RESOLUTION APPOINTING ANNETTE RECLUSADO AND DUWAYNE STENGER TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION

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

WHEREAS, the Economic Development Committee met on June 13, 2011, and recommended appointment of ANNETTE RECLUSADO and DUWAYNE STENGER to the Equal Opportunity/Disability Commission.

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

SECTION 1. ANNETTE RECLUSADO is hereby appointed to the Equal Opportunity/Disability Commission with term expiration of January 1, 2012.

SECTION 2. DUWAYNE STENGER is hereby appointed to the Equal Opportunity/Disability Commission with a term expiration of January 1, 2013.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Commissions and the Secretary thereof.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)
RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. (FORMERLY BOYLE ENGINEERING CORPORATION) FOR ADDITIONAL SCOPE OF WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR CONSULTANT SERVICE FOR THE DESIGN OF THE SYLVAN AVENUE BETWEEN MILLBROOK AVENUE AND CLAUS ROAD AND LITT ROAD BETWEEN SYLVAN AVENUE AND THE NORTH END OF THE GROGAN PARK SITE IN AN AMOUNT NOT TO EXCEED $30,685 FOR THE IDENTIFIED SCOPE OF SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT, PLUS $19,048 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $49,733, AND AUTHORIZING THE DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on February 27, 2007, by Resolution No. 2007-141, City Council approved an agreement for consultant services with Boyle Engineering Corp. for the design of Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road from Sylvan Avenue to the north end of the Mary E Grogan Community Park site (Sylvan/Litt Project), and

WHEREAS, in April, 2008, Boyle Engineering Corp. was purchased by AECOM Technical Services, Inc. and is the current party to the existing agreement, and

WHEREAS, the original agreement totaled $452,207 which included a 15% contingency, and

WHEREAS, the Sylvan/Litt Project design began in 2007 at a time when construction of the Mary E. Grogan Community Park (Grogan Park) was anticipated to occur in the near future, and

WHEREAS, as the economy turned and development in Village One slowed, construction of Grogan Park was no longer deemed feasible and the need for the Sylvan/Litt Project decreased, and
WHEREAS, the Sylvan/Litt Project design work progressed slowly until January 11, 2011 when the City’s CIP Task Force approved the development of the initial phases of Grogan Park project prompting the need to complete the Sylvan/Litt Project, and

WHEREAS, staff has identified several modifications that need to be made to the Sylvan/Litt Project plans to accommodate the development of Grogan Park, and

WHEREAS, in addition, changes to the plans are required due to the updates in state regulations regarding irrigation and storm water runoff from landscaped areas that have been implemented since the project design began, and

WHEREAS, City staff recommends approving an amendment to agreement with AECOM Technical Services, Inc. for $30,685 plus an additional $19,048 for contingencies bringing the revised maximum total agreement amount to $495,246,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional services not included in the original agreement for Design Services for Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road from Sylvan Avenue to the north end of the Mary E Grogan Community Park site Project, in an amount not to exceed $30,685 for the identified scope of services not included in the original agreement, plus $19,048 for additional services (if needed), for a maximum total amount of $49,733.

BE IT FURTHER RESOLVED that the District Administrator, 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 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION NO. 2011-326

A RESOLUTION ALLOCATING $60,000 ($20,000 FISCAL YEAR 2011/2012, $20,000 FISCAL YEAR 2012/2013, AND $20,000 FISCAL YEAR 2013/2014 FOR PROJECT DEVELOPMENT OF STATE ROUTE 132 WEST EXPRESSWAY PROJECT

WHEREAS, on August 14, 2001, the City Council, by Resolution No. 2001-417, approved an agreement with Caltrans to provide a contribution of $4 million in Capital Facilities Fees to Stage I of the SR 132 West Expressway project, and

WHEREAS, the project is currently in Project Approval and Environmental Documentation (PA&ED) Phase, and

WHEREAS, the consultant contract for the PA&ED Phase in an amount of $5,190,467 is funded from federal earmark from Congressman Dennis Cardoza along with the local match from the region, and

WHEREAS, design and right-of-way phases are programmed to be funded from federal earmark from Congressman Dennis Cardoza along with the local match from the region, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves allocating $20,000 for Fiscal Year 2011/2012, $20,000 for Fiscal Year 2012/2013, and $20,000 for Fiscal Year 2013/2014, for the project management of PA&ED, design and right-of-way phases of the SR 132 West Expressway Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Muratore

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-327

A RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE CAPITAL FACILITIES FUNDS IN THE AMOUNT OF $20,000 FOR PROJECT DEVELOPMENT OF STATE ROUTE 132 WEST EXPRESSWAY

WHEREAS, on August 14, 2001, the City Council, by Resolution No. 2001-417, approved an Agreement with Caltrans to provide a contribution of $4 million in Capital Facilities Fees to Stage I of the SR 132 West Expressway project, and

WHEREAS, the project is in Project Approval and Environmental Documentation (PA&ED) phase, and

WHEREAS, the consultant contract for the PA&ED phase in the amount of $5,190,467 is funded from federal earmark from Congressman Dennis Cardoza along with the local match from the region, and

WHEREAS, the Capital Facilities Fees in the amount of $20,000 is required for reimbursement of City staff time for project development of PA&ED phase of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011/2012 Capital Improvement Program (CIP) budget to appropriate $20,000 of funding to the following budget expense account:

EXPENSES: Project No. 100614 - $20,000.00
BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Muratore

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSAN CALACA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-328

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF TEN (10) CROWN VICTORIA POLICE INTERCEPTOR VEHICLES FOR THE MODESTO POLICE DEPARTMENT, THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY “ACCESSING THE TERMS” OF A COMPETITIVELY BID CONTRACT WITH THE CITY OF SACRAMENTO, CA, THROUGH DOWNTOWN FORD, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $266,357

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB’s) for new vehicles and heavy equipment, throughout FY 11/12 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The ten (10) Crown Victoria Police Interceptor vehicles for the Modesto Police Department were included in the FY 11/12 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the Purchasing Division issued a Request for Quote to verify pricing on competitively bid contracts with various government agencies within the State of California. City staff also requested pricing from the local vendor, Heritage Ford. The local vendor responded that they could not competitively bid the patrol sedans, and

WHEREAS, City staff determined that by “accessing the terms” of a competitively bid contract with the City of Sacramento, CA, through Downtown Ford, Sacramento, CA, the City will select the bid that best suits the City’s needs at the best value to the City, and

WHEREAS, Downtown Ford provides a five percent (5%) discount for payments made within twenty days. City staff will ensure that the discount terms are met, which
represents a savings of $14,019 for a total purchase price including discount of $266,357, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2011-12 in appropriation units: 5410-53241-57003, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material and equipment or contractual services to be formally bid. Per Modesto Municipal Code Section 8-3.204(d) the Purchasing Manager may determine that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. By “accessing the terms” through the contract with the City of Sacramento, CA, the purchase of these vehicles will conform to Modesto Municipal Code Section 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for the purchase of ten (10) Crown Victoria Police Interceptor vehicles, for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, CA through Downtown Ford, Sacramento, 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 $266,357.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING EXTENSION OF THE ABANDONED VEHICLE ABATEMENT PROGRAM FEE UNTIL APRIL 30, 2022; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the Stanislaus County Abandoned Vehicle Abatement (AVA) Service Authority was formed in 1991, and

WHEREAS, the AVA program is funded by a $1 license fee, and

WHEREAS, the AVA program has contributed substantially to our local quality of life by removing thousands of junked or abandoned vehicles from the territory of the nine cities and the County, and

WHEREAS, the AVA program fee is set to expire on April 30, 2012, and

WHEREAS, per Assembly Bill 468, Chapter 389, Statutes of 2007, the AVA program fee may be extended in increments of up to 10 years each if the board of supervisors of the county, by a two-thirds votes, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee, and

WHEREAS, it is desirable to the City of Modesto to have the AVA program fee continue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2022.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary program documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH GARY WAYNE LOVE, FOR A 732 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 901 EMPIRE AVENUE (APN 035-048-005), IN THE AMOUNT OF $1,644, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Gary Wayne Love,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Gary Wayne Love for a 732 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 901 Empire Avenue, Modesto, California (APN 035-048-005), in the amount of $1,644, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 901 EMPIRE AVENUE, OWNED BY GARY WAYNE LOVE TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Gary Wayne Love,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 901 Empire
Avenue owned by Gary Wayne Love (APN 035-048-005) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JOSE LUIS VILLEGAS AND MARIA SOCORRO VILLEGAS, FOR A 733 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 903 EMPIRE AVENUE (APN 035-048-006), IN THE AMOUNT OF $1,646, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jose Luis Villegas and Maria Socorro Villegas,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Jose Luis Villegas and Maria Socorro Villegas for a 733 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 903 Empire Avenue, Modesto, California
(APN 035-048-006), in the amount of $1,646, for the Empire Avenue Improvement project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 903 EMPIRE AVENUE, OWNED BY JOSE LUIS VILLEGAS AND MARIA SOCORRO VILLEGAS TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jose Luis Villegas and Maria Socorro Villegas,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of
Acceptance for the Grant Deed for the acquisition of property located at 903 Empire Avenue owned by Jose Luis Villegas and Maria Socorro Villegas (APN 035-048-006) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Signature)

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-334

RESOLUTION APPROVING A PURCHASE AGREEMENT WITH TERRY FRANK GULMON AND JOANN GULMON, FOR A 732 SQ. FT. PARCEL IN FEE, OF A PARCEL LOCATED AT 907 EMPIRE AVENUE (APN 035-048-007), IN THE AMOUNT OF $1,647, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Terry Frank Gulmon and Joann Gulmon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Terry Frank Gulmon and Joann Gulmon for a 732 sq. ft. parcel in fee, of a parcel located at 907 Empire Avenue, Modesto, California (APN 035-048-007), in the amount of $1,647, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 907 EMPIRE AVENUE, OWNED BY TERRY FRANK GULMON AND JOANN GULMON TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Terry Frank Gulmon and Joann Gulmon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of
Acceptance for the Grant Deed for the acquisition of property located at 907 Empire Avenue owned by Terry Frank Gulmon and Joann Gulmon (APN 035-048-007) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

(APPROVED AS TO FORM:)

By: __________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JUAN CASTRO AND CAROLINA CASTRO, FOR A 586 SQ. FT. PARCEL IN FEE, AND A 720 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 913 EMPIRE AVENUE (APN 035-048-008), IN THE AMOUNT OF $1,481, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Juan Castro and Carolina Castro,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Juan Castro and Carolina Castro for a 586 sq. ft. parcel in fee, and a 720 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 913 Empire Avenue, Modesto, California (APN 035-048-008), in the amount of $1,481, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-337

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 913 EMPIRE AVENUE, OWNED BY JUAN CASTRO AND CAROLINA CASTRO TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Juan Castro and Carolina Castro,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 913 Empire Avenue.
Avenue owned by Juan Castro and Carolina Castro (APN 035-048-008) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH SALVADOR CASTREJON AND LUZ MARIA CASTREJON, FOR A 571 SQ. FT. PARCEL IN FEE, AND A 702 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 917 EMPIRE AVENUE (APN 035-048-011), IN THE AMOUNT OF $1,443, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Salvador Castrejon and Luz Maria Castrejon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Salvador Castrejon and Luz Maria Castrejon for a 571 sq. ft. parcel in fee, and a 702 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 917 Empire Avenue, Modesto, California
(APN 035-048-011), in the amount of $1,443, for the Empire Avenue Improvement project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 917 EMPIRE AVENUE, OWNED BY SALVADOR CASTREJON AND LUZ MARIA CASTREJON TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Salvador Castrejon and Luz Maria Castrejon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of
Acceptance for the Grant Deed for the acquisition of property located at 917 Empire Avenue owned by Salvador Castrejon and Luz Maria Castrejon (APN 035-048-011) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH HUGO MONTES AND FRANCISCO MONTES, FOR A 732 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1009 EMPIRE AVENUE (APN 035-048-012), IN THE AMOUNT OF $1,644, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement Project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Hugo Montes and Francisco Montes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Hugo Montes and Francisco Montes for a 732 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 1009 Empire Avenue, Modesto, California (APN 035-048-012), in the amount of $1,644, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 1009 EMPIRE AVENUE, OWNED BY HUGO MONTES AND FRANCISCO MONTES TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Hugo Montes and Francisco Montes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 1009 Empire Avenue.
Avenue owned by Hugo Montes and Francisco Montes (APN 035-048-012) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH ANTHONY LOUIS GARCIA, FOR A 900 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1011 EMPIRE AVENUE (APN 035-048-013), IN THE AMOUNT OF $1,644, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Anthony Louis Garcia,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Anthony Louis Garcia for a 900 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 1011 Empire Avenue, Modesto, California (APN 035-048-013), in the amount of $1,644, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

SEAL

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 1011 EMPIRE AVENUE, OWNED BY ANTHONY LOUIS GARCIA TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Anthony Louis Garcia,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 1011 Empire Avenue.
Avenue owned by Anthony Louis Garcia (APN 035-048-013) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CHANH MINH HUYNH AND SUONG TRAN, FOR A 735 SQ. FT. PARCEL IN FEE, AND A 904 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1013 EMPIRE AVENUE (APN 035-048-014), IN THE AMOUNT OF $1,650, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chanh Minh Huynh and Suong Tran,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Chanh Minh Huynh and Suong Tran for a 735 sq. ft. parcel in fee, and a 904 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 1011 Empire Avenue, Modesto, California (APN 035-048-014), in the amount of $1,650, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney

08/09/2011/PR&N/KHorrillo/Item 11 2 2011-344
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-345

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 1013 EMPIRE AVENUE, OWNED BY CHANH MINH HUYNH AND SUONG TRAN TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chanh Minh Huynh and Suong Tran,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 1013 Empire Avenue, owned by Chanh Minh Huynh and Suong Tran.
Avenue owned by Chanh Minh Huynh and Suong Tran (APN 035-048-014) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-346

RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CHRIS L. BONNET AND CHRIS T. MASCHAL, FOR A 839 SQ. FT. PARCEL IN FEE, AND A 1031 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 915 EMPIRE AVENUE (APN 035-048-017), IN THE AMOUNT OF $1,884, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chris L. Bonnett and Chris T. Maschal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Chris L. Bonnett and Chris T. Maschal for a 839 sq. ft. parcel in fee, and a 1031 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 915 Empire Avenue, Modesto, California
(APN 035-048-017), in the amount of $1,884, for the Empire Avenue Improvement project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF PROPERTY LOCATED AT 915 EMPIRE AVENUE, OWNED BY CHRIS L. BONNET AND CHRIS T. MASCHAL TO BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT 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’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chris L. Bonnet and Chris T. Maschal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 915 Empire
Avenue owned by Chris L. Bonnet and Chris T. Maschal (APN 035-048-017) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ______________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JAGJIT S. SANDHU, FOR A 601 SQ. FT. AND A 1,021 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF PARCELS LOCATED AT 804 AND 802 EMPIRE AVENUE (APN 035-049-023 & 024), IN THE AMOUNT OF $390, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jagjit S. Sandhu,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Jagjit S. Sandhu for a 601 sq. ft. and a 1,021 sq. ft. Temporary Construction Easement, of parcelS located at 804 and 802 Empire Avenue, Modesto, California (APN 035-049-023 & 024), in the amount of $390, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-349

RESOLUTION APPROVING A PURCHASE AGREEMENT WITH ISABEL PACHECO, FOR A 599 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1702 BONNIE BRAE AVENUE (APN 035-050-001), IN THE AMOUNT OF $135, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Isabel Pacheco,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Isabel Pacheco for a 599 sq. ft. Temporary Construction Easement, of a parcel located at 1702 Bonnie Brae Avenue, Modesto, California (APN 035-050-001), in the amount of $135, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH MARY G. PEREZ, FOR A 599 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1701 CONNIE WAY (APN 035-050-022), IN THE AMOUNT OF $135, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW.

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Mary G. Perez,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Mary G. Perez for a 599 sq. ft. Temporary Construction Easement, of a parcel located at 1701 Connie Way, Modesto, California (APN 035-050-022), in the amount of $135, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CHARLIE HAYES, NAOMI HAYES, AND JAMES E. HAYES, FOR A 611 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1020 EMPIRE AVENUE (APN 035-051-021), IN THE AMOUNT OF $125, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Charlie Hayes, Naomi Hayes, and James E. Hayes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Charlie Hayes, Naomi Hayes, and James E. Hayes for a 611 sq. ft. Temporary Construction Easement, of a parcel located at 1020 Empire Avenue, Modesto, California (APN 035-051-021), in the amount of $125, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH DAVID GARCIA, FOR A 586 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1702 CONNIE WAY (APN 035-051-001), IN THE AMOUNT OF $135, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by David Garcia,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with David Garcia for a 586 sq. ft. Temporary Construction Easement, of a parcel located at 1702 Connie Way, Modesto, California (APN 035-051-001), in the amount of $135, for the Empire Avenue Improvement project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO BECOME A HOST CITY FOR THE SEVENTH ANNUAL AMGEN TOUR OF CALIFORNIA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE APPLICATION AND RELATED DOCUMENTS

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

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

WHEREAS, the City of Modesto received lavish praise from local residents and from race officials and participants, and staff has been encouraged to submit a Request for Proposal (RFP) application to again become a Host City for the Seventh Annual Amgen Tour of California in May 2012, and

WHEREAS, the Amgen Tour of California has posted their RFP application for response from cities who wish to be considered as a “Host City” for the Seventh Annual Amgen Tour of California in May 2012, and

WHEREAS, the City of Modesto would like to become a “Host City” for the Seventh Annual Amgen Tour of California in May 2012, and
WHEREAS, the City of Modesto has read the requirements exhibited in Amgen’s RFP and agrees to abide by the requirements,

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: S. Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: S. Alcala-Wood, City Attorney
RESOLUTION AUTHORIZING SUBMISSION OF THE CITY’S LOCAL TRANSPORTATION FUND NON-TRANSIT CLAIM FOR FISCAL YEAR 2010/2011, IN THE AMOUNT OF $616,070, TO THE STANISLAUS COUNCIL OF GOVERNMENTS

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Non-Transit Claim is a formal request by the City to StanCOG to release its apportionment of LTF funds for streets and bicycle purposes during the coming fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of street projects, and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2010-2011 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submission of the City’s Local Transportation Fund Non-Transit Claim for Fiscal Year 2010-2011, in the amount of $616,070, to the Stanislaus Council of Governments.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SIGNATURE)

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE REVISED BYLAWS OF THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE

WHEREAS, on December 20, 1972, the City Council, during Executive Session, approved the creation of an Airport Advisory Committee (AAC), and

WHEREAS, the AAC provides public input and assistance to the City Manager on all policy matters affecting the use, growth and development of the City-County Airport, and AAC Bylaws, and

WHEREAS, staff was directed to revise the AAC Bylaws to incorporate changes to clarify the composition, function and authority of this all-volunteer committee, and

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in and around the City of Modesto, Stanislaus County, and surrounding areas, and

WHEREAS, the Modesto City Council and Stanislaus County Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revised Bylaws of the Modesto City-County Airport Advisory Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
NOES: Councilmember: None
ABSENT: Councilmember: None

ATTEND: _____________________________

(SEAL)

APPROVED AS TO FORM:

By: _____________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION DIRECTING THAT ALL CURRENT AIRPORT ADVISORY COMMITTEE MEMBERS RESUBMIT THEIR APPLICATIONS TO BE CONSIDERED UNDER THE NEW CRITERIA STATED IN THE REVISED BYLAWS

WHEREAS, on December 20, 1972, the City Council, during Executive Session, approved the creation of an Airport Advisory Committee (AAC), and

WHEREAS, revised Bylaws of the Modesto City-County Airport Advisory Committee were approved by the City Council on August 9, 2011, by Resolution No. 2011-355, and

WHEREAS, the revised Bylaws redefine the composition of the AAC and their appointing agencies, and

WHEREAS, as a result of the revised Bylaws Committee Members currently serving on the AAC need to resubmit their applications for consideration of appointment to the AAC; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs all current Airport Advisory Committee members to resubmit their applications to be considered under the new criteria stated in the revised Bylaws of the Modesto City-County Airport Advisory Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH MOTOR COACH INDUSTRIES, INC. FOR THE PURCHASE OF ONE 45-FOOT, 55-PASSENGER COMMUTER BUS AT A COST OF $582,143; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City desires to purchase a 45-foot, 55-passenger commuter bus to provide service on the Modesto Area Express BART Commuter Express route, and

WHEREAS, the City is utilizing the Yolo County Transit District competitive bid process to purchase the bus from Motor Coach Industries, Inc. (MCI), and

WHEREAS, MCI provided the City with a quote based on the bid price MCI submitted to the Yolo County Transit District, and

WHEREAS, MCI has quoted the following total price F.O.B. Modesto, including state and local sales taxes: Five Hundred Eighty-Two Thousand, One Hundred Forty-Three and No One-hundredths Dollars ($582,143.00),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Motor Coach Industries, Inc. for the purchase of one 45-foot, 55-passenger commuter bus a cost of $582,143.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA MICALA WOOD, City Attorney

2011-357
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-358

RESOLUTION APPROVING AMENDMENT NO. 1 TO LEASE AGREEMENT BETWEEN THE MODESTO PUBLIC FINANCING AUTHORITY AND THE CITY OF MODESTO; AN AMENDED AND RESTATED REIMBURSEMENT AGREEMENT BETWEEN BANK OF AMERICA, THE CITY OF MODESTO AND MODESTO PUBLIC FINANCING AUTHORITY; FEE LETTER; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS

WHEREAS, the City of Modesto is a charter city and municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City"), and

WHEREAS, the Modesto Public Financing Authority (the "Authority") is authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4, Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California Government Code, as amended (the "Act"), to lease and/or purchase real property and to issue bonds for the financing and refinancing of public capital improvements whenever there are significant public benefits, and

