facilities Fees Report as described in Exhibit “A”, attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:
By: 

SUSANA ALCALA WOOD, City Attorney
City of Modesto

CAPITAL FACILITIES FEES
ANNUAL REPORT

Fiscal Year
2009-2010

Prepared By:
Community & Economic Development
Infrastructure Financing Program

October 1, 2010
Introduction
This CFF Annual Report for Fiscal Year 2009-2010 has been prepared as an annual requirement by the State of California in accordance with Section 66006 of the Government Code. The City of Modesto collects Capital Facilities Fees (CFF) on new development to fund infrastructure improvements that are necessary to accommodate new growth.

State law requires that the City make the following information available to the public for each separate fund on an annual basis, and that the City Council review that information at a public meeting. The law requires the report to include the following information for each individual fund for the fiscal year:

- The beginning and ending balance of the fund
- The amount of the fees collected and interest earned
- The amount of refunds made
- A description of each interfund transfer or loan made by the fund
- Identification of each public improvement on which fees were expended and the amount expended on each improvement

If the agency no longer needs the funds for the purposes collected, or if the agency fails to make required findings, or perform certain administrative tasks prescribed by AB 1600, the agency may be required to refund, on a prorated basis to owners of the properties upon which the fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

Beginning and Ending Balance of Funds, Amount of Fees Collected and Interest Earned
Table 1 “Combining Statement of Revenues, Expenditures, and Changes in Fund Balances” outlines the beginning and ending balance of each fund for Fiscal Year 2009-2010. Detailed expenditures are shown under each fund description. Once all maps that were vested prior to 2003 or that have an associated Development Agreement have been completed or expire, revenue for those programs will no longer be generated. Furthermore, since this is a pay-as-you-go program, the City must accrue enough revenue to construct a project. This results in an “aging” of fund balances. The aging or accumulation occurs until enough revenue is generated to construct a project.
Refunds

There were a total of two CFF refunds, which are outlined in Table 2 below. Refunds are not uncommon and can occur for a variety of reasons such as a property owner paid the fees but later decided not to build a project or due to an overpayment of CFF.

Table 2. 2009-2010 Capital Facilities Fess Payment Refunds

<table>
<thead>
<tr>
<th>Date</th>
<th>Applicant</th>
<th>Permit Number</th>
<th>Amount</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/22/2010</td>
<td>Modesto Toyota</td>
<td>BLD 2008-61809</td>
<td>$80,357.55</td>
<td>Not Constructed.</td>
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<p>| Total    | $95,585.55        |</p>
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<thead>
<tr>
<th></th>
<th>1310</th>
<th>1320</th>
<th>1350</th>
<th>1380</th>
<th>1390</th>
<th>1410</th>
<th>1420</th>
<th>1430</th>
<th>1430 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Police</td>
<td>Fire</td>
<td>Parks</td>
<td>City Hall</td>
<td>Cap Fees</td>
<td>Cap Fees</td>
<td>Trans</td>
<td>Quality</td>
<td>Capital</td>
</tr>
<tr>
<td></td>
<td>Dept</td>
<td>Dept</td>
<td>Dept</td>
<td>Expansion</td>
<td>Admin</td>
<td>Cap Fees</td>
<td>Cap Fees</td>
<td>Facilities</td>
<td></td>
</tr>
<tr>
<td><strong>REVENUES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Intergovernmental</td>
<td>423,473</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td>423,473</td>
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<tr>
<td>Charges for services</td>
<td>34,967</td>
<td>11,669</td>
<td>85,968</td>
<td>20,117</td>
<td>19,348</td>
<td>1,047,367</td>
<td>11,147</td>
<td>19,449</td>
<td>1,250,032</td>
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<tr>
<td>Interest and rent</td>
<td>2,409</td>
<td>(28,553)</td>
<td>57,691</td>
<td>4,508</td>
<td>2,653</td>
<td>283,524</td>
<td>788</td>
<td>3,750</td>
<td>329,591</td>
</tr>
<tr>
<td>Net change in fair value of investments</td>
<td>2,205</td>
<td>(229)</td>
<td>35,043</td>
<td>3,442</td>
<td>1,815</td>
<td>166,004</td>
<td>475</td>
<td>3,750</td>
<td>212,505</td>
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<td>Miscellaneous</td>
<td>45</td>
<td>(229)</td>
<td>35,043</td>
<td>3,442</td>
<td>1,815</td>
<td>166,004</td>
<td>475</td>
<td>3,750</td>
<td>212,505</td>
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<tr>
<td><strong>Total revenues</strong></td>
<td>39,581</td>
<td>(17,113)</td>
<td>178,702</td>
<td>28,067</td>
<td>23,816</td>
<td>12,410</td>
<td>29,770</td>
<td></td>
<td>2,215,846</td>
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<td><strong>EXPENDITURES:</strong></td>
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<td></td>
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<td>Current:</td>
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<td>General government</td>
<td>209,539</td>
<td>209,539</td>
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<tr>
<td>Highways and streets</td>
<td>7,274,188</td>
<td>7,274,188</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Public works</td>
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<tr>
<td>Parks and recreation</td>
<td>370,845</td>
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<td>370,845</td>
<td></td>
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</tr>
<tr>
<td>Public safety</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Total expenditures</td>
<td>209,539</td>
<td>7,274,188</td>
<td>370,845</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>29,770</td>
<td>7,854,172</td>
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<tr>
<td><strong>EXCESS (DEFICIENCY) OF REVENUES OVER [UNDER] EXPENDITURES</strong></td>
<td>39,581</td>
<td>(17,113)</td>
<td>(192,143)</td>
<td>(185,723)</td>
<td>(5,353,775)</td>
<td>12,410</td>
<td>29,770</td>
<td>(5,638,426)</td>
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</tr>
<tr>
<td><strong>OTHER FINANCING SOURCES (USES):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers in</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers out</td>
<td>(228,000)</td>
<td>(100,000)</td>
<td>(233,720)</td>
<td>(450,000)</td>
<td>(43,000)</td>
<td>(1,054,720)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale of assets</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL OTHER FINANCING SOURCES (USES)</strong></td>
<td>(228,000)</td>
<td>(100,000)</td>
<td>(233,720)</td>
<td>(450,000)</td>
<td>(43,000)</td>
<td>(1,054,720)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EXCESS (DEFICIENCY) OF REVENUES AND OTHER SOURCES OVER [UNDER] EXPENDITURES AND OTHER USES</strong></td>
<td>(186,419)</td>
<td>(217,113)</td>
<td>(425,863)</td>
<td>(421,933)</td>
<td>(185,723)</td>
<td>(5,353,775)</td>
<td>12,410</td>
<td>(13,230)</td>
<td>(6,693,466)</td>
</tr>
<tr>
<td><strong>FUND BALANCES, July 1</strong></td>
<td>506,055</td>
<td>(947,408)</td>
<td>5,897,801</td>
<td>1,048,421</td>
<td>344,608</td>
<td>32,167,332</td>
<td>85,313</td>
<td>691,045</td>
<td>39,793,217</td>
</tr>
<tr>
<td><strong>FUND BALANCES, June 30</strong></td>
<td>317,636</td>
<td>(1,054,521)</td>
<td>5,471,938</td>
<td>626,488</td>
<td>158,885</td>
<td>26,813,557</td>
<td>97,723</td>
<td>677,815</td>
<td>33,099,211</td>
</tr>
</tbody>
</table>

Revised 10-11-10 / Unaudited
Revenues

Table 3 "Seven Year Revenue History of CFF Funds" illustrates the revenue over a seven year period. As noted, since these funds are based on new development, it is anticipated that the revenues will continue to decline over the next two years at least as development continues to wane. Overall, revenues decreased from the fiscal year 2009 to fiscal year 2010 by 57%.

Figure 1 depicts the seven year revenue for each CFF fund from 2003 to 2010. The highest revenue years for all funds were in 2005 and 2006, and thus far, the lowest has been in 2010. Figure 2 illustrates all of the revenue for each CFF fund by year.
Table 3. CFF Revenue (FY 2003 through 2010)

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1310 Police</td>
<td>413,764</td>
<td>661,737</td>
<td>37%</td>
<td>637,907</td>
<td>418,848 -34%</td>
<td>347,000</td>
<td>83,156 -76%</td>
<td>39,582</td>
<td>15%</td>
<td>2,601,994</td>
<td>-52%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1320 Fire</td>
<td>139,883</td>
<td>223,368</td>
<td>37%</td>
<td>140,374</td>
<td>362,007 -52%</td>
<td>45,634</td>
<td>(20,184) -144%</td>
<td>(17,112)</td>
<td>15%</td>
<td>578,971</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1350 Parks</td>
<td>2,047,616</td>
<td>3,456,313</td>
<td>41%</td>
<td>2,659,996</td>
<td>1,811,690 -26%</td>
<td>1,347,151</td>
<td>400,451 -70%</td>
<td>178,701</td>
<td>-55%</td>
<td>12,071,918</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1380 Gen. Gov't.</td>
<td>449,084</td>
<td>568,613</td>
<td>21%</td>
<td>483,154</td>
<td>337,016 -30%</td>
<td>264,469</td>
<td>67,894 -74%</td>
<td>28,067</td>
<td>-59%</td>
<td>2,198,297</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1390 Administration</td>
<td>133,437</td>
<td>256,613</td>
<td>48%</td>
<td>212,475</td>
<td>161,731 -24%</td>
<td>156,335</td>
<td>48,966 -69%</td>
<td>23,814</td>
<td>-51%</td>
<td>993,371</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1410 Streets</td>
<td>5,361,745</td>
<td>9,954,489</td>
<td>46%</td>
<td>8,610,286</td>
<td>7,927,736 -8%</td>
<td>9,077,130</td>
<td>4,457,065 -51%</td>
<td>1,920,370</td>
<td>-57%</td>
<td>47,308,821</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1420 Transit</td>
<td>164,427</td>
<td>189,736</td>
<td>13%</td>
<td>131,400</td>
<td>100,906 -23%</td>
<td>100,841</td>
<td>29,581 -71%</td>
<td>12,411</td>
<td>-58%</td>
<td>729,302</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1430 Air Mitigation</td>
<td>122,102</td>
<td>301,327</td>
<td>59%</td>
<td>356,754</td>
<td>317,174 -11%</td>
<td>253,505</td>
<td>62,343 -75%</td>
<td>29,769</td>
<td>-52%</td>
<td>1,442,974</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
FIGURE 1. CFF Revenue For All Funds
FY 2003 - 2010

Fund 1310 - Police CFF

Fund 1320 - Fire CFF

Fund 1350 - Parks CFF

Fund 1380 - General Government CFF

Fund 1390 - CFF Admin

Fund 1410 - Streets CFF

Fund 1420 - Transit CFF

Fund 1430 - Air Mitigation CFF
Figure 2. CFF Revenue for ALL Funds (FY 2003-2010)
CFF Expenditures & Transfers

Capital Facilities Fees mitigate the impacts caused by new development on certain public facilities. They are used to finance the acquisition, construction and improvement of public facilities needed as a result of this new development.

Fiscal Year 2009-2010 Expenses:

Fund 1310 - Police Capital Facilities Fee
The fees collected and deposited into this fund are for the Police Tactical Training Center and police vehicles and equipment.

Annually, this fund makes a $228,000 debt service payment. It is anticipated that there will be enough money in reserves to make this year’s debt service payment. Staff is currently working with the Finance Department to identify funding solutions for payments commencing in FY 2011-12.

Fund 1320 - Fire Capital Facilities Fee Fund
The fees collected and deposited into this fund are for fire facility expansion, fire vehicles such as engines and ladder trucks and other fire equipment.

This fund has a negative balance as a result of a previous loan for fire apparatus from the general fund. A loan agreement is in place, but due to the economic conditions, revenue has not been adequate to cover the debt service payment, resulting in the General Fund having to continue to bear that cost.

Fund 1350 - Parks Capital Facilities Fee Fund
The fees collected and deposited into this fund are for neighborhood parks, community and regional parks, sports facilities and community buildings.

Fund 1380 - City Hall and Other Facilities Capital Facilities Fee Fund
The fees collected and deposited into this fund are for City Hall and related parking facilities, the corporation yard and related facilities, City vehicles, and the City’s information technology expansion.

Annually $450,000 is transferred to assist in paying for debt service for Tenth Street Place. It is anticipated that this fund will only be able to make one debt service payment in the coming year, given the current fund balance. Staff is currently working with the Finance Department to identify funding solutions for payments commencing in FY 2011-12.

Fund 1390 - Capital Facilities Fee Administration Fund
The fees collected and deposited into this fund are for the administration of the CFF Program to include the preparation of the Annual and Five Year Capital Facilities Fee Reports, and periodic Capital Facilities Fee Updates. Other administrative requirements include the day to day management of CFF funded Capital Improvement Program (CIP) projects which includes the preparation of annual CIP budgets and the preparation of the CFF proformas for all eight sub-funds that make up the CFF proforma. Pursuant to Government Code Section 66000 requiring the preparation of the Annual and Five-Year Report, the City has included this fund as a means
Fund 1410 - Streets Capital Facilities Fee Fund
The fees collected and deposited into this fund are for roadway improvements such as expressways, arterials and collectors, as well as their intersections and traffic signals.

Fund 1420 - Public Transit Capital Facilities Fee Fund
The fees collected and deposited into this fund are for buses, bus shelters, bus stops, the Bus Maintenance Facility, and the Northeast Transfer Station.

Fund 1430 - Air Quality Mitigation Capital Facilities Fee Fund.
The fees collected and deposited into this fund are for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak Station parking lot, park and ride lots, vanpooling/ carpooling, bike paths and bike storage, footpaths and pedestrian access.

Table 4 "2009-2010 Expenditures & Transfers by Fund" outlines all CFF expenses by fund. It should be noted that these are projects that were planned for in the CFF program and that most if not all span two to three fiscal years since considerable time is necessary to plan, acquire right of way, design and construct the projects.
<table>
<thead>
<tr>
<th>POLICE</th>
<th>FUND</th>
<th>DESCRIPTION</th>
<th>EXPENDITURES</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>1310</td>
<td>TR</td>
<td>Fire Service Employee</td>
<td>228,000</td>
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<tr>
<td>Total</td>
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<td>228,000</td>
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<table>
<thead>
<tr>
<th>FIRE</th>
<th>FUND</th>
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<th>EXPENDITURES</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1320</td>
<td>TR</td>
<td>Fire Service Loan Payment for Fire Station 11 &amp; Annexed</td>
<td>100,000</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>100,000</td>
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<th>PARCS</th>
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</thead>
<tbody>
<tr>
<td>150</td>
<td>TR</td>
<td>Light Rail and Skate Park/12</td>
<td>275,000</td>
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<tr>
<td>150</td>
<td>TR</td>
<td>Electric Conduit Phases IV &amp; V</td>
<td>270,000</td>
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<tr>
<td>150</td>
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<td>NE Community Services Center</td>
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<tbody>
<tr>
<td>1300</td>
<td>TR</td>
<td>Fire Service Payment</td>
<td>450,000</td>
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<tr>
<td>Total</td>
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<th>CFF ADMINISTRATION</th>
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<tr>
<td>1970</td>
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<td>CFF Administration</td>
<td>190,709</td>
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<tr>
<td>1970</td>
<td>TR</td>
<td>CFF 5 Year Update</td>
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<td>Total</td>
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<td>209,488</td>
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<tbody>
<tr>
<td>1410</td>
<td>TR</td>
<td>Right Turn Lane - NB McHenry to Willowbrook</td>
<td>8,500</td>
<td>100%</td>
</tr>
<tr>
<td>1410</td>
<td>TR</td>
<td>New Traffic Signals - 2008</td>
<td>8,500</td>
<td>100%</td>
</tr>
<tr>
<td>1410</td>
<td>TR</td>
<td>Roadway Improvements</td>
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<tr>
<td>Total</td>
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<tr>
<td>1500</td>
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<td>FFF-1989</td>
<td>4,575,258</td>
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<tr>
<td>1500</td>
<td>TR</td>
<td>Carpenter Road Bridge - Seismic Retrofit</td>
<td>245,793</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
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<td>4,821,051</td>
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<th>EXPENDITURES</th>
<th>Status</th>
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<tbody>
<tr>
<td>1470</td>
<td>TR</td>
<td>No Expenditures</td>
<td>43,000</td>
<td>50%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
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<td>43,000</td>
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</table>
Summary

This is an Annual Report as required by Section 66006 of the Government Code. The City collects these fees on a pay-as-you-go basis. This Report reflects the requirements as stipulated in the Government Code.
RESOLUTION APPROVING AN AMENDMENT TO THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR FISCAL YEAR 2010-2011, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE RELATED DOCUMENTS

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

WHEREAS, the City Council, on May 11, 2010, by Resolution No. 2010-192, approved the Fiscal Year 2010-2011 HUD Annual Action Plan (AAP), and

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

WHEREAS, staff has proposed an amendment to the Annual Action Plan as set forth in Exhibit “A”, attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to the community of the proposed amendment to the Annual Action Plan, and to provide a 30-day comment period, which began September 29, 2010, and ends on November 3, 2010, and

WHEREAS, this first amendment will amend the Fiscal Year 2010-2011 AAP to include the allocation of revolving loan and entitlement carryover funds, and

WHEREAS, the Citizens’ Housing and Community Development Committee (CH&CDC) considered the proposed amendment to the HUD AAP at its October 27, 2010, meeting, and the Committee recommended that the City Council approve the amendment to the HUD AAP as proposed by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council on
November 3, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, to consider approval of the proposed amendment to the Fiscal Year 2010-2011 HUD AAP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Fiscal Year 2010-2011 HUD Annual Action Plan, a copy which is attached hereto as Exhibit A.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Marsh, who moved its adoption, with motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(S SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
BUDGET ADJUSTMENT DETAIL  
FIRST AMENDMENT OF HUD ANNUAL ACTION PLAN FOR FISCAL YEAR 2010-11

<table>
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<th>EXPENSE:</th>
<th>FROM:</th>
<th>TO:</th>
<th>AMOUNT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add FY 10/11 Entitlement funds to the Empire Street Capital Improvement Project</td>
<td>1130-320-3513</td>
<td>2330-320-P014</td>
<td>224,000</td>
</tr>
<tr>
<td>Add revolving loan program income to the Empire Street Capital Improvement Project to fully fund the project</td>
<td>1151-320-3511</td>
<td>2330-320-P014</td>
<td>93,298</td>
</tr>
<tr>
<td>Add unspent FY 2009-10 funds to the Empire Street Capital Improvement Project to fully fund the project</td>
<td>1130-320-3513</td>
<td>2330-320-P014</td>
<td>316,910</td>
</tr>
<tr>
<td>Add revolving loan program income to the ADA Accessibility Features Capital Improvement Project to fund additional locations</td>
<td>1151-320-3511</td>
<td>1130-320-3216</td>
<td>50,000</td>
</tr>
<tr>
<td>Add revolving loan program income to Economic Development activities</td>
<td>1151-320-3511</td>
<td>1151-320-3272</td>
<td>150,000</td>
</tr>
<tr>
<td>Add FY 10/11 Entitlement funds to the Neighborhood Revitalization Strategy Area activities</td>
<td>1130-320-3513</td>
<td>1151-320-3273</td>
<td>243,305</td>
</tr>
</tbody>
</table>
RESOLUTION AMENDING THE FY 2010-2011 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT THE APPROVED CHANGES TO THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2010-2011 AND THE REALLOCATION OF CARRYOVER FUNDS AS NOTED IN EXHIBIT A; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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

WHEREAS, on May 11, 2010, by Resolution No. 2010-192, the Modesto City Council approved the Fiscal Year 2010-2011 HUD Annual Action Plan (AAP), and

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

WHEREAS, this first amendment will amend the Fiscal Year 2010-2011 HUD AAP to include the allocation of revolving loan and entitlement carryover funds as set forth in Exhibit “A”, attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to the community of the proposed amendment to the HUD AAP, and to provide a 30-day comment period, which began September 29, 2010, and ends on November 3, 2010, and

WHEREAS, the Citizens’ Housing and Community Development Committee (CH&CDC) considered the proposed amendment to the HUD AAP at its October 27, 2010, meeting, and recommended that the Council approve, and

WHEREAS, a duly noticed public hearing was held by the City Council on November 3, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010
Tenth Street, to consider approval of the proposed amendment to the Fiscal Year 2010-2011 HUD Annual Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Fiscal Year 2010-2011 HUD Annual Action Plan, a copy which is attached hereto as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of November, 2010, by Councilmember Marsh, who moved its adoption, with motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
### BUDGET ADJUSTMENT DETAIL
FIRST AMENDMENT OF HUD ANNUAL ACTION PLAN FOR FISCAL YEAR 2010-11

<table>
<thead>
<tr>
<th>EXPENSE:</th>
<th>FROM:</th>
<th>TO:</th>
<th>AMOUNT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add FY 10/11 Entitlement funds to the Empire Street Capital Improvement Project</td>
<td>1130-320-3513</td>
<td>2330-320-P014</td>
<td>224,000</td>
</tr>
<tr>
<td>Add revolving loan program income to the Empire Street Capital Improvement Project to fully fund the project</td>
<td>1151-320-3511</td>
<td>2330-320-P014</td>
<td>93,298</td>
</tr>
<tr>
<td>Add unspent FY 2009-10 funds to the Empire Street Capital Improvement Project to fully fund the project</td>
<td>1130-320-3513</td>
<td>2330-320-P014</td>
<td>316,910</td>
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<tr>
<td>Add revolving loan program income to the ADA Accessibility Features Capital Improvement Project to fund additional locations</td>
<td>1151-320-3511</td>
<td>1130-320-3216</td>
<td>50,000</td>
</tr>
<tr>
<td>Add revolving loan program income to Economic Development activities</td>
<td>1151-320-3511</td>
<td>1151-320-3272</td>
<td>150,000</td>
</tr>
<tr>
<td>Add FY 10/11 Entitlement funds to the Neighborhood Revitalization Strategy Area activities</td>
<td>1130-320-3513</td>
<td>1151-320-3273</td>
<td>243,305</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-475

RESOLUTION ACCEPTING AN AWARD IN THE AMOUNT OF $3,836.98 FROM THE U.S. DEPARTMENT OF JUSTICE, BULLETPROOF VEST PARTNERSHIP PROGRAM, FOR ARMOR VESTS

WHEREAS, on August 19, 2010, City staff submitted an application to the U.S. Department of Justice (DOJ) for award funding as part of the Bulletproof Vest Partnership (BVP) Program, and

WHEREAS, on October 7, 2010, City staff received notification of award funding approval in the amount of $3,836.98, and

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

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

WHEREAS, the reimbursable program term is April 1, 2010 through August 31, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an award of $3,836.98 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any necessary documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 9th day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]  
SUSANA ALCALA WOOD, City Attorney

WHEREAS, the City of Modesto Police Department was awarded funding in the amount of $3,836.98 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2010/11 Multi-Year Budget is hereby amended as shown in Budget Adjustment attached.

BE IT FURTHER RESOLVED that the Director of Finance, or her authorized 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 9th day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
**REQUEST FOR BUDGET ADJUSTMENT**

| Contact Person: | Julie Hendee | Telephone No.: | 572-9518 | Department: | Police Department | Fund Title: | 0400 - Reimbursed Grants |

| **DEPARTMENTAL REVENUES** |
| FROM |
| |
| TO |
| MY-0410-190-2504-3508 | $3,837 | $3,837 | Federal Police Grant |

| **APPROPRIATIONS** |
| FROM |
| 11-0100-190-1921-0308 | 1921-C | $209,000 | ($3,837) | $205,163 | Tools, Shop and Field Supplies |
| |
| TO |
| MY-0410-190-2504-3508 | 2504-C | $7,674 | $7,674 | Tools, Shop and Field Supplies |

| **TRANSFERS BETWEEN FUNDS** |
| FROM |
| 11-0100-700-1921-7041 | | $3,837 | $3,837 | Transfer-Out From Fund 0100 - Match Funding |
| TO |
| MY-0410-700-2504-9010 | | $3,837 | $3,837 | Transfer-In to Fund 0410 - to provide GF Match |

**COMMENTS/JUSTIFICATION**

This budget amendment is being made to recognize revenue awarded to the Modesto Police Department from the Department of Justice under the Fiscal Year 2010 Bulletproof Vest Partnership solicitation. This action will amend the adopted Operating Budget for FY 2010-11 as follows: 1) Add a zero expense line for revenue object 3508 - Federal Police Grant in NEW Multi-Year Grant Org. 0410-190-2504; 2) Transfer the required match funding (from existing appropriations in Object 0308 - Tools, Shop and Field Supplies in Org. 0100-190-1921) from the General Fund - 0100 to the Special Revenue Fund - 0410; 3) Increase the revenue budget in Object 3508 in the amount of $3,837 and; 4) Program offsetting expenses in Org. 0410-190-2504 - Object 0308 - Tools, Shop and Field supplies in the amount of $7,674. These funds will be used, per the terms of the award, to purchase bulletproof vests for police officers. This is a reimbursable award and will offset 50% of the cost up to $3,387. Term of the award runs from April 1, 2010 through August 31, 2012.

**AUTHORIZATION (check if required)**

- ADMIN SVCS OFF/ADMIN ANALYST II
- DEPARTMENT DIRECTOR
- AUTHORIZED ASSISTANT
- FINANCE DIRECTOR
- CFF/CFD ADMINISTRATOR
- CITY MANAGER

<table>
<thead>
<tr>
<th>TRANSFER NO.:</th>
<th>DATE:</th>
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RESOLUTION ACCEPTING A MINI-GRANT IN THE AMOUNT OF $28,106.72 FROM THE OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT MINI-GRANT PROGRAM, TO CONDUCT SOBRIETY CHECKPOINTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY NECESSARY PROGRAM DOCUMENTS

WHEREAS, on August 16, 2010, the Modesto Police Department received an announcement for the solicitation of applications for the “Sobriety Checkpoint Mini-Grant Program” from the Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), and

WHEREAS, the mini-grant is for personnel overtime costs to conduct sobriety checkpoints during the Winter Holiday period, between December 17, 2010 and January 2, 2011, and the Labor Day period in August/September 2011, and

WHEREAS, four additional checkpoints may be conducted outside of those particular time frames at the Department’s discretion, and

WHEREAS, a checkpoint cannot exceed $5,174.07 for overtime to conduct the checkpoint and includes funding for dispatchers and support personnel (Community Services Officer), and

WHEREAS, on October 11, 2010, the Modesto Police Department received notification that it was awarded $28,106.72 for the operation of up to eight sobriety checkpoints in Modesto, and

WHEREAS, this mini-grant will result in increased grant revenue of $28,106.72 to the City,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a mini-grant in the amount of $28,106.72 from the Office of Traffic Safety Sobriety Checkpoint Mini-Grant Program to conduct sobriety checkpoints.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE MULTI-YEAR 2010/2011 OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $28,106.72 TO CONDUCT SOBRIETY CHECKPOINTS

WHEREAS, on August 16, 2010, the Modesto Police Department received an announcement for the solicitation of applications for the “Sobriety Checkpoint Mini-Grant Program” from the Office of Traffic Safety, through the National Highway Traffic Safety Administration, and

WHEREAS, the mini-grant is for personnel overtime costs to conduct sobriety checkpoints during the Winter Holiday period, between December 17, 2010 and January 2, 2011, and the Labor Day period in August/September 2011, and

WHEREAS, four additional checkpoints may be conducted outside of those particular time frames at the Department’s discretion, and

WHEREAS, a checkpoint cannot exceed $5,174.07 for overtime to conduct the checkpoint and includes funding for dispatchers and support personnel (Community Services Officer), and

WHEREAS, on October 11, 2010, the Modesto Police Department received notification that it was awarded $28,106.72 for the operation of up to eight sobriety checkpoints in Modesto, and

WHEREAS, this mini-grant will result in increased grant revenue of $28,106.72 to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Multi-Year 2010/2011 Operating Budget to appropriate
revenues and expenditures of $28,106.72 for overtime to conduct sobriety checkpoints, as listed in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee
Telephone No.: 572-9518
Department: Police Department
Fund Title: 0410 - Operating Grants Reimbursed
FY: 2010-11

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
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</thead>
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</tr>
</tbody>
</table>

DEPARTMENTAL REVENUES

FROM

TO

MY-0410-190-2108-3490

$28,107

Office Of Traffic Safety - Sobriety Point Mini Grant

State Grant Revenue

APPROPRIATIONS

FROM

TO

MY-0410-190-2108-0130

2108-A

$28,107

Office Of Traffic Safety - Sobriety Point Mini Grant

Overtime

$28,107

TRANSFERS BETWEEN FUNDS

FROM

TO

COMMENTS/JUSTIFICATION

This budget adjustment is being made to amend the FY Operating Budget for FY 2010-11 to 1) Create a new multi-year operating account in Fund 0410 - Operating Grants Reimbursed to house funding received from the 2010-11 OTS Sobriety Checkpoint Mini Grant; 2) Program revenue and offset expenses in the amount of $28,106.72. This mini grant will cover personnel overtime costs to conduct eight sobriety checkpoints during the two “National Impaired Driving Campaign” mobilization period.

AUTHORIZATION (check if required) SIGNATURE DATE

ADMIN SVCS OFF/ADMIN ANALYST II

DEPUTY DIRECTOR (Public Works Dept)

DEPARTMENT DIRECTOR or

AUTHORIZED ASSISTANT

(Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR

(Transfers to/from Internal Service Charges)

(Cities requiring City Manager’s Approval)

CFF/CFD ADMINISTRATOR

When necessary for CIP

CITY MANAGER

(Transfers between Budgeted Activities of Departments within Funds)

(Appropriation of Unbudgeted Dept Revenues)

(Transfers into Personnel Services)

TRANSFER NO.: ____________________________

BY: ______________________ DATE: ____________________________
RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS COUNCIL OF GOVERNMENTS TO SET FORTH THE BASIC STRUCTURE FOR ADMINISTERING FEDERAL TRANSIT ADMINISTRATION SECTION 5316 AND SECTION 5317 FUNDS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, The Stanislaus Council of Governments (StanCOG) has been identified as the designated recipient by the Federal Transit Administration (FTA) to receive Sections 5316 and 5317 federal transit funds, which are made available to the Modesto Urbanized Area, and

WHEREAS, in February 2008, StanCOG adopted a Coordinated Public Transit-Human Services Transportation Plan as required under FTA Sections 5316 and 5317, and

WHEREAS, StanCOG has subsequently adopted a Program Management Plan that describes StanCOG’s policies and procedures for administering the FTA’s Sections 5316 and 5317 programs in a large urbanized area, and

WHEREAS, StanCOG is currently working to obtain FTA grantee status that will allow it to directly apply for and administer Section 5316 and 5317 grants, and

WHEREAS, the City of Modesto currently has FTA grantee status and has active FTA grants for 5316 and 5317 funds that it obtained on behalf of StanCOG, and

WHEREAS, Modesto and StanCOG must enter into a Memorandum of Understanding to define the respective roles and responsibilities of each organization in the FTA Sections 5316 and 5317 grant application and grant management process to describe the pass-through of Federal funds from Modesto to StanCOG, and to ensure compliance with all federal grant regulations and requirements, and
WHEREAS, StanCOG and Modesto mutually agree that the respective
responsibilities outlined in this MOU foster healthy collaboration for the purpose of
meeting the program goals of FTA Sections 5316 and 5317 within the Modesto
Urbanized Area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves a Memorandum of Understanding with StanCOG to set forth the
basic structure for Federal Transportation Administration Section 5316 and 5317 grant
applications and administration in the Modesto Urbanized Area.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 9th day of November, 2010, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH STOTT OUTDOOR ADVERTISING OF CHICO, CALIFORNIA, TO SELL AND MAINTAIN ADVERTISING ON THE EXTERIORS OF MODESTO AREA EXPRESS BUSES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto’s Modesto Area Express (MAX) transit system operates approximately 54 buses, and

WHEREAS, a Request for Proposals (RFP) was issued for the sale, placement and maintenance of advertising on the exteriors of MAX buses in exchange for payment to the City by the selected contractor, and

WHEREAS, two firms submitted proposals in response to the RFP, and

WHEREAS, Stott Outdoor Advertising was selected for award of the contract by a staff selection committee based on criteria included in the RFP, and

WHEREAS, under the terms of the Agreement, Stott Outdoor Advertising will make a one-time payment to the City of $50,000, concurrent with approval of the Agreement, and a guaranteed amount of $10,000 per month, or an amount equivalent to 37.5% of its net sales revenue, whichever is greater, for the privilege of selling advertising on MAX buses for a five-year period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five-year Agreement with Stott Outdoor Advertising of Chico, California, to sell and maintain advertising on the exteriors Modesto Area Express buses.

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 9th day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE WORK BY TCB INDUSTRIAL, INC. FOR THE “FALL PROTECTION AT TANKS 3, 4, 5, 6, 7, 8, & 9” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $43,488.00

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the “Fall Protection at Tanks 3, 4, 5, 6, 7, 8, & 9” Project has been completed by TCB Industrial, Inc., in accordance with the contract agreement dated April 13, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the “Fall Protection at Tanks 3, 4, 5, 6, 7, 8, & 9” Project is hereby accepted as complete from said contractor TCB Industrial, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $43,488.00 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSAN ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY WITH BACCHUS VINEYARDS, A CORPORATION, FOR A 0.17-ACRE (7,500.8 SQ. FT.) PARCEL IN FEE, AND A 0.11-ACRE (5,000 SQ. FT.) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT OF A PARCEL LOCATED AT 4000 OAKDALE ROAD (APN 083-003-005), IN THE AMOUNT OF $12,000, FOR THE OAKDALE ROAD & CLARATINA AVENUE INTERSECTION PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, on June 9, 2009, the City Council, by Ordinance No. 3516-C.S., approved proceeding with the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, as part of the Capital Improvement Program, certain City streets have been identified for improvements, and

WHEREAS, staff has identified one parcel along the east side of Oakdale Road for a project to improve the Oakdale Road & Claratina Avenue intersection, by adding a left turn lane to Oakdale Road, to reduce congestion and improve safety, and

WHEREAS, the property needs to be acquired for this street intersection project, and

WHEREAS, an Agreement is needed for the acquisition of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Purchase and Sale of Real Property with Bacchus Vineyards, for a 0.17-acre (7,500.8 sq. ft.) parcel in fee, and a 0.11-acre (5,000 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 4000 Oakdale Road (APN 085-003-005), in the amount of $12,000, for the Oakdale Road & Claratina Avenue intersection project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 9th day of November, 2010, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,
          Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATE OF ACCEPTANCE FORMS FOR THE GRANT DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF A PORTION OF A PARCEL LOCATED AT 4000 OAKDALE ROAD (APN 085-003-005), OWNED BY BACCHUS VINEYARDS, A CORPORATION, TO BE PURCHASED BY THE CITY OF MODESTO FOR THE OAKDALE ROAD & CLARATINA AVENUE INTERSECTION PROJECT.

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 0.17-acre (7,500.8 sq. ft.) portion of a 39.14-acre parcel of land located on Oakdale Road within the project area, owned by Bacchus Vineyards, a corporation, (APN 085-003-005), to be purchased by the City of Modesto for the Oakdale Road & Claratina Avenue intersection project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificate of Acceptance Forms for the Grant Deed and the Grant for Temporary Construction Easement for the acquisition of a property located on Oakdale Road, owned by Bacchus Vineyards, a corporation, (APN 085-003-005) to be purchased by the City of Modesto for the Oakdale Road & Claratina Avenue intersection project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPOINTING STEPHANIE BURNSIDE AS THE INTERIM CITY COUNCILMEMBER FOR DISTRICT 5 TO SERVE FOR A LIMITED TERM EFFECTIVE DECEMBER 7, 2010 UNTIL THE ELECTION ON NOVEMBER 8, 2011 TO FILL THE VACANCY CREATED BY THE RESIGNATION OF COUNCILMEMBER KRISTIN OLSEN

WHEREAS, Section 702 of the Charter of the City of Modesto authorizes the City Council to appoint a Councilmember within thirty (30) days after such office has become vacant, and

WHEREAS, the City Council appointed a Council subcommittee to solicit applications from eligible candidates from City Council District 5 to serve as an interim Councilmember until the election of November 8, 2011; and

WHEREAS, the vacancy is due to the resignation of Councilmember Kristin Olsen on November 4, 2010 upon her election to the California Assembly; and

WHEREAS, the City of Modesto District 5 Ad Hoc Committee scheduled a filing period wherein 13 Candidates applied for the vacancy; two Candidate Forums were held on October 14 and 21, 2010; and

WHEREAS, the City of Modesto District 5 Ad Hoc Committee recommended appointment of Stephanie Burnside, a resident of District 5, at the Committee’s Deliberation Meeting held on November 4, 2010; and

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

SECTION 1. Stephanie Burnside, a District 5 resident, is hereby appointed to the Interim City Councilmember for District 5 effective December 7, 2010 until the election on November 8, 2011.
SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to Stephanie Burnside, Interim Councilmember of District 5, and the Executive Assistant to the Council thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 2010, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney