RESOLUTION APPROVING A JOB SHARING AGREEMENT WITH THE CITY OF HUGHSON FOR SENIOR PLANNER SERVICES ON A PART-TIME BASIS THROUGH FISCAL YEAR 2010-11; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Hughson has submitted a letter of interest to pursue a job-sharing agreement ("Agreement") with the City of Modesto for planning services, and

WHEREAS, the City of Hughson seeks the services from the City of Modesto of a qualified Senior Planner on a part-time basis, and

WHEREAS, the City of Modesto represents that it has qualified Senior Planners able to provide planning services required by the City of Hughson including, but not limited to, current planning, advanced (long-range) planning, environmental analysis, design review, growth management, redevelopment, and a variety of other related duties as assigned by the City of Hughson Planning Director, and

WHEREAS, the number of hours of service by Senior Planner is anticipated to be 16 hours per week, or 832 hours through Fiscal Year 2010/11, and

WHEREAS, the Agreement continues in effect through June 30, 2011, unless terminated earlier in accordance with the provisions of the termination clause of the Agreement, and

WHEREAS, the Agreement enables planning services to be shared between two cities, serves as a revenue source to the City of Modesto, and serves to retain experienced and well trained planning staff, and
WHEREAS, a public meeting was held on August 10, 2010, at the Modesto City Hall, in the basement Council Chambers, located at 1010 10th Street, Modesto, California, at which time and place the job sharing Agreement was considered by the Modesto City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a job sharing Agreement with the City of Hughson for senior planner services on a part-time basis through Fiscal Year 2010-11.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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 APPROVING A JOB SHARING AGREEMENT WITH THE CITY OF OAKDALE FOR ASSOCIATE PLANNER SERVICES ON A PART-TIME BASIS THROUGH FISCAL YEAR 2010-11; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Oakdale has submitted a letter of interest to pursue a job sharing agreement ("Agreement") with the City of Modesto for planning services, and

WHEREAS, the City of Oakdale seeks the services from the City of Modesto of a qualified Associate Planner on a part-time basis, and

WHEREAS, the City of Modesto represents that it has qualified Associate Planners able to provide planning services required by the City of Oakdale including but not limited to current planning, advanced (long-range) planning, environmental analysis, design review, assistance to developers and the public on planning related matters, and other related duties as assigned by the City of Oakdale Planning Director, and

WHEREAS, the number of hours of service by Associate Planner is anticipated to be 16 hours per week, or 832 hours through Fiscal Year 2010/11, and

WHEREAS, the Agreement continues in effect through June 30, 2011, unless terminated earlier in accordance with the provisions of the termination clause of Agreement, and

WHEREAS, the Agreement enables planning services to be shared between two cities, serves as a revenue source to the City of Modesto, and serves to retain experienced and well trained planning staff, and
WHEREAS, a public meeting was held on August 10, 2010, at the Modesto City Hall, in the basement Council Chambers, located at 1010 10th Street, Modesto, California, at which time and place the job sharing Agreement was considered by the Modesto City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a job sharing Agreement with the City of Oakdale for Associate Planner services on a part-time basis through Fiscal Year 2010-11.

BE IT FURTHER RESOLVED 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 10th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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: 

(SUEPANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-11 OPERATING BUDGET TO INCREASE REVENUES AND EXPENSES IN FUND 0100 BY $84,330 (JOB SHARING AGREEMENTS WITH THE CITY OF OAKDALE AND THE CITY OF HUGHSON)

WHEREAS, for Fiscal Year 2010-11, the City Council adopted an operating budget of $1,105,755.00 for the Planning Division of the Community and Economic Development Department, and

WHEREAS, the adopted operating budget required the elimination of staff positions, and

WHEREAS, the City of Modesto 2001-2004 Strategic Plan outlines, (to) Promote regional public cooperation to enhance the City’s initiatives for economic development (Goal VI), Present a unified position in economic development through full cooperation and coordination among various government agencies (Strategy VI.A), Support regional economic development research (Action VI.A.4) and seek external funding sources to improve the City’s revenue stream (Strategy VII.A), and

WHEREAS, the job sharing agreements generate revenue to the City of Modesto in the amount of $84,330 and have a net positive fiscal impact.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-11 operating budget to increase revenues by $84,330 in Fund 0100-140-1430-4158.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-11 operating budget to increase expenses by $84,330 in Fund 0100-140-1430-0181.
BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALÁ WOOD, City Attorney
RESOLUTION AMENDING THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT FISCAL YEAR 2010-11 POSITION ALLOCATION TO INCLUDE THE RESTORATION OF ONE ASSOCIATE PLANNER POSITION AND ONE-HALF SENIOR PLANNER POSITION

WHEREAS, the City of Oakdale and the City of Hughson have submitted letters of interest in pursuing a job-sharing agreement (“Agreement”) with the City of Modesto for planning services, and

WHEREAS, the City of Oakdale seeks the services from the City of Modesto of a qualified Associate Planner on a part-time basis, and

WHEREAS, the City of Hughson seeks the services from the City of Modesto of a qualified Senior Planner on a part-time basis, and

WHEREAS, the Associate Planner position allocation was eliminated in the budget reductions for FY 2010-2011, and

WHEREAS, the Senior Planner position allocation was reduced to a .50 FTE in the budget reductions for FY 2010-2011, and

WHEREAS, in order to provide services to the City of Oakdale and the City of Hughson these positions must be restored,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Community & Economic Development Department Fiscal Year 2010-11 position allocation to include the restoration of one Associate Planner position and one-half Senior Planner position.

BE IT FURTHER RESOLVED that the Human Resources Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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: SUSANA ALCALA WOOD, City Attorney
RESOLUTION DIRECTING STAFF TO APPLY FOR STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION GRANT SECTION 130 FUNDS IN THE AMOUNT OF $444,063, TO INSTALL A RAILROAD PRE-TRAFFIC SIGNAL AT 711 AND B STREETS FOR THE UNION PACIFIC RAILROAD

WHEREAS, staff was notified that Section 130 funds may be available for the installation of a railroad pre-traffic signal at 7th and B Streets for the Union Pacific Railroad, and

WHEREAS, the project will be 100% funded with no City match, and

WHEREAS, the grant will upgrade the existing traffic signal system providing ADA Pedestrian Push Buttons and indications, vehicle detection, emergency pre-emption, wiring, curb, gutter, and sidewalk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs staff to apply for State of California Department of Transportation Grant Section 130 funds in the amount of $444,063, to install a railroad pre-traffic signal at 7th and B Streets for the Union Pacific Railroad.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF (30) MOBILE DATA COMPUTERS, WITH AN ADDITIONAL SIXTY-ONE (61) UNITS TO BE PURCHASED AT A LATER DATE, FOR THE CITY OF MODESTO POLICE DEPARTMENT, BY ACCESSING THE TERMS OF A COMPETITIVELY BID CONTRACT FROM THE CITY OF ELK GROVE, TO FEENEY WIRELESS, ROCKLIN, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN INITIAL ESTIMATED COST OF $166,482, AND ESTIMATED TOTAL COST OF $504,996

WHEREAS, Police and Information Technology staff began researching and evaluating different manufacturer brands of mobile data computers (MDCs), Itronix and RoboVu. The Itronix GD8000 was selected because of price and functional capabilities, and

WHEREAS, a total of ninety-one (91) MDCs will be purchased for upgrade through wave implementation. Thirty (30) units will be upgraded now, thirty (30) units by November 2011, and thirty-one (31) units by October 2012, and

WHEREAS, the City explored the opportunity of purchasing MDCs by accessing the terms or “piggybacking” from a competitively bid contract. The City reviewed contracts from three (3) agencies, City of Elk Grove, Culver City and City of Lompoc. These contracts were provided by companies currently doing business with the City, General Dynamics, Itronix, (Feeney Wireless) and RoboVu. There are no local vendors that provide the product, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of (30) mobile data computers, including maintenance and warranty, with an additional sixty-one (61) units to be purchased at a later date, for the City of Modesto Police Department, by accessing the
terms of a competitively bid contract from the City of Elk Grove, Contract No. C-10-066, to Feeney Wireless, Rocklin, CA, for an initial estimated cost of $166,482, and estimated total cost of $504,996, 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 MMC. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his discretion, determines that a process other than the usual formal bid procedure set forth in Section 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. The award of bid for the purchase of MDCs for the City of Modesto Police Department, by accessing the terms of a competitively bid contract from the City of Elk Grove, to Feeney Wireless, Rocklin, CA, conforms to the MMC, and

WHEREAS, the Fleet Fund has sufficient funds budgeted for the initial purchase of MDCs in Appropriation Unit: 7210-480-5814-5050.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of thirty (30) MDCs, with an additional sixty-one (61) units to be purchased at a later date, for the Modesto Police Department, by accessing the terms of a competitively bid contract from the City of Elk Grove, to Feeney Wireless, Rocklin, CA.
BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an initial estimated cost of $166,482, and estimated total cost of $504,996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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: ________________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF ELECTRIC MOTOR REWINDING/REBUILDING SERVICES FOR THE PUBLIC WORKS DEPARTMENT, TO ANDREWS ELECTRIC MOTORS, MODESTO, CA, AS “PRIMARY” CONTRACTOR, KOFFLER ELECTRICAL, SAN LEANDRO, CA, AS “SECONDARY” CONTRACTOR AND INDUSTRIAL ELECTRICAL, MODESTO, CA AS THE “THIRD” CONTRACTOR, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT, FOR AN ESTIMATED ANNUAL COST OF $150,000 AND OVER FIVE (5) YEARS OF $750,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of electric motor rewinding/rebuilding services for various Public Works Departments, and

WHEREAS, the Purchasing Division issued RFB No. 0910-22 Electric Motor Rewinding/Rebuilding Services to thirteen (13) prospective bidders, posted the bid on the City’s website, and formally advertised as required by law. Two (2) of the thirteen (13) prospective bidders were located within Stanislaus County, one of which is a local vendor that can provide these services, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Four (4) companies chose to respond, two prospective bidders are located in Stanislaus County. All four (4) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of electric motor rewinding/rebuilding services for the Public Works Department, to Andrews Electric Motors, Modesto, CA as “primary” contractor, Koffler Electrical, San Leandro, CA as “secondary” contractor and Industrial Electrical, Modesto, CA as the “third” contractor.
for a two (2) year agreement with three (3) one-year extension options, at the sole
discretion of the City, for an estimated annual cost not to exceed $150,000, and over five
(5) years of $750,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all
purchases, which meet or exceed $50,000 for material, equipment or contractual services
to be formally bid. The award of bid for the furnishing of electric motor
rewinding/rebuilding services for the Public Works Department conforms to the Modesto
Municipal Code, and

WHEREAS, funds are budgeted each year for this service in the following
accounts,
6210-480-5208-0360, 6280-480-5310-0360, 6210-480-5213-0360, 6210-480-5214-0360,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the award of bid for the furnishing of electric motor
rewinding/rebuilding services for the Public Works Department, to Andrews Electric
Motors, Modesto, CA, as “primary” contractor, Koffler Electrical, San Leandro, CA, as
“secondary” contractor and Industrial Electrical, Modesto, CA as the “third” contractor.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is
hereby authorized to issue a purchase agreement for an estimated annual cost of $150,000
and over five (5) years of $750,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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]

(S Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF CURB, GUTTER AND SIDEWALK REPLACEMENT SERVICES FOR THE PUBLIC WORKS DEPARTMENT, STREETS DIVISION, TO K&D ENTERPRISES INC., CERES, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $100,000 TO $200,000, DEPENDANT UPON AVAILABLE FUNDING.

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for curb, gutter and sidewalk replacement services, and

WHEREAS, the Purchasing Division issued RFB No. 0910-22 Curb Gutter and Sidewalk Replacement Services to thirteen (13) prospective bidders, posted the bid on the City’s website and formally advertised as required by law. Seven (7) of the thirteen (13) prospective bidders were local vendors, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Three (3) companies chose to respond, none of which were local vendors. All three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of curb, gutter and sidewalk replacement services for the Public Works Department, Streets Division, to K&D Enterprises, Inc., Ceres, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of $100,000 to $200,000, dependant upon available funding, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services
to be formally bid. The award of bid for the furnishing of curb, gutter and sidewalk replacement services for the Public Works Department, Streets Division, to K&D Enterprises, Inc., Ceres, CA, conforms to the Modesto Municipal Code.

WHEREAS, funds shall be budgeted for the furnishing of curb, gutter and sidewalk replacement services in Appropriation Unit: 0700-480-4724-0223, 0700-480-4617-0223, 0700-160-1:004-6044 and 0700-480-1:067-6041,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of curb, gutter and sidewalk replacement services for the Public Works Department, Streets Division, to K&D Enterprises, Inc., Ceres, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $100,000 to $200,000, dependant upon available funds.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of August, 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 APPROVING AN AGREEMENT WITH OVERLAND PACIFIC & CUTLER, INC. FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, IN THE AMOUNT OF $68,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on March 23, 2010, the City Council, by Resolution No. 2010-095, approved a prequalified consultant list for right-of-way acquisition services for various projects within the City of Modesto, and

WHEREAS, as part of the Parks, Recreation and Neighborhoods Department, under a program and funding of the U.S. Department of Housing and Urban Development (HUD) and its Community Development Block Grant Program (CDBG), City streets have been identified for sidewalk installation and other improvements, and

WHEREAS, staff has identified sixteen parcels for partial acquisitions or temporary construction easements for a Capital Improvement Project (CIP) for street improvements along Empire Avenue between Monterey Avenue and Hillside Drive, and

WHEREAS, this street improvement project will include curbs, gutters, sidewalks, and street lighting to improve the deteriorating roadway and provide sidewalks for pedestrian safety, and

WHEREAS, property needs to be acquired for this street improvement project, and Overland Pacific & Cutler, Inc. has the expertise to provide the right-of-way acquisition services, and

WHEREAS, an Agreement with Overland Pacific & Cutler, Inc. is needed for consultant right-of-way acquisition services for the sixteen properties.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Overland Pacific & Cutler, Inc., in the amount of $68,900, for right-of-way acquisition services or temporary construction easements for the Empire Avenue Improvement Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-20110 CAPITAL IMPROVEMENT PROGRAM BUDGET TO FULLY FUND AN AGREEMENT WITH OVERLAND PACIFIC & CUTLER, INC. FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT

WHEREAS, as part of the Parks, Recreation & Neighborhoods Department, under a program and funding of the U.S. Department of Housing & Urban Development and its Community Development Block Grant Program, certain City streets have been identified for sidewalk installation and other improvements, and

WHEREAS, staff has identified sixteen parcels for partial acquisitions or temporary construction easements for a Capital Improvement Project for street improvements along Empire Avenue between Monterey Avenue and Hillside Drive, and

WHEREAS, property needs to be acquired for this project, and Overland Pacific & Cutler, Inc. has the expertise to provide the right-of-way acquisition services, and

WHEREAS, certain budgetary transactions are necessary in the amount of $20,000, in order to fully fund the Agreement with Overland Pacific & Cutler, Inc. for right-of-way acquisition services for the Empire Avenue Improvement Project, and

WHEREAS, a budget adjustment will amend the Capital Improvement Program budget by moving funds from object 6040 (Construction) to 6010 (Engineering / Design / Admin) to fully fund the Agreement.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2010-2011 Capital Improvement Budget as shown in Exhibit B.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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]

(SEAL)

APPROVED AS TO FORM:

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

<table>
<thead>
<tr>
<th>Contact Person:</th>
<th>Jody Christiansen</th>
<th>Council Action Date:</th>
<th>08/10/10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone No.:</td>
<td>342-4707</td>
<td>Resolution Number:</td>
<td>2010-</td>
</tr>
<tr>
<td>Department:</td>
<td>PRN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Title:</td>
<td>Revolving Loan</td>
<td>Adjustment to FY:</td>
<td>MY</td>
</tr>
<tr>
<td></td>
<td>NRSA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Fund-Agency-Object Unit Budget Increase/ Revised Budget Description of Object**

<table>
<thead>
<tr>
<th>DEPARTMENTAL REVENUES/INCLUDES TRANSFERS IN</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPROPRIATIONS/INCLUDES TRANSFERS OUT</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>MY-1151-320-P014-604 $510.000 ($20,000)</td>
<td>$490.000</td>
<td>Construction</td>
</tr>
<tr>
<td>$80,000</td>
<td>$20,000</td>
<td></td>
</tr>
</tbody>
</table>

**COMMENTS/JUSTIFICATION (USE ADDITIONAL PAGES AS NECESSARY)**

Transfer $20,000 from object 6040 (Construction to Obj 6010 (Eng/Dsgn/Adm) to cover contract fees with Overland Pacific and Cutler, Inc. for professions fees for the partial acquisitions or temporary construction easements for the CIP - Empire Street Improvement project between Monterey Avenue and Hillside Drive.

<table>
<thead>
<tr>
<th>AUTHORIZATION</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Authority levels reflected on back)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DEPARTMENT DIRECTOR or
AUTHORIZED DESIGNEE: (Attach Delegation Authorization)

DEPUTY DIRECTOR (If needed)

ADMINISTRATIVE SERVICES OFFICER (If needed)

FINANCE DIRECTOR

CITY MANAGER

TRANSFER NUMBER

BY DATE

<table>
<thead>
<tr>
<th>Transfer Number</th>
<th>By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO BECOME A HOST CITY FOR THE SIXTH ANNUAL AMGEN TOUR OF CALIFORNIA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE APPLICATION AND RELATED DOCUMENTS

WHEREAS, for the past five years, the Amgen Tour of California has swept through California for eight to nine days generating over $100 million of economic impact to the host cities and the State with over one billion marketing impressions created worldwide, and

WHEREAS, the City of Modesto was the Host City for the Stage 3 Start of the Third Annual Amgen Tour of California on February 20, 2008, the Host City for the Stage 3 Finish of the Fourth Annual Amgen Tour of California on February 17, 2009, and the Host City for the Stage 4 Finish of the Fifth Annual Amgen Tour of California on May 19, 2010, and

WHEREAS, the City of Modesto received lavish praise from local residents and from race officials and participants, and staff has been encouraged to submit a Request for Proposal (RFP) application to again become a Host City for the Sixth Annual Amgen Tour of California in May 2011, and

WHEREAS, the Amgen Tour of California has posted their RFP application for response from cities who wish to be considered as a “Host City” for the Sixth Annual Amgen Tour of California in May 2011, and

WHEREAS, the City of Modesto would like to become a “Host City” for the Sixth Annual Amgen Tour of California in May 2011, and
WHEREAS, the City of Modesto has read the requirements exhibited in Amgen’s RFP and agrees to abide by the requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing of a Request for Proposal application for the City of Modesto to apply to become a “Host City” for the Sixth Annual Amgen Tour of California.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws, which may be necessary for the completion of the aforementioned event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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: 

(Seal)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, City Attorney
RESOLUTION TO AMEND THE FISCAL YEAR 2010-11 OPERATING BUDGET AUTHORIZING THE ALLOCATION OF AND FUNDING FOR THREE MAINTENANCE WORKER II POSITIONS WITHIN THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, COMMUNITY FORESTRY DIVISION

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

WHEREAS, due to these reductions the Forestry Division lost three Maintenance Worker II positions, and

WHEREAS, these positions were primarily responsible for the ground support services related to tree removals, stump grinding, root cutting, and low pruning, and

WHEREAS, due to the loss of ground support services there is currently a backlog of 850 service calls for tree removals and stump grinding, and

WHEREAS, the reallocation of these three Maintenance Worker II positions was recommended during the Fiscal Year 2010-2011 budget workshops and Finance Committee budget hearings, and

WHEREAS, the reallocation of three Maintenance Worker II positions will provide the necessary support to the Community Forestry division to supplement the tree removal crew, and

WHEREAS, the Community Forestry Stump Grinding Crew will provide the ground support needed to divert green waste to the City’s compost facility, and

WHEREAS, the Stump Grinding Crew will be supported by funding through the AB 939 Green Waste Diversion Fund.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the reallocation of three full-time Maintenance Worker II positions, classification range 114, in the Parks, Recreation and Neighborhoods Department, Community Forestry Division.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to make the necessary position changes in coordination with the Human Resources Department.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to amend the Fiscal Year 2010-11 operating budget to make the necessary revenue and expenditures changes as outlined in Exhibit B to the staff report.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 10th day of August, 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: _______________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
## BUDGET ADJUSTMENT DETAIL
**FISCAL YEAR 2010-11 AB 939 GREEN WASTE DIVERSION FUND**

<table>
<thead>
<tr>
<th>REVENUE:</th>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognize increase in transfer from AB 939 Green Waste Diversion Fund (6290) to General Fund (0100-4712)</td>
<td>Transfer</td>
<td>300,231</td>
</tr>
<tr>
<td>Decrease service credit revenue to Community Forestry</td>
<td>0100-350-4712-4909R</td>
<td>-65,500</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENSE:</th>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocate (3) Maintenance Worker II (salary)</td>
<td>0100-350-4712-0181</td>
<td>131,262</td>
</tr>
<tr>
<td>Allocate (3) Maintenance Worker II (benefits)</td>
<td>0100-350-4712-0191</td>
<td>55,134</td>
</tr>
<tr>
<td>Decrease interfund labor charges to Green Waste</td>
<td>6290-355-4444-0255</td>
<td>-65,500</td>
</tr>
</tbody>
</table>
RESOLUTION TO AMEND THE FISCAL YEAR 2010-11 OPERATING BUDGET AUTHORIZING THE ANNUAL TRANSFER OF $550,167 FROM THE AB 939 GREEN WASTE DIVERSION FUND TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, COMMUNITY FORESTRY DIVISION TO SUPPORT THE COMMUNITY FORESTRY DIVERSION SERVICES

WHEREAS, the AB 939 Green Waste Diversion Fund was established in 2008 to fund diversion services through green waste diversion fees charged for residential and commercial bin waste, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, Community Forestry Division, provides ground support and diversion services to the City’s compost facility, and

WHEREAS, the Community Forestry Division receives supplementary funding through an annual transfer of $249,936 from the AB 939 Green Waste Diversion Fund, and

WHEREAS, full support of the Community Forestry diversion service is $550,167, and

WHEREAS, diversion services include the cost of three Maintenance Worker II positions, $186,396; honor farm supervision of the alternative work program, $114,000; two equipment operator positions, $129,038; and 40% of vehicle maintenance fees, $120,733, and

WHEREAS, the annual transfer to support the Community Forestry diversion services will be increased by $300,231 for a total annual transfer of $550,167, and
WHEREAS, an increased transfer was recommended during the Fiscal Year 2010-2011 budget workshops and Finance Committee budget hearings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an annual transfer of $550,167 from the AB 939 Green Waste Diversion Fund to the Parks, Recreation and Neighborhoods Department, Community Forestry Division.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to amend the Fiscal Year 2010-11 operating budget and 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 10th day of August, 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: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE ALLOCATION OF HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING FUNDS IN THE AMOUNT OF $90,000 TO STANCO AND $41,533 TO HABITAT FOR HUMANITY, STANISLAUS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, Community Housing Development Organization (CHDO) operating activities are funded through the HOME Investment Partnership Program (HOME), and

WHEREAS, these are Entitlement funds allocated to the City of Modesto from the Department of Housing and Urban Development (HUD), and

WHEREAS, under HUD regulations for the use of HOME funds, certified CHDOs may receive funds from Participating Jurisdictions (PJs) to pay for operating expenses, and

WHEREAS, PJs have the option of allocating each fiscal year up to five percent (5%) of their HOME allocation to provide CHDO operating expenses, and

WHEREAS, the City of Modesto has a combined total of $131,533 from FY 2009-2010 and FY 2010-2011, and

WHEREAS, to be eligible for these funds, it must be anticipated that the CHDO will be receiving CHDO set-aside funds within 24 months of receiving the funds for operating expenses, and

WHEREAS, the City of Modesto received two proposals from certified CHDOs in response to the Request for Proposal submitted on June 11, 2010. STANCO requested $110,000 for one year of expenses and Habitat for Humanity, Stanislaus, requested $120,000 for two years of operating expenses, and
WHEREAS, staff has recommended STANCO receive a CHDO operating allocation in the amount of $90,000, and Habitat for Humanity receive an allocation in the amount of $41,533, and

WHEREAS, the Citizens Housing & Community Development Committee met on July 29, 2010, and approved the funding recommendations for both STANCO and Habitat for Humanity, Stanislaus, to assist with CHDO operating activities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of HOME Community Housing Development Organization operating funds in the amount of $90,000 to STANCO and $41,533 to Habitat for Humanity, Stanislaus.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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) STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ACCEPTING THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF $300,000 FROM THE OFFICE OF TRAFFIC SAFETY TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND MOTORCYCLE COLLISIONS/VIOLATIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY AWARD DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Selective Traffic Enforcement Program (STEP) grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a grant in the sum of $300,000 from OTS, and

WHEREAS, acceptance of said $300,000 grant will increase enforcement for speed, DUI, and motorcycle collisions/violations, while also reducing collisions with speed, DUI, and failure to yield violations, and

WHEREAS, OTS will pay 100% of the salary for an existing full-time Traffic Unit Community Services Officer (CSO), overtime for officers, and equipment to assist in traffic studies and other traffic related enforcement/investigation equipment, and

WHEREAS, the term of this grant will be from October 1, 2010, through September 30, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Selective Traffic Enforcement Program Grant in the amount of $300,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and motorcycle collisions/violations.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary award documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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]

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 OPERATING AND MULTI-YEAR GRANT BUDGET TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF $300,000 RELATED TO THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND MOTORCYCLE COLLISIONS/VIOLATIONS

WHEREAS, the Police Department acquired a grant award in the amount of $300,000 from the Office of Traffic Safety (OTS) to increase enforcement for speed, DUI, and motorcycle collisions/violations, and

WHEREAS, the grant will pay 100% of the salary for an existing full-time Traffic Unit Community Services Officer (CSO), overtime for officers, and equipment to assist in traffic studies and other traffic related enforcement/investigation equipment, and

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

WHEREAS, the term of this grant will be from October 1, 2010, through September 30, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2010/2011 Operating and Multi-Year 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 10th day of August, 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:  

(SEAL)

APPROVED AS TO FORM:

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

Department

Funded Title: 0410 - Reimbursed Grants

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

DEPARTMENTAL REVENUES
FROM

TO

MY-0410-190-2106-1310
$400,000
$300,000
State Grants

APPROPRIATIONS
FROM

TO

MY-0410-190-2106-0181
2106-A
$25,680
Salary for CFO for 12 months
MY-0410-190-2106-0191
2106-A
$20,071
Benefits for CFO
MY-0410-190-2106-0130
2106-A
$135,000
Overtime
MY-0410-190-2106-0155
2106-A
$11,668
Overtime Benefits
MY-0410-190-2106-0205
2106-C
$2,900
Educational Materials, Printing, Duplication
MY-0410-190-2106-0207
2106-C
$4,000
Required Conferences
MY-0410-190-2106-0208
2106-C
$6,581
Checkpoint supplies, Accelerometer, and motion-activated lights
MY-0410-190-2106-0209
2106-C
$20,000
Lidar and Radar Units
MY-0410-190-2106-0200
2106-C
$70,000
DUI Trailer and Changeable Message Sign Trailers

TRANSFERS BETWEEN FUNDS
FROM

TO

$700,000

COMMENT/JUSTIFICATION

This budget amendment is being made to: 1) Recognize Office of Traffic Safety Grant (State) revenue in the amount of $500,000 to the Modesto Police Department and 2) To program offsetting expenses as outlined in the grant program document. These actions will establish a new multi-year operating budget beginning in FY 2010-11.

PUBLIC SAFETY BUSINESS SERVICES ANALYST

DIVISION CAPTAIN

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT

FINANCE DIRECTOR

EXECUTIVE ADMINISTRATOR

CITY MANAGER

When necessary for CIP

TRANSFER NO ____________________

BY ______________ DATE __________
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND MODESTO CITY SCHOOLS IN AN AMOUNT NOT TO
EXCEED $448,000 FOR THE SERVICES OF FOUR MODESTO POLICE
OFFICERS/SCHOOL RESOURCE OFFICERS TO PROVIDE DIRECT LAW
ENFORCEMENT SERVICES AT 12 SCHOOL SITES; AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Modesto City Schools (MCS) would like to have the services of four
Modesto police officers to provide prevention, intervention, and enforcement services to
students, their families and staff at the following schools: Beyer, Davis, Downey,
Johansen, Modesto, Enochs, Elliott, and Gregori High Schools, and Hanshaw, Mark
Twain, Roosevelt and LaLoma, and

WHEREAS, the Modesto Police Department can provide specially trained,
uniformed police officers to provide campus supervisor training, in-services, and
consultations with site staff and District administrators, and

WHEREAS, the police officers can act as liaisons between the Modesto Police
Department and MCS, and

WHEREAS, the police officers can direct law enforcement action at the district
school sites, if warranted, and

WHEREAS, the police officers’ presence with the students provides mentoring
and protection of youth in our community, and

WHEREAS, the term of this Agreement is July 1, 2010, to June 30, 2011, and

WHEREAS, the City shall be compensated by Modesto City Schools in an
amount not to exceed $448,000 for the services of four Modesto police officers.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Modesto City Schools in an amount not to exceed $448,000 for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services at 12 school sites.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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: ______________

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 AIRPORT OPERATING BUDGET TO FULLY FUND THE SOLE SOURCE PURCHASE OF AN AIRCRAFT BOARDING RAMP FROM KEITH CONSOLIDATED INDUSTRIES, INC. OF WHITE CITY, OREGON

WHEREAS, certain budgetary transactions are necessary in the amount of $40,000, to fully fund the sole source purchase of an aircraft boarding ramp from Keith Consolidated Industries of White City, Oregon, and

WHEREAS, the Fiscal Year 2010-2011 Airport 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 2010-2011 Airport 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 10th day of August, 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

(Seal)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEALED)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
### REQUEST FOR BUDGET ADJUSTMENT

**EXHIBIT A**

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone No.</td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td></td>
</tr>
</tbody>
</table>

**FY: 1944**

#### DEPARTMENTAL REVENUES

**FROM**

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
<th>Year</th>
<th>Quarter</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TO**

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
<th>Year</th>
<th>Quarter</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### APPROPRIATIONS

**FROM**

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
<th>Year</th>
<th>Quarter</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TO**

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
<th>Year</th>
<th>Quarter</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### TRANSFERS BETWEEN FUNDS

**FROM**

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
<th>Year</th>
<th>Quarter</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TO**

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
<th>Year</th>
<th>Quarter</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### COMMENTS/JUSTIFICATION

This adjustment is to increase the FY 2044 Early Projects Fund balance by the amount of $1,234,567 from Airport Reserves for the purchase of an Aircraft Boarding Ramp that was not included in the current budget. This additional amount is needed to cover the costs associated with the purchase and installation of the Aircraft Boarding Ramp.

#### AUTHORIZATION

**AUTHORIZED (check if required)**

- DEPUTY DIRECTOR
- DEPARTMENT DIRECTOR (Public Works)
- DIRECTOR OF FINANCE
- CITY MANAGER

**SIGNATURE**

<table>
<thead>
<tr>
<th>Author</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TRANSFER NO.**

<table>
<thead>
<tr>
<th>Transfer No.</th>
<th>By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-369

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH CONSOLIDATED CM INC. FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR PHASE 1A TERTIARY WASTEWATER TREATMENT PROJECT FOR AN AMOUNT NOT TO EXCEED $27,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT

WHEREAS, the City of Modesto operates and maintains a secondary treatment system and wastewater reclamation facility at 7007 Jennings Road, and

WHEREAS, based on the analysis prepared for the Wastewater Master Plan, the City expects that tertiary treatment will be required to meet anticipated regulatory requirements, and

WHEREAS, on May 6, 2008, by Resolution No. 2008-262, Council approved an Agreement with Consolidated CM Inc. (CCM) for construction management and inspection services for Phase 1A Tertiary Wastewater Treatment project, and

WHEREAS, on July 14, 2009, by Resolution No. 2009-336, Council approved an amendment to this Agreement for additional tasks related to construction management and inspection services for Phase 1A Tertiary Wastewater Treatment project, and

WHEREAS, the City has identified additional scope and services not included in the original agreement necessary to complete the Phase 1A Tertiary Wastewater Treatment Facility project, and

WHEREAS, CCM has submitted an additional scope of services and fee proposal to complete the Phase 1A Project, and
WHEREAS, this second amendment is recommended to cover the following additional tasks that are not included in the original scope: 1) Construction Administration; and 2) Post Construction, and

WHEREAS, the total estimated cost to complete these additional tasks is $27,500, and

WHEREAS, due to the complexity and amount of staff hours to support the construction management for the project, City staff recommends approving a second amendment to agreement with CCM for the additional work related to the Phase 1A Tertiary Wastewater Treatment Facility project, and

WHEREAS, City staff recommends approving a second amendment to agreement with CCM as the City does not have the staffing level or subject matter expertise to provide the substantial construction management and inspection support, 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 a second amendment to agreement with Consolidated CM Inc. for the Phase 1A Tertiary Wastewater Treatment project in an amount not to exceed $27,500 for the additional scope of services not included in the original agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Second Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of August, 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: 
STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-370

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH WEST YOST ASSOCIATES, INC. FOR ADDITIONAL SERVICES RELATED TO THE WATER SYSTEM ENGINEER’S REPORT, IN AN AMOUNT NOT TO EXCEED $18,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT

WHEREAS, on October 23, 2007, by Resolution No. 2007-614, the City Council approved an agreement with West Yost Associates, Inc. (WYA) for professional services to develop a Water System Engineer’s Report to support a subsequent water rate and capacity charges study (conducted by another firm), and

WHEREAS, on August 11, 2009, by Resolution No. 2009-395, the City Council approved an amendment with WYA for additional services related to the original agreement, and

WHEREAS, WYA has incurred additional costs beyond those anticipated in the original and first amendment scopes of work primarily due to the City’s need for ongoing services to address the significant changes in the economic climate which resulted in delays to the project schedule, and

WHEREAS, generally, the additional work by the consultant includes: the preparation of additional project documentation; more meetings and increased management oversight; and the development of additional CIP budget scenarios to reflect the changed economic climate, and

WHEREAS, this second amendment is recommended to cover the following additional tasks that are not included in the original agreement or first amendment scopes of work: 1) Task 5: Prepare Prop 218-Compliant Engineer’s Report for Option A

08/10/2010/UP&P/RUlm/Item 16 1 2010-370
and Option B: 2) Task 7: Project Management, Meeting & QA/QC; and 3) Task 9: Provide On-call Engineering Services, and

WHEREAS, the total estimated cost to complete these additional tasks is $18,500, and

WHEREAS, City staff recommends approving a second amendment to agreement with WYA as the City does not have the staffing level or subject matter expertise to provide the services related to completing the Water System Engineer’s Report, 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 a second amendment to agreement with West Yost Associates, Inc. for additional services related to completing the Water System Engineer’s Report in an amount not to exceed $18,500 for the additional scope of services not included in the original agreement or first amendment.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Second Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ACCEPTING THE WORK BY FERMIN SIERRA CONSTRUCTION, INC. FOR THE 2009 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT 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 $490,105

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the 2009 Sanitary Sewer Collection System Replacement Project has been completed by Fermin Sierra Construction, Inc. in accordance with the contract agreement dated September 22, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “2009 Sanitary Sewer Collection System Replacement Project” is hereby accepted as complete from said contractor Fermin Sierra Construction, 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 $490,105 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 10th day of August, 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:

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO
THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $1,017,981
IN REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDS FOR THE
NEW BUS MAINTENANCE FACILITY PROJECT, AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT
APPLICATION AND GRANT AGREEMENT DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated
authority to award federal financial assistance for transportation related projects, and
WHEREAS, the City of Modesto has provided all annual certifications and
assurances required by the FTA for the new Bus Maintenance Facility Project (Project), and
WHEREAS, the Project is eligible to receive up to 80% ($13.5 million) of its
federally reimbursable expenses from Regional Surface Transportation Program (RSTP)
funds, and
WHEREAS, the Project is included in the Federal Transportation Improvement
Program (FTIP) adopted by StanCOG, and
WHEREAS, the grant for Federal assistance will impose certain obligations on
the City of Modesto, and may require the City to provide the local share of the project
costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the submittal of a grant application to the Federal Transit
Administration for $1,017,981 in Regional Surface Transportation funds for the New Bus
Maintenance Facility.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute and file the annual certifications and assurances and other
documents the FTA requires for awarding a federal assistance grant.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
APPOINTING A COUNCIL SUBCOMMITTEE TO CONDUCT THE
APPLICATION AND INTERVIEW PROCESS FOR RECOMMENDATION OF
TOP CANDIDATES TO THE COUNCIL FOR FINAL INTERVIEW AND
APPOINTMENT

WHEREAS, on August 6, 2010, Councilmember Kristin Olsen announced that
she would be resigning from office effective November 2, 2010.

WHEREAS, Section 702 of the City Charter provides if a vacancy shall occur in
the Office of the Mayor or Councilmember, the Council shall forthwith appoint a person
to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are
set forth in Section 701 of this article and shall hold office until a successor is duly
elected and qualified. Such successor shall be chosen at the next regular municipal
election or as otherwise may be required by recall proceedings involving the office of
Mayor or a Councilmember. In the event that the Council shall fail to fill a vacancy by
appointment within thirty (30) days after such office shall have become vacant, it shall
forthwith cause an election to be held to fill such vacancy, and

WHEREAS, as a charter city, the City Charter provisions calling for a successor
to be elected at the next regularly scheduled municipal election following the date when
the Council seat was vacant would govern how long the Council appointee would serve.
The next regularly scheduled general municipal election following Councilmember
Olsen’s resignation on November 3, 2010 would be November 1, 2011, and

WHEREAS, appointment of an interim Councilmember would require a vote by
the majority of the Council and the appointment and installation of the Councilmember
would have to be made no later than 30 days after the resignation or December 4, 2010.
The appointed interim Councilmember would then hold office until a successor was elected in November 2011, and

WHEREAS, since Councilmember Olsen’s resignation will not be effective until November 4, 2010, this affords the Council time to undertake the application and interview process and enable the public to be involved as much as possible in the selection process, and

WHEREAS, the council desires to proceed with appointment of a council subcommittee to solicit applications from Council District 5 eligible candidates, conduct interviews in meetings which are governed by the Brown Act and open to the public, and thereafter make a recommendation of the top candidates to the entire Council for consideration and appointment by resolution of an interim Councilmember at the Council meeting of November 9, 2010.

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

The following Councilmembers are hereby appointed to the Council Candidate subcommittee:

1. Councilmember Dave Geer
2. Councilmember Brad Hawn
3. Councilmember Joe Muratore

The subcommittee shall conduct the application and interview process for the purpose of making a recommendation of top candidates to the Council for final interview and appointment at the Council meeting of November 9, 2010.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 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:  

(SIGNATURE)  

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING PARTICIPATION IN A COMPACT, KNOWN AS SMART VALLEY PLACES, FOR SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, IN THE AMOUNT OF $5,000,000 FROM THE SUSTAINABLE COMMUNITIES PLANNING GRANT PROGRAM, AND COMMITTING STAFF TIME THE EQUIVALENT OF APPROXIMATELY $60,000 TO DEVOTE TO GRANT ELIGIBLE WORK

WHEREAS, the existing and future problems facing cities in the San Joaquin Valley region are serious, well-documented and include traffic congestion, high unemployment, lack of educational attainment, high poverty levels, housing issues, health concerns, pollution of the environment, and slow economic growth, and

WHEREAS, a direct partnership and Compact among San Joaquin Valley cities is a practical and necessary approach, and the best and most effective way to create a pool of resources, templates, models and technical expertise (such as advanced GIS-based tools, General Plan elements, development codes, and community education and leadership) that will lead to measurable implementation of positive change in the trends listed above by promoting and facilitating long-term enhanced sustainability, and

WHEREAS, the partner cities of Clovis, Delano, Fresno, Hanford, Madera, Merced, Modesto, Porterville, Stockton, Tracy, Tulare, Turlock and Visalia have identified a consensus at the staff level to form a long-term Compact known as Smart Valley Places for the purpose of creating a more sustainable San Joaquin Valley through immediate and on-going aggressive pursuit, acquisition and sharing of, and mutual accountability for, regional planning grant funding opportunities, and
WHEREAS, it is acknowledged by the partner cities listed above that in order to achieve broad-based positive results, the Smart Valley Places membership must be broadened over time to include other partner cities and technical resource agencies throughout the Valley, and

WHEREAS, the City of Modesto intends to locally promote the fundamental values included within the Smart Valley Places Compact by embracing smart growth and sustainability principles, and social and environmental justice for all citizens and residents, in order to facilitate the realization of a better San Joaquin Valley, and

WHEREAS, a public meeting was held on August 10th, 2010, at the Modesto City Hall, in the basement Council Chambers, located at 1010 10th Street, Modesto, California, at which time and place Modesto’s participation in the Smart Valley Places Compact was considered by the Modesto City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Modesto’s participation in the Smart Valley Places Compact for submittal of a grant application to the U.S. Department of Housing & Urban Development, in the amount of $5,000,000, from the Sustainable Communities Planning Grant Program, and committing staff time the equivalent of approximately $60,000 to devote to grant eligible work.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents, agreements, MOUs and other documentation needed to carry out the business of Smart Valley Places on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2010, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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’S JOINT APPLICATIONS WITH OTHER CITIES IN STANISLAUS COUNTY, THE COUNTY OF STANISLAUS, AND THE STANISLAUS COUNCIL OF GOVERNMENTS FOR PROPOSITION 84 GRANT FUNDING

WHEREAS, the people of the State of California approved Proposition 84 in 2006, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act, which also authorized the Legislature to appropriate $90 million for planning grants and incentives to reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, and

WHEREAS, the California Strategic Growth Council has the authority to award grants of financial assistance for the development and implementation of plans that reduce greenhouse gas emissions and achieve other specified public objectives, and

WHEREAS, the City of Modesto intends to participate in a Proposition 84 grant application being prepared by County staff with Stanislaus County as the applicant to assist in updating general plans, community plans, specific plans; revise development code; prepare corridor studies; develop energy and water efficiency, conservation, and innovation programs; engage the community in developing smart growth programs; and coordinate implementation strategies and capacity building, which will allow Stanislaus County agencies to have greater influence over future development patterns that are consistent with both the San Joaquin Valley Blueprint and the greenhouse gas reduction goals of AB 32 and SB 375, and
WHEREAS, the City of Modesto intends to participate in a Proposition 84 grant application being prepared in conjunction with the planning staff of other cities in Stanislaus County and the County of Stanislaus, with the Stanislaus Council of Governments as the applicant, to establish a centralized, web-based, integrated land use and transportation greenhouse gas modeling tool that will allow the cities and County to evaluate the air quality and greenhouse gas impacts of development projects and specific/master plans and allow the public agencies in Stanislaus County to make meaningful individual decisions about new growth while achieving the State’s greenhouse gas reduction goals, and

WHEREAS, the City of Modesto intends to participate in a Proposition 84 grant application being prepared in conjunction with the planning staff of other cities in Stanislaus County and Stanislaus County, to assist in updating general plans, community plans, specific plans; revise/update development codes; prepare corridor studies; develop energy and water efficiency, conservation, and innovation programs; engage the community in developing smart growth programs; and coordinate implementation strategies and capacity building, and

WHEREAS, the City of Modesto intends to participate in a Proposition 84 grant application being prepared in conjunction with the planning staff of the cities of Riverbank and Oakdale and the Local Government Commission, the purpose of which would be to conduct planning along the SR108 corridor that can include form-based coding, low-impact development standards, infill development/redevelopment scenarios, complete streets, and multi-modal connectivity of the circulation system for all modes within and among Modesto, Riverbank and Oakdale, and
WHEREAS, the grants for Proposition 84 funds impose certain obligations on the City of Modesto, such as invoicing, reporting, and timely completion, and

WHEREAS, the City intends to leverage grant funds with in-lieu staff time, and

WHEREAS, a public meeting was held on August 10, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time two grant applications in conjunction with other public agencies in Stanislaus County were considered by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the participation of the City of Modesto in joint applications to the California Strategic Growth Council for Proposition 84 grant funding.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the reports and other documents required for awarding a grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the California Strategic Growth Council, the Stanislaus Council of Governments, the County of Stanislaus, or any of the cities in Stanislaus County on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________

(Seal)

APPROVED AS TO FORM:

By: _______________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION INCREASING THE DIRECTOR OF UTILITY PLANNING AND PROJECTS’ AUTHORITY TO ISSUE CHANGE ORDERS ON THE “STREET IMPROVEMENTS ON THE WEST SIDE OF CONANT AVENUE FROM RUMBLE ROAD TO EICHER AVENUE” PROJECT BY $77,484 FROM 10% ($23,177.04) TO 43% ($100,661.04) OF THE ORIGINAL CONTRACT PRICE WITH A. TEICHERT & SON, INC., DBA TEICHERT CONSTRUCTION, TO FUND THE CHANGE ORDER WORK

WHEREAS, the City Council, on March 23, 2010, by Resolution No. 2010-123, awarded a $231,770.04 contract to A. Teichert & Son, Inc., dba Teichert Construction, for the Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue, and

WHEREAS, during the course of construction, the water level was discovered to be shallower than anticipated and the designed drainage system would not be adequate, and

WHEREAS, the additional cost of $77,484 includes the installation of a redesigned drainage system that will be adequate for the shallow water depth in this area, and

WHEREAS, the Director of Utility Planning and Projects currently has the authority to approve change orders up to a cumulative amount of $23,177.04, and

WHEREAS, due to the anticipated change orders related to the project to install the redesigned drainage system, staff is requesting Council approval to increase the Director’s Change Order Authority from 10% ($23,177.04) to 43% ($100,661.04).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves increasing the Director of Utility Planning and Projects’ authority to issue change orders on the Street Improvements on the West Side of Conant Avenue
from Rumble Road to Eicher Avenue project by $77,484 from 10% ($23,177.04) to 43% ($100,661.04) of the original contract price with A. Teichert & Son, Inc., dba Teichert Construction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPOINTING RON LIGHTEN, SR. AS A MEMBER AND PAMELA O’BRIEN AS ALTERNATE MEMBER TO THE CITY OF MODESTO ENTERTAINMENT COMMISSION

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

WHEREAS, the Safety & Communities Committee met on August 25, 2010 and recommended appointment of Ron Lighten, Sr., as a Member and Pamela O’Brien as Alternate Member to the Entertainment Commission.

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

SECTION 1. Ron Lighten, Sr, as a Member (with a term expiration of January 1, 2011) and Pamela O’Brien (with a term expiration of January 1, 2011).

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the appointed Member and Alternate Member of the Entertainment Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ÁLCAJA WOOD, City Attorney
RESOLUTION APPOINTING JULIUS MANRIQUE AS A MEMBER TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and WHEREAS, the Economic Development Committee met on August 9, 2010, and recommended appointment of Julius Manrique to the Landmark Preservation Committee, NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Julius Manrique is hereby appointed as a Member to the Landmark Preservation Committee with a term expiration of January 1, 2014.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Landmark Preservation Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-379

RESOLUTION APPOINTING BARRETT LIPOMI AS A MEMBER TO THE
CITY OF MODESTO LANDMARK PRESERVATION COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the
city council to appoint members to various boards and commissions, and

WHEREAS, the Economic Development Committee met on August 9, 2010, and
recommended appointment of Barrett Lipomi to the Landmark Preservation Committee,

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

SECTION 1. Barrett Lipomi is hereby appointed as a member to the Landmark
Preservation Committee with a term expiration of January 1, 2014.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the appointed member of the Landmark Preservation Committee, and the
Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM: 

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPOINTING KARLHA ARIAS AS A MEMBER OF THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE REPRESENTING THE CITY OF MODESTO

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

WHEREAS, the Economic Development Committee met on August 9, 2010, and recommended appointment of Karlha Arias to the Tuolumne River Regional Park Citizens Advisory Committee,

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

SECTION 1. Karlha Arias is hereby appointed as a member of the Tuolumne River Regional Park Citizens Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Tuolumne River Regional Park Citizens Advisory Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: By: 

(Seal)

ATTEST: 

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AARON READ & ASSOCIATES FOR STATE LOBBYING SERVICES, FOR AN AMOUNT NOT TO EXCEED $20,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on January 1, 2001, the City entered into an Agreement with Aaron Read & Associates (ARA) to perform legislative advocacy in Sacramento, and

WHEREAS, ARA has provided key and critical advocacy for the City since January 2001, and

WHEREAS, staff recommends that the City of Modesto execute an agreement with Aaron Read & Associates for state lobbying services, in an amount not to exceed $20,000, in Fiscal Year 20010111, and

WHEREAS, on June 22, 2010, the City Council approved a Fiscal Year 20010111 General Fund operating budget which included funding for said contract,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Aaron Read & Associates for state lobbying services, in an amount not to exceed $20,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEARS 2009-2010 AND 2010-2011 ANNUAL OPERATING BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Years 2009-2010 and 2010-2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Years 2009-2010 and 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 regular meeting of the Council of the City of Modesto held on the 7th day of September, 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 votes:

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
EXHIBIT A

The following budget adjustments relate to FY 2009/10:

CITY CLERK
An adjustment is necessary to lower the amount being transferred to the Elections Fund (0351) from the General Fund (0100) in FY 2009/10 by $200,000. The lower amount being transferred is a result of a decrease in expenses by the Election Fund in FY 2009/10. Any remaining fund balance will be returned to the General Fund in FY 2010/11 as part of the dissolution of the Elections Fund.

FIRE
On September 26, 2006 the City Council approved a loan between the Fire Department and Fleet Fund (Resolution 2006-608). An adjustment is necessary to create a loan payment transfer in FY 2009/10 from the Fire Department in the General Fund to the Fleet Fund for the final payment on a heavy rescue vehicle. This loan payment is possible due to discretionary savings within the Fire Department in FY 2009/10.

PARKS, RECREATION AND NEIGHBORHOODS
An adjustment is necessary to reduce appropriations by $346 in Capital Improvement Project P502, Monterosso Trailhead to close the project and reduce the transfer from the Parks Capital Facilities Fund to the Capital Grants Parks Fund in the amount of $346.

An adjustment is necessary to appropriate funds from the Green Waste Diversion Fund (0370) Reserves in the amount of $65,000 for unbudgeted salary expense in FY 2009/10.

An adjustment is necessary to recognize $17,450 in Entertainment Permits and Fees revenue and appropriate it to Service Credit expense for staff support of the Entertainment Commission program in the General Fund (0100) for FY 2009/10.

An adjustment is necessary to reduce the FY 2009/10 budgeted transfer from the General Fund (0100) to the Building Services Fund (7800) from $23,000 to zero. The transfer was originally intended to offset the amount the Building Services Fund (7800) would repay to the 10th Street JPA Fund (8500) for a prior year fund split. However, the amount needed for the 10th Street JPA Fund (8500) and the manner of payment changed (Resolution 2010-250) and this transfer is no longer necessary.

An adjustment is necessary to appropriate $125,000 from the Solid Waste Fund (6290) Reserves for the purchase of a used front end loader in FY 2009/10. The total purchase price is $165,000 and purchasing used equipment will save considerable cost in the purchase price and interest expense.

An adjustment is necessary to create a transfer from the Fleet Fund (7210) to the Green Waste Diversion Fleet Replacement Fund (0379) in the amount of $91,677 in FY 2009/10. This transfer should have been created when the other Fleet equipment replacement funds were created but it was overlooked.
An adjustment is necessary to increase the transfer in FY 2009/10 from the LTF Non-Motorized Fund (0520) to the Capital Grant Fund (2300) for the PR&N CIP project Virginia Corridor Phase V (P365) by $8,794 and appropriate the increase to Construction expense in the project. On May 25, 2010, the City Council approved the Local Transportation Non-Transit FY 2008/09 supplemental claim that requested funds for Virginia Corridor Phase V.

**FINANCE**

An adjustment is necessary to reduce the transfer from General Fund (0100) and RDA Fund (9020) to the Public Finance Authority Fund (9450) in the amount of $59,441 and $14,889 respectively and reduce debt service expense in the Public Finance Authority Fund (9450) by $74,330 in FY 2009/10. The actual debt service expense was less than budgeted for FY 2009/10.

An adjustment is necessary to increase the expense budget for the County Property Tax Administration expense from the General Fund reserves. A letter received from the County in April, 2010, indicated the expense would increase $54,000 over the budgeted amount and stated that the while the total gross administration costs had decreased by $221,000 from the prior year’s expense, the reduction in expense was not sufficient to offset the $671,000 decrease in revenue.

An adjustment is necessary to decrease the budgeted transfer from the Special Fund for Capital Outlay (1300) to the Parking Fund (6000) by $59,046 and create a $99,833 transfer from the General Fund (0100) to the Special Fund for Capital Outlay (1300). These transfer adjustments will allow the Special Fund for Capital Outlay (1300) to meet its current FY 2009/10 expense obligations.

**PUBLIC WORKS/UTILITY PLANNING & PROJECTS**

An adjustment is necessary to decrease the FY 2009/10 budget for County Airport Tax revenue of $244,266 by $39,266 to $205,000 in the Airport Special Revenue Fund (6330). This funding comes from the County’s share of property taxes that they pass on to the City for operating the airport and the amount has been confirmed with the County.

An adjustment is necessary to recognize $3,109,652 for Prop 1B – Phase II revenue and $1,776,000 for Prop 42 – Traffic Congestion Relief revenue received but not previously budgeted in the FY 2009/10 budget for the Prop 1B Sub Fund (0710) and the Prop 42 Sub Fund (0720) respectively. The revenue will be held in the sub funds until the Surface Transportation Fund (0700) need the funding with the Prop 1B funding being spent by 06/30/13 and the Prop 42 funding spent by 6/30/11.

An adjustment is necessary to create a $1,387,263 transfer from the Water Fund (6100) and a $646,094 transfer from the Water Developer Fee Fund (6101) to the Water CIP Fund (6180) for FY 2009/10 eligible expenses. The Water CIP Fund (6180) receives annual reimbursement from the Water Fund 6100) and the Water Developer Fee Fund (6101) for expenses incurred from various capital improvement projects.
The following budget adjustments relate to FY 2010/11:

PUBLIC WORKS/UTILITY PLANNING & PROJECTS
An adjustment is necessary to decrease the FY 2010/11 budget for County Airport Tax revenue of $244,266 by $39,266 to $205,000 in the Airport Special Revenue Fund (6330). This funding comes from the County’s share of property taxes that they pass on to the City for operating the airport and the amount has been confirmed with the County.

FINANCE
An adjustment is necessary to decrease the FY 2010/11 Internal Service Fund revenue by $34 for the Central Services – Mail Fund (7120). Parks, Recreation and Neighborhoods in the General Fund (0100) and Fleet in the Bus Fixed Route Max Operations Fund (6540) reduced their Mail Services ISF charges as a result of program reductions accepted as a part of the adopted budget.

An adjustment is necessary to decrease the Cost Allocation revenue in the General Fund (0100) by $63,797 and decrease the Cost Allocation expense in the Water Fund (6100) by $24,881, in the Wastewater Fund (6210) by $19,777 and in the Storm Drainage Fund (6280) by $19,139 for FY 2010/11. Reductions for service credit agreement between Finance in the General Fund (0100) and the Water Fund (6100), Wastewater Fund (6210) and the Storm Drainage Fund (6280) were not deducted from the Cost Allocation Plan charges to those funds.

An adjustment is necessary to reduce the salary and benefit expense by $64,253 in the 10th Street JPA Fund (8500) in FY 2010/11 and eliminate one Building Maintenance Mechanic position. Administration of the 10th Street JPA transitioned to the County for FY 2010/11 and this position remained in the City of Modesto budget in error.

CITY CLERK
An adjustment is necessary to increase the adopted budgeted transfer from the Elections Fund (0351) to the General Fund (0100) by $1,853 in FY 2010/11. The Elections Fund (0351) had greater savings than anticipated in FY 2009/10 and because the fund is being dissolved in FY 10/11 a greater amount will be returned to the General Fund.

CITY ATTORNEY
An adjustment is necessary to increase the adopted budgeted transfer from the Litigation Fund (0350) to the General Fund (0100) by $33,450 in FY 2010/11. The Litigation Fund (0350) had greater savings than anticipated in FY 2009/10 and because the fund is being dissolved in FY 10/11 a greater amount will be returned to the General Fund.

PARKS, RECREATION AND NEIGHBORHOODS
An adjustment is necessary to establish a $350,000 loan from the Water Fund (6100) to the General Fund (0100) for the purpose of installing agricultural wells at seven community parks and to establish a $350,000 budget for a capital improvement project (P009) in FY 2010/11. The loan will be repaid over seven years including 1% interest and beginning in FY 2011/12.
This project, including the amounts shown above, was approved by Council on 10/27/09 on Resolution #2009-518.

An adjustment is necessary to increase the JPA Reimbursement revenue by $80,857 and increase Supply expense ($15,500), Insurance expense ($59,909) and decrease Salary and Benefits expense ($5,214) in the Building Services Fund (7800) in FY 2010/11. Beginning in FY 2010/11, Stanislaus County has taken over the financial administration of the 10th Street JPA. There are JPA expenses that will still be paid by the City of Modesto but will then be 100% reimbursed by the County. The Supply and Insurance expense increase are to account for procurement card purchases and 10th Street Place building insurance. The Salary and Benefits decrease is to account for the adopted labor group concessions.

An adjustment is necessary to appropriate $126,297 from Solid Waste Fund (6290) reserves to the Solid Waste Fleet Replacement Fund (6299) for the purchase of three new loaders in FY 2010/11.

An adjustment is necessary to increase the Service Credit revenue by $10,613 in the General Fund (0100) and decrease the Service Credit expense by $30,510, increase Printing & Binding expense by $1,408, increase the Vocation & Recreation Supply expense by $23,880 in the CDBG Fund (1130), decrease the Service Credit expense by $1,305 in the CDBG Direct Program Fund (1131), decrease the Service Credit expense by $1,305 in the Carpenter Road Landfill Fund (0360), decrease the Service Credit expense by $653 in the HOME Program Fund (0360), decrease the Service Credit expense by $6,114 in the Tuolumne River Regional Park Fund (8900). This adjustment amends the adopted Service Credit revenue budget for PR&N and the corresponding expense budgets in other funds due to changes in the service credit agreements after reduction impacts.

**INFORMATION TECHNOLOGY**

An adjustment is necessary to reduce a budgeted multi-year transfer of $761,759 by $300,000 from the General Fund (0100) to the Information Technology Fund (7130) for the Financial System Upgrade. In FY 2004/05, $300,000 was budgeted and transferred and increased in FY 10/11 by that amount in error.

An adjustment is necessary to increase the Interest expense budget by $57,316 in the Financial Software Upgrade Org (M480) and decrease the Interest expense by $20,391 in the IT ERP Maintenance Org (0756) in the Information Technology Fund (7130) and adjustment the transfers from the other City funds for the project accordingly. Interest expense for the project was originally going to be budgeted on an annual basis but managing the entire cost of the Oracle Financing in the project will capture the full cost of the project.

**COMMUNITY AND ECONOMIC DEVELOPMENT**

An adjustment is necessary to increase the Service Credit revenue in the General Fund (0100) by $6,228 and increase the Service Credit expense in the Capital Improvement Support Fund (0300) by the same amount in FY 2010/11. These increases are a result of the movement of Org 4312 from UP&P to C&ED and the service credits are for administrative support.

An adjustment is necessary to increase the Service Credit revenue in the General Fund (0100) by $20,512 and increase the Service Credit expense in the Capital Improvement Support Fund (0300) by the same amount in FY 2010/11. These increases are a result of the movement of Org 4312 from UP&P to C&ED and the service credits are for administrative support.
An adjustment is necessary to appropriate carryover expense budget from FY 2009/10 for Services, Professional and Other expense in FY 2010/11 in the amount of $1,148. The expense was not originally budgeted during the FY 2010/11 budget process as they were expected to be fully expended in FY 2009/10.
RESOLUTION NO. 2010-383

RESOLUTION APPROVING AN ANNUAL RETAIL ADVERTISING CONTRACT WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER GROUP); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services are required for classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, the City’s Purchasing Manager annually meets with the Modesto Bee and based on advertising volume commitments over the prior year identifies retail contract options which would best meet the City’s retail advertising needs, and

WHEREAS, the current retail contract has expired, and

WHEREAS, the City’s Purchasing Manager once again met with the Modesto Bee to discuss what contract renewal options would be available to the City, and

WHEREAS, the Modesto Bee has agreed to renew the retail advertising contract for another year, and

WHEREAS, the “non-profit no-commitment” will be at a contract rate of $51.68 per column inch, and

WHEREAS, the Purchasing Manager has determined that a process other than the formal bid procedure will result in a procurement of advertising for the City at the lowest cost commensurate with the desired quality, as provided for in Modesto Municipal Code Section 8-3.204(d), and
WHEREAS, once signed, the advertising contract shall be implemented and tracked by the City’s Purchasing Manager, and with the City’s Public Information Technician assisting departments with their advertising needs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group).

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 7th day of September, 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: ________________________________

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-384

RESOLUTION APPROVING AN AMENDED LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO POLICE OFFICERS ASSOCIATION (MPOA) TO REDUCE THE NEGOTIATED FY 2010-11 MANDATORY FURLough FROM 96 HOURS TO 72 HOURS AND AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES AND CITY MANAGER 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 Officers Association (MPOA) expires on March 28, 2011, and

WHEREAS, representatives of the CITY and the MPOA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MPOA have reached agreement on a Letter of Agreement (LOA) for a restructured and extended MOU with a new expiration date of July 15, 2013 which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

SECTION 1. CONTRACT EXTENSION. All terms of the existing MOU are extended except as detailed below.

SECTION 2. TERM OF MEMORANDUM. Extend the end of the current term of the MOU from 12:00 a.m. on March 28, 2011 to 12:00 a.m. on July 15, 2013.

SECTION 3. SALARY. Salary increases shall be deferred as follows:

2.0% effective July 31, 2012

3.0% effective July 2, 2013
SECTION 4. MANDATORY UNPAID FURLoughs. Mandatory unpaid furloughs will be taken in FY 2010-11 in the amount of 96 hours, for FY 2011-12 there shall be 72 hours of mandatory unpaid furloughs and for FY 2012-13 96 hours shall be taken as mandatory unpaid furlough.

SECTION 5. SALARY PROGRESSION THROUGH THE STEP RANGES. Progression through step ranges will become temporarily inoperative from the first pay period for FY 2010-11 through the last pay period of FY 2012-13. Therefore, MPOA members will not receive any step increases during this period. Beginning FY 2013-14 progression through step ranges will become operative and employees will move to the next step of the salary range (one step) on the employee’s normal anniversary date.

SECTION 6. HEALTH, DENTAL AND VISION INSURANCE. The previously negotiated increases in the City’s contribution for Plan Year 2010-11 shall be deferred until January 1, 2013. In January 2011, the City shall increase its monthly contribution to employee only by $25 and for employees with dependent coverage by $50. There will be no increase in the opt out amount.

SECTION 7. RETIREE HEALTH INSURANCE. Section 12 of the MOU shall be amended to include a Defined Contribution Health Reimbursement Account for eligible employees hired on or after January 1, 2011 pursuant to LOA as attached.

SECTION 8. REOPENERS.

A) Two tier retirement discussion for new hires: Agreement is required including the process of impasse/arbitration.

B) Meet and discuss regarding current employees converting from current sick leave to retiree medical trust.
C) Meet and discuss possible additional concession if needed, during term
of this contract.

WHEREAS, the Council considered and approved this matter at its meeting of
June 22, 2010, and

WHEREAS, SECTION 4. MANDATORY UNPAID FURLoughs has been
amended from the June 22, 2010 adopted LOA as follows:

Mandatory unpaid furloughs will be taken in FY 2010-11 in the amount of 72
hours, for FY 2011-12 there shall be 72 hours of mandatory unpaid furloughs and for FY
2012-13 96 hours shall be taken as mandatory unpaid furlough.

WHEREAS, all other provisions of the June 22, 2010 Letter of Agreement remain
unchanged in the amended Letter of Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves the attached amended Letter of Agreement for a
restructured and extended Memorandum of Understanding with an expiration date of July
15, 2013 between the City of Modesto and the Modesto Police Officers Association and
upon execution of same, a copy of the LOA will be on file in the office of the City Clerk
herein incorporated as Exhibit A.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Marsh, 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:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-385

RESOLUTION TO AMEND THE FY 2010-11 GENERAL FUND OPERATING
BUDGET RESULTING FROM AN AMENDED LETTER OF AGREEMENT
BETWEEN THE CITY OF MODESTO AND MODESTO POLICE OFFICERS
ASSOCIATION (MPOA)

WHEREAS, the Fiscal Year 2010-11 General Fund operating budget approved by
City Council on June 22, 2010, included savings resulting from concessions contained in
a Letter of Agreement (LOA) with Modesto Police Officers Association (MPOA) for 96
hours of mandatory unpaid furlough, and

WHEREAS, after budget adoption, it was determined that the MPOA negotiated
concessions were more than what was needed to prevent any layoffs of Police Officers in
Fiscal Year 2010-11, and

WHEREAS, the LOA has been amended to reduce the 96 hours of mandatory
unpaid furlough to 72 hours of mandatory unpaid furlough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves amending the Fiscal Year 2010-11 General Fund Operating
Budget as shown in Exhibit A as a result of the amended LOA between the City and
MPOA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Marsh, who moved its adoption, with 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
<table>
<thead>
<tr>
<th>Fund Type</th>
<th>Account</th>
<th>Code 1</th>
<th>Code 2</th>
<th>Code 3</th>
<th>Code 4</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund (0100):</td>
<td>0100-190-1901-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>2,647</td>
</tr>
<tr>
<td></td>
<td>0100-190-1901-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>930</td>
</tr>
<tr>
<td></td>
<td>0100-190-1921-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>7,116</td>
</tr>
<tr>
<td></td>
<td>0100-190-1921-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>2,500</td>
</tr>
<tr>
<td></td>
<td>0100-190-1924-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>800</td>
</tr>
<tr>
<td></td>
<td>0100-190-1924-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>281</td>
</tr>
<tr>
<td></td>
<td>0100-190-1941-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>43,733</td>
</tr>
<tr>
<td></td>
<td>0100-190-1941-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>15,366</td>
</tr>
<tr>
<td></td>
<td>0100-190-1942-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>800</td>
</tr>
<tr>
<td></td>
<td>0100-190-1942-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>281</td>
</tr>
<tr>
<td></td>
<td>0100-190-1961-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>79,573</td>
</tr>
<tr>
<td></td>
<td>0100-190-1961-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>27,958</td>
</tr>
<tr>
<td></td>
<td>0100-190-1966-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>12,847</td>
</tr>
<tr>
<td></td>
<td>0100-190-1966-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>4,514</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td><strong>199,346</strong></td>
</tr>
<tr>
<td><strong>ARRA - Public Safety Fund (0415):</strong></td>
<td>0415-190-2800-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>9,371</td>
</tr>
<tr>
<td></td>
<td>0415-190-2800-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>3,292</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td><strong>12,663</strong></td>
</tr>
<tr>
<td><strong>Police Outside Agreements Fund (0420):</strong></td>
<td>0420-190-2001-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>2,339</td>
</tr>
<tr>
<td></td>
<td>0420-190-2001-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>822</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td><strong>3,161</strong></td>
</tr>
<tr>
<td><strong>Traffic Offender Fund (0610):</strong></td>
<td>0610-190-1908-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>3,244</td>
</tr>
<tr>
<td></td>
<td>0610-190-1908-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>1,140</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td><strong>4,384</strong></td>
</tr>
<tr>
<td><strong>SDEA Fund (8850):</strong></td>
<td>8850-190-1975-0184</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>1,626</td>
</tr>
<tr>
<td></td>
<td>8850-190-1975-0194</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td>571</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td><strong>2,197</strong></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td></td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td><strong>221,751</strong></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-386

RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO BECOME A HOST CITY FOR THE NEIGHBORHOODS USA (NUSA) 38TH ANNUAL CONFERENCE ON NEIGHBORHOOD CONCERNS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE APPLICATION AND RELATED DOCUMENTS

WHEREAS, NUSA has been holding conferences in various Cities for over thirty-eight years, and

WHEREAS, NUSA is seeking a host for its 2013 conference that has the infrastructure and experience in hosting a conference of its size, and

WHEREAS, NUSA is seeking a City to host its conference that has strong established neighborhoods, and

WHEREAS, the City of Modesto is experienced in hosting such events and has strong established neighborhoods, and

WHEREAS, NUSA has made their Request for Proposal (RFP) application available for the 38th Annual Conference, and

WHEREAS, the City of Modesto would like to become a “Host City for 38th Annual NUSA Conference in May 2013 and

WHEREAS, the City of Modesto has read the requirements exhibited in NUSAS RFP and agrees to abide by the requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing of a RFP application for the City of Modesto to apply to become a “Host City” for the 38th Annual Neighborhoods USA Conference.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws, which may be necessary for the completion of the aforementioned event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Marsh, who moved its adoption, which 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

![Signature]

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE RESTORATION OF THE CITY OF MODESTO ADULT SOFTBALL PROGRAM

WHEREAS, the Fiscal Year 2010-11 General Fund operating budget approved by City Council on June 22, 2010, included the elimination of the adult softball program under City management, and

WHEREAS, since the original recommendation was made staff worked with program staff and the City Manager’s office on options which would allow the City to maintain the adult softball program while still realizing General Fund savings, and

WHEREAS, under this alternative proposal, the Recreation Coordinator position would be reduced from 0.75 (30 hours per week) to 0.625 (25 hours per week), and

WHEREAS, as part of the initial savings there will be a reduction from two officials per game to one official during the summer softball league, and

WHEREAS, after the summer softball session officials will be outsourced to a private company, resulting in further cost savings for the City of Modesto, and

WHEREAS, the City of Modesto receives several Federal grants from the U.S. Department of Housing and Urban Development, and

WHEREAS, the Finance Committee met on August 11, 2010, and reviewed and recommended restoring the Adult Softball Program and offsetting the restoration with other programming changes, and

WHEREAS, a regular meeting was held by the Council on September 7, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto,
California, to consider restoring the Adult Softball Program and offsetting the restoration with other programming changes as outlined on the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves restoring the Adult Softball Program and offsetting the restoration with other programming changes as outlined in Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Lopez, who moved its adoption, with 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
# BUDGET ADJUSTMENT DETAIL
## FISCAL YEAR 2010-11 ADULT SOFTBALL PROGRAM

<table>
<thead>
<tr>
<th>Category</th>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recognize revenue from adult softball fees</td>
<td>0100-370-3713-4072R</td>
<td>109,000</td>
</tr>
<tr>
<td><strong>EXPENSE:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocate Recreation Coordinator at 0.625 FTE (salary)</td>
<td>0100-370-3713-C181</td>
<td>30,500</td>
</tr>
<tr>
<td>Allocate Recreation Coordinator at 0.625 FTE (benefits)</td>
<td>0100-370-3713-C191</td>
<td>10,680</td>
</tr>
<tr>
<td>Allocate funding for contract game officials</td>
<td>0100-370-3713-C235</td>
<td>37,000</td>
</tr>
<tr>
<td>Allocate funding for program awards</td>
<td>0100-370-3713-C315</td>
<td>7,000</td>
</tr>
<tr>
<td>Allocate funding for printing</td>
<td>0100-370-3713-C205</td>
<td>712</td>
</tr>
<tr>
<td>Allocate funding for postage</td>
<td>0100-370-3713-C202</td>
<td>1,386</td>
</tr>
<tr>
<td>Allocate funding for ASA membership</td>
<td>0100-370-3713-C401</td>
<td>4,000</td>
</tr>
</tbody>
</table>
RESOLUTION AMENDING THE FISCAL YEAR 2010/11 GENERAL FUND OPERATING BUDGET TO FULLY FUND THE ADULT SOFTBALL PROGRAM

WHEREAS, the Fiscal Year 2010-11 General Fund operating budget approved by City Council on June 22, 2010, included the elimination of the adult softball program under City management, and

WHEREAS, the Finance Committee met on August 11, 2010, and reviewed and recommended restoring the Adult Softball Program and offsetting the restoration with other programming changes, and

WHEREAS, certain budgetary transactions are necessary in the amount of $109,000 in order to fully fund the adult softball program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010/11 General Fund Operating Budget to restore the adult softball program as shown in the attached 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 7th day of September, 2010, by Councilmember Lopez, who moved its adoption, with 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: SUSANA WOOD, City Attorney

SEAL

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
## BUDGET ADJUSTMENT DETAIL
### FISCAL YEAR 2010-11 ADULT SOFTBALL PROGRAM

<table>
<thead>
<tr>
<th>REVENUE:</th>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognize revenue from adult softball fees</td>
<td>0100-370-3713-4072R</td>
<td>109,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENSE:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocate Recreation Coordinator at 0.625 FTE (salary)</td>
<td>0100-370-3713-0181</td>
<td>30,500</td>
</tr>
<tr>
<td>Allocate Recreation Coordinator at 0.625 FTE (benefits)</td>
<td>0100-370-3713-0191</td>
<td>10,680</td>
</tr>
<tr>
<td>Allocate funding for contract game officials</td>
<td>0100-370-3713-0235</td>
<td>37,000</td>
</tr>
<tr>
<td>Allocate funding for program awards</td>
<td>0100-370-3713-0315</td>
<td>7,000</td>
</tr>
<tr>
<td>Allocate funding for printing</td>
<td>0100-370-3713-0205</td>
<td>712</td>
</tr>
<tr>
<td>Allocate funding for postage</td>
<td>0100-370-3713-0202</td>
<td>1,386</td>
</tr>
<tr>
<td>Allocate funding for ASA membership</td>
<td>0100-370-3713-0401</td>
<td>4,000</td>
</tr>
</tbody>
</table>
RESOLUTION REJECTING ALL BIDS FOR THE VIRGINIA CORRIDOR PHASE V – BRIGGSMORE OVERCROSSING PROJECT, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT

WHEREAS, the bids received for the Virginia Corridor Phase V - Briggsmore Overcrossing project were opened at 11:00 a.m. on July 20, 2010, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, City staff have reviewed all information and have determined it is in the best interest of the City to recommend that all bids be rejected, and

WHEREAS, staff will work with all bidders to make sure their paperwork meets the DBE submission requirements in the Notice to Bidders and Special Provisions for the Virginia Corridor Phase V - Briggsmore Overcrossing project, and

WHEREAS, staff recommends re-advertising the project for the Virginia Corridor Phase V – Briggsmore Overcrossing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the Virginia Corridor Phase V - Briggsmore Overcrossing project, opened in the office of the City Clerk on July 20, 2010, are hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to immediately re-advertise the Virginia Corridor Phase V - Briggsmore Overcrossing project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MOGDESTO CITY COUNCIL
RESOLUTION NO. 2010-390

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO NUTS PROFESSIONAL BASEBALL CLUB TO EXTEND THE DEADLINE FOR STADIUM IMPROVEMENTS AT JOHN THURMAN FIELD BY ONE YEAR TO OCTOBER 24, 2011; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City owns, operates and manages John Thurman Field, a Class A professional baseball stadium, and

WHEREAS, on October 24, 2006, by Resolution No. 2006-691, the City Council approved a ten-year License Agreement between the City of Modesto and the Modesto Nuts Professional Baseball Club for the lease of John Thurman Field, and

WHEREAS, the License Agreement required the stadium improvements to be completed by October 24, 2009, and

WHEREAS, on January 2, 2007, by Resolution No. 2007-025, the City Council approved a First Amendment to the License Agreement relating to the installation of a new scoreboard at John Thurman Field, and

WHEREAS, on October 28, 2008, by Resolution No. 2008-594, the City Council approved extending the deadline for the stadium improvements to October 24, 2010, and

WHEREAS, the City of Modesto and the Modesto Nuts Professional Baseball Club once again wish to extend the deadline for stadium improvements by one year, to October 24, 2011, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the License Agreement between the City
of Modesto and the Modesto Nuts Professional Baseball Club to extend the deadline for stadium improvements by one year, to October 24, 2011.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-391

RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FUND THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA), ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) ENERGY EFFICIENCY PROJECTS IN THE AMOUNT OF $1,972,900

WHEREAS, a budget adjustment in the amount of $1,972,900 is necessary to fully fund the American Recovery and Reinvestment Act (ARRA), Energy Efficiency and Conservation Block Grant (EECBG) energy efficiency projects along with contingency and construction administration, and

WHEREAS, the Fiscal Year 2010-2011 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 2010-2011 Capital Improvement Program budget, as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of September, 2010, by Councilmember Lopez,
who moved its adoption, with 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

(Seal)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney

ATTEST: ______________________

STEPHANIE LOPEZ, City Clerk
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jocelyn Reed
Telephone No.: 7-5492
Prepared By: Annette F. Byrne
Telephone No.: 7-5494
Department: PR & N

Fund Title: HVAC Improvements to City Facilities (EECBG)

<table>
<thead>
<tr>
<th>Fund-Agency-Organization-Object</th>
<th>Appr. Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENTAL REVENUES/INCLUDES TRANSFERS IN</td>
<td>0390-355-P025-3651</td>
<td>N/A</td>
<td>$279,500</td>
<td>$279,500</td>
<td>ARRA Advanced Grant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPROPRIATIONS/INCLUDES TRANSFERS OUT</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>0390-355-P025-6010</td>
<td>P025</td>
<td>$15,000</td>
</tr>
<tr>
<td>0390-355-P025-6040</td>
<td>P025</td>
<td>$238,000</td>
</tr>
<tr>
<td>0390-355-P025-6050</td>
<td>P025</td>
<td>$10,000</td>
</tr>
<tr>
<td>0390-355-P025-6060</td>
<td>P025</td>
<td>$16,500</td>
</tr>
</tbody>
</table>

The City of Modesto received authorization from the Department of Energy to proceed with its energy efficiency projects. The EECBG grant funds will cover energy efficiency capital expenses that would have a positive fiscal impact on various City operations by improving the energy efficiency of City facilities and reducing heating and cooling costs.

AUTHORIZATION SIGNATURE DATE

DEPARTMENT DIRECTOR or AUTHORIZED DESIGNEE (Attach Delegation Authorization) [Signature] [Date]
DEPUTY DIRECTOR (if needed)
ADMINISTRATIVE SERVICES OFFICER (if needed)
FINANCE DIRECTOR
CITY MANAGER

TRANSFER NUMBER
BY DATE

Budget Office Form (Oct 2001) gh
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jocelyn Reed
Telephone No.: 7-5492
Prepared By: Annette F. Byrne
Telephone No.: 7-5494
Department: PR & N

Fund Title: Install Foam Roofs on City Buildings (EECBG)

<table>
<thead>
<tr>
<th>Fund-Agency-Organization</th>
<th>Department</th>
<th>Appropriations</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>0390-355-P026-3651</td>
<td>N/A</td>
<td>$254,000</td>
<td>ARRA Advanced Grant</td>
</tr>
</tbody>
</table>

DEPARTMENTAL REVENUES/INCLUDES TRANSFERS IN

FROM

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>0390-355-P026-6010 P026</td>
<td>Design Administration</td>
</tr>
<tr>
<td>0390-355-P026-6040 P026</td>
<td>Construction Contract</td>
</tr>
<tr>
<td>0390-355-P026-6050 P026</td>
<td>Construction Administration</td>
</tr>
<tr>
<td>0390-355-P026-6060 P026</td>
<td>Construction Contingency</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION (USE ADDITIONAL PAGES AS NECESSARY)

The City of Modesto received authorization from the Department of Energy to proceed with its energy efficiency projects. The EECBG grant funds will cover energy efficiency capital expenses that would have a positive fiscal impact on various City operations by improving the energy efficiency of City facilities and reducing heating and cooling costs.

AUTHORIZED SIGNATURE DATE

DEPARTMENT DIRECTOR or
AUTHORIZED DESIGNEE
(Attach Delegation Authorization)

DEPUTY DIRECTOR (if needed)

ADMINISTRATIVE SERVICES OFFICER (if needed)

FINANCE DIRECTOR

CITY MANAGER

TRANSFER NUMBER 

Budget Office Form (Oct 2001) gã
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jocelyn Reed
Telephone No.: 7-5492
Prepared By: Annette F. Byrne
Telephone No.: 7-5494
Department: PR & N

Fund Title: LED Replacements on Street Lights P034 (EECbg)

<table>
<thead>
<tr>
<th>Fund-Agcy-Org-Object</th>
<th>Appt Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>0390-355-P034-3651</td>
<td>N/A</td>
<td>$463,000</td>
<td>$463,000</td>
<td>ARRA Advanced Grant</td>
</tr>
<tr>
<td>0390-355-P034-6010</td>
<td>P034</td>
<td>$15,000</td>
<td>$15,000</td>
<td></td>
</tr>
<tr>
<td>0390-355-P034-6040</td>
<td>P034</td>
<td>$405,000</td>
<td>$405,000</td>
<td></td>
</tr>
<tr>
<td>0390-355-P034-6050</td>
<td>P034</td>
<td>$20,000</td>
<td>$20,000</td>
<td></td>
</tr>
<tr>
<td>0390-355-P034-6060</td>
<td>P034</td>
<td>$23,000</td>
<td>$23,000</td>
<td></td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION (USE ADDITIONAL PAGES AS NECESSARY)

The City of Modesto received authorization from the Department of Energy to proceed with its energy efficiency projects. The EECBG grant funds will cover energy efficiency capital expenses that would have a positive fiscal impact on various City operations by improving the energy efficiency of City facilities and reducing heating and cooling costs.

AUTHORIZATION SIGNATURE DATE

DEPARTMENT DIRECTOR or AUTHORIZED DESIGNEE (Authority levels reflected on back)

DEPUTY DIRECTOR (if needed)

ADMINISTRATIVE SERVICES OFFICER (if needed)

FINANCE DIRECTOR

CITY MANAGER

TRANSFER NUMBER

Budget Office Form (Oct 2001) gh
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jocelyn Reed Council
Telephone No.: 7-5492
Prepared By: Annette F. Byrne
Telephone No.: 7-5494
Department: PR & N
Fund Title: Install Solar Panels on City Facilities P030 (EECBG)

<table>
<thead>
<tr>
<th>Fund-Agcy-Obj-Unit</th>
<th>Appr. Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0390-355-P030-3651</td>
<td>N/A</td>
<td>$950,400</td>
<td></td>
<td>$950,400</td>
<td>ARRA Advanced Grant</td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPROPRIATIONS/INCLUDES TRANSFERS OUT

FROM

TO
<table>
<thead>
<tr>
<th></th>
<th>P030</th>
<th>$35,810</th>
<th>$35,810</th>
<th>Design Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>0390-355-P030-6010</td>
<td>P030</td>
<td>$851,090</td>
<td>$851,090</td>
<td>Construction Contract</td>
</tr>
<tr>
<td>0390-355-P030-6040</td>
<td>P030</td>
<td>$30,000</td>
<td>$30,000</td>
<td>Construction Administration</td>
</tr>
<tr>
<td>0390-355-P030-6050</td>
<td>P030</td>
<td>$33,500</td>
<td>$33,500</td>
<td>Construction Contingency</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION (USE ADDITIONAL PAGES AS NECESSARY)

The City of Modesto received authorization from the Department of Energy to proceed with its energy efficiency projects. The EECBG grant funds will cover energy efficiency capital expenses that would have a positive fiscal impact on various City operations by improving the energy efficiency of City facilities and reducing heating and cooling costs.

<table>
<thead>
<tr>
<th>AUTHORIZATION</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUTHORIZ. DESIGNEE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Attach Delegation Authorization)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEPUTY DIRECTOR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADMINISTRATIVE SERVICES OFFICER</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(if needed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TRANSFER NUMBER _____ BY ______________ DATE ______________

Budget Office Form (Oct 2001)
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Jocelyn Reed Council Action Date: 
Telephone No.: 7-5492 Resolution Number: 
Prepared By: Annette F. Byrne 
Telephone No.: 7-5494 
Department: PR & N 
Fund Title: Energy Upgrades at Transportation Center P036 (EECBG) 

<table>
<thead>
<tr>
<th>Fund-Agent-Obj-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0390-355-P036-3651</td>
<td>N/A</td>
<td>$26,000</td>
<td></td>
<td>$26,000</td>
<td>ARRA Advanced Grant</td>
</tr>
</tbody>
</table>

| TO                     |           |                |                   |                |                       |

<table>
<thead>
<tr>
<th>APPROPRIATIONS/INCLUDES TRANSFERS OUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
</tr>
<tr>
<td>0390-355-P036-6040 P036</td>
</tr>
<tr>
<td>0390-355-P036-6060 P036</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION (USE ADDITIONAL PAGES AS NECESSARY)
The City of Modesto received authorization from the Department of Energy to proceed with its energy efficiency projects. The EECBG grant funds will cover energy efficiency capital expenses that would have a positive fiscal impact on various City operations by improving the energy efficiency of City facilities and reducing heating and cooling costs.

AUTHORIZATION SIGNATURE DATE

DEPARTMENT DIRECTOR or AUTHORIZED DESIGNEE

DEPUTY DIRECTOR (if needed) ADMINISTRATIVE SERVICES OFFICER (if needed) FINANCE DIRECTOR CITY MANAGER

TRANSFER NUMBER BY DATE

Budget Office Form (Oct 2001) gh
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-392

RESOLUTION APPROVING A POLICY TO ASSIST POTENTIAL NEIGHBORHOOD ASSOCIATIONS WITH UP TO $5,000 IN FINANCIAL ASSISTANCE PER ASSOCIATION FOR MISCELLANEOUS SUPPORT ON AN AS-REQUESTED BASIS

WHEREAS, as the Modesto community continues to evolve, more and more areas of the City have expressed an interest in forming more active and engaged Neighborhood Associations, and

WHEREAS, when requests for forming Neighborhood Associations come in, City staff, as well as citizens experienced in the “Neighborhood Association business”, provide assistance to these start-up associations, and

WHEREAS, typical assistance includes meeting with the groups, printing and mailing meeting notifications and/or surveys and sponsoring meeting locations at a City-owned park or building by waiving the rental fee resulting in an average costs $3,000 and $5,000 per association, and

WHEREAS, total funding will depend on the number of requests received from Neighborhood Associations within the city limits of Modesto, and

WHEREAS, staff estimates that the total funding request will not exceed $15,000 per year, and

WHEREAS, funding will be allocated from the Parks, Recreation and Neighborhood Department’s approved Fiscal Year 2010-11 General Fund budget, and

WHEREAS, on August 11, 2010, the Finance Committee recommended a policy be developed to assist potential Neighborhood Associates.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves a new policy authorizing up to $5,000 in financial assistance be
provided per Neighborhood Association on an as-needed basis.

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

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 7th day of September, 2010, by Councilmember Marsh, 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:  

       STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:            

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE OCTOBER 1, 2010, INCLUDING FUEL COST, AND RESCINDING RESOLUTION NO. 2010-303

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets a maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f(2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed quarterly as requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and
WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, a report dated October 1, 2010, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and that quarterly adjustments to the fuel component of the maximum rates should be made, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for Garbage Service attached hereto, marked Exhibit “1” and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adjustments to the Maximum Charges for Garbage Service as attached hereto, marked Exhibit “1” and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective October 1, 1010, and shall remain in effect until revised by Council.
BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2010-303 is hereby rescinded, effective October 1, 2010.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 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: [Signature]

SEAL

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Maximum Monthly Rates
(Once a Week Pickup Service)

Standard container service shall include the following:
- One, 96-gallon container for garbage
- One, 96-gallon container for green waste, food, paper, and other organics
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment
- Pruned Refuse Collection

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

1. Standard container service –
   a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be $23.73 per month regardless of size of container. A fuel component of $1.02 per month is included in the maximum rate for the quarter beginning April 1, 2010 and ending June 30, 2010. The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be $17.66 per month, and $9.50 per month for each additional green waste container.

2. 60-gallon container service (grandfathered customers) –
   a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be $19.92 per month. A fuel component of $1.02 per month is included in the maximum rate for the quarter beginning April 1, 2010 and ending June 30, 2010. The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional 60-gallon garbage container shall be $17.21 per month.

3. Fuel Component adjustments - The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.
## DETACHABLE CONTAINERS*
### Maximum Monthly Rates

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1 CY</td>
<td>$35.84</td>
</tr>
<tr>
<td>2 CY</td>
<td>$61.19</td>
</tr>
<tr>
<td>3 CY</td>
<td>$86.51</td>
</tr>
<tr>
<td>4 CY</td>
<td>$111.84</td>
</tr>
<tr>
<td>5 CY</td>
<td>$137.18</td>
</tr>
<tr>
<td>6 CY</td>
<td>$162.52</td>
</tr>
</tbody>
</table>

### FORK Participants Container Maximum Rates

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>2 CY</td>
<td>$45.89</td>
</tr>
<tr>
<td>3 CY</td>
<td>$64.88</td>
</tr>
<tr>
<td>4 CY</td>
<td>$83.88</td>
</tr>
<tr>
<td>5 CY</td>
<td>$102.89</td>
</tr>
<tr>
<td>6 CY</td>
<td>$121.89</td>
</tr>
<tr>
<td>90-gallon</td>
<td>$17.80</td>
</tr>
</tbody>
</table>

* A detachable container rental rate of $10.00 per month is included in the above schedules.

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.

2. **Fuel Component** - A fuel component of $0.88 per cubic yard per month ($0.20 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning April 1, 2010 and ending June 30, 2010. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy.

## DROP BOX CONTAINERS

1. **Pick up charge** - $220.21 per pick up
2. **Rental**
   - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $8.48 per ton will be added to the disposal charges.
COMPACTORS

Front Loader Type:

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>3 CY</td>
<td>$259.53</td>
</tr>
<tr>
<td>4 CY</td>
<td>$335.52</td>
</tr>
<tr>
<td>6 CY</td>
<td>$487.56</td>
</tr>
</tbody>
</table>

Roll-Off Type:
1. 6 CY to 40 CY $220.21 per pickup
2. Medical waste compactors $265.00 per pickup
3. Washing compactor $30.00
4. Disposal Charge: Actual charge to be paid by customer
5. AB 939 Green Waste Diversion Fee $8.48 per ton

EXTRA PICKUPS
1. Standard containers or equivalent $3.50 plus $1.38/container
2. Detachable containers $12.00 plus $2.75/cubic yard

SPECIAL SERVICE CONDITIONS
In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY

<table>
<thead>
<tr>
<th>REPLACEMENT AND CLEANING SERVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>$10.12</td>
</tr>
</tbody>
</table>

NOTATIONS
1. The above maximum rates include a $0.25 per month residential recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial recycling fee; and a $5.00 per pull ($0.25 per ton) industrial recycling fee, a $0.15 per month residential litter abatement fee, and a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $1.48 per month per household AB 939 Green Waste Diversion Fee.
3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of $2.64 per yard/month.
4. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-394

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH FINANCIAL CONSULTING SOLUTIONS GROUP, INC. (FCS GROUP) FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT OR FIRST AMENDMENT FOR UPDATING THE WATER RATE AND CAPACITY CHARGE STUDY, FOR AN AMOUNT NOT TO EXCEED $42,985, PLUS $4,299 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $47,284, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT

WHEREAS, on February 5, 2008, by Resolution No. 2008-087, the City Council approved an agreement with FCS Group to conduct the “Update to the Water Rate and Capacity Charge Study”, and

WHEREAS, on August 11, 2009, by Resolution No. 2009-396, the City Council approved an amendment with FCS Group for additional services related to the original agreement, and

WHEREAS, FCS Group has incurred additional costs beyond those anticipated in the original and first amendment scopes of work primarily due to the City’s need for ongoing services to address the significant changes in the recent economic climate, which resulted in delays to the project schedule, and

WHEREAS, generally, the extra work by the consultant includes: the preparation of additional project documentation; more meetings and increased management oversight; and additional cycles of submitted and reviewed CIP budget/rate scenarios to reflect the changed economic climate, and

WHEREAS, this second amendment is recommended to cover the following additional tasks that are not included in the original agreement or first amendment scopes of work: 1) Task 1: Update Budget Projections and Capital Costs; 2) Task 2:
WHEREAS, the total estimated cost to complete these additional tasks is $42,985, and

WHEREAS, City staff recommends approving a second amendment to agreement with FCS Group as the City does not have the staffing level or subject matter expertise to provide the services related to Updating the Water Rate and Capacity Charge Study, 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 a second amendment to agreement with Financial Consulting Solutions Group, Inc. (FCS Group) for additional services related to Updating the Water Rate and Capacity Charge Study in an amount not to exceed $42,985 for the identified additional scope of services not included in the original agreement or first amendment, plus $4,299 for additional services (if needed), for a maximum total amount of $47,284.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Second Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7\textsuperscript{th} day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-395

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
EFFLUENT PUMP STATION SOIL STABILIZATION PROJECT, ACCEPTING
THE BID, AND APPROVING A CONTRACT WITH HAYWARD BAKER INC.
OF CONCORD, CA IN THE AMOUNT OF $321,077 FOR THE EFFLUENT
PUMP STATION SOIL STABILIZATION PROJECT, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Effluent Pump
Station Soil Stabilization Project and City staff recommends approval by the City
Council, and

WHEREAS, the bids received for the Effluent Pump Station Soil Stabilization
Project were opened at 11:00 a.m. on August 17, 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 $321,077 received from Hayward Baker Inc. be accepted as the lowest
responsible bid and the contract be awarded to Hayward Baker Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications for the Effluent Pump Station Soil
Stabilization Project, accepts the bid of Hayward Baker Inc. of Concord, CA in the
amount of $321,077, and awards Hayward Baker Inc. the contract for the Effluent Pump
Station Soil Stabilization 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 7th day of September, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

09/07/2010/UP&P/WWong/Item 21 2 2010-395
RESOLUTION APPROVING THE SUBMISSION OF THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FISCAL YEAR 2009-2010 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATED TO THE SUBMISSION OF THE CAPER

WHEREAS, the City of Modesto receives several Federal grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) reflects the activities of the City and its sub-recipients for the period of July 1, 2009, through June 30, 2010, and

WHEREAS, each year the City must review and report on the performance of activities funded under the Community Development Block Grant (CDBG), HOME Investment Partnership Grant, and Emergency Shelter Grant (ESG) funds, and

WHEREAS, the CAPER must be made available for public review and comment for a minimum 30-day period, and

WHEREAS, the CAPER was made available for public review and comment in the Modesto Bee from August 8, 2010, through September 7, 2010, and

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

WHEREAS, the Citizens’ Housing and Community Development Committee met on July 28, 2010, and reviewed and recommended the CAPER, and
WHEREAS, a duly noticed public hearing was held by the Council on September 7, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, to consider approval of the CAPER,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2009-2010, a copy of said report is on file in the office of the City Clerk.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Hawn, who moved its adoption, with 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-397

RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION REQUESTING $1,783,408 IN CONGESTION MANAGEMENT AND AIR QUALITY FUNDS FOR PUBLIC TRANSIT PURPOSES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation-related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA for the Congestion Management and Air Quality (CMAQ) funds, and

WHEREAS, on February 17, 2010, the StanCOG Policy Board awarded the City of Modesto $715,696 in CMAQ funds for the purchase of a replacement commuter bus, and

WHEREAS, on February 17, 2010, the StanCOG Policy Board awarded the City of Modesto $667,712 in CMAQ funds for the purchase of two fixed route buses, and

WHEREAS, on February 17, 2010, the StanCOG Policy Board awarded the City of Modesto $400,000 in CMAQ funds for the operation of expanded services, and

WHEREAS, these CMAQ projects are included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application on behalf of the City of Modesto with the Federal Transit Administration for $1,783,408 in CMAQ funds for public transit purposes.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA on behalf of the City of Modesto.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Marsh, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SIGNATURE)

APPROVED AS TO FORM:

By:  

(SIGNATURE)

(SIGNATURE)

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENTS FOR THE SOLE SOURCE PROCUREMENT OF VARIOUS HARDWARE AND SOFTWARE MAINTENANCE/SUPPORT AGREEMENTS FROM HARDWARE AND SOFTWARE MANUFACTURERS FOR THE INFORMATION TECHNOLOGY DEPARTMENT THROUGHOUT FISCAL YEAR 2010-2011, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $1,053,892

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

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

WHEREAS, staff requests the Purchasing Manager be authorized to solicit bids through “sole-source” purchases and informal bid processes for Fiscal Year 2010-2011 for an estimated annual cost not to exceed $1,053,892,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue purchase agreements for the sole source procurement of various hardware and software maintenance/support agreements from hardware and software manufacturers for the Information Technology Department throughout Fiscal Year 2010-2011, for an estimated annual cost not to exceed $1,053,892.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 2010, by Councilmember Olsen, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-399

RESOLUTION APPOINTING GARY NELSON AS ALTERNATE MEMBER TO THE CITY OF MODESTO ENTERTAINMENT COMMISSION

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

WHEREAS, the Safety & Communities Committee met on August 25, 2010 and recommended appointment of Gary Nelson as Alternate Member to the Entertainment Commission.

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


SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the appointed Alternate Member of the Entertainment Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A FIVE-YEAR LEASE AGREEMENT WITH THE UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) FOR OFFICE SPACE AT THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the General Services Administration (GSA) currently leases office space at the Modesto City-County Airport to house the Transportation Security Administration (TSA), and

WHEREAS, the leased office space, located in the Terminal Building, is used by TSA to house its security staff at the airport. GSA is the contracting agency on behalf of the TSA regarding real estate matters, and

WHEREAS, the new proposed Lease Agreement, to become effective no later than March 1, 2011, provides for relocation from the current leased space to a new location in the airport terminal building, and

WHEREAS, this move will free up counter and office space needed for a potential second air service provider, and will provide TSA with an office conveniently located directly across from the passenger screening room, and

WHEREAS, GSA will arrange for modifications to the new office space, agreeable to both parties, at no cost to the airport in order to make it suitable for TSA’s use,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five-year Lease Agreement with the United States General Services Administration for office space at the Modesto City-County Airport.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

SEAL

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING STAFF TO REQUEST THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) TO ADOPT A RATIO OF FARE REVENUE TO OPERATING COST OF 15% FOR THE MODESTO AREA EXPRESS (MAX) AND MODESTO AREA DIAL-A-RIDE (DAR) TRANSIT SERVICES AS A COMBINED SYSTEM

WHEREAS, a significant portion of the City’s funding for the Transit Service Program is made available under the Transportation Development Act (TDA), and

WHEREAS, the TDA requires that each transit system maintain a minimum ratio of fare revenues to operating costs, and

WHEREAS, StanCOG is authorized by the TDA to adopt minimum ratios for the transit systems operating within the Modesto Urbanized Area (UZA), and

WHEREAS, a 20% ratio is currently in effect for the transit systems operating within the Modesto UZA, and

WHEREAS, projections indicate that the transit systems operated by the City of Modesto within the Modesto UZA will not meet the 20% minimum ratio currently in effect, and

WHEREAS, the TDA allows StanCOG to adopt a ratio of 15% for transit systems operating within the Modesto UZA, and

WHEREAS, reducing the required minimum ratio to 15% would preclude the need to increase passenger fares or reduce service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to request the Stanislaus Council of Governments to adopt a ratio of fare revenue to operating cost of 15% for the Modesto Area Express and Modesto
Area Dial-a-Ride services as a combined system as provided for in the Transportation Development Act.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

Noes: Councilmembers:

Absent: Councilmembers:

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-402

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT FOR THE REMOVAL AND REPAIR OF THE SIEMENS SCREW PUMP #3 FOR THE SUTTER WASTEWATER TREATMENT PLANT, FROM SIEMENS WATER TECHNOLOGIES, THOMASVILLE, GA FOR A TOTAL COST NOT TO EXCEED $259,550

WHEREAS, the Sutter Wastewater Treatment Plant (Sutter TP) utilizes four (4) InternalLift screw pumps to lift untreated sewage from the main trunk lines to the headwork’s process, and

WHEREAS, InternalLift pumps are very unique, proprietary designs that utilize an 8-foot diameter, 40-foot long tube with fixed, twisted flights inside to elevate the water as the tube rotates, and

WHEREAS, while doing routine maintenance on Screw Pump #3, staff noticed that the bearings needed to be repaired, and

WHEREAS, it is necessary for the screw pump to be removed and sent to the factory for repair in order to have the exact tolerances required for use at the Sutter TP, and

WHEREAS, staff has contacted local companies but none of them have the capability or capacity to perform the required repairs within factory tolerances, and

WHEREAS, if the tolerances are not maintained, premature damage will occur resulting in equipment failure, and

WHEREAS, in addition to the repair cost, a crane will be needed at the Sutter TP to remove the pump at a cost of $25,000, making the total cost for the removal and repair of the Siemens Screw Pump $259,550, 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, one exception to the formal bid process, MMC Section 8-3.204(b), states, “Where the Purchasing Agency’s requirements can be met solely by a single article or process.” The sole source procurement of the removal and repair of the Siemens Screw Pump for the Public Works Department, Water Quality Control Services Division, conforms to the MMC,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source procurement of the removal and repair of a Siemens Screw Pump #3 for the Sutter Treatment Plant from Siemens Water Technologies, Thomasville, GA.

BE IT FURTHER RESOLVED that the Council authorizes the Purchasing Manager to prepare a purchase order for a total cost not to exceed $259,550.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of September, 2010, by Councilmember Hawn,
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, Olsen,
       Mayor Ridenour

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
    SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-403

RESOLUTION AMENDING FISCAL YEAR 2010-11 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET AND AUTHORIZING THE TRANSFER OF $259,550 FROM CIP ACCOUNT 6210-480-B576-6052 – RENEWAL/ REPLACEMENT SUTTER TP TO NEW CIP ACCOUNT 6210-480-B193-6070 – SIEMENS SCREW PUMP #3

WHEREAS, the Sutter Treatment Plant utilizes four (4) InternalLift screw pumps in a single wet pit to elevate untreated sewage from the main trunk lines to the headworks process, and

WHEREAS, InternalLift pumps are a very unique, proprietary design that utilize a 8 foot diameter, 40 foot long tube with fixed, twisted flights inside to elevate the water as the tube rotates, and

WHEREAS, while doing routine maintenance on Screw Pump #3, staff noticed that the bearings needed to be repaired before failure occurs; and

WHEREAS, it is necessary for the screw pump to be removed and sent to the factory for repair, and

WHEREAS, total costs for the removal and repair of the Siemens Screw Pump will be $259,550,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Fiscal Year 2010-11 Capital Improvement Program (CIP) Budget and authorizes the transfer of $259,550 from CIP Account 6210-480-B576-6052 – Renewal/ Replacement Sutter to new CIP Account 6210-480-B193-6070 – Siemens Screw Pump #3.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers:

ABSENT: Councilmembers: ____________________________

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-404

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC. FOR CONSULTANT SERVICES FOR THE 2010 URBAN WATER MANAGEMENT PLAN IN AN AMOUNT NOT TO EXCEED $151,500 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $7,575 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $159,075, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Urban Water Management Planning Act of the California Water Code requires water suppliers in California, providing water for municipal purposes either directly or indirectly to more that 3,000 customers or supplying more that 3,000 acre-feet of water annually, to prepare and adopt an Urban Water Management Plan (UWMP) every five years, which defines their current and future water use, sources of supply and its reliability, and existing conservation measures, and

WHEREAS, this plan is to be filed with the Department of Water Resources (DWR) by July 1, 2011, and

WHEREAS, the City had previously filed UWMPs for 1985, 1990, 1995, 2000 and 2005, and

WHEREAS, this UWMP update will address the new legislative requirements of the Urban Water Management Planning Act, and

WHEREAS, the City of Modesto (City) and the Modesto Irrigation District (MID) are jointly coordinating preparation of the UWMP, and

WHEREAS, the DWR requires each agency to prepare an UWMP due to differing water management objectives, and

WHEREAS, in previous UWMP updates, the DWR has allowed the City and MID to prepare a joint document whereby the City will prepare its UWMP from the
water supplier’s perspective while MID will prepare their UWMP from the water wholesaler’s perspective with both documents integrated under one cover and submittal to DWR, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, in June 2010, City staff issued Request for Proposals (RFPs) to the six (6) prequalified consulting firms including a local firm from an approved short list specific to the project, and

WHEREAS, three (3) firms responded with submitted proposals by the July 9, 2010 deadline, and

WHEREAS, on July 30, 2010, the three firms were interviewed by a Selection Committee comprised of Utility Planning & Projects Department and MID staff, and

WHEREAS, as a result of the interviews and proposal evaluations, the selection committee determined West Yost Associates, Inc. to be the most qualified to prepare the 2010 Joint UWMP for the City and MID,

WHEREAS, the City and MID will each contribute toward the cost of this project, and

WHEREAS, because MID’s component of the 2010 UWMP requires much less effort compared to the City’s required sections, MID’s contributing cost has been set at 15% ($21,504.74), and

WHEREAS, for the purposes of efficiency and to initiate the project as soon as possible in order to meet the DWR deadline, the City will front the entire cost of the
project and enter into a Letter of Agreement with the MID to reimburse the City for their share of the cost, and

WHEREAS, using outside professional services will enable this project to be completed in a timely manner, and

WHEREAS, City staff recommends an agreement with West Yost Associates, Inc. as the City does not have the staffing level or subject matter expertise to complete the 2010 Urban Water Management Plan, 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 for Consultant Services for the 2010 Urban Water Management Plan with West Yost Associates, Inc. for an amount not to exceed $151,500 for the identified scope of services, plus $7,575 for additional services (if needed), for a maximum total amount of $159,075.

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 14th day of September, 2010, by Councilmember Hawn,
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, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A LICENSE AGREEMENT FOR A TERM OF
ONE YEAR BETWEEN THE CITY OF MODESTO AND THE BURBANK
PARADISE FIRE DISTRICT FOR THE TEMPORARY USE OF FIVE (5)
PARKING SPACES ON CITY-OWNED PROPERTY ADJACENT TO 1313
BEVERLY DRIVE; AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Burbank Paradise Fire District located at 1313 Beverly Drive
operates a Fire Protection District serving a 4.5 square mile area in an unincorporated
portion of Stanislaus County, and

WHEREAS, the Burbank Paradise Fire District has requested the temporary use
of five (5) City-owned parking spaces adjacent to its Fire Station during remodeling and
reconstruction of its fire station building to accommodate the use of newer and larger fire
equipment, and

WHEREAS, the temporary parking spaces are required by the County of
Stanislaus for a building permit for remodeling and reconstruction of the fire station, and

WHEREAS, the City of Modesto has five (5) parking spaces available adjacent to
the fire station for temporary use during the reconstruction and is willing to grant such
use, and

WHEREAS, a License Agreement between the City and the Fire District is
needed for the use of the parking spaces, and

WHEREAS, the Burbank Paradise Fire District Board of Directors passed a
resolution authorizing the District to enter into a License Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves a License Agreement for a term of one year between the City of
Modesto and the Burbank Paradise Fire District for the temporary use of five (5) parking spaces on City-owned property adjacent to 1313 Beverly Drive.

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 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE DEPARTMENT OF WATER RESOURCES UNDER THE LOCAL GROUNDWATER ASSISTANCE (LGA) GRANT PROGRAM IN THE AMOUNT OF $250,000 FOR THE WELL FIELD OPTIMIZATION PROJECT PHASE II; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATED TO THE GRANT, GRANT APPLICATION AND GRANT AGREEMENT

WHEREAS, the cities of Modesto, Riverbank, Oakdale; the Modesto Irrigation District (MID); the Oakdale Irrigation District (OID); and Stanislaus County formed the Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto groundwater sub-basin, and

WHEREAS, the STRGBA developed an Integrated Regional Groundwater Management Plan (IRGMP), which was approved by the City Council by Resolution 2005-340 on June 29, 2005, and

WHEREAS, in order to manage groundwater in the Modesto sub-basin, one of the projects outlined in the IRGMP is the Well Field Optimization Project, and

WHEREAS, the City of Modesto has been selected as the local public agency within the STRGBA to submit an application and enter into an agreement with the Department of Water Resources (DWR), and

WHEREAS, the DWR requires that the applicant provide a resolution adopted by the City Council that designates and authorizes a representative to file the application and enter into an agreement with the DWR,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of a grant application to the Department of Water Resources under the Local Groundwater Assistance (LGA) Grant Program, in the amount of $250,000, for the Well Field Optimization Project Phase II.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney

09/14/2010/UP&P/JBond/Item 8 2 2010-406
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-407

A RESOLUTION ACCEPTING THE WORK BY MOUNTAIN CASCADE, INC. FOR THE “YOSEMITE BOULEVARD (S.R. 132) WATER LINE INSTALLATION LAS FLORES AVENUE TO PHOENIX AVENUE” 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 $1,383,670.72

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue project has been completed by Mountain Cascade, Inc. in accordance with the contract agreement dated January 12, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Yosemite Boulevard (S.R. 132) Water Line Installation Las Flores Avenue to Phoenix Avenue project is hereby accepted as complete from said contractor Mountain Cascade, 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 $1,383,670.72 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 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-408

A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF MODESTO 2010 WATER SYSTEM ENGINEER’S REPORT (SCH # 2008092095, EA/PW #2008-18) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ALONG WITH MAKING CERTAIN FINDINGS REGARDING SIGNIFICANT IMPACTS, FINDINGS SUPPORTING REJECTION OF ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN CONNECTION WITH APPROVAL OF THE PROJECT CONTEMPLATED BY THE FINAL ENVIRONMENTAL IMPACT REPORT

WHEREAS, the City’s Utility Planning and Projects Department (“City”) on September 22, 2008, published a Notice of Preparation (EA/PW 2008-18) for the Water System Engineer’s Report (Project/Program), which identified potentially significant environmental impacts attributable to the some of the improvement projects identified in the Engineer’s Report, on which the City determined that an Environmental Impact Report (“EIR”) was required for the Program, and

WHEREAS, on September 24, 2008, the City held a public scoping meeting to receive public comments on the scope and content of the Program EIR, and

WHEREAS, the City published and distributed a Draft Program EIR for the 2010 Water System Engineer’s Report (SCH#2008092095) for public comment on December 7, 2009, in accordance with Section 15168 of the California Environmental Quality Act (“CEQA Guidelines”), and

WHEREAS, the Draft Program EIR was available for public comment for a period of 45 days as required by Section 21091 of CEQA, the close of the public comment period being January 21, 2010, in accordance with Section 21091 of the CEQA Guidelines, and
WHEREAS, during the 45-day public comment period the City received two letters commenting on the Draft Program EIR, and

WHEREAS, the City prepared written responses to all written comments received on the Draft Program EIR, said responses being contained in a Final Program EIR for the 2010 Water System Engineer’s Report (SCH#2008092095) (“Final Program EIR”) prepared pursuant to Section 15089 of the CEQA Guidelines, and

WHEREAS, the Final Program EIR was published and distributed on February 10, 2010, and consists of the Draft Program EIR, a list of commenter’s, copies of written comments received, and responses to those comments that raise environmental issues (no revisions to the text of the Draft Program EIR being necessary), as required by Section 15132 of the CEQA Guidelines, and

WHEREAS, CEQA requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant environmental effects the lead agency make certain findings regarding those effects, and

WHEREAS, the City Council has received and considered the Final Program EIR) that analyzed the potential environmental effects of the proposed Program,

NOW, THEREFORE BE IT RESOLVED by the City Council that it hereby has reviewed and analyzed the Final Program EIR and other information in the record, and has taken such other actions as are necessary and appropriate to make the following findings in respect to the Final Program EIR, and makes said findings:

1. That the Final Program EIR has been completed in compliance with CEQA; that the City Council has reviewed and analyzed the Final Program EIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the Final Program EIR and the Program, prior to acting upon or approving the
Program; and that the Final Program EIR represents the independent judgment of the City of Modesto; and

2. That the Findings and recommendations set forth in Exhibit A, and incorporated herein by reference, are made by the City Council as the City’s findings under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14 § 15000 et seq.) relating to the Program. The Findings provide the written analysis and conclusions of the City Council regarding the Program’s environmental impacts and mitigation measures to the Program; and

3. That pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the City Council of Modesto adopts and makes the following statement of overriding considerations regarding the remaining unavoidable impacts of the Program and the anticipated economic, social and other benefits of the Program.

   a. Significant Unavoidable Impacts

      With respect to the foregoing findings, as set forth in Exhibit A, and in recognition of those facts which are included in the record, the City has determined the following:

      i. that the Program will cause significant, unavoidable impacts to Aesthetics, Agricultural Resources, Noise, Air Quality, and Growth Inducement, as described in Exhibit B.

      ii. that the Program will contribute to significant and unavoidable cumulative impacts to Air Quality, Climate Change, and Agricultural Resources, as described in Exhibit B.

      These impacts cannot be avoided or substantially reduced by feasible changes or alterations to the Program, other than the changes or alterations already adopted.

   b. Overriding Considerations

      The City Council specifically adopts and makes this Statement of Overriding Considerations that this Program includes all feasible measures that would eliminate or substantially lessen the significant impacts of the Program on the environment, and that the remaining significant, unavoidable impacts of the Program are acceptable in light of the environmental, economic, social, and other considerations set forth herein because the benefits of the Program outweigh the significant and adverse impacts of the Program. The City Council finds that each of the overriding considerations set forth below, and each of the overriding considerations set forth in Exhibit B, constitutes a separate and independent ground for finding that the benefits of the Program
outweigh its significant adverse environmental impacts and sets forth an overriding consideration warranting approval of the Program. These matters are supported by evidence in the record.

c. Benefits of the Proposed Program

The City Council has considered the Final Program EIR, the public record of proceedings on the proposed Program and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Program, and does hereby determine that implementation of the Program as specifically provided in the Program documents would result in the substantial public benefits set forth below and in Exhibit B.

i. Updated Water Service Forecasts. The Engineer’s Report assesses the existing service system with the future water demand based on the projected growth within the contiguous and outlying service areas as projected by updated planning documents. This reflects more accurate information regarding the future conditions of the service area and provides the City better information by which to plan to meet the future demand.

ii. Existing Deficiency Identification. The Engineer’s Report identifies deficiencies in the existing storage and capacity of the current water system. It also recommends and justifies the various capital improvements needed to provide and maintain reliable water service to existing and future customers. Implementation of these improvements will ensure that existing and future customers have sufficient water to meet their needs.

iii. Capital Improvement Program. The Engineer’s Report includes information needed to implement a Capital Improvement Program (CIP) for system-wide implementation of projects and programs needed to deliver safe and reliable water service to meet demand requirements under both existing and future developed conditions, as mandated by the Urban Management Planning Act (Division 6 Part 2.6 of the Water Code §§10610.2a–b).

iv. Assurance of Funding. By collecting revenues in accordance with State law and the CIP, the program ensures sufficient funding of the construction and maintenance of public infrastructure and services needed to accommodate future demands and also assures the stabilization of City finances in relation to water service.

v. Rate and Capacity Charge Study. One of the end results of the Engineer’s Report is that it will be used as a basis for conducting an updated Rate and Capacity Charge Study that will ensure an equitable rate and capacity charge structure for all customers and accurately reflect the cost to provide
the necessary operational services, capital improvements, reserves to meet bonding requirements, debt service coverage, system maintenance, and other financial obligations of the water system.

The City Council has weighed the benefits of the proposed Program against its unavoidable environmental risks and adverse environmental effects identified in the Final Program EIR and hereby determines that those benefits outweigh the risks and adverse environmental effects and, therefore, further determines that these risks and adverse environmental effects are acceptable.

4. That the City Council finds that the Final Program EIR describes a range of reasonable alternatives to the program. However, none of the alternatives to the program that were determined to be potentially feasible in the Program EIR will avoid or substantially lessen the significant and unavoidable impacts of the program to a level of insignificance. Further, specific economic, legal, social, technological, or other considerations, make infeasible the alternatives identified in the Program EIR which would reduce these impacts to a level of insignificance. The City Council finds and determines that these significant and unavoidable adverse impacts are acceptable and that the Program may be approved despite these impacts for the reasons specified in the Statement of Overriding Considerations. The City Council further finds that there are no additional feasible alternatives that the City Council could adopt at this time that would reduce the impacts summarized in Exhibit B to a less than significant level.

5. The City Council does hereby designate the Director of Utility Planning and Projects Department of the City of Modesto, at his office at 1010 Tenth Street, Modesto, California 95354, as the custodian of documents and the record of proceedings on which the decision is based; and

6. The City Council does hereby make the foregoing findings with respect to the significant effects on the environment of such Program, as identified in the Final Program EIR, with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting the Final Program EIR, which full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commenter’s to the Draft Program EIR and were not adopted as part of the Final Program EIR are hereby expressly rejected for the reasons stated in the responses to comments set forth in the Final Program EIR and elsewhere in the record.

7. In compliance with the California Environmental Quality Act (CEQA Guidelines Section 15097), if the City Council has made findings required under paragraph (1) of subdivision (a) of Section 15091, where mitigation measures are required to avoid, substantially lessen, or reduce to a less-than-significant level the environmental effects of certain elements of the Project, as identified in the EIR, the lead agency must adopt a Mitigation Monitoring and Reporting Program to
ensure that the Project mitigation measures identified in the EIR are implemented and the party responsible for their implementation is identified.

BE IT FURTHER RESOLVED, by the City Council that it hereby certifies the Final Program Environmental Impact Report for the 2010 Water System Engineer’s Report (SCH#2008092095), attached as **Exhibit C1 & C2**, and adopts the associated Mitigation Monitoring and Reporting Program, attached as **Exhibit D**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

[Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By: [Signature]

SUSANA ALCALÁ WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-409

A RESOLUTION APPROVING AND ADOPTING THE 2010 WATER SYSTEM ENGINEER’S REPORT AS COMPLETE

WHEREAS, on October 23, 2007, by Resolution No. 2007-614, the City Council approved a professional services agreement with West Yost & Associates (WYA) to develop an updated Engineer’s Report for a Water Rate and Connection Fee (Capacity Charge) Study, and

WHEREAS, the 2010 Water System Engineer’s Report (Engineer’s Report) is now complete, and

WHEREAS, the Engineer’s Report identifies the proposed water system improvements needed to serve existing and future customers through buildout within the City’s Sphere of Influence, and

WHEREAS, deficiencies exist in the City’s current water supply, storage, and pipeline system infrastructure, and

WHEREAS, adoption of the Engineer’s Report and certification of the accompanying Environmental Impact Report (EIR) is needed now for key water system Capital Improvement Projects to proceed, and

WHEREAS, the main elements of the Engineer’s Report include: Updating current and buildout water demands; Identifying and justifying the various capital improvements needed to provide and maintain reliable water service; Developing cost estimates and prioritizing the proposed improvements; Determining the cost allocations of the needed improvements between the existing rate payers and future users, and
WHEREAS, the proposed improvements were developed under the following two parallel analyses: Option ‘A’ - full participation by the City in the proposed Regional Surface Water Supply Project (RSWSP), along with the Cities of Ceres, Hughson, and Turlock (using Turlock Irrigation District-supplied surface water), and Option ‘B’ - without participation by the City in the proposed RSWSP, but pump and treat more groundwater by installing new wells and wellhead treatment on currently out-of-service wells, and

WHEREAS, stakeholder workshops were held in December 2009, and February 2010, for comments to the Engineer’s Report, and

WHEREAS, the Engineer’s Report is the critical supporting document needed to conduct an updated Rate and Capacity Charge Study, and

WHEREAS, adoption does not obligate the City to update rates or capacity charges at this time, and

WHEREAS, this item was reviewed as a consent item for the Finance Committee meeting on August 11, 2010, and a favorable recommendation was made to forward the Engineer’s Report to the Council for approval and adoption,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and adopts the updated Water System Engineer’s Report dated May 2010, as complete.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Councilmember Hawn, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-410

A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 2010-272, AND UPDATING THE 2010 CAPITAL FACILITIES FEES PROGRAM, TO REDUCE CAPITAL FACILITIES FEES CHARGED ON COMMERCIAL DEVELOPMENT WITHIN THE CITY OF MODESTO REDEVELOPMENT AREA BY FIFTY PERCENT (50%), FOR A PERIOD OF EIGHTEEN MONTHS, OR UNTIL THE LONG-TERM CFF STRUCTURING PLAN IS ADOPTED BY THE CITY COUNCIL.

WHEREAS, California Government Code Section 66000 et seq., and Modesto Municipal Code Sections 8-1.904 et seq. authorize the City Council, by resolution, to establish a Capital Facilities Fees Program (CFF) for the construction and acquisition of certain public facilities, and

WHEREAS, on June 24, 2003, the City Council, by Resolution No. 2003-309, amended Resolution No. 88-649, as amended, and adopted the 2003 CFF Update Report and on file with the City Clerk for City facilities associated with capital items related to police, fire, parks, transit, streets, air quality, and governmental facilities and, administration of the CFF, and

WHEREAS, on January 24, 2006, the City Council, by Resolution No. 2006-055, amended and restated Resolution No. 2003-309 which increased land values for property acquisition, increased funding available to acquire right of way for expressways, and established the 2006 CFF Program, and

WHEREAS, on June 22, 2010, the City Council, by Resolution No. 2010-272, amended and restated Resolution No. 2006-055 which decreased land values for property acquisition and established the 2010 CFF Program, and

WHEREAS, the fees collected pursuant to this resolution will be used to finance the public capital facilities identified in the 2003 CFF Update Report and some additional...
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-411
RESOLUTION AUTHORIZING SUBMISSION OF THE CITY’S TRANSPORTATION DEVELOPMENT ACT TRANSIT CLAIM #2 FOR FISCAL YEAR 2010-2011, IN THE AMOUNT OF $7,864,015, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the greatest portion of the City’s funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, StanCOG has informed the Finance Department that additional TDA funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Articles 4 and 8 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA Transit Claim #2 for Fiscal Year 2010-2011 pursuant to Articles 4 and 8 of Chapter 4 of the California PUC, and

WHEREAS, the City’s TDA Transit Claim #2 for Fiscal Year 2010-2011 is $7,864,015, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2010-2011 is $14,817,463, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99261 of the California PUC before any TDA funding can be released to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves TDA Transit Claim #2 for Fiscal Year 2010-2011 in the amount of $7,864,015.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 2010, by Council member Lopez, who moved its adoption, which motion being duly seconded by Council member Olsen, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-412

A RESOLUTION APPROVING THE REAPPOINTMENT OF GEORGE SHARP TO THE DISABLED ACCESS APPEALS BOARD

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 City Council approved, by Resolution Number 2007-391, the appointment of George Sharp to the Disabled Access Appeals Board for the term ending January 1, 2010, and

WHEREAS, George Sharp has expressed interest in continuing to serve as a member of the Disabled Access Appeals Board,

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

SECTION 1: George Sharp is hereby reappointed to the Disabled Access Appeals Board with a term expiration of January 1, 2014.

SECTION 2: The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Disabled Access Appeals Board, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of September, 2010, by Councilmember Marsh,
who moved its adoption, which motion being duly seconded by Councilmember Olsen,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: ____________________________

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-413

A RESOLUTION APPROVING AN AGREEMENT RELATED TO THE
RELOCATION OF ELECTRIC UTILITY POLES IN THE AMOUNT OF
$186,260.00, BETWEEN THE CITY OF MODESTO AND MODESTO
IRRIGATION DISTRICT FOR THE RELOCATION OF MODESTO
IRRIGATION DISTRICT FACILITIES AT THE NORTHWEST CORNER OF
OAKDALE ROAD AND SYLVAN AVENUE, AND THE SOUTHEAST CORNER
OF DALE ROAD AND SNYDER AVENUE AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT FOR THE
CONGESTION MITIGATION AIR QUALITY (CMAQ) MANAGEMENT CML
5059 (149) - RIGHT TURN LANES (4) INTERSECTIONS PROJECT

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) Management CML
5059 (149) – Right Turn Lanes (4) Intersections Project involves the expansion of
Oakdale Road and Sylvan Avenue intersection to include a southbound right turn lane
and the expansion of Dale Road and Snyder Avenue intersection to include a northbound
right turn lane and,

WHEREAS, the City of Modesto desires Modesto Irrigation District to relocate
its facilities prior to the construction of the street improvements and,

WHEREAS, 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, on March 25th, 2010, Caltrans approved a Categorical
Exemption/Categorical Exclusion Document 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 clearance is
needed and,
WHEREAS, the City of Modesto requires an Agreement Related to the Relocation of Electric Utility Poles for the relocation of Modesto Irrigation District facilities and,

WHEREAS, the Right Turn Lanes (4) Intersections Project is eligible for CMAQ funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Related to the Relocation of Electric Utility Poles between the City of Modesto and Modesto Irrigation District.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: 

SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION NO. 2010-414

A RESOLUTION APPROVING AN AGREEMENT RELATED TO THE RELOCATION OF ELECTRIC UTILITY POLES IN THE AMOUNT OF $40,782.76 BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE RELOCATION OF MODESTO IRRIGATION DISTRICT FACILITIES AT THE SOUTHWEST CORNER OF MCHENRY AVENUE AND BRIGGSMORE AVENUE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) MANAGEMENT CML 5059 (167) - RIGHT TURN LANE EASTBOUND (EB) BRIGGSMORE AVENUE TO SOUTHBOUND (SB) MCHENRY AVENUE PROJECT

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (167) – Construct Right Turn Lane Eastbound (EB) Briggsmore Avenue to Southbound (SB) McHenry Avenue Project involves the expansion of Briggsmore Avenue and McHenry Avenue to include a eastbound right turn lane at the southwest corner of Briggsmore Avenue and McHenry Avenue and,

WHEREAS, the City of Modesto desires Modesto Irrigation District to relocate its facilities prior to the construction of the street improvements and,

WHEREAS, 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, on March 25th, 2010, Caltrans approved Categorical Exemption/Categorical Exclusion Document 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 clearance is needed and,
WHEREAS, the City of Modesto requires an Agreement Related to Relocation of Electric Utility Poles for the relocation of Modesto Irrigation District facilities and,

WHEREAS, the Right Turn Lane Eastbound (EB) Briggsmore Avenue to Southbound (SB) McHenry Avenue Project is eligible for CMAQ funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Related to the Relocation of Electric Utility Poles between the City of Modesto and Modesto Irrigation District.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: 

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-415

A RESOLUTION APPROVING AN AGREEMENT RELATED TO THE
RELOCATION OF ELECTRIC UTILITY POLES IN THE AMOUNT OF
$44,788.34 BETWEEN THE CITY OF MODESTO AND MODESTO
IRRIGATION DISTRICT FOR THE RELOCATION OF MODESTO
IRRIGATION DISTRICT FACILITIES AT THE SOUTHEAST CORNER OF
MCHENRY AVENUE AND BRIGGSMORE AVENUE AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT
FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ)
MANAGEMENT CML 5059 (168) - RIGHT TURN LANE NORTHBOUND (NB)
MCHENRY AVENUE TO EASTBOUND (EB) BRIGGSMORE AVENUE
PROJECT

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) Management CML
5059 (168) - Construct Right Turn Lane Northbound (NB) McHenry Avenue to
Eastbound (EB) Briggsmore Avenue Project involves the expansion of Briggsmore
Avenue and McHenry Avenue to include a northbound right turn lane at the southeast
corner of Briggsmore Avenue and McHenry Avenue and,

WHEREAS, the City of Modesto desires Modesto Irrigation District to relocate
its facilities prior to the construction of the street improvements and,

WHEREAS, 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, on March 25th 2010, Caltrans approved Categorical
Exemption/Categorical Exclusion Document 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 clearance is
needed and,
WHEREAS, the City of Modesto requires an Agreement Related to the Relocation of Electric Utility Poles for the relocation of Modesto Irrigation District facilities and,

WHEREAS, the Right Turn Lane Northbound (NB) McHenry Avenue to Eastbound (EB) Briggsmore Avenue Project is eligible for CMAQ funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Related to the Relocation of Electric Utility Poles between the City of Modesto and Modesto Irrigation District.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PRINTING OF THE MODESTO AREA EXPRESS RIDE GUIDE FOR THE PUBLIC WORKS DEPARTMENT, TRANSIT DIVISION, TO CONSOLIDATED PRINTERS, INC., BERKELEY, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $31,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the printing of the Modesto Area Express (MAX) Ride Guide, and

WHEREAS, the Purchasing Division issued RFB No. 1011-01 Printing of Modesto Area Express Ride Guide to twenty-one (21) prospective bidders, posted the bid on the City’s website and formally advertised as required by law. Sixteen (16) of the twenty-one (21) prospective bidders were local vendors, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Six (6) companies chose to respond, one of which was a local vendor. Five (5) of the six (6) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the printing of the MAX Ride Guide to Consolidated Printers, Inc., Berkeley, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the printing of the MAX Ride Guide to Consolidated Printers, Inc., Berkeley, CA, conforms to the Modesto Municipal Code, and
WHEREAS, funds shall be budgeted for the printing of the MAX Ride Guide in Appropriation Unit: 6540-165-1672-0205,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the printing of the MAX Ride Guide for the Public Works Department, Transit Division, to Consolidated Printers, Inc., Berkeley, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $31,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers:  None

ABSENT: Councilmembers:  Hawn

ATTEST:  STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF STORM BASIN WEED ABATEMENT AND TRASH REMOVAL SERVICES FOR THE PUBLIC WORKS DEPARTMENT, WATER QUALITY CONTROL DIVISION, TO HORIZON LANDSCAPING, MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $72,650

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB’s) for the furnishing of weed abatement and trash removal services, and

WHEREAS, the Purchasing Division issued RFB No. 0910-24 Weed Abatement and Trash Removal Services to seventeen (17) prospective bidders, posted the bid on the City’s website and formally advertised as required by law. Ten (10) of the seventeen (17) prospective bidders were local vendors, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Six (6) companies chose to respond, two (2) of which were local vendors. Five (5) of the six (6) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of weed abatement and trash removal services for the Public Works Department, Water Quality Control Division, to Horizon Landscaping, Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $72,650, and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the furnishing of weed abatement and trash removal services for the Public Works Department, Water Quality Control Division, to Horizon Landscaping, Modesto, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds shall be budgeted for the furnishing of weed abatement and trash removal services in Appropriation Unit: 6280-480-5312-0223.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of storm basin weed abatement and trash removal services for the Public Works Department, Water Quality Control Division, to Horizon Landscaping, Merced, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $72,650.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of September, 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, Lopez, Marsh, Muratore, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ARCALA WOOD, City Attorney
RESOLUTION APPROVING A FIRST AMENDMENT TO THE SITE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND NEW CINGULAR WIRELESS PCS TO PROVIDE FOR TWO (2) FIVE-YEAR EXTENSIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on August 27, 2002, the City entered into a Site Lease Agreement with AT&T Wireless Services of California, LLC (AT&T), currently known as New Cingular Wireless PCS, whereby AT&T leased a portion of the existing water tower located near 10th and D Streets in Modesto for use as a cell tower, and

WHEREAS, the Site Lease Agreement had an initial term that expired on August 31, 2007, and was renewed in August 2007 for an additional term ending on August 31, 2012, and

WHEREAS, the existing Site Lease Agreement does not provide for any further extensions, and

WHEREAS, New Cingular Wireless PCS is currently the tenant under the Site Lease Agreement, and

WHEREAS, New Cingular Wireless PCS desires to amend the Site Lease Agreement to extend the term of the Agreement for two (2) five-year terms, and

WHEREAS, the extensions include increases to the lease revenue of 12.5% per extension, and

WHEREAS, the two (2) five-year term extensions shall be the only change to the Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment of Site Lease Agreement between the City of Modesto and New Cingular Wireless PCS to extend the contract for two (2) five-year terms with an increase of 12.5% per extension, starting from the initial expiration date of August 31, 2007.
Modesto and New Cingular Wireless PCS, to provide for two (2) five-year extensions, at the option of the Tenant.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 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 vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-419

A RESOLUTION ACCEPTING THE WORK BY MID CAL PIPELINE & UTILITIES, INC. FOR THE “NINTH STREET AND L STREET SANITARY SEWER REHABILITATION” 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 $50,936.97

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Ninth Street and L Street Sanitary Sewer Rehabilitation project has been completed by Mid Cal Pipeline & Utilities, Inc., in accordance with the contract agreement dated March 23, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Ninth Street and L Street Sanitary Sewer Rehabilitation project is hereby accepted as complete from said contractor Mid Cal Pipeline & Utilities, 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 $50,936.97 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 28th day of September, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-420

A RESOLUTION ADOPTING THE 2010-2013 STRATEGIC PLAN

WHEREAS, Resolution No. 2001-558 adopted the City of Modesto Vision and Strategic Plan on October 16, 2001, which was built upon previous visioning and planning efforts on the part of the City, and

WHEREAS, the needs and resources of the City have drastically changed since that time, and

WHEREAS, in April 2010, the City Council met for two strategic planning workshops and a final workshop in August 2010, and

WHEREAS, the result of these workshops was the development of the vision, mission and values statements, and

WHEREAS, Council also developed the following six strategic commitments that embrace a culture of service excellence for the citizens of Modesto:

1. Build and promote partnerships that engage neighborhoods and create a sense of community.
2. Provide a safe and inviting community in which to live work and visit.
3. Provide an innovative and accountable city government that embraces a standard of excellence through adaptive leadership and responsive public service.
4. Foster a vibrant, competitive and diverse economic environment for business.
5. Champion education partnerships.
6. Promote Modesto, and

WHEREAS, the Strategic Commitments to the community and the initiatives and performance measures that support those commitments support the statement of policy as outlined in Section 725 of the Increase Accountability in City Hall Measure (M) of 2008.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the 2010-2013 Strategic Plan, a copy of which is attached hereto
as Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of September, 2010, by Councilmember Mayor
Ridenour, who moved its adoption, which motion being duly seconded by
Councilmember Olsen, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
# Table of Contents

 Mayor’s Message .................................................. 3
 Vision, Mission & Values ........................................ 4
 Introduction and the Planning Process ...................... 5
 EMBRACE IT! ...................................................... 6
 Strategic Commitments .......................................... 7
 Implementation Plan/Strategic Plan Project Strands .......... 14
 Responsibility Matrix ............................................. 15
 Embracing a Shared Vision ...................................... 16
Mayor’s Message

Mayor, Jim Ridenour

On behalf of the Modesto City Council, I am pleased to present you with Modesto’s 2010-2013 Strategic Plan.

This Strategic Plan is a guiding document for the City organization over the next three years providing direction for staff as we move Modesto forward. Centered on commitments, initiatives and performance measures, it is our road map to success as well as an accountability tool.

We are right-sizing and reinventing local government by changing how the City does business. We are focusing outward to what is best for the community and partnering with other agencies, organizations and community groups to get things done.

This document focuses on six strategic commitments to the community. Progress will be monitored by performance measures that tie with each initiative under the broad commitments.

In addition to building on our past and looking toward the future, implementing this strategic plan enables us to move efficiently and effectively to meet the needs of our citizens. Thank you for being an active part of our community.

Mayor Jim Ridenour
Vision

Modesto: a safe, attractive and vibrant city where people choose to raise a family, grow business and enjoy life.

Mission

We are a service-driven organization committed to building partnerships that promote a vibrant business community and engaged neighborhoods.

Values

- We value effective and efficient government with measurable success, accountability, transparency and solution-oriented employees.
- We value the uniqueness of our community and its cultural richness through arts and entertainment and small-town charm.
- We value exceptional customer service, innovative thinking and collaborative partnerships.
- We value partnerships that encourage safe neighborhoods and families as well as an educated community.
- We value a competitive marketplace in which business, organizations and partnerships flourish.
Welcome to the City of Modesto’s Strategic Plan. This document is the foundation for how the City allocates its resources, prioritizes its initiatives to best serve the citizens of Modesto and responds to future challenges and changes in priorities. This document is our commitment to be a service-driven organization with a culture of excellence where citizens get the best and employees give their best every day. The initiatives in this document move us from where we are to where we want to be and the performance measures provide the criteria to measure our progress along the way.

**The Planning Process**

The City’s last Strategic Plan was adopted in October 2001. The needs and resources of the City organization have drastically changed since that time, and as such City staff embarked on a new Strategic Plan that better reflects the resources available and the prioritization of those resources. In April 2010, the City Council met for two strategic planning workshops during which the following steps were taken:

- **Business and Operations Analysis (SWOT) Conducted:**
  Organizational and community strengths, weaknesses, opportunities and threats were discussed. Strengths included: location, strong non-profits, generous community, weather, entertainment, small-town charm, leadership and that the status quo is unacceptable. Weaknesses included: high drop-out rate, poor self-image, crime, weak customer service, current road conditions, traffic, fiscal challenges, lack of investment in the past, skill in workforce and being unfriendly to start-up businesses. Opportunities included: neighborhood associations/engagement, organizational right-sizing, regionalization, partnerships, redefining government, consolidation of services, agriculture as marketing tool, infill growth and redevelopment. Threats included: poor attitudes, crime, gangs, drugs, unemployment, non-competitive fees, over-regulated businesses and employee benefits.

- **Vision, Mission and Values Statements Developed:**
  Key words were discussed as they related to the City’s vision, mission and core values. Definitions were also provided as to what each component should address. For the City’s Vision, the Council focused on the inspiration for what they want Modesto to be and three themes were discussed—raising families, doing business and living. For the City’s Mission statement, the Council focused on the organization’s fundamental purpose and discussed services, partnerships and engaged neighborhoods. For the Values statements, the Council focused what they value about the community as well as the city organization. They arrived at core values for the organization and also the key assets of the community.

- **Key Strategic Commitments Developed:**
  Discussion of the Strategic Commitments occupied the bulk of both workshops. These commitments from the City Council are used to guide the direction of the community and will have measurable outcomes as initiatives from each department are fulfilled.

- **Department Initiatives & Performance Measures Established:**
  As the final step in this process, department directors incorporated the City Council’s vision and developed initiatives for their respective departments in support of the Strategic Plan. The top initiatives are shown in this document; however, each department has a complete work plan by which they will be evaluated.
We will be a service-driven organization with a culture of excellence where citizens get the best and employees give their best every day.
strategic Commitments

The City of Modesto's Strategic Plan is our commitment to make sound decisions about the services provided that are measurable and linked to fiscal resource allocations. Our six (6) Strategic Commitments are:

#1: Build and promote partnerships that engage neighborhoods and create a sense of community.

#2: Provide a safe and inviting community in which to live, work and visit.

#3: Provide an innovative and accountable city government that embraces a standard of service excellence through adaptive leadership and responsive public service.

#4: Foster a vibrant, competitive and diverse economic environment for business.

#5: Champion education partnerships.

#6: Promote Modesto.

Department Initiatives

The Department initiatives listed on the subsequent pages highlight significant projects that form the core of the overall strategic commitments.

Departmental Initiatives will include performance measures that compare actual performance with expected results. The City's performance measures will capture the adjacent focus areas by measuring the following:

- What/How Much we Do? (Effect)
- How Well We Do It? (Quality/Efficiency)
- Is Anyone Better Off? (Outcome/Effect)
Community & Partnerships

build and promote partnerships that engage neighborhoods and create a sense of community.

Initiatives:

- Actively solicit, maintain and build new partnerships with organizations, volunteer groups and individuals that engage the community to improve neighborhoods.
- Partner with others to provide a wide range of cultural, entertainment, recreational and leisure opportunities that promote a healthy community.
- Support community events and activities that build community and neighborhood identity.
- Develop and deploy programs and partnerships to enhance and maintain the visual beauty of the City.
- Support strong and active neighborhood and business associations.
- Develop progressive code enforcement and neighborhood partnerships that encourage healthy and vital neighborhoods free of crime, blight and decline.
- Provide services and programs that enhance and diversify Modesto neighborhoods.
Public Safety

Provide a safe and inviting community in which to live, work and visit.

Initiatives:

- Create flexible Police units to address and reduce drugs, gang violence and auto thefts.
- Partner with local businesses to improve the downtown experience.
- Provide a safe and reliable network of public transportation, streets and sidewalks that promote walkability.
- Promote, enhance and increase community-based partnerships in crime prevention, fire and life safety and community policing.
Provide an innovative and accountable city government that embraces a standard of service excellence through adaptive leadership and responsive public service.

Initiatives:

- Collaborate with other local governments, community organizations and the private sector to ensure delivery of effective and affordable services to our citizens.
- Foster a work environment of cooperation, collaboration, transparency, productivity and partnerships by implementing “Embrace It…. every day for every customer” throughout the organization as an expectation.
- Develop and implement customer satisfaction surveys to evaluate customer experiences with City services on a regular basis and implement appropriate service improvements.
- Integrate the Strategic Plan, departmental work plans and performance measures with the budget and resource allocation process.
- Expand the use of technology to streamline processes, maintain, analyze and provide information, and enhance services.
Economic Development

**oster a vibrant, competitive and diverse economic environment for business.**

**Initiatives:**

- Encourage business attraction and retention through coordinated partnership efforts with the Chamber of Commerce, the Alliance, Downtown Improvement District, Convention and Visitor’s Bureau and other organizations.
- Build upon existing local signature industries and resources by attracting complementary businesses and industries.
- Actively recruit businesses and industries that will bring a diverse foundation to Modesto’s economic makeup.
- Build effective partnerships to address regional issues focusing on transportation, land use, utilities, fire and revenue sharing.
- Revitalize the City with a focus on strengthening existing neighborhoods and commercial areas as well as new development and redevelopment opportunities that foster unique and vibrant neighborhoods and business districts.
- Develop a customer liaison program.
Education

hampion education partnerships.

Initiatives:

- Partner with City departments, local educational institutions and community organizations to support and develop programs that involve our youth and encourage them to be productive citizens.
- Partner with and support education institutions and businesses to lower our region’s high school drop out rate and increase the college-going rate.
- Partner with educational institutions to help prepare an educated workforce that will foster local economic vitality.
- Support events and activities locally that provide positive outlets for youth as a crime prevention tool.
Promote Modesto.

Initiatives:
- Promote and enhance Modesto’s cultural activities and programs.
- Promoting Modesto as a destination location for both large events and private events.
- Promote the City as an employer of choice.
- Educate the community about City programs and services.
- Partner with local organizations, agencies and community groups to brand and promote Modesto with one cohesive message and identity.
strategic Planning and Budget Adoption Process

The strategic planning implementation process includes the creation of a Strategic Planning Task Force who will be responsible for developing procedures and tools to be used in finalizing performance measures, data collection, and a final budget outline. The Task Force will be assembled to develop not only the process of accountability, but also the tracking tools and methods. A reporting system will focus on issues, keep the strategic plan in the forefront of the City’s priorities, provide feedback to the City’s executive team, and create a strategic management philosophy and shared vision.

strategic Plan Project Strands

- Strategic Planning Task Force Assembled
- Performance Target Data and Tools Developed
- Budget Program Plan (document) Developed
- Departmental Performance Review Process to be Initiated

- Create Shared Understanding, Vision & Values
- Employee Perception Survey Conducted
- Analysis
- Training (Coaching)
- Repeat Process at Next Level

- Champion Team Established
- Citywide Marketing Plan Developed
- Program Initiatives & Incentives Developed

City of Modesto Strategic Plan 2010-2013
strategic Planning Process Responsibility Matrix

Implementing a strategic plan requires a strong commitment from top leadership and a focus on communication at every opportunity through focus, clarity and reinforcement. This approach, called strategic alignment, has several advantages when implemented properly, including:

1. Efficient use of increasingly scarce resources,
2. Increased speed of execution,
3. Promoting team efforts towards common goals, and
4. Improving employees' motivation by giving them a sense of contribution to the results of their individual groups and of the organization as a whole.

The first component of a successful strategic alignment is the communication necessary within the organization to understand the elements of the vision and of the key strategic directions needed. Repetition by the leadership and management teams at every opportunity, including community meetings, staff meetings, and operational business reviews allow each employee to understand how he/she contributes to the overall success.

The second component of a successful strategic alignment is absolutely essential—link the results of each employee's job to the progress of the entire organization's strategy and to do it clearly. This is best accomplished by using measures of key performances (KBMs= key business metrics, or KPMs= key performance metrics), which can be connected to the employee’s annual performance review.

Lastly, establishing the roles and responsibilities for the implementation of the strategic plan is critical. The below matrix provides a simple outline describing the roles and responsibility of staff.

<table>
<thead>
<tr>
<th>Responsible Party</th>
<th>Role</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Heads</td>
<td>Champion of the Strategic Plan and</td>
<td>Advocate of the Strategic Plan and main liaison to City Manager</td>
</tr>
<tr>
<td></td>
<td>Budget Program Plans</td>
<td></td>
</tr>
<tr>
<td>Division Directors</td>
<td>Sponsors of Strategic Initiatives</td>
<td>Responsible for overseeing multiple goals that fall under a strategic initiative; ensure accountability, allocate resources, address issues</td>
</tr>
<tr>
<td>Managers/Supervisors &amp; Employees</td>
<td>Strategy Leaders</td>
<td>Responsible for implementation, management, and completion of specific departmental initiatives</td>
</tr>
</tbody>
</table>
Embracing a Shared Vision and New Beginning

New Beginning

Since my appointment in 2008, it has been a pleasure and honor to serve as your City Manager for the City of Modesto. The last two years have been tough for all of us as we have felt the same hardships and successes. Yet, we will continue to look ahead, chart our course and work hard for this wonderful City.

On behalf of the Mayor, Council, Department Directors and City staff, it is with great enthusiasm and anticipation that I share with you the City’s 2010-2013 Strategic Plan—our road map to embracing a new beginning and shared vision.

In charting this new journey, we first asked ourselves, have we met your expectations as City residents with excellence or mediocrity? Have we provided you with exceptional customer service on a consistent basis that is unmatched in local government? With certainty, the answer is that we have not, and this is a difficult reality. A reality that demands our attention to serving you better, and a mind-set that focuses on “customer first”.

We recognize that in order to reinvent ourselves and how we do business we must change the culture, the very fabric of our City and embrace a culture of service excellence. This will not be an easy journey. It will take time and perseverance, as this is not a sprint it’s a marathon! In starting this challenge we know that we cannot do it alone nor can we just leave it alone. Your voice is very important to us, we will need your input, patience and your partnership as we move forward. In the near future, we will hold several community meetings to obtain your input and comments.

In pursuing service excellence in City government, we have developed nine (9) key principles that reflect the standards that we are committed to as an organization. EMBRACE IT, every day, for every customer, is the cornerstone of our commitment. Being a champion of “EMBRACE IT” equates to being a champion of change, working toward a future that embraces community, businesses, partnerships and one that ignites a passion for service, innovation and accountability.

Lastly, please encourage us as you experience City services. Let us know if we are upholding the key principles that we have committed to as an organization.

Thank you for the opportunity to serve you!

Greg Nyhoff

City of Modesto Strategic Plan 2010-2013

9 Key Principles

E=Exceptional Service
M=Measurable Success
B=Build Trust
R=Results Oriented
A=Accountability
C=Community Outreach
E=Excite Pride
I=Innovation
T=Teamwork
Embracing a Shared Vision

The Process

- Create Shared Understanding
- Create Shared Vision
- Identify Core Values
- Conduct Employee Perception Survey
- Provide Coaching to Leaders
- Teach Leaders to be Coaches
- Repeat at the Next Level
- Analyze Current Vision

The Shared Vision Process
RESOLUTION ACCEPTING THE STATE SUPPLEMENTAL LAW ENFORCEMENT GRANT IN THE AMOUNT OF AT LEAST $100,000 FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND FOR POLICE OVERTIME; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

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

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

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

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

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

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

WHEREAS, the allocation to the City of Modesto for Fiscal Year (FY) 2010/2011 of at least $100,000, is to be made in four installments of $25,000 each, and

WHEREAS, the City Council is required to hold a public hearing to consider and approve the SLESF Expenditure Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after holding a public hearing, it hereby accepts the Chief of Police’s Expenditure
Plan for the FY 2010/2011 State Supplemental Law Enforcement Services Fund allocation of at least $100,000 for police overtime.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: ____________________________
(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
(SUSANA ALCALA WOOD, City Attorney)
RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF AT LEAST $100,000 FOR THE CITY OF MODESTO’S ALLOCATION FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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

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

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

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

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

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

WHEREAS, the allocation to the City of Modesto for Fiscal Year (FY) 2010/2011 of at least $100,000, to be made in four installments of $25,000 each, and

WHEREAS, the City Council is required to hold a public hearing to consider and approve the SLESF Expenditure Plan, and
WHEREAS, the adopted FY 2010/2011 Police SLESF allocation in the amount of at least $100,000 will be applied to account number 0400-190-2107-3188.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2010/2011 Multi-Year Operating Budget to appropriate revenues and expenditures of at least $100,000 for the City of Modesto’s allocation from the State Supplemental Law Enforcement Services Fund for police overtime, as shown in Exhibit A attached hereto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [signature]

SUSANA ALCALA WOOD, City Attorney
## Exhibit A

The SLESF allocation for Fiscal Year 2010/2011 will be applied to:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0400-190-2107-3188</td>
<td>$100,000</td>
<td>2010/11 SLESF Grant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0400-190-2107-0130</td>
<td>$100,000</td>
<td>Overtime</td>
</tr>
</tbody>
</table>