WHEREAS, the Authority previously issued its $65,170,000 original aggregate principal amount of Modesto Public Financing Authority Lease Revenue Refunding Bonds Series 2008 (the "2008 Bonds"), and

WHEREAS, Bank of America, N.A., as Credit Facility Provider (the "Bank"), the City, and the Authority entered into a Reimbursement Agreement (the "Initial Credit Facility") to provide credit support for the 2008 Bonds, and

WHEREAS, the City has determined to be in its best interest to extend the Stated Expiration Date of the Initial Credit Facility to September 30, 2012, and
WHEREAS, in connection with the extension of the Stated Expiration Date of the Initial Credit Facility, the City, the Authority and the Bank will enter into an Amended and Restated Reimbursement Agreement (the “Reimbursement Agreement”) and related Fee Letter (the “Fee Letter), and

WHEREAS, the City and the Authority will amend certain provisions of the Lease Agreement, dated August 1, 2008, by and between the Authority and the City, pursuant to an Amendment to Lease Agreement, by and between the City and the Authority (the “Amendment to Lease Agreement”), and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

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

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.
Section 2. Approval of the Reimbursement Agreement and Fee Letter. The City Council hereby approves the extension of the Stated Expiration Date of the Initial Credit Facility. The Reimbursement Agreement and related Fee Letter proposed to be executed and entered into by the City, in the form presented at this meeting and on file with the City Clerk, are hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Reimbursement Agreement and Fee Letter in substantially said forms, with such changes therein as such officer executing the Reimbursement Agreement and Fee Letter may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Approval of the Amendment to Lease Agreement. The Amendment to Lease Agreement proposed to be executed and entered into by the City, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Amendment to Lease Agreement in substantially said form, with such changes therein as such officer executing the Amendment to Lease Agreement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.
Section 5. Other Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms and intent of this Resolution, the Reimbursement Agreement, Fee Letter and Amendment to Lease Agreement; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 6. Effective Date. This Resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2011, by Councilmember Burnside, 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: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney

08/09/2011/Finance/GBeck/Item 18
MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-359  

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITIES OF MODESTO, CERES, HUGHSON, AND TURLOCK RELATED TO DEVELOPMENT OF THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT PARTNERSHIP, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, in order to be eligible to receive Proposition 84 Grant Fund Planning and Implementation monies and Proposition 1E (flood control) monies for a variety of potential water resources projects, the agencies seeking funds must be part of an Integrated Water Management Region (Region) accepted by the Department of Water Resources (DWR), and

WHEREAS, the Region must also have developed an Integrated Regional Water Management Plan (IRWMP), and

WHEREAS, on June 22, 2010, the City Council, by Resolution No. 2010-276, approved a Cost Sharing Agreement with the Cities of Modesto, Ceres, Hughson, and Turlock (Partnership) for the development of an IRWMP that includes, among other things, the formation of a recognized region for state grant eligibility, development of a governance structure, conducting an outreach program with public workshops, and submittal of a Regional Acceptance Process (RAP) Application to DWR, and

WHEREAS, at the same meeting, the City Council, by Resolution No. 2010-277, approved an agreement with RMC Water and Environment to assist the Partnership in these efforts, and

WHEREAS, in April 2011, the City of Modesto, as the lead agency representing the Partnership, submitted a RAP Application to DWR, and in June 2011, staff from the
agencies representing the Partnership met with a DWR panel for a follow-up application interview, and

WHEREAS, on July 11, 2011, DWR announced its preliminary decision to formally recognize the East Stanislaus Region, and

WHEREAS, the proposed MOU establishes a collaborative partnership between the participating agencies, and

WHEREAS, the MOU also provides for coordinating interagency efforts through a governance structure of committees with agency and public representation that will provide direction in developing the IRWMP, applying for planning grants, and seeking implementation grant funding for various water resources projects, and

WHEREAS, the Cities of Ceres, Hughson, and Turlock are currently seeking approval of the MOU from their respective Councils to formalize the Partnership as the governing body to oversee the East Stanislaus Region, and

WHEREAS, as part of the East Stanislaus Regional Water Management Partnership, each city will appoint two Councilmembers as members of the Management Group, and

WHEREAS, staff recommends the Mayor appoint two Councilmembers to the East Stanislaus Regional Water Management Partnership Management Group (one as the primary member and one as an alternate),

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, Hughson, and Turlock related to development of the East Stanislaus Integrated Regional Water Management 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 9th day of August, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney