MODESTO CITY COUNCIL
RESOLUTION NO. 2010-124

RESOLUTION APPROVING THE APPOINTMENT OF PAUL BAXTER, JOAN CLENDENIN, CARMEN MORAD, SUSAN NOVAK, HUGH ROSE III, BRIAN RANDO, DAVID B. RYAN, AND ALTERNATES PHILIP S. ANSELMO, JR. AND DIEDRE BUSH WEST TO THE CITY OF MODESTO RUN-OFF ELECTION AD HOC 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 held a meeting on March 8, 2010, and appointed the following individuals to the City of Modesto Run-Off Election Ad Hoc Committee, including two alternates:

Paul Baxter
Joan Clendenin
Carmen Morad
Susan Novak
Hugh Rose, III
Brian Rando
David B. Ryan
Alternates: Philip S. Anselmo, Jr. and Diedre Bush West

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

SECTION 1. Paul Baxter, Joan Clendenin, Carmen Morad, Susan Novak, Hugh Rose III, Brian Rando, David B. Ryan, and alternates Philip S. Anselmo, Jr. and Diedre Bush West are hereby appointed to the City of Modesto Run-Off Election Ad Hoc Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the appointed members of the City of Modesto Run-Off Election Ad Hoc Committee.
A RESOLUTION APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY FOR THE ACQUISITION OF A PORTION OF THE PROPERTY LOCATED AT 1717 SYLVAN AVENUE (APN 052-013-022), IN THE AMOUNT OF $11,200.00; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCRROW 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 Sylvan Avenue to include a westbound right turn lane at the northeast corner of Sylvan Avenue and Boyce Lane, and

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane at 1717 Sylvan Avenue (APN 052-013-022) owned by Modesto High School District of Stanislaus County, and

WHEREAS, the project as planned requires the acquisition of the property interests owned by Modesto High School District of Stanislaus County, and

WHEREAS, on November 3, 2008, Caltrans determined this project to be a categorical exclusion pursuant to the National Environmental Policy Act (NEPA) and all other applicable federal environmental law, regulations and executive orders, and

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

WHEREAS, the City requires a Purchase Agreement prior to construction on the subject property, and
WHEREAS, the City Council directed staff to present a Purchase Agreement to the landowner to construct improvements on the subject property as required for the project, and

WHEREAS, staff recommends the City proceed with the purchase of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase Agreement between City of Modesto and Modesto High School of Stanislaus County for a portion of the property located at 1717 Sylvan Avenue (APN 052-013-022), in the amount of $11,200.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow for the Congestion Mitigation Air Quality (CMAQ) Management CML 5050(149) – Right Turn Lanes (4) Intersections Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-144

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CERTIFICATE OF ACCEPTANCE FORM FOR THE GRANT DEED FOR THE ACQUISITION OF A PORTION OF PROPERTY LOCATED AT 1717 SYLVAN AVENUE (APN: 052-013-022), OWNED BY MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS TO BE PURCHASED BY THE CITY OF MODESTO FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) MANAGEMENT CML 5059 (149) – RIGHT TURN LANES (4) INTERSECTIONS PROJECT

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

WHEREAS, the City of Modesto desires to acquire a portion (APN 052-013-022) for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) – Right Turn Lanes (4) Intersections Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute a Certificate of Acceptance Form for the Grant Deed for the acquisition of a portion of property located as 1717 Sylvan Avenue (APN 052-013-022), owned by Modesto High School District of Stanislaus to be purchased by the City of Modesto for the Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (149) – Right Turn Lanes (4) Intersections Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-145

A RESOLUTION APPROVING AN AGREEMENT CONSEN'TING TO
COMMON USE BETWEEN THE CITY OF MODESTO AND MODESTO
IRRIGATION DISTRICT FOR THE CONSTRUCTION AND MAINTENANCE
OF APPROXIMATELY 12,006 SQ.FT OF STREET IMPROVEMENTS WITHIN
MODESTO IRRIGATION DISTRICT PROPERTY AT THE SOUTHWEST
CORNER OF MCHENRY AVENUE AND BRIGGSMORE AVENUE; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT

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 to construct a portion of the required
improvements for a right turn lane on property owned by Modesto Irrigation District, 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, Caltrans approved Categorical Exemption/Categorical Exclusion
Document on March 25th, 2010, 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, Modesto Irrigation District requires a Common Use Agreement prior
to allowing street improvements on subject property, and
WHEREAS, the Right Turn Lane EB Briggsmore Avenue to 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 Consenting to Common Use between the City of Modesto and Modesto Irrigation District for the construction and maintenance of approximately 12,006 sq.ft. of street improvements within Modesto Irrigation District property at the southwest corner of McHenry Avenue and Briggsmore Avenue.

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 27th day of April, 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. 2010-146

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE INSTALLATION AND MAINTENANCE OF APPROXIMATELY 4,367 SQ. FT. OF LANDSCAPE IMPROVEMENTS WITHIN MODESTO IRRIGATION DISTRICT PROPERTY AT THE SOUTHWEST CORNER OF MCHENRY AVENUE AND BRIGGSMORE AVENUE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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 to construct a portion of the required improvements for a right turn lane on property owned by Modesto Irrigation District, 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, Caltrans approved Categorical Exemption/Categorical Exclusion Document on March 25th, 2010, 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 Modesto Irrigation District requires a License Agreement prior to allowing landscape installation and maintenance on subject property, and
WHEREAS, the project will cause little if no landscape maintenance cost to the City due to the installation of drought tolerant landscape improvements, and

WHEREAS, the Right Turn Lane EB Briggsmore Avenue to 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 a License Agreement between the City of Modesto and Modesto Irrigation District for the installation and maintenance of approximately 4,367 sq. ft. of landscape improvements within Modesto irrigation District property at the southwest corner of McHenry Avenue and Briggsmore Avenue.

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 27th day of April, 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
A RESOLUTION APPROVING AN AGREEMENT CONSENTING TO COMMUNITY USE BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE CONSTRUCTION AND MAINTENANCE OF APPROXIMATELY 6,744 SQ.FT OF STREET IMPROVEMENTS WITHIN MODESTO IRRIGATION DISTRICT PROPERTY AT THE SOUTHEAST CORNER OF MCHENRY AVENUE AND BRIGGSMORE AVENUE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane on property owned by Modesto Irrigation District, 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, Caltrans approved a Categorical Exemption/Categorical Exclusion Document on March 25th, 2010, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master EIR and no additional California Environmental Quality Act clearance is needed, and

WHEREAS, the Modesto Irrigation District requires a Common Use Agreement prior to allowing construction on subject property, and
WHEREAS, the Right Turn Lanes NB McHenry Avenue to 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 an Agreement Consenting to Common Use between the City of Modesto and Modesto Irrigation District for the construction and maintenance of approximately 6,744 sq. ft. of street improvements within Modesto Irrigation District property at the southeast corner of McHenry Avenue and Briggsmore Avenue.

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 27th day of April, 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 AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF TWO (2) SERVICE TRUCKS WITH AIR COMPRESSORS FOR THE PUBLIC WORKS DEPARTMENT, WATER DIVISION, THROUGH THE FLEET SERVICES DIVISION, TO HANSEL FORD, SANTA ROSA, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $260,761

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 09/10, through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the two (2) service trucks with air compressors are replacements for the Public Works Department, Water Division, through the Fleet Services Division, and were included in the FY 09/10 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the California Air Resources Board (CARB) requires a progressive replacement program that removes older diesel trucks from service. These trucks fall under the City’s compliance program approved by the CARB and have reached the end of their useful life. The current trucks do not meet CARB emission requirements and must be replaced, and

WHEREAS, The Purchasing Division issued RFB No. 0910-10, service trucks with air compressors to nineteen (19) prospective bidders, none of which were local vendors, posted the bid on the City’s website and formally advertised as required by law, and
WHEREAS, RFB's were formally opened in the City Clerk's office. Of the nineteen (19) prospective bidders, four (4) companies chose to respond, none of which were local vendors. All companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of two (2) service trucks with air compressors to Hansel Ford, Santa Rosa, CA, for the total estimated cost of $260,761, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of two (2) service trucks with air compressors for the Public Works Department, Water Division, through Fleet Services Division, to Hansel Ford, Santa Rosa, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation unit: 7210-480-5814-5515 and 7210-480-5814-5516,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of two (2) service trucks with air compressors for the Public Works Department, Water Division, through the Fleet Services Division, to Hansel Ford, Santa Rosa, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $260,761.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-149

RESOLUTION APPROVING AN AMENDMENT TO COST SHARING AGREEMENT WITH DEL PUERTO WATER DISTRICT FOR EXPENSES RELATED TO STUDYING THE FEASIBILITY OF A REGIONAL RECYCLED WATER DELIVERY SYSTEM IN THE AMOUNT OF $100,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on January 12, 2010, the City Council, by Resolution 2010-016, approved a Cost Sharing Agreement with the Del Puerto Water District (DPWD) to jointly fund 50% of a Regional Recycled Water Delivery System Feasibility Study (feasibility study), and

WHEREAS, an appropriation of $25,000 from the Wastewater Fund Reserves for the City’s portion of the feasibility study was approved by Resolution 2010-017, and

WHEREAS, the recommendation to City Council was based on seeking the remaining funding from the Bureau of Reclamation (Bureau) or other sources, and

WHEREAS, City staff and DPWD staff have prepared a Request for Proposals (RFP) to secure professional services for the feasibility study, and

WHEREAS, the proposed project has expanded to include the Cities of Turlock and Ceres, and Stanislaus County as partners and is now truly regional in scope, and

WHEREAS, the Regional Recycled Water Delivery System Project, now referred to as the North Valley Regional Recycled Water Project, has gathered interest and support to move it ahead for federal funding, and

WHEREAS, there are several requirements that are essential for obtaining federal funding for construction, and
WHEREAS, two key requirements are: 1) feasibility study must be completed to authorize the project; and 2) the project partners need to execute a Memorandum of Understanding (MOU) to designate a lead agency for receiving the funding and eventually constructing the project, and

WHEREAS, also, the Bureau of Reclamation (Bureau) funding criteria for recycled water includes a section that rates recycled water projects based on the project proponent’s formation of a “collaborative partnership” with the other entities and the project’s implementation of a regional planning effort, and

WHEREAS, the proposed MOU, which is being brought as a separate Council action, will help demonstrate that the North Valley Regional Recycled Water Project meets these ranking criteria, and

WHEREAS, there is legislative interest in moving this project ahead as quickly as possible; however, the feasibility study must be underway and an MOU executed to start the process, and

WHEREAS, City and DPWD staff met with Bureau staff from the Mid-Pacific Region to discuss shared funding for the feasibility study, and submitted a formal request to the Bureau for a cooperative agreement to provide financial assistance, and

WHEREAS, the Bureau was attempting to provide funds through the current budget appropriation, even though the feasibility study was not budgeted during the current fiscal year, and it is doubtful that the City and DPWD can rely on funding from the Bureau in the near term, and
WHEREAS, the feasibility study was initially anticipated to cost $100,000, and

WHEREAS, based on the Bureau’s review of the RFP, the estimate has been revised to $150,000, and

WHEREAS, staff recommended funding the remainder of the cost for the feasibility study in the amount of $100,000, with possible reimbursement from the Bureau, and

WHEREAS, it is necessary to amend the Cost Sharing Agreement with DPWD to acknowledge that both parties understand and agree that the City of Modesto will pay the additional $100,000 to fund the remainder of the feasibility study, and to memorialize that any reimbursement for the cost of the feasibility study will be returned to the City of Modesto first, and

WHEREAS, the MOU for the project partners has been drafted and in consideration for the City of Modesto advancing the remaining funds through the Amendment to the Cost Sharing Agreement, the MOU will incorporate a cost-sharing provision that will allow the City to recover its share of the costs for the feasibility study should the Bureau fail to fund its share, and

WHEREAS, Bureau staff recommends proceeding with the feasibility study using local funding to avoid delays to this critical path element of the project schedule,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Cost Sharing Agreement with Del Puerto Water District for expenses related to studying the feasibility of a Regional Recycled Water Delivery System Feasibility Study in the amount of $100,000.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 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: SUSA

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-150

RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FUND THE REMAINING COST OF A REGIONAL RECYCLED WATER DELIVERY SYSTEM FEASIBILITY STUDY

WHEREAS, certain budgetary transactions are necessary in the amount of $100,000, in order to fund the Amendment to Cost Sharing Agreement with Del Puerto Water District for expenses related to studying the feasibility of a Regional Recycled Water Delivery System, and

WHEREAS, the Fiscal Year 2009-2010 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein, and

WHEREAS, City staff requests amending the Fiscal Year 2009-2010 Capital Improvement Program budget by transferring 1) $65,000 from Operating Org. (6210-440-5201-0235), and 2) $35,000 from Wastewater Reserves (6210-800-8000-8003) into CIP Account (6210-430-B119-6080) to fund the remainder of a Regional Recycled Water Delivery System Feasibility Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fund the City’s share of a Cost Sharing Agreement between the Del Puerto Water District and the City of Modesto for the development of a Regional Recycled Water Delivery System Feasibility Study by transferring 1) $65,000 from Operating Org. (6210-440-5201-0235), and 2) $35,000 from Wastewater Reserves (6210-800-8000-8003) into CIP Account (6210-430-B119-6080).
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 27th day of April, 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
**EXHIBIT A**

**FUND:** WASTEWATER FUND

**EXPENDITURES:**

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<td>Wastewater Reserves</td>
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<td>Del Puerto Reg WW Feas Study</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2010-151

A RESOLUTION APPROVING A NO-COST SECOND AMENDMENT TO AGREEMENT FOR THE 2005 URBAN WATER MANAGEMENT PLAN WITH RMC WATER AND ENVIRONMENT TO DEVELOP A WATER CONSERVATION PLAN IN AN AMOUNT NOT TO EXCEED $28,200 FOR THE REVISED SCOPE OF SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT

WHEREAS, on July 12, 2005, by Resolution No. 2005-374, the City Council approved an agreement with RMC of Walnut Creek, for professional services to prepare the City’s 2005 Urban Water Management Plan (UWMP), and

WHEREAS, on November 8, 2006, by Resolution 2006-704, the Council approved an amendment to this Agreement for additional tasks to complete the UWMP, and

WHEREAS, in April 2007, the Council adopted the UWMP and the State of California (State) subsequently accepted it as complete, and

WHEREAS, related to the UWMP, and in order to be eligible to receive State Revolving Funds (SRF) for certain types of projects, the City, as an urban water supplier, needs to have an adopted “Water Conservation Plan” that identifies specific conservation measures and describes how they are being implemented, and

WHEREAS, even though the City has a conservation program and drought contingency plan, in their current form, they do not meet all of the requirements of the recently amended Urban Water Management Planning Act via the passage of State Assembly Bill 1420 (AB 1420), and

WHEREAS, through this proposed second amendment to the existing Agreement, RMC will develop a Water Conservation Plan that contains all of the elements needed to
meet the mandates of the new legislation and position the City to be eligible for future State Revolving Funds (SRF) grants, and

WHEREAS, this second amendment is recommended to cover the following revised tasks that are not included in the original scope: 1) Develop Water Conservation Policy; 2) BMP Program; 3) Conservation Plan Preparation; 4) AB1420 Compliance; and 5) Project Management and QA/QC, and

WHEREAS, the total estimated cost to complete these revised tasks is $28,200; however, this cost is covered by existing funds already encumbered under the current agreement, and

WHEREAS, initial cost savings resulted from a decision not to complete an optional task in the original agreement; therefore, there is no additional fiscal impact to fund the revised tasks to develop a Water Conservation Plan since available funds already exist under the current Agreement, and

WHEREAS, City staff recommends approving a second amendment to agreement with RMC for the revised work related to the UWMP, and

WHEREAS, City staff recommends approving a second amendment to agreement with RMC as the City does not have the staffing level to develop a Water Conservation 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 a no-cost second amendment to agreement with RMC Water and Environment for the 2005 Urban Water Management Plan in an amount not to exceed $28,200 for the revised 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 27th day of April, 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: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-152

A RESOLUTION APPROVING AN AGREEMENT WITH NORTHSTAR ENGINEERING GROUP, INC. (NORTHSTAR) FOR A PRELIMINARY DESIGN REPORT FOR INDUSTRIAL TANK 13 AND PUMP STATION IN AN AMOUNT NOT TO EXCEED $222,890.25 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $22,289.00 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $245,179.25, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the scope of services to be provided under this agreement includes completing 35% design services for the Industrial Tank 13 and Pump Station project and summarizing the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, the Industrial Tank 13 and Pump Station are part of the City's water system improvements needed to fully integrate the water system with the Phase Two expansion of the Modesto Regional Water Treatment Plant (MRWTP), and

WHEREAS, the project consists of one 4 million gallon potable water storage tank and one 12 million gallon per day booster pumping station located within a City owned 5-acre vacant parcel between 415 and 555 Codoni Avenue (assessors parcel number 009-018-054), and

WHEREAS, in accordance with the Public Works Department Major Scope Policy approved on September 26, 2006, all projects exceeding $1,000,000 are required to be presented at Council at the preliminary design report stage if the projected cost estimate is expected to exceed the approved project budget by more than 10%, and

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

WHEREAS, the Selection Committee, consisting of two UP&P Engineering staff and one Public Works Maintenance staff person, reviewed all 15 of the submitted Statement of Qualifications and narrowed the selection to five consultants, and

WHEREAS, all five consultants submitted proposals and subsequently interviewed with the Selection Committee, and

WHEREAS, following the consultant interviews, the Selection Committee determined that NorthStar is the most qualified consultant to provide preliminary design services for this project and prepare a PDR, 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 NorthStar Engineer Group, Inc. as the City does not have the staffing level to complete the Preliminary Design Report for the Industrial Tank 13 and Pump Station project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Preliminary Design Report for the Industrial Tank 13 and Pump Station with NorthStar Engineer Group, Inc. in an amount not to exceed $222,890.25 for the identified scope of services, plus $22,289.00 for additional services (if needed), for a maximum total amount of $245,179.25 for the project titled, “Industrial Tank 13 and Pump Station”.

04/27/2010/UP&P/DPhillips/Item 12  2  2010-152
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 27th day of April 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: [Signature]

SUSANA ALCALA WOOD, City Attorney
WHEREAS, on January 12, 2010, the City Council, by Resolution No. 2010-016, approved moving forward with the Regional Water Delivery System Feasibility Study (feasibility study) in partnership with the Del Puerto Water District (DPWD), and

WHEREAS, subsequently, the proposed project has expanded to include the Cities of Turlock and Ceres, and Stanislaus County as partners and is now truly regional in scope, and

WHEREAS, the Regional Recycled Water Delivery System Project, now referred to as the North Valley Regional Recycled Water Project, has gathered the legislative interest and support to have it considered for federal funding; however the project must be authorized to qualify for the federal appropriation process, and

WHEREAS, there are several requirements that are essential for obtaining federal funding for construction, and

WHEREAS, two key requirements are: 1) feasibility study must be completed to authorize the project; and 2) the project partners need to execute a Memorandum of Understanding (MOU) to designate a lead agency for receiving the funding and eventually constructing the project, and

WHEREAS, the Bureau of Reclamation (Bureau) funding criteria for recycled water includes a section that rates recycled water projects based on the project...
proponent’s formation of a “collaborative partnership” with the other entities and the project’s implementation of a regional planning effort, and

WHEREAS, this proposed MOU will help demonstrate that the North Valley Regional Recycled Water Project meets these ranking criteria, and

WHEREAS, City staff and DPWD staff are moving ahead with the feasibility study and a separate request was presented to Council for an increase in funding for the study in order to account for the expanded regional aspects of the project and to avoid delays, and

WHEREAS, the North Valley Regional Recycled Water Project MOU has been prepared and the proposed participants consist of the Cities of Modesto, Ceres, and Turlock, as well as Stanislaus County, and Del Puerto Water District, and

WHEREAS, the MOU establishes a collaborative partnership between the participating agencies; provides for coordinating interagency efforts through a committee structure with representation from each participating agency; and designates an administrative agency (in this case, the City of Modesto) to enter into contracts, receive funds, and perform administrative functions on behalf of the participating agencies, and

WHEREAS, all parties have reviewed, commented, and are seeking approval from their Councils and Boards on the proposed MOU for the project partnership, and

WHEREAS, the MOU has incorporated a cost-sharing provision that will allow the City to recover its share of the costs of the feasibility study should the Bureau fail to fund its share,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) with the Cities of
Modesto, Ceres, and Turlock, Stanislaus County, and the Del Puerto Water District for the North Valley Regional Recycled Water Project Collaborative Partnership.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 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. 2010-154


WHEREAS, the U.S. Department of Housing & Urban Development (HUD) requires entitlement grantees adopt a comprehensive, long-term plan for the use of HUD funds, and

WHEREAS, the Five-Year Consolidation Plan (CP) analyzes the City’s housing and community development needs, with a priority focus on low and moderate income individuals, households and neighborhoods, and describes long-term strategies for meeting those needs, and

WHEREAS, with the development of a broad policy framework, the CP addresses how the City will utilize funding from three different entitlement grants to meet the needs identified, and

WHEREAS, on February 14, 2000, the requirement that State and local entitlement jurisdictions receiving funding through the CP process should update, where appropriate, its Analysis of Impediments to Fair Housing Choice (AI) to reflect the current fair housing situation in the community, and

WHEREAS, the AI reviews a jurisdiction’s laws, regulations and administrative policies, procedures and practices, as well as evaluates how those laws affect the location, availability and accessibility of housing, and
WHEREAS, the AI assesses conditions, both public and private, affecting fair housing choice for all protected classes and analyzes the availability of affordable, accessible housing in a range of unit sizes, and

WHEREAS, citizen participation is a key component of the consolidated planning process, and

WHEREAS, HUD regulations implementing the three entitlement grants require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input to the goals and priorities that should be reflected in the plan and the specific types of activities that will fund community development activities, and

WHEREAS, staff has worked with citizens and service providers to complete a “Housing and Community Development Needs Survey” for the City of Modesto, and all data obtained through these surveys was used in compiling information and making recommendations for funding priorities in the CP, and

WHEREAS, staff, with guidance from the firm Bay Area Economics (BAE) organized three community meetings and one public consultation meeting to assess local needs/priorities related to community services, economic development, community facilities and infrastructure, housing and fair housing to discuss what programs/actions are working, and what gaps remain, and

WHEREAS, the draft Five-Year CP, AI and Citizens’ Participation Plan were available for a 30-day public review period, beginning March 23, 2010, and closing with a City Council public hearing on April 27, 2010,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Five-Year Consolidated Plan (2010-2015) for the use of Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Shelter Grant Funds, the Analysis of Impediments to Fair Housing Choice, and the Citizens’ Participation Plan for the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to sign the required certifications and documents for submittal to the U.S. Department of Housing & Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-155

RESOLUTION APPROVING AN AGREEMENT BETWEEN SHELTER COVE COMMUNITY CHURCH AND THE CITY OF MODESTO TO CONSTRUCT IMPROVEMENTS AND GRANT REVOCABLE LICENSE TO PROVIDE ACCESS TO CLARATINA AVENUE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEES, TO EXECUTE THE AGREEMENT

WHEREAS, Shelter Cove Community Church, located at 4242 Coffee Road, received approval by the City Council on February 25, 2003, by Resolution No. 2003-101, for General Plan Amendment, Specific Plan Amendment and Annexation for the development of a church, and

WHEREAS, annexation of the parcel was approved by Stanislaus Local Agency Formation Commission on April 23, 2003, and

WHEREAS, Shelter Cove Community Church Final Development Plan was approved on May 2, 2005, by the Planning Commission for a church, with offices and Sunday-school classrooms, and

WHEREAS, Final Development Plan was approved with two driveways on Coffee Road, and

WHEREAS, Shelter Cove Community Church, has requested access to Claratina Avenue which is designated a Class B Expressway in the City’s General Plan, and

WHEREAS, a Class B Expressway is a high volume roadway where access is controlled and limited to ensure sufficient traffic flow and overall operational viability of expressways in the community, and

WHEREAS, the proposed access to Claratina Avenue does not meet the requirements for expressway access to a private driveway as provided in the City’s Expressway Access Policy, and
WHEREAS, the City’s General Plan typically allows one Collector Street intersection on a Class B Expressway at ¼ to ½ mile intervals between two Arterial Streets, and

WHEREAS, the location of a Collector Street along the north side of Claratina Avenue between the Arterial Streets, Coffee Road and Oakdale Road, will be determined through the preparation of a specific plan for the Hetch Hetchy Comprehensive Planning District (CPD), and

WHEREAS, the Hetch Hetchy CPD does not have an approved specific plan to determine the location of a Collector Street intersection with Claratina Avenue, and

WHEREAS, the proposed access on Claratina Avenue is identified as an interim Collector Street located approximately ¼ mile from Coffee Road, and

WHEREAS, Shelter Cove Community Church and the City of Modesto have worked together to reach agreement on a formal Agreement to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue on an interim Collector Street, and

WHEREAS, the Agreement to Construct Improvements and Grant Revocable License includes, but is not limited to, provisions addressing construction on improvements, maintenance of property, liability insurance coverage, and a closure plan, and

WHEREAS, improvements shall be constructed as shown on the Improvement Plans prepared by a registered civil engineer and approved by and on file with the City Engineer, and
WHEREAS, Shelter Cove Community Church shall cause all improvements to be
designed, constructed, and dedicated to fully comply with the requirements of the
General Plan, Standard Specifications, Modesto Municipal Code, the Agreement to
Construct Improvements and Grant Revocable License, the Improvement Plans, and any
changes or alterations in such work as may be required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an Agreement between Shelter Cove Community Church and the
City of Modesto to Construct Improvements and Grant Revocable License to provide
access to Claratina Avenue.

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 27th day of April, 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, Lopez, Marsh, Muratore, Olsen,
Mayo Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-156

A RESOLUTION FINDING THAT THE PROPOSED AGREEMENT TO
CONSTRUCT IMPROVEMENTS AND GRANT REVOCABLE LICENSE TO
PROVIDE ACCESS TO CLARATINA AVENUE IS WITHIN THE SCOPE OF
THE MITIGATED NEGATIVE DECLARATION FOR A GENERAL PLAN
AMENDMENT, SPECIFIC PLAN AMENDMENT AND ANNEXATION FOR
THE CLARATINA GOLF COURSE AND DRIVING RANGE SITE (SCH NO.
200212217)

WHEREAS, on February 25, 2003, the City Council adopted a Mitigated
Negative Declaration for a General Plan Amendment, Specific Plan Amendment and
Annexation for the Claratina Golf Course and Driving Range Site (SCH No.
200212217) for the development of a church, and

WHEREAS, Shelter Cove Community Church Final Development Plan was
approved on May 2, 2005, by the Planning Commission for a church, with offices and
Sunday-school classrooms, and

WHEREAS, Final Development Plan was approved with two driveways on
Coffee Road, and

WHEREAS, Shelter Cove Community Church has proposed an Agreement to
Construct Improvements and Grant Revocable License to provide access to Claratina
Avenue, and

WHEREAS, Section 15162 of the California Environmental Quality Act (CEQA)
Guidelines states that no new environmental review will be required for a project if a
Mitigated Negative Declaration has previously been prepared unless it is determined by
an Initial Study that the new project may cause a project-specific significant effect on the
environment that was not examined in the previous Mitigated Negative Declaration, that
the circumstances under which the project is being undertaken have changed, that new information has arisen since the Mitigated Negative Declaration was adopted, and

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2010-08 (“Initial Study”) reviewed the proposed Agreement to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue to determine if the project is within the scope of the project covered in Mitigated Negative Declaration for a General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 2002122117), and

WHEREAS, the Initial Study concluded that the proposed project is within the scope of the previously prepared Mitigated Negative Declaration determining that the proposed project will not cause any project-specific significant effect on the environment that was not examined in the previous Mitigated Negative Declaration, that the circumstances under which the project is being undertaken have not changed, that new information has not arisen since the Mitigated Negative Declaration was adopted, and

WHEREAS, said matter was considered by the City Council on April 27, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Agreement to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue, a copy of which is attached hereto as Exhibit “A”, and incorporated
herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. No substantial changes are proposed in the project which will require major revisions of the Mitigated Negative Declaration for a General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 2002122117) due to new significant environmental effects.

2. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Mitigated Negative Declaration.

3. No new information, which was not known and could not have been known at the time the Mitigated Negative Declaration was adopted, has become available which would require revisions to the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 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, 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
EXHIBIT A

Initial Study

EA/C&ED 2010-08
City of Modesto

An Initial Study to Determine if the Proposed Project is Within the Scope of the Mitigated Negative Declaration for a General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 200212217)

Initial Study Environmental Checklist
C&ED No. 2010-08

For the proposed:

Shelter Cove Community Church - Agreement to Construct Improvement and Grant Revocable License to Provide Access to Claratina Avenue
MISC-08-001

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

March 26, 2010
I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the previously adopted Mitigated Negative Declaration for General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 2002122117), adopted on February 25, 2003. This Initial Study Environmental Checklist ("Initial Study") is used in determining whether a proposal by Shelter Cove Community Church for an Agreement to Construct Improvements and Grant Revocable License to provide access to Claratina Avenue, MISC-08-001, is "within the scope" of the Mitigated Negative Declaration (SCH No. 2002122117) When the Initial Study supports this conclusion, the City will issue a finding of conformance.

Section 15162 of the California Environmental Quality Act (CEQA) Guidelines states that no new environmental review will be required for a project if a Mitigated Negative Declaration has previously been prepared (in this instance, the Mitigated Negative Declaration for a General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site) provided the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the Mitigated Negative Declaration for a General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 2002122117).

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Mitigated Negative Declaration.

C. No new information, which was not known and could not have been known at the time the Mitigated Negative Declaration was adopted, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings for the current proposal for Shelter Cove Community Church. The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: Agreement to Construct Improvements and Grant Revocable License to provide access on Claratina Avenue

B. Address: 4242 Coffee Road, Modesto, CA 95357

C. Applicant: Shelter Cove Community Church

D. City Contact Person: Paul Liu, Senior Planner

Project Manager: Paul Liu
Department: Community and Economic Development Department
Phone Number: (209) 577-5282
E-mail address: pliu@modestogov.com
E. Current General Plan Designation(s): Village Residential

F. Current Zoning Classification(s): Specific Plan (SP)

G. Surrounding Land Uses:  
   North: Agriculture  
   South: Single Family Residential and vacant  
   East: Agriculture  
   West: Miniature golf course

H. Project Description:  
   Shelter Cove Community Church, located at the northeast corner of Coffee Road and Claratina Avenue, is proposing an Agreement to Construct Improvements and Grant Revocable License provide access to Claratina Avenue. Claratina Avenue is designated a Class B Expressway in the City’s General Plan and access is limited to typically one Collector Street at intervals between ¼ to ½ mile between two Arterial Streets. The ultimate location of a Collector Street along Claratina Avenue between the Arterial Streets, Coffee Road and Oakdale Road, will be determined through the preparation of a specific plan for the Hetch Hetchy Comprehensive Planning District (CPD). Since the Hetch Hetchy CPD does not have an approved specific plan to determine the location of the Collector Street, the proposed access on Claratina Avenue is identified as an interim Collector Street which is almost ¼ mile from Coffee Road.

In 2002, Shelter Cove Community Church submitted an application to amend the General Plan, and to prezone and to annex their property of approximately 17.4 acres. The General Plan amendment would shift the church site from the Hetch Hetchy CPD to the North Beyer CPD. The proposal included a 69,000-square-foot church and offices. The Council approved the proposal on February 25, 2003, including the adoption of a Mitigated Negative Declaration for General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 2002122117). The annexation of the parcel was approved by LAFCO on April 23, 2003.

The Shelter Cove Community Church Final Development Plan was approved in 2005 for a 106,415-square-foot church, with offices and Sunday-school classrooms. It included two phases with a 60,147 square-foot building in phase 1 and a 46,268 square-foot building in phase 2. The project size was larger than the approval in 2003. Staff prepared an Initial Study, Environmental Assessment No. EA/C&ED 2005-02 which analyzed the revised project and concluded that there are no new significant impacts that resulted from the revisions and that therefore no new environmental review was required.

The Final Development Plan was approved with two driveways on Coffee Road. The southernmost driveway is restricted to right-in/right-out only movements by a median on Coffee Road to conform to City standards for minimum distances of driveways from major intersections. The second driveway is a full-access driveway located at the far north end of the site.

In 2005, Shelter Cove presented a plan that showed a private on-ramp from the site to the future extension of Claratina Avenue (Claratina Avenue was improved with two lanes from Coffee Road to Oakdale Road in 2009). As described above, expressway access is limited to Collector Streets, but the City Council can grant expressway access from private parcels subject to meeting the City’s Expressway Access Policy. In reviewing this proposal, Public Works staff determined that the proposed on-ramp did not meet City’s Policy. The church was unable to design an on-ramp that met City standards and eventually decided to eliminate the proposed access. Church representatives indicated that they may, in the future, revisit access to Claratina Avenue with a separate application.
The proposed a right-in and right-out access point on Claratina Avenue at the east end of the church site is recognized as access to an interim Collector Street and not a private driveway. The proposed access includes right-in and right-out merge lanes and a concrete curb median to restrict left turns in and out of the church site. Claratina Avenue is planned to have a median but was not included with the 2009 improvements. The proposal does not include any changes to facility size or use approved in 2005.

I. Other Public Agencies Whose Approval is Required: none

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

A. ___ Within the Scope - The project is “within the scope” of the Mitigated Negative Declaration for a General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 2002122117) and no new environmental document is required, per Section 15162 of the CEQA Guidelines. The following items are found to be true:

1. No substantial changes are proposed in the project which will require major revisions of the Mitigated Negative Declaration for a General Plan Amendment, Specific Plan Amendment and Annexation for the Claratina Golf Course and Driving Range Site (SCH No. 2002122117).

2. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Mitigated Negative Declaration.

3. No new information, which was not known and could not have been known at the time the Mitigated Negative Declaration was adopted, has become available which would require revisions to the Mitigated Negative Declaration.

B. ____ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the previous Mitigated Negative Declaration. A mitigated negative declaration will be prepared for the project.

C. ____ EIR Required - On the basis of the above determinations, the project is not within the scope of the previous Mitigated Negative Declaration. An EIR will be prepared for the project.

[Signature]
Project Manager

Senior Planner

March 26, 2010

Title

Date
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 15162 of the CEQA Guidelines, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the previous Mitigated Negative Declaration, whether circumstances under which the project is being undertaken have changed and whether new information has arisen since the Mitigated Negative Declaration was adopted, any of which might require revisions to the Mitigated Negative Declaration. The Initial Study thereby documents whether or not the project is "within the scope" of the Mitigated Negative Declaration.

Pursuant to CEQA Guidelines Section 15162, no new environmental document is necessary for projects that are determined to be within the scope of the previous Mitigated Negative Declaration.

The previous Mitigated Negative Declaration organizes its analysis of environmental impacts into twenty one subject areas. The following analysis is based on the impact analyses contained in Mitigated Negative Declaration. For ease of cross-reference, the sections are numbered in the same order as the analyses in the Negative Declaration.

A. TRAFFIC AND CIRCULATION

1. Significant Effects Identified in the Mitigated Negative Declaration

Traffic and Circulation effects are analyzed on pages 7-9 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified the following significant traffic and circulation impacts that were mitigated to less than significant with mitigation incorporated in the project:

Effect: Increased traffic which is substantial in relation to the existing traffic load and capacity of the street system.

2. Mitigation Measures From the Mitigated Negative Declaration

The following Traffic and Circulation mitigation measures were identified in the Mitigated Negative Declaration for the development of the project site:

a. Concurrent with redevelopment of the project site as a church, the Coffee Road/Claratina Expressway intersection signal will be funded by the project.

b. At the time of any redevelopment of the project site, dedication of right-of-way to City standards shall be provided, in the event the previously dedicated right-of-way does not meet the current adopted City standard for Coffee Road and the Claratina Expressway. Along Coffee Road, improvement to City standards will also be provided.

c. At the time of preparation of a site plan for review and processing on the project site, a Site Access Study, consistent with the General Plan requirement contained in Chapter V(B)(7)(c) shall be prepared. The Site Access Study will also evaluate how to provide adequate pedestrian and vehicular access to the balance of the Hetch Hetchy CPD, which may include the reservation of road right-of-way and/or granting of vehicular/pedestrian cross access rights, to make certain that the project properly integrates with the balance of the Hetch Hetchy CPD, at the time of its development.
Discussion:

a. The City of Modesto has installed an interim roundabout at the Coffee Road and Claratina Avenue intersection. The City Traffic Engineering staff determined that an interim roundabout will provide an equivalent Level of Service (LOS) as the permanent traffic signal for the phase 1 of the project. The City expects that the permanent traffic signal will be installed prior to the phase 2 of the project or as indicated in the Development Agreement that contains a provision that would require the installation of the permanent traffic signal, unless a supplemental CEQA analysis is provided that demonstrates that the permanent traffic signal is not required and/or the required LOS may be achieved through alternate means.

b. The necessary right-of-way along Coffee Road and Claratina Avenue has been dedicated or acquired as part of the phase 1 development of the church.

c. As part of the 2005 review of the Final Development Plan, the applicant submitted the Traffic Access Assessment for Shelter Cove Community Church Master Plan Modesto, dated June 22, 2004 prepared by KD Anderson Transportation Engineers. In addition to addressing the provisions of the mitigation measure requiring a Site Access Study, the Assessment analyzed the potential for increased traffic impacts due to the increased size of the project. The Assessment concluded that the 2005 project would add only 19 P.M. peak-hour trips over what was analyzed in the Mitigated Negative Declaration, and concluded that the resulting Levels of Service on surrounding intersections would remain at or above LOS "D", which is the City's standard for significant traffic impacts, with a right-in access to Claratina Avenue. The City Traffic Engineering staff reviewed the Assessment and agreed with its conclusions.

3. Changes in the Proposed Project

The proposed project for access to Claratina Avenue does not increase the size of the approved project for 106,415 square feet of building area and consequently will not increase traffic impacts. The Traffic Access Study prepared by KD Anderson Transportation Engineers dated June 22, 2004, show a right-in and right-out access on Claratina Avenue would slightly improve traffic flow. Therefore, there are no changes needed to the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

An interim roundabout at the intersection of Coffee Road and Claratina Avenue was installed with phase 1 of the church project. The City Traffic Engineering staff has conducted an LOS analysis, and concluded that either interim traffic control devise will provide an equivalent LOS, at least until the church constructs their second phase. With the development of phase 2, a permanent traffic signal will need to be installed, unless additional traffic and CEQA analyses determines that alternative improvements to the intersection will achieve an acceptable LOS, given the conditions at that time.

In May of 2009, the City completed the extension of a two-lane Claratina Avenue from Coffee Road to Oakdale Road. As discussed in Section 3 above, the proposed access to Claratina Avenue would slightly improve traffic flow. Therefore, no significant changes are required in the Mitigated Negative Declaration.
5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

   See Section 4, above.

**B. AIR QUALITY**

1. **Significant Effects Identified in the Mitigated Negative Declaration**

   Air Quality effects are analyzed on pages 14-15 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant Air Quality impacts.

2. **Mitigation Measures From the Mitigated Negative Declaration**

   No Air Quality mitigation measures were identified by the Mitigated Negative Declaration for the project beyond those required by the General Plan Master EIR.

3. **Changes in the Proposed Project**

   As noted above, the proposed project for access to Claratina Avenue will not alter the Final Development Plan approval in 2005 for 106,415 square feet of building area. There would be no increase in air quality impacts because the traffic volume will not change. A Traffic Access Study prepared by KD Anderson Transportation Engineers dated June 22, 2004, show a right-in and right-out access on Claratina Avenue would improve traffic flow.

4. **Changes in Circumstances Surrounding the Project**

   The General Plan MEIR, which the Mitigated Negative Declaration adopted in 2003 was tiered off of, identified that buildout of General Plan would result in significant, unavoidable cumulative impacts to air quality, and the City Council adopted a statement of overriding considerations in certifying the MEIR. The General Plan MEIR was updated in 2008, and a statement of overriding consideration of unavoidable cumulative impacts to air quality was adopted again. The 2008 updated General Plan MEIR identifies the San Joaquin Valley Air Pollution Control District (SJVAPCD) 2007 Ozone Plan whereby mobile and stationary sources will be subject to new regulatory requirements. The 2008 General Plan include policies to address air quality impacts including requiring compliance with the updated SJVAPCD regulations and such policies will help reduce air quality impacts but not to a less-than-significant level.

   At this time no new measures are available to impose on the project beyond those required by the MEIR. Therefore, the changes in circumstances would not result in any significant changes in the Mitigated Negative Declaration.

5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

   See Section 4, above.
C.  **NOISE**

1. **Significant Effects Identified in the Mitigated Negative Declaration**

   Noise impacts are analyzed on pages 15-17 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified the following significant noise impacts that were mitigated to less than significant with mitigation incorporated in the project:

   **Effect:** Exposure of persons or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

   **Effect:** A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

2. **Mitigation Measures From the Mitigated Negative Declaration**

   The following Noise mitigation measures were identified in the Mitigated Negative Declaration for the development of the project site:

   a. At the time of submittal of a site plan, a noise study prepared by a qualified acoustical consultant shall be prepared if any church structures are proposed within the future 70 Ldn noise contour. The acoustical study shall provide measures to reduce the interior noise levels to 55 Ldn or below for any church structures falling within the 70 Ldn noise contour, consistent with the Master EIR requirements (Table 3-2 on page IV-3-8).

   b. All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

   **Discussion:**

   a. The 63 Ldn contour is located 74 feet from the centerline of Claratina Avenue, per Table V-3-7 of the General Plan MEIR. The project does not propose to locate any buildings within this distance, so no acoustic study is needed.

   b. This mitigation measure will apply to construction activities for the proposed access on Claratina Avenue.

3. **Changes in the Proposed Project**

   Since the proposal for access on Claratina Avenue does not increased size of the church or its operation, there will be no increase in noise impacts resulting from the project that would require revisions in the Mitigated Negative Declaration. As noted above, the mitigation measures for construction activities imposed by the Mitigated Negative Declaration will apply to the project.
4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to noise impacts.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to noise impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

D. AGRICULTURAL LANDS

1. Significant Effects Identified in the Mitigated Negative Declaration

Agricultural land impacts are analyzed on pages 17-18 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified the following significant agricultural land impacts that were mitigated to less than significant with mitigation incorporated in the project:

Effect: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use.

2. Mitigation Measures From the Mitigated Negative Declaration

The following agricultural land mitigation measures were identified in the Mitigated Negative Declaration for the development of the project site:

a. The project should be prepared to accept the inconveniences associated with the adjacent agricultural operations, such as noise, odors, flies, dust or fumes. Stanislaus County has determined that such inconveniences shall not be considered a nuisance if agricultural operations are consistent with accepted customs and standards.

Discussion:

a. This mitigation measure was applied as a condition of approval of the Final Development Plan approved in 2005 and is not applicable to the proposed project.

3. Changes in the Proposed Project

Since the project will not involve any additional land not already analyzed by the Mitigated Negative Declaration, there are no additional agricultural impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to agricultural impacts.
5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

No new information has become available related to agricultural impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

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**E. WATER SUPPLY**

1. **Significant Effects Identified in the Mitigated Negative Declaration**

   Water supply effects are analyzed on page 19 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant water supply impacts.

2. **Mitigation Measures From the Mitigated Negative Declaration**

   No water supply mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. **Changes in the Proposed Project**

   The proposed access to Claratina Avenue will not create any increase in the demand for water supplies. Therefore, there are no changes needed to the Mitigated Negative Declaration.

4. **Changes in Circumstances Surrounding the Project**

   There have been no changes to circumstances that will affect the proposed project in relation to water supply.

5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

   No new information has become available related to water supply impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

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**F. SANITARY SEWER SERVICES**

1. **Significant Effects Identified in the Mitigated Negative Declaration**

   Sanitary sewer supply effects are analyzed on page 20 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant sanitary sewer supply impacts.

2. **Mitigation Measures From the Mitigated Negative Declaration**

   No sanitary sewer supply mitigation measures were identified by the Mitigated Negative Declaration for the project.
3. Changes in the Proposed Project

The proposed access to Claratina Avenue will not create any increase in the demand for sanitary sewer service. Therefore, there are no changes needed to the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

Recently the City completed the Dissolved Air Flotation (DAF) project, which corrected disposal deficiencies, and is currently implementing the Phase 1A tertiary treatment project, which will provide some additional year-round disposal capacity for growth. However, the City recently received a new waste discharge permit with limits more restrictive than those previously indicated in the 2007 WWMP, and includes unprecedented limits for seasonal secondary effluent discharges into the San Joaquin River. Therefore, in order to meet these new discharge requirements, the City is planning to eliminate seasonal river discharges and replace with year-round discharge with tertiary treated wastewater (Phase 2). The Phase 2 treatment plant improvements are expected to be operational by 2013. The project will not have any impact on sanitary sewer service, so no changes are needed to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

See Section 4, above.

G. SENSITIVE WILDLIFE AND PLANT HABITAT

1. Significant Effects Identified in the Mitigated Negative Declaration

Wildlife and plant habitat effects are analyzed on pages 21-22 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant wildlife and plant habitat impacts.

2. Mitigation Measures From the Mitigated Negative Declaration

No wildlife or plant habitat mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

Since the project will not involve any additional land not already analyzed by the Mitigated Negative Declaration, there are no additional wildlife or plant habitat impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to wildlife or plant habitat impacts that would require revisions to the Mitigated Negative Declaration.
5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

No new information has become available related to wildlife or plant habitat impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

### H. ARCHAEOLOGICAL OR HISTORICAL SITES

1. **Significant Effects Identified in the Mitigated Negative Declaration**

Archaeological and historic site effects are analyzed on pages 14-15 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant archaeological or historic site impacts.

2. **Mitigation Measures From the Mitigated Negative Declaration**

No archaeological or historic site mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. **Changes in the Proposed Project**

Since the project will not involve any additional land not already analyzed by the Mitigated Negative Declaration, there are no additional archaeological or historic site impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. **Changes in Circumstances Surrounding the Project**

There have been no changes to circumstances that will affect the proposed project in relation to archaeological or historic site impacts that would require revisions to the Mitigated Negative Declaration.

5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

No new information has become available related to archaeological or historical site impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

### I. FLOODING AND WATER QUALITY

1. **Significant Effects Identified in the Mitigated Negative Declaration**

Flooding and water quality impacts are analyzed on pages 23-25 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified the following significant flooding and water quality impacts that were mitigated to less than significant with mitigation incorporated in the project:
Effect: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

2. Mitigation Measures From the Mitigated Negative Declaration

The following flooding and water quality mitigation measures were identified in the Mitigated Negative Declaration for the development of the project site:

a. On-site stormwater storage shall be provided consistent with City standards for a Commercial Site.

b. The project storm drainage facilities shall provide for an outfall connection in the Claratina Expressway, to be connected at such time as the Master Storm Drainage facilities become available for use.

Discussion:

a. This mitigation measure was applied as a condition of approval of the Final Development Plan. The proposed new access will have to comply with stormwater storage requirements.

b. This mitigation measure was applied as a condition of approval of the Final Development Plan. The proposed new access will have to comply with any approved outfall connection in the Claratina Expressway.

3. Changes in the Proposed Project

The increase in impermeable surfaces and a consequent increase in runoff will be minimal. The project will be required to conform to City standards. Therefore, no revisions are required in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no significant changes to circumstances that will affect the proposed project in relation to flooding and water quality impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to flooding and water quality impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.
J. **STORM DRAINAGE**

1. **Significant Effects Identified in the Mitigated Negative Declaration**

   Storm drainage impacts are analyzed on pages 25-26 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified the following significant storm drainage impacts that were mitigated to less than significant with mitigation incorporated in the project:

   **Effect:** Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect.

2. **Mitigation Measures From the Mitigated Negative Declaration**

   The following storm drainage mitigation measures were identified in the Mitigated Negative Declaration for the development of the project site:

   Same as mitigation measures for flooding and water quality.

   **Discussion:**

   See discussion for flooding and water quality.

3. **Changes in the Proposed Project**

   The project will result in minimal increase in impermeable surfaces and a consequent increase in runoff. This will be adequately dealt with in the on-site storm drainage facilities that will be required to conform to City standards. Therefore, no revisions are required in the Mitigated Negative Declaration.

4. **Changes in Circumstances Surrounding the Project**

   There have been no significant changes to circumstances that will affect the proposed project in relation to storm drainage impacts that would require revisions to the Mitigated Negative Declaration.

5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

   No new information has become available related to storm drainage impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.
K. PARKS AND OPEN SPACE

1. Significant Effects Identified in the Mitigated Negative Declaration

Parks and open space effects are analyzed on pages 26-27 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant parks or open space impacts.

2. Mitigation Measures From the Mitigated Negative Declaration

No parks or open space mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

Since the proposed access on Claratina Avenue does not create impacts to parks, there are no additional parks or open space impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to parks or open space impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to parks or open space impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

L. SCHOOLS

1. Significant Effects Identified in the Mitigated Negative Declaration

Increased demand for school effects are analyzed on pages 27-28 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant increased demand for schools due to the project.

2. Mitigation Measures From the Mitigated Negative Declaration

No increased demand for schools mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

Since the proposed access to Claratina Avenue does not create impacts to schools, there are no additional impacts to schools resulting from the project that would require revisions in the Mitigated Negative Declaration.
4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to demand for schools impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to demand for schools impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

M. POLICE SERVICES

1. Significant Effects Identified in the Mitigated Negative Declaration

Increased demand for police services are analyzed on page 28 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant increased demand for police services due to the project.

2. Mitigation Measures From the Mitigated Negative Declaration

No increased demand for police services mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

Since the proposed access to Claratina Avenue does not create an impact to police services, there are no additional impacts to police services resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to police services impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to police services impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.
N. FIRE SERVICES

1. Significant Effects Identified in the Mitigated Negative Declaration

Increased demand for fire services are analyzed on pages 28-29 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant increased demand for fire services due to the project.

2. Mitigation Measures From the Mitigated Negative Declaration

No increased demand for fire services mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

The Fire Department review of the proposed access resulted in revision to the plan with wider pavement to satisfy emergency access. The proposed access on Claratina Avenue will slightly better access from responding fire engines from the east. There are no additional impacts to fire services resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no significant changes to circumstances that will affect the proposed project in relation to fire services impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to fire services impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

O. SOLID WASTE

1. Significant Effects Identified in the Mitigated Negative Declaration

Solid waste effects are analyzed on page 29 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant solid waste effects.

2. Mitigation Measures From the Mitigated Negative Declaration

No solid waste mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

There are no additional solid waste impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.
4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to solid waste impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to solid waste impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

P. HAZARDOUS MATERIALS

1. Significant Effects Identified in the Mitigated Negative Declaration

Hazardous materials effects are analyzed on pages 30-31 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant hazardous materials effects.

2. Mitigation Measures From the Mitigated Negative Declaration

No hazardous materials mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

There are no additional hazardous materials impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to hazardous materials impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to hazardous materials impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.
Q. LANDSLIDES AND SEISMIC ACTIVITY

1. Significant Effects Identified in the Mitigated Negative Declaration

Landslides and seismic activity effects are analyzed on pages 31-32 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant landslide or seismic activity effects.

2. Mitigation Measures From the Mitigated Negative Declaration

No landslide or seismic activity mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

There are no additional landslide or seismic activity impacts resulting from the increased size of the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to landslide or seismic activity impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to landslide or seismic activity impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

R. ENERGY AND MINERAL RESOURCES

1. Significant Effects Identified in the Mitigated Negative Declaration

Energy and mineral resources effects are analyzed on pages 32-33 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant energy or mineral resources effects.

2. Mitigation Measures From the Mitigated Negative Declaration

No energy or mineral resources mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

There are no additional energy or mineral resources impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.
4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to energy or mineral resources impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to energy or mineral resources impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

S. PLANNING AND LAND USE

1. Significant Effects Identified in the Mitigated Negative Declaration

Planning and land use effects are analyzed on pages 33-34 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant planning or land use effects.

2. Mitigation Measures From the Mitigated Negative Declaration

No planning or land use mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

There are no additional planning or land use impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to planning or land use impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to planning or land use impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.
T. POPULATION AND HOUSING

1. Significant Effects Identified in the Mitigated Negative Declaration

Population and housing effects are analyzed on pages 34-35 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant population or housing effects.

2. Mitigation Measures From the Mitigated Negative Declaration

No population or housing mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

There is no additional population or housing impacts resulting from the project that would require revisions in the Mitigated Negative Declaration.

4. Changes in Circumstances Surrounding the Project

There have been no changes to circumstances that will affect the proposed project in relation to population or housing impacts that would require revisions to the Mitigated Negative Declaration.

5. New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration

No new information has become available related to population or housing impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.

U. AESTHETICS

1. Significant Effects Identified in the Mitigated Negative Declaration

Aesthetics effects are analyzed on pages 35-36 of the Mitigated Negative Declaration. The Mitigated Negative Declaration identified no significant aesthetics effects.

2. Mitigation Measures From the Mitigated Negative Declaration

No aesthetics mitigation measures were identified by the Mitigated Negative Declaration for the project.

3. Changes in the Proposed Project

There are no additional aesthetics impacts resulting from the increased size of the project that would require revisions in the Mitigated Negative Declaration.
4. **Changes in Circumstances Surrounding the Project**

There have been no changes to circumstances that will affect the proposed project in relation to aesthetics impacts that would require revisions to the Mitigated Negative Declaration.

5. **New Information Not Known at the Time of Adoption of the Mitigated Negative Declaration**

No new information has become available related to aesthetics impacts that were not known at the time of adoption of the Mitigated Negative Declaration that would require revisions to the Mitigated Negative Declaration.
V. MITIGATION MEASURES APPLIED TO THE PROJECT

1. Mitigated Negative Declaration Mitigation Measures Applied to the Project

The following Mitigation Measures from the previously adopted Mitigated Negative Declaration will apply to the proposed construction activities.

Traffic and Circulation Measures: None.

Air Quality Measures: (from General Plan Master EIR)

a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

b. All onsite unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizers/suppressant.

c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

d. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

g. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

h. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Noise Measures:

a. All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.
**Agricultural Land Measures:** None.

**Water Supply Measures:** None.

**Sanitary Sewer Service Measures:** None.

**Sensitive Wildlife and Plant Habitat Measures:** None.

**Archaeological or Historic Sites Measures:** None.

**Flooding and Water Quality Measures:**

a. On-site stormwater storage shall be provided consistent with City standards for a Commercial Site.

b. The project storm drainage facilities shall provide for an outfall connection in the Claratina Expressway, to be connected at such time as the Master Storm Drainage facilities become available for use.

**Storm Drainage Measures:**

See Flooding and Water Quality Measures

**Parks and Open Space Measures:** None.

**Schools Measures:** None.

**Police Services:** None.

**Fire Services:** None.

**Generation of Solid Waste:** None.

**Generation of Hazardous Materials:** None.

**Potential for Landslides and Seismic Activity:** None.

**Energy and Mineral Resources:** None.

**Planning and Land Use:** None.

**Population and Housing:** None.

**Aesthetics:** None.

2. **Project-Specific Mitigation Measures**

None.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND NATIONAL DEMOGRAPHICS CORPORATION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Economic Development Committee held a meeting on March 8, 2010, and approved a Consultant be hired to assist the City of Modesto Run-Off Election Ad Hoc Committee, and

WHEREAS, the City of Modesto Run-Off Election Ad Hoc Committee requires the services of an expert to guide them in a review of the City of Modesto Charter, Article III, Section 300 regarding run-off elections, and

WHEREAS, National Demographics Corporation has the necessary experience and qualifications to assist the Committee with a review of the City of Modesto Charter, Article III, Section 300 regarding run-off elections,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Consultant Services between the City of Modesto and National Demographics Corporation, 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 13th day of April, 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. 2010-126

A RESOLUTION DIRECTING STAFF TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

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

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

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the City Engineer, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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. 2010-127

A RESOLUTION DIRECTING STAFF TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 & 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 & 2, and

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

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 & 2, the City Engineer, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF TEN (10) SOLE BRAND CLEAIRE “HORIZON” DIESEL PARTICULATE FILTER UNITS FOR THE PUBLIC WORKS, FLEET SERVICES DIVISION, TO CUMMINS WEST, INC., WEST SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $141,675

WHEREAS, the California Air Resources Board (CARB) requires that municipalities with diesel trucks above 14,000 Gross Vehicle Weight (GVW), 2003 to 2006 model year engines, retrofit 100% of this group of trucks by the end of 2010 with CARB-compliant diesel particulate filters, and

WHEREAS, the Cleaire “Horizon” is the only CARB compliant diesel particulate filter on the market that meets the City’s operating requirements. Staff solicited quotes from firms that are Cleaire authorized California distributors that offer installation within one hundred miles of Modesto, and

WHEREAS, the City Manager authorized the Purchasing Manager, or his designee, to receive quotations from these firms to purchase and install ten (10) sole brand Cleaire “Horizon” diesel particulate filters for the Public Works Department, Fleet Services Division, with the Purchasing Division coming back to Council for award authorization, 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 brand purchase of ten (10) Cleaire
“Horizon” diesel particulate filter units for the Public Works Department, Fleet Services Division, from Cummins West, Inc., West Sacramento, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation unit: 7210-480-5814-0365,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase and installation of ten (10) sole brand Cleaire “Horizon” diesel particulate filter units, for the Public Works Department, Fleet Services Division, to Cummins West, Inc., West Sacramento, CA,

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $141,675.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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. 2010-129

A RESOLUTION ACCEPTING THE CALIFORNIA GANG REDUCTION, INTERVENTION AND PREVENTION PROGRAM GRANT IN THE AMOUNT OF $191,317 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY FOR PROJECT WAKE UP; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as Project Wake Up from the California Gang Reduction, Intervention and Prevention Program (CalGRIP), and

WHEREAS, the Police Department was awarded a grant in the amount of $191,317 from CalGRIP, and

WHEREAS, this grant will provide additional educational programs for youth designed to guide delinquents in overcoming negative peer influences, and

WHEREAS, this grant will provide overtime for officers to partake in the program, 20% of a Police Assistant, interpreter headsets, training, office equipment, and supplies, and

WHEREAS, 20% of the grant funds will be given to the Community Based Organization, Sierra Vista Child and Family Services, who since 1972 has been helping abused, neglected, and emotionally disturbed children and families in crisis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Gang Reduction, Intervention and Prevention Program grant in the amount of $191,317 from the California Emergency Management Agency for Project Wake Up.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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 NUMBER 2010-130

A RESOLUTION AMENDING THE FISCAL YEAR 2009/2010 OPERATING AND MULTI-YEAR BUDGETS TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF $191,317 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY FOR PROJECT WAKE UP

WHEREAS, the Police Department applied for and was awarded a grant in the sum of $191,317 from the California Emergency Management Agency for Project Wake Up, to guide delinquents in overcoming negative peer influences, and

WHEREAS, the grant will provide overtime for officers to partake in the program, 20% of a Police Assistant, interpreter headsets, training, office equipment, and supplies, and

WHEREAS, 20% of the funds received will be given to the Community Based Organization, Sierra Vista Child and Family Services, who since 1972 has been helping abused, neglected, and emotionally disturbed children and families in crisis, and

WHEREAS, there is an in-kind match required of $227,126 for this grant which will be provided through and existing police officer’s salary and management oversight with no additional cost to the City, and

WHEREAS, the term of this program will be from April 1, 2010, through March 31, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2009/2010 Operating and Multi-Year Budgets are shown on the Budget Adjustment Form attached are hereby amended.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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
REQUEST FOR BUDGET ADJUSTMENT

**Fund: 0410-Operation Grants Reimbursed**

### DEPARTMENTAL REVENUES

<table>
<thead>
<tr>
<th>Fund-Agency-Organ Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
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<tr>
<td>0410-190-2912-3490</td>
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<td>$191,317</td>
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<td>$227,126</td>
<td></td>
<td>$418,443</td>
<td>Contributions In-Kind</td>
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### APPROPRIATIONS

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### TRANSFERS BETWEEN FUNDS

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<th>Revised Budget</th>
<th>Description of Object</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>$418,443</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
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### COMMENTS/JUSTIFICATION

This budget adjustment is being made to program Grant funds and in-kind match contribution for a grant awarded to the Modesto Police Department in the amount of $418,443. This is a multi-year (2-year) reimbursable grant from California Emergency Management Agency (Cal EMA) under the California Gang Reduction, Intervention and Prevention (CalGRIIP) Program. The grant will commence on April 1, 2010 and end on March 31, 2012. This action will establish a new multi-year operating organization for these grant funds and the in-kind match and program offsetting expenses as identified in the grant award document.

**AUTHORIZATION (check if required)**

Prepared By: Julie Hendee, Public Safety Business Services Analyst

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)

CFF/CFD ADMINISTRATOR When necessary for CIP

CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)

**SIGNATURE**

**DATE**

**TRANSFER NO.:**

PW: AT winterfund Template 7/28/2005

**BY:**

**DATE:**
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-131

RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY REQUESTING $439,032 IN FY 2009-10 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS FOR TRANSIT SECURITY PROJECTS FOR THE NEW BUS MAINTENANCE FACILITY AND IN FIXED ROUTE BUSES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

WHEREAS, California voters approved the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Prop 1B) in November 2006, and

WHEREAS, Prop 1B provided the Stanislaus County region with a funding allocation of $413,426 in FY 2009-10 for public transit security projects, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated recipient for regional funds, and has allocated these funds to the City of Modesto, and

WHEREAS, Prop 1B also provides $25,606 specifically for the City of Modesto for transit security projects, and

WHEREAS, City staff proposes to submit a grant application that combines the regional and local allocations for a total of $439,032 for a security wall, video surveillance, gates, and lighting for the new Bus Maintenance Facility, and also installation of video surveillance systems in the fixed route buses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to submit a grant application to the California Emergency Management Agency requesting $439,032 in California Transit Assistance Funds for transit security projects for the New Business Maintenance Facility and in fixed route buses.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute all necessary grant application and grant agreement documents with the California Emergency Management Agency.

BE IT FURTHER RESOLVED that the City Manager may designate the Director of Public Works to execute all grant application and grant agreement documents.

BE IT FURTHER RESOLVED that the City Manager may designate the Transit Manager to execute all grant application and grant agreement documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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. 2010-132

A RESOLUTION APPROVING AN AGREEMENT WITH RMC WATER AND ENVIRONMENT FOR ON-CALL FUNDING SUPPORT SERVICES FOR UTILITY PROJECTS FOR VARIOUS UTILITY PLANNING & PROJECTS – CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $100,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning & Projects Department – Capital Improvement Services Division (CIS) performs a number of tasks requiring funding support services for utility projects, and

WHEREAS, CIS has found it necessary to utilize the services of a specialized consulting funding support firm, and

WHEREAS, retaining on-call funding support services allows the division quick access to support for specific application processes for funding through grants and loans, and

WHEREAS, capital improvement projects presently scheduled for review and processing by City staff continue to rise at a rapid rate, and

WHEREAS, using an experienced funding support firm provides a quick turnaround, which is essential to efficient response to the large undertaking of numerous utility-related capital improvement projects, and

WHEREAS, the goal in having an on-call funding support consultant is to standardize the outcome of the review process, reduce response time, and promote project cost savings, which positively impacts the CIP Budget, and
WHEREAS, due to the current uncertainty in the bond market, the City needs to consider all available options in order to fund utility projects, and

WHEREAS, the City of Modesto has begun applying for funding for several wastewater treatment projects that qualify for loan assistance, and

WHEREAS, the Clean Water State Revolving Fund (CWSRF) is a loan assistance authority for water quality improvement projects, and

WHEREAS, the fund is administered by the State Water Resources Control Board (SWRCB), and

WHEREAS, it provides loans for the construction of municipal wastewater projects including large-scale wastewater collection and treatment projects, and

WHEREAS, the program is desirable because of its flexible terms and low interest rates, 2.9%, for 20 years, and

WHEREAS, the current recommendation is based on an earlier selection process that was performed in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects in October 2008, and

WHEREAS, the Public Works Director approved a short-list of eight engineering firms that have extensive experience with water and wastewater treatment design and funding support services, and

WHEREAS, on October 28, 2008, a Request for Proposals (RFPs) was sent to those eight engineering firms, and

WHEREAS, two proposals were submitted and subsequently reviewed by the Selection Committee, which consisted of three City staff, one member of the Building
Industry Association of Central California, and one member of the Manufacturer’s Council of the Central Valley, and

WHEREAS, following the consultant interviews, the Selection Committee determined that RMC Water and Environment (RMC) of Walnut Creek was the most qualified firm to perform both value engineering and funding support services, and

WHEREAS, RMC performed well on that agreement which included some tasks related to funding support services, and

WHEREAS, City staff is recommending that RMC be retained on an on-call basis to continue work on the Phase 2 tertiary project funding and potentially other projects, and

WHEREAS, RMC is a well-respected firm that has a thorough understanding of the funding process, and has successfully completed multiple CWSRF loan applications, and

WHEREAS, it has helped many California agencies and municipalities obtain over $450 million in the past seven years, and

WHEREAS, the application process requires intensive coordination with the City, and SWRCB, and

WHEREAS, RMC is familiar with many of the City’s projects including recent work on Value Engineering of Phase 2 BNR/Tertiary Treatment Project which was very important because it is a requirement for CWSRF loans for projects over $10 million, and

WHEREAS, they also have a close working relationship with the state agency’s representative, and
WHEREAS, City staff has confidence that RMC is well-qualified, and has the expertise to move the application process in a timely manner, and

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

WHEREAS, RMC will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to RMC prior to commencement of services, and

WHEREAS, City staff recommends an On-call Funding Support Services Agreement with RMC Water and Environment be approved, and

WHEREAS, RMC will be paid on an hourly basis for actual hours required to perform specific task orders at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with RMC Water and Environment for On-call Funding Support Services for Utility Projects for various Utility Planning & Projects – Capital Improvement Program projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $100,000 per year. Total cost for three years is not to exceed $300,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and up to two one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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. 2010-133  

A RESOLUTION AUTHORIZING CHANGE ORDERS FOR THE PROJECT TITLED “MERLE AVENUE IMPROVEMENTS AT THE VILLAGE ONE CENTRAL BASIN” IN THE AMOUNT OF $28,541.84

WHEREAS, the City Council, on October 7, 2008, by Resolution No. 2008-573, awarded a $229,910.41 contract to Teichert Construction to construct the Merle Avenue Improvements at the Village One Central Basin project, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the cost of the extra work has been estimated to be $28,541.84, an amount which exceeds the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and

WHEREAS, the Director of Utility Planning and Projects currently has authority to approve change orders up to a cumulative amount of $25,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes change orders for the project titled “Merle Avenue Improvements at the Village One Central Basin” in the amount of $28,541.84.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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. 2010-134

A RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE PROJECT TITLED “MERLE AVENUE IMPROVEMENTS AT THE VILLAGE ONE CENTRAL BASIN” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $258,452.25

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the project titled “Merle Avenue Improvements at the Village One Central Basin” has been completed by Teichert Construction in accordance with the contract agreement dated October 7, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Merle Avenue Improvements at the Village One Central Basin” is hereby accepted as complete from said contractor Teichert Construction.

BE IT FURTHER RESOLVED that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods.

BE IT FURTHER RESOLVED that payment of amounts totaling $258,452.25 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 13\textsuperscript{th} day of April, 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:

\begin{itemize}
  \item \textbf{AYES:} Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
  \item \textbf{NOES:} Councilmembers: None
  \item \textbf{ABSENT:} Councilmembers: None
\end{itemize}

\textbf{ATTEST:} \\
\underline{STEPHANIE LOPEZ, City Clerk}

(SEAL)

APPROVED AS TO FORM:

By: \underline{SUSANA ALCALA WOOD, City Attorney}
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-135

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE FALL PROTECTION AT TANKS 3, 4, 5, 6, 7, 8 & 9 PROJECT, ACCEPTING THE BID AND APPROVING A CONTRACT WITH TCB INDUSTRIAL, INC. IN THE AMOUNT OF $43,448 FOR THE FALL PROTECTION AT TANKS 3, 4, 5, 6, 7, 8 & 9 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 project were opened at 11:00 a.m. on March 9, 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 $43,448 received from TCB Industrial, Inc. be accepted as the lowest responsible bid and the contract be awarded to TCB Industrial, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 project, accepts the bid of TCB Industrial, Inc. in the amount of $43,448, and awards TCB Industrial, Inc. the contract for the Fall Protection at Tanks 3, 4, 5, 6, 7, 8 & 9 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 13th day of April, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-136

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE E. COOLIDGE WATERLINE REPLACEMENT PROJECT, ACCEPTING THE BID AND APPROVING A CONTRACT WITH CLYDE WHEELER PIPELINE, INC. IN THE AMOUNT OF $617,136.40 FOR THE E. COOLIDGE WATERLINE REPLACEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the E. Coolidge Waterline Replacement project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the E. Coolidge Waterline Replacement project were opened at 11:00 a.m. on March 2, 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 $617,136.40 received from Clyde Wheeler Pipeline, Inc. be accepted as the lowest responsible bid and the contract be awarded to Clyde Wheeler Pipeline, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the E. Coolidge Waterline Replacement project, accepts the bid of Clyde Wheeler Pipeline, Inc. in the amount of $617,136.40, and awards Clyde Wheeler Pipeline, Inc. the contract for the E. Coolidge Waterline Replacement 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 13th day of April, 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. 2010-137 

A RESOLUTION APPROVING A FIVE-YEAR EXTENSION OF THE 
OCTOBER 2001 MEMORANDUM OF UNDERSTANDING BETWEEN THE 
CITY AND THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER 
BASIN ASSOCIATION FOR PURPOSES OF CONTINUED COORDINATION 
RELATED TO GROUNDWATER MANAGEMENT ACTIVITIES, AND 
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A 
LETTER OF EXTENSION

WHEREAS, the City overlies two groundwater basins, the Modesto Groundwater Sub-basin, overseen by the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA), and the Turlock Groundwater Sub-basin, overseen by the Turlock Groundwater Basin Association, and

WHEREAS, on October 9, 2001, by Resolution No. 2001-515, the City Council approved a Memorandum of Understanding (MOU) between the City and the STRGBA to coordinate groundwater management activities within the Modesto Groundwater Sub-basin, and

WHEREAS, since then, City staff has actively participated in ongoing groundwater management efforts, and on June 29, 2005, by Resolution No. 2005-340, the City Council approved an Integrated Regional Groundwater Management Plan (IRGMP) developed by the STRGBA, and

WHEREAS, with an objective of developing a safe and sustaining water supply, the IRGMP provides a framework for overseeing and coordinating groundwater management activities within the Modesto Groundwater sub-basin, and

WHEREAS, specifically, the IRGMP identifies various Basin Management Objectives to be studied and possibly be implemented, such as, improving supply
reliability, identifying potential recharge areas, optimizing well field operations, and developing conjunctive use strategies to improve water quality, and

WHEREAS, currently, STRGBA has contracted with United States Geological Survey (USGS) to develop a time-dependent groundwater flow model that will simulate groundwater flow conditions now and into the future, and

WHEREAS, on November 7, 2007, by Resolution No. 2007-657, the City Council approved a renewal and four-year extension of the MOU between the City and the STRGBA, which will expire on December 31, 2010, and

WHEREAS, member agencies of the STRGBA have mutually agreed to recommend extending the terms of the MOU to their respective Councils or Boards for an additional five years, expiring on December 31, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a renewal and four-year extension of the October 2001 Memorandum of Understanding between the City and the Stanislaus and Tuolumne Rivers Groundwater Basin Association for purposes of continued coordination related to groundwater management activities.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a Letter of Extension.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 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: 

SUSAN VALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-138

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
CLAUS ROAD PAVEMENT REHABILITATION PROJECT, ACCEPTING THE
BID AND APPROVING A CONTRACT WITH A. TEICHERT & SON, INC. DBA
TEICHERT CONSTRUCTION IN THE AMOUNT OF $918,882.85 FOR THE
CLAUS ROAD PAVEMENT REHABILITATION PROJECT, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Claus Road
Pavement Rehabilitation project and City staff recommends approval by the City
Council, and

WHEREAS, the bids received for the Claus Road Pavement Rehabilitation
project were opened at 11:00 a.m. on March 16, 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 $918,882.85 received from A. Teichert & Son, Inc. dba Teichert Construction
be accepted as the lowest responsible bid and the contract be awarded to A. Teichert &
Son, Inc. dba Teichert Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications for the Claus Road Pavement
Rehabilitation project, accepts the bid of A. Teichert & Son, Inc. dba Teichert
Construction in the amount of $918,882.85, and awards A. Teichert & Son, Inc. dba
Teichert Construction the contract for the Claus Road Pavement Rehabilitation 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 13th day of April, 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
A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDED CAPE AND SLURRY SEAL ON VARIOUS STREETS PROJECT, ACCEPTING THE BID AND APPROVING A CONTRACT WITH VALLEY SLURRY SEAL COMPANY IN THE AMOUNT OF $2,220,701.08 FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDED CAPE AND SLURRY SEAL ON VARIOUS STREETS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project were opened at 11:00 a.m. on March 2, 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 $2,220,701.08 received from Valley Slurry Seal Company be accepted as the lowest responsible bid and the contract be awarded to Valley Slurry Seal Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, accepts the bid of Valley Slurry Seal Company in the amount of $2,220,701.08, and awards Valley Slurry Seal Company the contract for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets 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 13th day of April, 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: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-140

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDED CAPE AND SLURRY SEAL ON VARIOUS STREETS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH VALLEY SLURRY SEAL COMPANY IN THE AMOUNT OF $2,220,701.08 FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDED CAPE AND SLURRY SEAL ON VARIOUS STREETS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT. W. ROSEBURG (MCHENRY TO VIRGINIA), COLDWELL (ENSLEN TO COLLEGE) AND W. MORRIS (MCHENRY TO VIRGINIA)

WHEREAS, plans and specifications have been prepared for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project were opened at 11:00 a.m. on March 2, 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 $2,220,701.08 received from Valley Slurry Seal Company be accepted as the lowest responsible bid and the contract be awarded to Valley Slurry Seal Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, accepting the bid, and approving a contract with Valley Slurry Seal Company in the amount of $2,220,701.08 for the American Recovery and Reinvestment Act of 2009
Funded Cape and Slurry Seal on Various Streets project, and authorizing the City Manager, or his designee, to execute the contract.

- W. Roseburg (McHenry to Virginia)
- Coldwell (Enslen to College)
- W. Morris (McHenry to Virginia)

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 13th day of April, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-141

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDED CAPE AND SLURRY SEAL ON VARIOUS STREETS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH VALLEY SLURRY SEAL COMPANY IN THE AMOUNT OF $2,220,701.08 FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDED CAPE AND SLURRY SEAL ON VARIOUS STREETS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT. 14TH STREET (D TO K STREETS)

WHEREAS, plans and specifications have been prepared for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project were opened at 11:00 a.m. on March 2, 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 $2,220,701.08 received from Valley Slurry Seal Company be accepted as the lowest responsible bid and the contract be awarded to Valley Slurry Seal Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, accepting the bid, and approving a contract with Valley Slurry Seal Company in the amount of $2,220,701.08 for the American Recovery and Reinvestment Act of 2009 Funded Cape and Slurry Seal on Various Streets project, and authorizing the City Manager, or his designee, to execute the contract.
• 14th Street (D to K Streets)

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 13th day of April, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
WHEREAS, Commonwealth Modesto (CWM) was started in 2007 by a small group of aspiring community leaders and professionals, and

WHEREAS, to date, Commonwealth has identified six (6) community impact projects known as “Pods” designed to improve the community and develop member leadership skills: Boys and Girls Club, Branding, Community Development, Future Cities Competition, Innovation Center and Strategic Plan, and

WHEREAS, the Branding Pod’s focus is on the image of Modesto, and

WHEREAS, in 2009, the group conducted a survey resulting in 3,400 responses, and

WHEREAS, the results of the survey and introduction of the seven brand anchors were presented to the Economic Development Partnership members and members of the community on January 20, 2010, with the request that each organization endorse these anchors and use them to promote Modesto, and

WHEREAS, the seven anchors were identified from the survey responses as areas that most respondents agreed are positive aspects of the community: Agriculture and Industry, Community, Location, Culture, Parks & Outdoors, Hometown Heroes, Small Town Feel,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the seven Modesto brand anchors for use in such items as the
City's Strategic Plan, website and presentations, and direct staff to work with
Commonwealth and the Economic Development Partnership team to develop an overall
strategy for use and implementation,

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of April, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney