MODESTO CITY COUNCIL
RESOLUTION NO. 2009-455

A RESOLUTION APPROVING A PRIORITIZED STREET LIST FOR THE PROJECT TITLED, “STREET OVERLAY AND ADA CURB RAMP IMPROVEMENTS”

WHEREAS, the City proposes to utilize American Recovery and Reinvestment Act (ARRA) funds to design and construct a street overlay and Americans with Disabilities Act (ADA) curb ramp improvement project (Project), and

WHEREAS, on July 30, 2009, City staff was asked by StanCOG for a list of streets and curb ramp locations that would be included in the Project, and

WHEREAS, this list was needed as soon as possible so that StanCOG could prepare the required certification paperwork, and

WHEREAS, staff quickly prepared a list of overlay candidates and locations needing curb ramp upgrades, and

WHEREAS, staff utilized the City’s Pavement Management System data to select the overlay candidates, and

WHEREAS, staff utilized a list maintained by Public Works containing public requests for new or upgraded curb ramps, and curb ramps adjacent to the streets that will be receiving an asphalt overlay will be required to be upgraded to current ADA standards, and

WHEREAS, the overlay candidates were prioritized based on the condition of the pavement, and the segments with the lowest pavement condition rating are given the highest priority on the list, and

WHEREAS, during the design process, staff may determine that the pavement condition is so poor that an overlay may not be the appropriate treatment, and
WHEREAS, it is expected that there will not be sufficient funds available to overlay all of the street segments on the list, and

WHEREAS, City staff recommends approving a prioritized street list for the “Street Overlay and ADA Curb Ramp Improvements” project, as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a prioritized street list for the “Street Overlay and ADA Curb Ramp Improvements” project, as shown in Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September 2009, by Councilmember ?, who moved its adoption, which motion being duly seconded by Councilmember ?, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST: 

STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
## Exhibit A

### Street Overlay and ADA Curb Ramp Improvements (ARRA Project) City of Modesto

| Overlays Candidates | | | | |
| --- | --- | --- | --- |
| Priority | Street | From | To | Average Pavement Condition Index | Length(miles) |
| 10 | I St | 10th St | Downey | 24 | 0.59 |
| Total: | | | | | 0.59 |

<table>
<thead>
<tr>
<th>Curb Ramp Candidates</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>From</td>
<td>To</td>
</tr>
<tr>
<td>11th St</td>
<td>I St</td>
<td>K St</td>
</tr>
<tr>
<td>Hackberry Ave</td>
<td>W. Morris Ave</td>
<td>Needham St</td>
</tr>
<tr>
<td>Semple St</td>
<td>Maynell Ave</td>
<td>Downey Ave</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL  
RESOLUTION NO. 2009-456

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 OPERATING BUDGET TO APPROVE THE PROPOSED REORGANIZATION OF THE BUDGET DIVISION IN THE FINANCE DEPARTMENT INCLUDING CREATING THE POSITION OF BUDGET MANAGER, DELETING THE POSITIONS OF BUDGET OFFICER, AND BUDGET AND FINANCIAL ANALYSIS ADMINISTRATOR AND AMENDING THE NECESSARY BUDGETS TO IMPLEMENT THIS REORGANIZATION

WHEREAS, on June 2, 2009, the City Council, by Motion, authorized the City Manager to pursue a reorganization of the Finance Department, specifically, the reallocation of the Budget Division currently in the Finance Department to the City Manager’s Office, and

WHEREAS, as a result of the reorganization amend the City’s Classification Plan, and Position Allocation, adding a new classification of Budget Manager at salary range 2452, and deleting from the City’s Classification Plan and Position Allocation the Budget and Financial Analysis Administrator at salary range 442, and Budget Officer at salary range 438, currently in the Finance Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed reorganization of the Budget Division in the Finance Department and authorizes the City Manager to make the necessary budget adjustments to implement this reorganization by amending the Fiscal Year 2009-2010 Operating budgets.

BE IT FURTHER RESOLVED that the Interim Finance Director, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 2009, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ______________________________

SUSANA ALCALA WOOD, City Attorney

ATTEST: ______________________________

STEPHANIE LOPEZ, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 OPERATING BUDGET TO RECOGNIZE NEW GENERAL FUND REVENUE OF $38,653 IN THE HUMAN RESOURCES DEPARTMENT AND DECREASE THE SALARY AND BENEFIT ACCOUNTS IN THE HUMAN RESOURCES DEPARTMENT AND THE RISK MANAGEMENT DIVISION, EFFECTIVE OCTOBER 12, 2009

WHEREAS, as a result of the reorganization of the Human Resources Department there has been an elimination of an Administrative Office Assistant II allocation in the Risk Management Division, and

WHEREAS, the Human Resources Division will be providing administrative services for the Risk Management Division that were previously provided by the eliminated Administrative Office Assistant II, and

WHEREAS, the Risk Management Division will be entering into a Service Credit Agreement with the Human Resources Division for approximately $53,684 a fiscal year and $38,653 for nine months, to provide administrative services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2009-2010 Human Resources budget, as shown in the attached Exhibit “A”, which is hereby made part of this resolution by reference and recognizes new General Fund revenue of $38,653 in the Human Resources Division.

BE IT FURTHER RESOLVED that the Acting Finance Director, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22\textsuperscript{nd} day of September, 2009, by Councilmember Hawn.
who moved its adoption, which motion being duly seconded by Councilmember Keating.
was upon roll call carried and the resolution adopted by the following vote:

\textbf{AYES:} Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

\textbf{NOES:} Councilmembers: None

\textbf{ABSENT:} Councilmembers: None

\textbf{ATTEST:} \underline{SUSANA ALCALA WOOD, City Attorney}

(Seal)

\textbf{APPROVED AS TO FORM:}

\textbf{By:} \underline{SUSANA ALCALA WOOD, City Attorney}
## Exhibit A

**Fund Name:**
**General Fund**

### Revenue Account Adjustments
- **0100-030-0301-4909** Inter-fund Labor Charges $38,653

### Expense Account Adjustments
- **0100-030-0301-0184** Salary Adjustment (Decrease) -$86,541
- **0100-030-0301-0194** Benefit Adjustment (Decrease) -$27,562
- **0100-030-0301-0182** Salary New Position $36,929
- **0100-030-0301-0192** Benefits New Position $15,827
- **0100-800-8000-8003** General Fund Reserve $100,000

### Risk Admin Fund

### Expense Account Adjustments
- **7310-030-0372-0184** Salary Adjustment (Decrease) -$27,809
- **7310-030-0372-0194** Benefit Adjustment (Decrease) -$10,844
- **7310-030-0372-0255** Services City Forces $38,653
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-458

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DAN PARKS FROM THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, Dan Parks was appointed a member of the Housing Rehabilitation Loan Committee on September 23, 2008, and

WHEREAS, Dan Parks has tendered his resignation from the Housing Rehabilitation Loan Committee, and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Dan Parks from the Housing Rehabilitation Loan Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-459

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE
CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE
PURPOSE OF OBTAINING PERMISSION TO MAKE IMPROVEMENTS
WITHIN MODESTO IRRIGATION DISTRICT LATERAL NO. 3 FOR THE
CITY’S WATER DISTRIBUTION SYSTEM TO USE CERTAIN REAL
PROPERTY, AS DESCRIBED IN EXHIBITS A AND B OF THE LICENSE
AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto (Licensee) desires to construct improvements
for relocating a City water main within Modesto Irrigation District (MID) right-of-way,
and

WHEREAS, MID (“District”) has an interest in certain real property within the
City of Modesto consisting of a portion of real property referred to as Lateral No 3, and

WHEREAS, District will grant to Licensee, at Licensee’s expense, permission to
make improvements within 505 square feet of Lateral No. 3, as described in Exhibits A
and B of the License Agreement, as part of relocating a City water main, hereinafter
referred to as the “Improvements,” and

WHEREAS, the District requires a License Agreement prior to allowing
construction within its right-of-way, and

WHEREAS, this will allow Licensee to use the District right-of-way for the
Improvements at no cost,

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 purpose of obtaining permission to make improvements within
Modesto Irrigation District Lateral No. 3 for the City’s water distribution system to use certain real property, as described in Exhibits A and B of the License Agreement.

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 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

SUSANA ALCALA WOOD, City Attorney
EXHIBIT "A"

LEGAL DESCRIPTION

That portion of certain parcel own by Modesto Irrigation District, located south of the
south right-of-way line of Briggsmore Avenue, east of the east right-of-way line of
McHenry Avenue and north of that certain parcel of land as shown on the map thereof
recorded in Book 13 of Surveys, at Page 54, Stanislaus County Records, situated in the
Southwest quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base
and Meridian, according to the official United States Government Township Plat thereof,
in the City of Modesto, County of Stanislaus, State of California, more particularly
described as follows:

That portion said certain parcel own by Modesto Irrigation District that lie north of a line
which is parallel with and 27.64 feet north of, measured at right angles thereto, the north
line of said certain parcel of land as shown on the map thereof recorded in Book 13 of
Surveys, at Page 54, Stanislaus County Records.

Containing an area of 505 square feet, more or less.
BRIGGSMORE AVENUE

SOUTH RIGHT-OF-WAY LINE, BRIGGSMORE AVE.

NORTH LINE, CERTAIN PARCEL, RECORD OF SURVEY, BOOK 13, PAGE 54.

EAST RIGHT-OF-WAY LINE, McHENRY AVE.

EXISTING RIGHT-OF-WAY LINE
EXISTING SECTION OR CENTERLINE
EXISTING PROPERTY LINE
PROPOSED EASEMENT LINE
EASEMENT AREA

SCALE: 1"=50'

EXHIBIT "B"

WATER LINE EASEMENT

CVS MODESTO
McHENRY AVE. AND BRIGGSMORE AVE.
SECTION 16, T.3 S., R.9 E., M.D.B. & M.

DATE 06/18/09
SCALE AS NOTED

SHEET 1 OF 1
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-460

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT AND PURCHASE OF ONE SEWER INSPECTION TRUCK FOR THE WATER QUALITY CONTROL DIVISION THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO ADVANCED INFRASTRUCTURE TECHNOLOGIES, GARDENA, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $277,372

WHEREAS, on July 24, 2007, by Resolution No. 2007-460, Council approved the Wastewater Discharge Requirements (WDR) Gap Analysis. As part of the Gap Analysis, HDR Engineering made key recommendations for the City to comply with the new WDR, and

WHEREAS, one of those key recommendations is to “expand the CCTV operations equipment to include one additional sewer inspection truck to properly perform CCTV inspections of new, existing lines and warrant inspections of new subdivisions.” The purchase of this CCTV sewer inspection truck will complete this key recommendation and allow the City to have an additional CCTV Crew in the field, and

WHEREAS, on March 19, 2009, the City of Lompoc went through a competitive bid process for the purchase of a sewer inspection truck. The most responsive and responsible bidder that met the bid specifications was Advanced Infrastructure Technologies, Gardena, CA, and

WHEREAS, Advanced Infrastructure Technologies was awarded the City of Lompoc bid and is extending the same bid pricing to the City of Modesto, and

WHEREAS, to take advantage of this process and award by “accessing the terms” of the City of Lompoc’s competitive bid process is an efficient and effective way to
purchase this sewer inspection truck, by saving the time and expense to the City to
formally solicit RFB’s, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires
all purchases, which meet or exceed $50,000 for material, equipment or contractual
services to be formally bid. However, there are exceptions to the rule set forth in the
MMC, and

WHEREAS, one exception, MMC Section 8-3.204(d), is available where the
Purchasing Manager, in his or her discretion, determines that a process other than the
usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement
for the City at the lowest possible cost commensurate with the desired quality. Acting
within his discretion, the Purchasing Manager invoked that exception for this purchase
due to the cost savings of staff time and the limited number of competitors. The purchase
of a sewer inspection truck by “accessing the terms” of the City of Lompoc contract with
Advanced Infrastructure Technologies, Gardena, CA, will conform to MMC Section 8-
3.204(d), and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10, in the
following CIP Equipment Replacement account 6210-480-B128-6070,

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 one sewer inspection
truck for the Water Quality Control Division through the Public Works Department, Fleet
Services Division, to Advanced Infrastructure Technologies, Gardena, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized
to issue a purchase order for an estimated total cost of $277,372.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-461

A RESOLUTION AUTHORIZING THE AWARD OF BID AND AGREEMENT FOR THE REPAIR AND MAINTENANCE OF THE FIRE DEPARTMENT APPARATUS BAY DOOR SYSTEMS TO BARTON OVERHEAD DOOR, MODESTO, CA, FOR A TWO-YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $25,000, AND POTENTIAL FIVE (5) YEAR COST OF $125,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, each Fire Station has at least one (1) and up to eight (8) bay doors, and

WHEREAS, the bay doors are large roll-up doors that are used to secure the fire apparatus, and

WHEREAS, the bay doors and remote opening systems are up to thirty (30) years old, and

WHEREAS, in the past these doors have been repaired under the blanket purchase order system, and

WHEREAS, due to their age the repairs of these doors are becoming more frequent and costly, and

WHEREAS, in order to meet the requirements of the Modesto Municipal Code, bids were solicited for the repair and maintenance of the Fire Department apparatus bay door system, and

WHEREAS, formal Request for Bids were issued to fifteen (15) vendors as well as posted on the City’s website and legally advertised by the City Clerk’s office, and

WHEREAS, one (1) vendor responded, providing a responsive and responsible bid for repair and maintenance of Fire Department apparatus bay door systems.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and Agreement for the repair and maintenance of the Fire Department apparatus bay door systems to Barton Overhead Door, Modesto, CA, for a two-year Agreement with three (3) one-year extension options, for an annual estimated cost of $25,000, and potential five (5) year cost of $125,000.

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 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-462

RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO HOME LOAN AGREEMENT HOME INVESTMENT PARTNERSHIPS PROGRAM BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING, INC., AN AMENDMENT TO THE REGULATORY AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING, INC. AND AN AMENDMENT TO THE PROMISSORY NOTE BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING, INC. FOR THE DEVELOPMENT OF THE BENNET PLACE APARTMENTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS AND ANY RELATED DOCUMENTS

WHEREAS, on June 24, 2008, City Council, by Resolution No. 2008-364, approved the allocation of HOME funds to STANCO for the Bennet Place Apartments (421 Lincoln Avenue) in the amount of $713,162, for the acquisition and development of 32 housing units for permanent supportive housing for individuals with mental health disabilities and their families, and

WHEREAS, STANCO, through their legal counsel, requested amendments to various HOME loan documents for the Bennet Place Apartment project, and

WHEREAS, STANCO is seeking State funds from the California Department of Housing and Community Development (HCD) Multifamily Housing Program (MHP), and from Mental Health Services Act (MHSA) funds allocated to County of Stanislaus, and

WHEREAS, STANCO requests the City accept the same repayment terms that HCD does on its MHP loans which allows any cash remaining after payment of the project’s operating expenses to be paid to the lenders in an amount proportionate to the size of the lenders’ loans, and
WHEREAS, STANCO is also requesting to modify the terms of the loan as follows:

- Interest rate on the City HOME Note to be zero (0%) percent.
- The term of the City HOME Note to commence on the date of execution of the original City HOME Note and to mature fifty-five (55) years after the date of issuance of the certificate of occupancy for the last unit in the Project to be completed.
- Repayment of the City HOME Note to be made from residual receipts, as may be determined annually following completion of a certified financial audit of the Project, as required by Section 8 of the City HOME Regulatory Agreement. The amount of such repayment to be in proportion to the amount of the City HOME Loan as a proportion of the total of (i) the City HOME Loan, (ii) the MHP loan, and (iii) the MHSA loan. For example, if the City HOME Loan constitutes 10.2% of the total debt on the Project, as anticipated, it would receive 10.2% of residual receipts for a particular year, and

WHEREAS, the Citizens Housing and Community Development Committee met on April 22, 2009, and approved amendments to the HOME loan documents for the Bennet Place Apartment project between the City of Modesto and STANCO,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the City of Modesto Home Loan Agreement Home Investment Partnerships Program between the City of Modesto and Stanislaus County Affordable Housing, Inc., an Amendment to the Regulatory Agreement between the City of Modesto and Stanislaus County Affordable Housing, Inc. and an Amendment to the Promissory Note between the City of Modesto and Stanislaus County Affordable Housing, Inc. for the development of the Bennet Place Apartments.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendments and related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O' Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO HOME LOAN AGREEMENT HOME INVESTMENT PARTNERSHIPS PROGRAM BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING, INC., AN AMENDMENT TO THE REGULATORY AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING, INC. AND AN AMENDMENT TO THE PROMISSORY NOTE BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING, INC. FOR THE DEVELOPMENT OF MEADOW GLEN APARTMENTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS AND ANY RELATED DOCUMENTS

WHEREAS, on June 24, 2008, City Council, by Resolution No. 2008-363, approved the allocation of HOME funds to STANCO for the Meadow Glen Apartments (605 East Coolidge Avenue) in the amount of $940,427, for the acquisition and development of 18 senior housing units for permanent supportive housing, and

WHEREAS, STANCO, through their legal counsel, requested an amendments to various HOME loan documents for the Meadow Glen Apartment project, and

WHEREAS, STANCO is seeking State funds from the California Department of Housing and Community Development (HCD) Multifamily Housing Program (MHP), and from Mental Health Services Act (MHSA) funds allocated to County of Stanislaus, and

WHEREAS, STANCO requests the City accept the same repayment terms that HCD does on its MHP loans which allows any cash remaining after payment of the project’s operating expenses to be paid to the lenders in an amount proportionate to the size of the lenders’ loans, and

WHEREAS, STANCO is also requesting to modify the terms of the loan as follows:
• Interest rate on the City HOME Note to be zero (0%) percent.

• The term of the City HOME Note to commence on the date of execution of the original City HOME Note and to mature fifty-five (55) years after the date of issuance of the certificate of occupancy for the last unit in the Project to be completed.

• Repayment of the City HOME Note to be made from residual receipts, as may be determined annually following completion of a certified financial audit of the Project, as required by Section 8 of the City HOME Regulatory Agreement. The amount of such repayment to be in proportion to the amount of the City HOME Loan as a proportion of the total of (i) the City HOME Loan, (ii) the MHP loan, and (iii) the MHSA loan. For example, if the City HOME Loan constitutes 10.2% of the total debt on the Project, as anticipated, it would receive 10.2% of residual receipts for a particular year.

WHEREAS, the Citizens Housing and Community Development Committee met on April 22, 2009, and approved an amendments to the HOME loan documents between the City of Modesto and STANCO for the Meadow Glen Apartment project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the City of Modesto Home Loan Agreement Home Investment Partnerships Program between the City of Modesto and Stanislaus County Affordable Housing, Inc., an Amendment to the Regulatory Agreement between the City of Modesto and Stanislaus County Affordable Housing, Inc. and an Amendment to the Promissory Note between the City of Modesto and Stanislaus County Affordable Housing, Inc. for the development of the Meadow Glen Apartments.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendments and any related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-464

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN MEMORANDUMS OF UNDERSTANDING WITH NEIGHBORHOOD STABILIZATION PROGRAM (NSP) PARTICIPANTS PER THE GUIDELINES PREVIOUSLY ADOPTED BY THE MODESTO CITY COUNCIL

WHEREAS, the City of Modesto has been allocated $8.1 million in a special allocation of Community Development Block Grant (CDBG) funds for the Neighborhood Stabilization Program (NSP), and

WHEREAS, on May 26, 2009, the City Council approved the NSP guidelines and authorized the Housing Rehabilitation Loan Committee (HRLC) to approve NSP down payment assistance loans which met these guidelines in amounts up to $125,000 per household, and

WHEREAS, the May 26, 2009 action did not clearly provide the City Manager with the authorization to sign Memorandums of Understanding (MOU) with program participants and the City of Modesto’s City Attorney’s Office has recommended seeking clarification regarding the City Council’s intent.

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 MOUs with NSP program participants that meet the guidelines previously adopted by the City Council on May 26, 2009.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, 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. 2009-465

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ELIZABETH L. McELROY AND ROGER ALAN McELROY, AS TRUSTEES OF THE ARTHUR M. McELROY MARITAL TRUST, FOR THE PROPERTY LOCATED AT 1124 F STREET, MODESTO, CALIFORNIA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LEASE AGREEMENT

WHEREAS, the City of Modesto leases the building at 1124 F Street, Modesto for the Police Department’s Evidence and Property Facility from Elizabeth L. McElroy and Roger Alan McElroy, as Trustees of the Arthur M. McElroy Marital Trust, and

WHEREAS, the present lease will expire on October 8, 2009, and

WHEREAS, the Police Department wishes to renew the lease as the facility is serving its purpose well, and

WHEREAS, the term of the new lease is for three years, from October 9, 2009 through October 8, 2012, and

WHEREAS, the lease payment will increase by 4%, from $28,740 annually to $30,000 annually, and

WHEREAS, police staff considers this reasonable and fund are budgeted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Lease Agreement between the City of Modesto and Elizabeth L. McElroy and Roger Alan McElroy, as Trustees of the Arthur M. McElroy Marital Trust, for the property located at 1124 F Street, Modesto, California.

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

...
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, 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. 2009-466

A RESOLUTION ACCEPTING A MINI-GRANT IN THE AMOUNT OF $19,080 FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, FOR THE “CLICK IT OR TICKET MINI-GRANT PROGRAM” FOR OVERTIME SEAT BELT ENFORCEMENT OPERATIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the Modesto Police Department submitted an application for a mini-grant to the California Office of Traffic and Safety, through the National Highway Traffic Safety Administration, for a “Click It or Ticket Mini-Grant Program”, and

WHEREAS, the Program is for conducting seat belt enforcement operations in Modesto between October 1, 2009 and September 30, 2010, and

WHEREAS, the Modesto Police Department, in a combined effort with State and local law enforcement is in support of the national Click It or Ticket Project, and

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan, H.I.B.8., which calls for obtaining public service grants. and

WHEREAS, the total amount of the mini-grant is $19,080, with no local match required of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a mini-grant in the amount of $19,080 from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the “Click It or Ticket Mini-Grant Program” for overtime seat belt enforcement operations.
BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the necessary documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, 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. 2009-467

A RESOLUTION AMENDING THE 2009/2010 MULTI-YEAR BUDGET TO APPROPRIATE $19,080 FOR REVENUE AND EXPENSES FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, FOR THE CALIFORNIA “CLICK IT OR TICKET MINI-GRANT PROGRAM” FOR OVERTIME SEAT BELT ENFORCEMENT OPERATIONS

WHEREAS, the City of Modesto Police Department was awarded funding in the sum of $19,080 from the California Office of Traffic Safety for the California “Click It or Ticket Mini-Grant Program”, and

WHEREAS, the mini-grant funds were made available for overtime seat belt enforcement operations, and

WHEREAS, the total mini-grant will be $19,080, with no local match required of the City, and

WHEREAS, the Council of the City of Modesto authorized the City Manager, or his designee, to accept the California “Click It or Ticket Mini-Grant Program” funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the 2009/2010 Multi-Year Budget to appropriate revenues and expenditures of $19,080 for overtime seat belt enforcement operations, as listed in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director, or his 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 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Exhibit A

The 2009/2010 Multi-Year Budget will be amended as follows:

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<th>Expense</th>
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</thead>
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<td>Description</td>
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</tr>
<tr>
<td>Expense</td>
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</table>
MODESTO CITY COUNCIL  
RESOLUTION NO. 2009-468

RESOLUTION APPROVING AN AMENDMENT TO LEASE AGREEMENT WITH PAHRUMP HEIFER RANCH FOR THE JENNINGS RANCH PROPERTY TO EXTEND THE LEASE EXPIRATION DATE TO DECEMBER 31, 2010, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO LEASE AGREEMENT

WHEREAS, on July 11, 2000, Council, by Resolution 2000-344, approved a Lease Agreement with Pahrump Heifer Ranch (Pahrump) for the Jennings Ranch property located at 7007 Jennings Road, and

WHEREAS, this Lease was effective for five years from June 1, 2000, through May 31, 2005, and

WHEREAS, the Lease also included five one-year extension options, which have all been executed, with the last extension being through May 31, 2010, and

WHEREAS, as part of the current Lease Agreement, Pahrump maintains and operates over 2,500 acres of pasture land on City property, and grazes a maximum of 900 head of cattle, and

WHEREAS, Pahrump is currently complying with the Lease Agreement by replanting 300 acres of pasture per year, utilizing treated effluent and cannery segregation water for irrigation, performing weed control, discing, and aerating pastures to meet the requirements of the Ranch Management Plan, and

WHEREAS, the City’s Waste Discharge Requirement (WDR) permit requires that the crops be managed to provide the appropriate uptake of nutrients, plus the irrigation must be managed to meet the WDR limits of no standing water and
WHEREAS, starting an agricultural lease effective June 1, 2010, does not provide enough time for a new tenant to plant fields and learn the irrigation system prior to utilization of the ranch land for treated effluent, and

WHEREAS, extending the existing Lease to December 31, 2010, will allow the City to meet these requirements, and

WHEREAS, in January 2007, Carollo Engineers performed a Ranch Lease Study that recommended planting 800 to 1,000 acres of alfalfa, and

WHEREAS, changing the Lease termination date from May to December allows the new tenant time to prepare and plan for the fields once river discharge has been completed in May 2010, and for cannery segregation land application in September 2010, and

WHEREAS, staff approached Pahrump regarding the timing of the expiration of the Lease, and both parties agreed on an extension to December 2010, and

WHEREAS, staff contacted RB Smith Consulting to provide a recommendation on termination of the Lease, and

WHEREAS, based on historic data, the irrigation of the recycled water and cannery segregation water regularly extends through November, and at times in December, and

WHEREAS, this coupled with the fact that the timing for crop harvest and the relocation of cattle and feed storage could be better accommodated by extending the Lease, and

WHEREAS, RB Smith Consulting confirmed staff's recommendation to extend the Lease to December 31, 2010, and
WHEREAS, prior to the December 31, 2010 date, staff will request Council authorization to submit a Request for Proposals for lease of the Jennings Ranch property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Lease Agreement with Pahrump Heifer Ranch for the Jennings Ranch property to extend the lease expiration date to December 31, 2010.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. (KHA) FOR DESIGN SUPPORT DURING CONSTRUCTION FOR RUNWAY SAFETY AREA (RSA) ENHANCEMENT AND APRON REHABILITATION IN THE AMOUNT OF $48,873, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has approved numerous Airport Capital Improvement Plan (ACIP) projects planned over approximately the next five years at Modesto City-County Airport, and

WHEREAS, skilled airport engineering, design, construction and inspection assistance will be required to move forward with those projects, and

WHEREAS, the City solicited professional services for an airport consulting engineer to provide airport engineering, design, construction and inspection, and

WHEREAS, Kimley-Horn and Associates, Inc. (KHA), proposed to provide said services for Modesto City-County Airport, and

WHEREAS, KHA was selected by the City as the best qualified applicant, and

WHEREAS, KHA has proposed an Agreement to provide design support during construction for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kimley-Horn Associates, Inc. to provide design support services during construction for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation in an amount not to exceed $48,873.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Hawn, Keating, Lopez, Marsh, O’Brien, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

(Seal)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney

ATTEST:  

STEPHANIE LOPEZ, City Clerk
RESOLUTION NO. 2009-470

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE AGREEMENT FOR DESIGN SUPPORT DURING CONSTRUCTION FOR RUNWAY SAFETY AREA (RSA) ENHANCEMENT AND APRON REHABILITATION PROJECT

WHEREAS, a budget adjustment in the amount of $48,873 is necessary to fully fund the Agreement with Kimley-Horn and Associates, Inc. for design support during construction along with Engineering/Design/Administration support by City staff for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation project, 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2009-2010 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director, or his 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 6th day of October 2009, 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: Hawn, Keating, Lopez, Marsh, O’Brien, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature] SUSANA ALCALA WOOD, City Attorney
Exhibit A

FUNDS:

FAA Capital Grants & Airport Special Revenue Fund

This budget adjustment increases FAA Capital Grant revenues in Capital Improvement Project A004, Enhance Runway 10R Safety Area to transfer funding for the project titled, “RSA Enhancement and Apron Rehabilitation”, and transfers funds from County Aircraft Tax Fund to Special Aviation Fund. This adjustment re-appropriates these funds to offset expenses in the Special Aviation Fund.

REVENUES:  Increase/(Decrease)

FROM:
6320-440-A004-3613  $46,429

APPROPRIATIONS:

TO:
6320-440-A004-6010  Eng/Dsgn/Admin  $48,873

TRANSFERS BETWEEN FUNDS:

FROM:
6330-440-A004-7632  Transfer out to Fund 6320  $2,444

TO:
6320-440-A004-9633  Transfer in from Fund 6330  $2,444
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-471

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH TONY D. ALAMO, DANIEL ALAMO, JOSEPH ALAMO, AND NELIA A. ALAMO, FOR THE (1) GRANT OF PERMANENT SEWER FACILITIES EASEMENT AND PERMANENT ACCESS EASEMENT, AND (2) GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT QUISENBERRY ROAD, MODESTO, CALIFORNIA (APN: 017-062-029), IN THE AMOUNT OF $8,200 FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1, 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 owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant to the Jennings Road Secondary Plant, and

WHEREAS, the existing Primary Outfall Pipeline was constructed in 1969 across mainly agricultural land, and

WHEREAS, the City adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in this pipe and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and the complexity of the work, the project was divided in two phases, and

WHEREAS, this property acquisition is needed for access and construction of Phase 1 of the project, and

WHEREAS, the property is a residential parcel located at Quisenberry Road, Modesto, California (APN: 017-062-029), without any existing buildings, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and
WHEREAS, the property has been appraised and an offer to acquire the property rights at fair market value has been accepted by Tony D. Alamo, Daniel Alamo, Joseph Alamo, and Nelia A. Alamo.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Tony D. Alamo, Daniel Alamo, Joseph Alamo, and Nelia A. Alamo, for the (1) Grant of Permanent Sewer Facilities Easement and Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at Quisenberry Road, Modesto, California (APN: 017-062-029), in the amount of $8,200 for the Primary Outfall Rehabilitation Project Phase 1.

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 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-472

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN ACCEPTANCE FORMS FOR THE (1) GRANT OF PERMANENT SEWER FACILITIES EASEMENT AND PERMANENT ACCESS EASEMENT, AND (2) GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT QUISENBERRY ROAD, MODESTO, CALIFORNIA (APN: 017-062-029), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1

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 of a parcel (APN: 017-062-029) for the Primary Outfall Rehabilitation Project Phase 1,

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 acceptance forms on behalf of the City of Modesto for the (1) Grant of Permanent Sewer Facilities Easement and Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at Quisenberry Road, Modesto, California (APN: 017-062-029), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’ Bryant, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-473

A RESOLUTION APPROVING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH THE ALDO AND DOROTHY BAVA FAMILY PARTNERSHIP, FOR THE GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT CARPENTER ROAD, MODESTO, CALIFORNIA (APN: 056-028-010), IN THE AMOUNT OF $16,000 FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1, 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 owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant to the Jennings Road Secondary Plant, and

WHEREAS, the existing Primary Outfall Pipeline was constructed in 1969 across mainly agricultural land, and

WHEREAS, the City adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in this pipe and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and the complexity of the work, the project was divided in two phases, and

WHEREAS, this property acquisition is needed for access and construction of Phase 1 of the project, and

WHEREAS, the property is a residential parcel located at Carpenter Road, Modesto, California (APN: 056-028-010), without any existing buildings, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and
WHEREAS, the property has been appraised and an offer to acquire the property rights at fair market value has been accepted by The Aldo and Dorothy Bava Family Partnership.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Temporary Construction Easement Agreement with The Aldo and Dorothy Bava Family Partnership, for the Grant of Temporary Construction Easement for a portion of real property located at Carpenter Road, Modesto, California (APN: 056-028-010), in the amount of $16,000 for the Primary Outfall Rehabilitation Project Phase 1.

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 6\(^{th}\) day of October, 2009, 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:

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<th>AYES: Councilmembers:</th>
<th>Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour</th>
</tr>
</thead>
<tbody>
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<td>NOES: Councilmembers:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT: Councilmembers:</td>
<td>None</td>
</tr>
</tbody>
</table>

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-474

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ACCEPTANCE FORM FOR GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT CARPENTER ROAD, MODESTO, CALIFORNIA (APN: 056-028-010), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1

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 of a parcel (APN: 056-028-010) for the Primary Outfall Rehabilitation Project Phase 1,

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 an acceptance form on behalf of the City of Modesto for Grant of Temporary Construction Easement for a portion of real property located at Carpenter Road, Modesto, California (APN: 056-028-010), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-475

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH NAGA SRIDHAR KATARU AND PADMAJA VEMULA, FOR THE (1) GRANT OF PERMANENT SEWER FACILITIES EASEMENT AND (2) GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT 2381 S. CARPENTER ROAD, MODESTO, CALIFORNIA (APN: 017-042-003), IN THE AMOUNT OF $10,852 FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1, 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 owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant to the Jennings Road Secondary Plant, and

WHEREAS, the existing Primary Outfall Pipeline was constructed in 1969 across mainly agricultural land, and

WHEREAS, the City adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in this pipe and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and the complexity of the work, the project was divided into two phases, and

WHEREAS, this property acquisition is needed for access and construction of Phase 1 of the project, and

WHEREAS, the property is a residential parcel located at 2381 S. Carpenter Road, Modesto, California (APN: 017-042-003), without any existing buildings, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and
WHEREAS, the property has been appraised and an offer to acquire the property rights at fair market value has been accepted by Naga Sridhar Kataru and Padmaja Vemula.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Naga Sridhar Kataru and Padmaja Vemula, for the (1) Grant of Permanent Sewer Facilities Easement and (2) Grant of Temporary Construction Easement for a portion of real property located at 2381 S. Carpenter Road, Modesto, California (APN: 017-042-003), in the amount of $10,852 for the Primary Outfall Rehabilitation Project Phase 1.

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 6th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, 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. 2009-476

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN ACCEPTANCE FORMS FOR THE (1) GRANT OF PERMANENT SEWER FACILITIES EASEMENT AND (2) GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT 2381 S. CARPENTER ROAD, MODESTO, CALIFORNIA (APN: 017-042-003), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1

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 of a parcel (APN: 017-042-003) for the Primary Outfall Rehabilitation Project Phase 1,

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 acceptance forms on behalf of the City of Modesto for the (1) Grant of Permanent Sewer Facilities Easement and (2) Grant of Temporary Construction Easement for a portion of real property located at 2381 S. Carpenter Road, Modesto, California (APN: 017-042-003), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

(SIGNATURE)

SUSANA ALCALA WOOD, City Attorney

(SEAL)
A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH VELMA
JOYCE BOZARTH, LOUIS MARTINHO AND BETTY ANN MARTINHO, FOR
THE (1) GRANT OF PERMANENT SEWER FACILITIES EASEMENT AND A
PERMANENT ACCESS EASEMENT, AND (2) GRANT OF TEMPORARY
CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY
LOCATED AT 2501 W. HACKETT ROAD, MODESTO, CALIFORNIA (APN:
017-043-010), IN THE AMOUNT OF $36,000 FOR THE PRIMARY OUTFALL
REHABILITATION PROJECT PHASE 1, 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 owns and operates approximately 6.5 miles of
60-inch diameter pipeline that transports primary effluent from the Sutter Avenue
Primary Water Quality Control Plant to the Jennings Road Secondary Plant, and

WHEREAS, the existing Primary Outfall Pipeline was constructed in 1969 across
mainly agricultural land, and

WHEREAS, the City adopted a Wastewater Master Plan (WWMP) in 2007,
which also identified insufficient capacity in this pipe and called for the rehabilitation of
the Primary Outfall, and

WHEREAS, due to the length of the system and the complexity of the work, the
project was divided in two phases, and

WHEREAS, this property acquisition is needed for access and construction of
Phase 1 of the project, and

WHEREAS, the property is a residential parcel located at 2501 W. Hackett Road,
Modesto, California (APN: 017-043-010), without any existing buildings, and

WHEREAS, the City Council directed staff to proceed with acquiring property to
facilitate the rehabilitation of the Primary Outfall, and
WHEREAS, the property has been appraised and an offer to acquire the property rights at fair market value has been accepted by Velma Joyce Bozarth, Louis Martinho and Betty Ann Martinho,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Velma Joyce Bozarth, Louis Martinho and Betty Ann Martinho, for the (1) Grant of Permanent Sewer Facilities Easement and a Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at 2501 W. Hackett Road, Modesto, California (APN: 017-043-010), in the amount of $36,000 for the Primary Outfall Rehabilitation Project Phase 1.

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 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City/Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-478

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN ACCEPTANCE FORMS FOR THE (1) GRANT OF PERMANENT SEWER FACILITIES EASEMENT AND A PERMANENT ACCESS EASEMENT, AND (2) GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT 2501 W. HACKETT ROAD, MODESTO, CALIFORNIA (APN: 017-043-010), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1

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 of a parcel (APN 017-043-010) for the Primary Outfall Rehabilitation Project Phase 1,

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 acceptance forms on behalf of the City of Modesto for the (1) Grant of Permanent Sewer Facilities Easement and a Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at 2501 W. Hackett Road, Modesto, California (APN: 017-043-010), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-479

A RESOLUTION APPROVING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH JOE F. PINHEIRO AND GLORIA J. PINHEIRO, FOR THE GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT 3230 VIVIAN ROAD, MODESTO, CALIFORNIA (APN: 017-043-023), IN THE AMOUNT OF $3,600 FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1, 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 owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant to the Jennings Road Secondary Plant, and

WHEREAS, the existing Primary Outfall Pipeline was constructed in 1969 across mainly agricultural land, and

WHEREAS, the City adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in this pipe and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and the complexity of the work, the project was divided in two phases, and

WHEREAS, this property acquisition is needed for access and construction of Phase 1 of the project, and

WHEREAS, the property is a residential parcel located at 3230 Vivian Road, Modesto, California (APN: 017-043-023), without any existing buildings, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and
WHEREAS, the property has been appraised and an offer to acquire the property rights at fair market value has been accepted by Joe F. Pinheiro and Gloria J. Pinheiro,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Temporary Construction Easement Agreement with Joe F. Pinheiro and Gloria J. Pinheiro, for the Grant of Temporary Construction Easement for a portion of real property located at 3230 Vivian Road, Modesto, California (APN: 017-043-023), in the amount of $3,600 for the Primary Outfall Rehabilitation Project Phase 1.

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 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-480

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN AN ACCEPTANCE FORM FOR THE GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR A PORTION OF REAL PROPERTY LOCATED AT 3230 VIVIAN ROAD, MODESTO, CALIFORNIA (APN: 017-043-023), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1

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 of a parcel (APN: 017-043-023) for the Primary Outfall Rehabilitation Project Phase 1.

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 an Acceptance Form for the Grant of Temporary Construction Easement for a portion of real property located at 3230 Vivian Road, Modesto, California (APN: 017-043-023), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-481

RESOLUTION CONCURRING WITH THE CITIZEN’S ADVISORY COMMITTEE ON RECYCLING’S RECOMMENDATION TO ELIMINATE THE BLUE BAG RECYCLING PROGRAM EFFECTIVE JANUARY 1, 2010 AND PURSUE THE ENHANCEMENT OF ORGANICS DIVERSION AND OTHER WASTE REDUCTION STRATEGIES

WHEREAS, the passage of Assembly Bill 939 required all cities and counties to reduce the amount of garbage going to the landfills by 50% by the year 2000 through the implementation of waste reduction and recycling programs, and

WHEREAS, the City of Modesto responded to this mandate by implementing a comprehensive waste reduction system including the collection of residential recyclables in bags, separate collection of green waste, food waste, and pruned refuse for composting, used motor oil recycling, CRT recycling, bulky item collection, waste tire recycling, and the operation of a waste-to-energy plant to further reduce disposal and generate electricity from materials which cannot be reduced, reused, recycled, or composted, and

WHEREAS, the City also actively promotes waste reuse, reduction, recycling, and composting through a wide array of educational programs and advertising campaigns, the annual Earth Day in the Park Festival and other community events, workshops on backyard composting, and by inviting citizen participation in the Citizen’s Advisory Committee on Recycling (CACOR), and

WHEREAS, by virtue of these significant efforts, the City of Modesto has met the State’s waste reduction mandates, and remains committed to attaining further waste reduction while keeping garbage rates as low as possible, and
WHEREAS, the California Integrated Waste Management Board reports that organics make up 30% of all waste still going to the landfills statewide and thus has targeted the increased diversion of organics as a priority for waste reduction programs, and

WHEREAS, in 2006, CACOR conducted an assessment of the blue bag program and evaluated both the cost and effectiveness of other potential methods of residential recycling, and

WHEREAS, after evaluating these other options, and considering the potential cost to the ratepayers, in 2007 CACOR recommended that the City continue the blue bag program, and

WHEREAS, CACOR also recommended that the City focus on diverting paper and other organics by having residents put these materials in their yard waste container, and

WHEREAS, paper and other organics comprise about 85% of the materials placed in blue bags for recycling, and

WHEREAS, once the “enhanced organics” diversion program was well under way, CACOR felt it appropriate to revisit the issue of whether the City should continue the blue bag program, and formed an ad hoc committee to assess whether it made sense to continue using blue bags, and

WHEREAS, after extensive discussions with staff and consideration of alternatives, the Committee and staff concur that with the enhanced organics program in place, the blue bags are no longer an effective diversion method due to the limited markets and low value of the remaining materials, the fact that many residents redeem
their CRV materials and use the blue bags for trash, and the loss of State funding to purchase bags, and

WHEREAS, at its August 10, 2009, meeting CACOR and City staff agreed to jointly recommend that the blue bag program be eliminated; that conservation and organics diversion be promoted; that an expanded Bottle Bill that includes additional container types be endorsed; that grocery stores be asked to switch from blue plastic bags to other colors; that community groups be encouraged to become more involved in recycling; and that the City pursue other opportunities to divert waste,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the elimination of the blue bag recycling program, and pursuing the enhancement of organics diversion and other waste reduction strategies.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-482

A RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT,
DATED AUGUST 20, 2009, FOR THE CLAUS ROAD REHABILITATION FROM
THE SOUTH SIDE OF THE CLAUS ROAD BRIDGE OVER DRY CREEK TO
1535’ SOUTH OF CREEKWOOD DRIVE AS COMPLETE

WHEREAS, the rehabilitation of Claus Road from Scenic Drive to 2440’ north of
State Route 132 (Yosemite Avenue) is included in the 2009 Capital Improvement Budget
effective July 9, 2009, under Ordinance 3516-C.S, and

WHEREAS, Nichols Consulting Engineers performed the pavement testing and
analysis for Claus Road and their report states that reconstruction is necessary for Claus
Road pavement to obtain the required structural adequacy, and

WHEREAS, the Preliminary Design Report (PDR) summarizes existing facilities,
details proposed project elements and method of rehabilitation, and provides an estimated
project cost of $2.1M. and

WHEREAS, the PDR has been successfully completed and will serve as the basis
for the final design for rehabilitation of Claus Road from the south side of the Claus Road
Bridge over Dry Creek to 1535’ south of Creekwood Drive.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts the Preliminary Design Report for the Claus Road Rehabilitation
from the south side of the Claus Road Bridge over Dry Creek to 1535’ south of
Creekwood Drive, dated August 20, 2009, as complete.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:


NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

(SEAL)

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD. City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-483

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF FUEL CARD-LOCK SERVICES FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO BOYETT PETROLEUM, MODESTO, CA, FOR A TWO (2) YEAR PERIOD WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE THE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $1,551,090

WHEREAS, on August 12, 2008, the City Council, by Resolution No. 2008-485, authorized extending the contract for fuel card-lock services for the Public Works Department, Fleet Services Division with Boyett Petroleum, Modesto, CA, for one year, and authorized the Purchasing Manager to issue a formal Request for Proposal (RFP) for fuel card-lock services, and

WHEREAS, on April 27, 2009, the Purchasing Division issued RFP No. 0809-21 Fuel Card-Lock Services to twenty-nine (29) prospective proposers, six (6) of which were local companies, posted the proposal on the City’s website and formally advertised as required by law, and

WHEREAS, on June 2, 2009, RFP’s were formally opened in the City Clerk’s office. Of the twenty-nine (29) prospective proposers, two (2) companies chose to respond, one of which was a local company. Both companies provided responsive and responsible proposals, and

WHEREAS, on August 21, 2009, an evaluation committee comprised of two (2) City staff personnel from the Fleet Services Division and one representative from Stanislaus County evaluated and graded the proposals, and
WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal and contract for the furnishing of fuel card-lock services for the Public Works Department, Fleet Services Division, to Boyett Petroleum, Modesto, CA, for a two (2) year period with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of $1,551,090, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the furnishing of fuel card-lock services for the Public Works Department, Fleet Services Division, to Boyett Petroleum, Modesto, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation Unit: 7200-480-5812-0330,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the furnishing of fuel card-lock services for the Public Works Department, Fleet Services Division, to Boyett Petroleum, Modesto, CA, for a two (2) year period with three (3) one-year extension options, at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the agreement for an estimated annual cost of $1,551,090.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-484

A RESOLUTION APPOINTING BRAD PITTS TO THE CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE

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

WHEREAS, the Economic Development Committee met on October 12, 2009, and recommended appointment of Brad Pitts to the Housing Rehabilitation Loan Committee.

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

SECTION 1. Brad Pitts is hereby appointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Housing Rehabilitation Loan Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2009, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE FISCAL YEAR 2008-2009 PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT FUND DEVELOPMENT REPORT

WHEREAS, the Council of the City of Modesto has authorized a Fund Development Plan for the Parks, Recreation and Neighborhoods Department, and

WHEREAS, the Parks, Recreation and Neighborhoods Department Fund Development Plan allows staff to actively seek and receive donations and grants for Parks, Recreation and Neighborhoods Department programs, facility preservation, and park beautification, and

WHEREAS, and Fund Development Plan requires that an annual report be given to the City Council,

NOW, THEREFORE. BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2008-2009 Parks, Recreation and Neighborhoods Department’s Fund Development Report.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of October, 2009 by Councilmember Olsen, 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: Hawn, Keating, Lopez, Marsh, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryan

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-486

A RESOLUTION APPROVING A POLICY REVISION FOR CITIZEN ADVISORY GROUP APPOINTMENTS, EXCLUDING THE ENTERTAINMENT COMMISSION

WHEREAS, it is the duty of the City Council to appoint persons to the various Citizen Advisory Groups of the City of Modesto, and

WHEREAS, the current policy was last revised in 1987 and establishes the procedures for appointing persons to the City’s Citizen Advisory Groups, and

WHEREAS, the Economic Development Committee Chair asked that the policy be revised to require interviews for the Planning Commission and Board of Zoning Adjustment applicants only, including both new applicants and those seeking reappointment, and

WHEREAS, appointments to other Citizen Advisory Groups will be made without formal interviews in most cases.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the policy revision for Citizen Advisory Group appointments, excluding the Entertainment Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: ________________________________

(SWAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE MODESTO IRRIGATION DISTRICT AND THE CITY OF MODESTO REGARDING THE INSTALLATION OF STREET IMPROVEMENTS ON THE WEST SIDE OF CONANT AVENUE BETWEEN RUMBLE ROAD AND EICHER AVENUE ALONG THE GOLDSWORTHY RIGHT OF WAY FOR THE PURPOSE OF PROVIDING SIDEWALK, CURB, GUTTER, AND STREET LIGHTING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in June, 2005, City staff submitted a grant application for the Safe Routes to School Grant Program to install sidewalk, curb, gutter, and street lighting on the west side of Conant Avenue between Rumble Road and Eicher Avenue, near Chrysler Elementary School, and

WHEREAS, on November 14, 2006, by Resolution No. 2006-718, the City Council accepted the grant and established a Capital Improvement Program project titled “Safe Routes to School-Conant Avenue Improvements,” in the amount of $427,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Consent to Common Use Agreement between the Modesto Irrigation District and the City of Modesto regarding the installation of street improvements on the west side of Conant Avenue between Rumble Road and Eicher Avenue along the Goldsworthy Right of Way for the purpose of providing sidewalk, curb, gutter, and street lighting.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

APPROVED AS TO FORM:

By: ____________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-488

RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for Fiscal Year 2009-2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2009-2010 budget have been adjusted as shown in Exhibit A, which is incorporated by reference herein..

BE IT FURTHER RESOLVED that the Finance Director, or his 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 October, 2009, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

(SEAL)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

FINANCE DEVELOPMENT
The City of Modesto received a State Transportation Improvement Program (STIP) Grant for the Virginia Corridor project. The full amount of the grant was budgeted; however, the total grant will not be recognized. This budget adjustment reduces the revenue and construction expense related to the Virginia Corridor project STIP Grant.

REVENUE

FROM:
Virginia Corridor STIP Grant Revenues
2300-310-A087-3133

APPROPRIATIONS

FROM:
Virginia Corridor CIP Construction Expense
2300-310-A087-6040

This budget adjustment transfers funds from the Virginia Corridor Primary account to the Secondary account to fully fund Phase V of the Virginia Corridor project. This adjustment also provides the transfer of the FHWA Grant match funding from the Parks Capital Facility Fund.

TRANSFERS BETWEEN FUNDS

FROM:
Transfer from Parks Capital Facility Fund
1350-700-A087-7230
250,450
Transfer from Parks Capital Facility Fund
1350-700-P365-7230
250,450

TO:
Capital Grants – Virginia Corridor
2300-700-A087-9135
250,450
Capital Grants – Virginia Corridor
2300-700-P365-9135
250,450

PARKS, RECREATION AND NEIGHBORHOODS
This budget adjustment recognizes American Recovery and Reinvestment Act (ARRA) funding to be used in the Homeless Prevention SCAP Program, and reallocating these funds to provide financial assistance and services to prevent individuals and families from becoming homeless.

REVENUES

TO:
ARRA Reimbursable Grant
1100-320-3201-3650-40
458,856
**APPROPRIATIONS**

**TO:**
Homeless Prevention SCAP Program Direct Grants
1100-320-3201-0496

458,856

This budget adjustment recognizes American Recovery and Reinvestment Act (ARRA) funding to be used in the Rapid Re-Housing CHSS Program, and reallocating these funds to provide financial assistance and services to prevent individuals and families from becoming homeless.

**REVENUES**

**TO:**
ARRA Reimbursable Grant
1100-320-3202-3650-40

458,856

**APPROPRIATIONS**

**TO:**
Rapid Re-Housing CHSS Program Direct Grants
1100-320-3202-0496

458,856

This budget adjustment recognizes American Recovery and Reinvestment Act (ARRA) funding for the administration and oversight of agencies assisting the City of Modesto with homeless prevention, and reallocating these funds for interfund service credit expenses.

**REVENUES**

**TO:**
ARRA Reimbursable Grant
1100-320-3200-3650-40

48,300

**APPROPRIATIONS**

**TO:**
Service Credit Expense
1100-320-3200-0255

48,300

This budget adjustment recognizes American Recovery and Reinvestment Act (ARRA) funding to be used in the Community Development Block Grant (CDBG) Program, and reallocate these funds in the form of Direct Grants for Energy Efficient Improvements to low income residents.

**REVENUES**

**TO:**
ARRA Reimbursable Grant - CDBG
1100-320-3208-3650-40

200,000


**APPROPRIATIONS**

**TO:**
Energy Efficient Improvement Direct Grants  
1100-320-3208-0496  
200,000

This budget adjustment recognizes American Recovery and Reinvestment Act (ARRA) funding to be used in the Community Development Block Grant (CDBG) Program, and reallocate these funds to establish an operating budget for the Job Training function that assists citizens actively searching for employment opportunities.

**REVENUES**

**TO:**
ARRA Reimbursable Grant – CDBG  
1100-320-3206-3650-40  
94,762

**APPROPRIATIONS**

**TO:** Job Training (1100-320-3206)  
Service Credit Expense - 0255  
Copy Machine Charges - 0204  
Printing and Binding - 0205  
Advertising - 0230  
PC Software and Supplies – 0306  
Business Expenses – 0208  
Training – 0209  
Office Supplies – 0301  
Misc Supplies – 0370

This budget adjustment recognizes American Recovery and Reinvestment Act (ARRA) funding to be used in the Community Development Block Grant (CDBG) Program, and reallocates these funds to establish an operating budget for the administration, planning and oversight of the CDBGR activities included in the Recovery Act.

**REVENUES**

**TO:**
ARRA Reimbursable Grant – CDBG  
1100-320-3205-3650-40  
63,173

**APPROPRIATIONS**

**TO:** CDBGR Administration (1100-320-3205)  
Postage – 0201  
Service Credit Expense - 0255  
Printing and Binding - 0205  
Advertising - 0230  
Conference Expenses – 0207

500  
45,000  
4,273  
1,500  
5,000
Business Expenses – 0208 1,500
Training – 0209 400
Office Supplies – 0301 5,000

This budget adjustment is needed to budget for remaining McHenry Museum artifact replacement and other expenses related to the fire at 800 E. Morris Avenue in October, 2007 and will appropriate from insurance settlement monies received in FY2008-09 in reserves.

**APPROPRIATIONS**

**FROM:**
- General Fund Reserves 0100-800-8000-8003 (17,300)

**TO:**
- 800 E. Morris Demolition (0100-300-3020)
  - Services Professional & Other – 0235 1,500
  - Service Credit Expense – 0255 2,000
  - Service Credit Expense – 0259 500
  - Tools, Shop & Field Supplies - 0308 300
  - Non CIP Other – 5900 13,000

**POLICE**

On September 1, 2009, the City Council, by Resolution No. 2009-404, approved a budget adjustment amending the respective Operating Budget lines, in the amount of $55,564, to recognize Service Credit revenue and expense between the Water and Sewer Funds and the Police Department for the costs of a police officer to be stationed in the Customer Services Lobby of TSP. This budget adjustment is necessary to reallocate the revenue and expense associated with this Service Credit Agreement to the appropriate organizations.

**REVENUES**

**FROM:**
- Service Credit Revenue 0100-190-1961-4909 (45,564)

**TO:**
- Service Credit Revenue 0100-190-1921-4909 45,564

**APPROPRIATIONS**

**TO:**
- Increase Part-Time Expense Budget 0100-190-1921-0140 45,564
- Increase Part-Time Expense Budget 0100-190-1961-0140 10,000
PUBLIC WORKS
This budget adjustment recognizes unbudgeted revenue in Capital Improvement Project H461, Pelandale 6-Lanes Dale to McHenry, for the reimbursement of escrow fees, and appropriates these revenues for Land/ROW Acquisition.

REVENUES
TO:
Refund of Escrow Fees 1410-430-H461-8122

APPROPRIATIONS
TO:
Land/ROW Acquisition 1410-430-H461-6030

This budget adjustment recognizes savings to Capital Improvement Project (CIP) number H930, Dale/Kiernan Intersection Improvements, in the amount of $42,401. The realized savings reduces the transfer of Gas Tax matching revenues and decreases project expenditures.

TRANSFER BETWEEN FUNDS
Transfer from Gas Tax Fund 0700-700-H930-7237 (42,401)
Transfer into Capital Grants – Gas 2370-700-H930-9070 (42,401)

APPROPRIATIONS
Reduce Dale Kiernan Intersection Improvement Construction Expense 2370-430-H930-6040 (42,401)

This budget adjustment reduces the $3 million Federal Highway Administration (FHWA) Grant budgeted revenue in the Primary Virginia Corridor (A087) Capital Improvement Program (CIP) to $2.6 million, and moves the revenue budget to the Secondary CIP, Virginia Corridor Phase V (P365). This budget adjustment also reallocates the $2.6 million appropriation in P365 to Finance Contingency in until the grant agency authorizes expenditures, and aligns the appropriation with the available funding.

REVENUES
FROM:
Virginia Corridor Primary FHWA Grant Revenue 2300-310-A087-3197 (3,000,000)
TO:
Virginia Corridor Secondary - Phase V Revenue
2300-310-P365-3197

APPROPRIATIONS

FROM:
Virginia Corridor Phase V Construction Expense
2300-310-P365-6040

TO:
Virginia Corridor Phase V Finance Contingency
2300-310-P365-6052

Capital Grant Reserves
2300-800-8000-8003

3,000,000
(3,039,550)
2,600,000
439,550
RESOLUTION APPROVING AN ADDENDUM TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND VALLEYCREST GOLF COURSE MAINTENANCE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE ADDENDUM

WHEREAS, the City owns, operates and manages the Municipal Golf Course, Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course, and

WHEREAS, on April 28, 2009, the City Council, by Resolution No. 2009-184, approved a five-year Agreement between the City of Modesto and ValleyCrest Golf Course Maintenance to provide maintenance services at the City’s three golf courses, and

WHEREAS, golf course revenues, based on the first two months of Fiscal Year 2009/2010, are not projected to cover golf expenditures, thus requiring a general fund subsidy, and

WHEREAS, Council has requested the golf fund not require a general fund subsidy, and

WHEREAS, City staff and ValleyCrest Golf Course Maintenance have negotiated cost-saving reductions in Year 1 of the contract totaling $102,715 with adjusted staffing levels and pay, reduced Not To Exceed expenditures, deferred capital equipment purchases, reduced capital project expenditures, and eliminating the performance bond payment for the remainder of the 2009/2010 contract year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Addendum to the Agreement between the City of Modesto and ValleyCrest Golf Course Maintenance.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Addendum.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-490

A RESOLUTION APPROVING THE FINAL AMENDMENT TO THE ON-CALL ENGINEERING SERVICES AGREEMENT WITH CAROLLO ENGINEERS IN THE AMOUNT OF $8,338, FOR A TOTAL AMOUNT NOT TO EXCEED $52,338 FOR FY 2009-10, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FINAL AMENDMENT TO THE AGREEMENT

WHEREAS, on January 3, 2006, by Resolution No. 2006-012, the City Council approved an on-call engineering services agreement with Carollo Engineers (Carollo) in the amount of $44,000 annually for wastewater-specific services, and

WHEREAS, on January 2, 2007, by Resolution No. 2007-034, the City Council approved the First Amendment to the Agreement in the amount of $70,000 to pay for additional engineering services, increasing the amount to $114,00 for FY 2006-07, and

WHEREAS, Modesto's Wastewater Treatment Plant is rated as a Class V Facility and is required by the State to have a Chief Plant Operator (CPO) with a Class V certification on staff, and

WHEREAS, due to staffing changes in 2007, it was necessary to contract with Carollo to provide CPO services under the on-call engineering agreement to ensure that the City was in compliance with the Grade V operator requirement, and

WHEREAS, on November 27, 2007, by Resolution No. 2007-705, the City Council approved the Second Amendment to the Agreement in the amount of $78,000 for CPO services, increasing the amount to $122,000 for FY 2007-08, and

WHEREAS, on May 27, 2008, by Resolution No. 2008-308, Council approved the Third Amendment to the Agreement in the amount of $75,000 for continued CPO services, increasing the amount to $197,000 for FY 2007-08, and
WHEREAS, on January 27, 2009 by Resolution No. 2009-050, Council approved the Fourth Amendment to the Agreement in the amount of $30,000 for continued CPO services, increasing the amount to $74,000 for FY 2008-09, and

WHEREAS, in March, 2008, Public Works hired a new Water Quality Control (WQC) Plant Manager who held a Grade IV certification, with a requirement for this position to possess a Grade V Certificate within 18 months of appointment, and

WHEREAS, the current WQC Plant Manager and Deputy Director took the Grade V Certification test in April 2009, and in June, 2009, were notified they both passed their Grade V Certification, and

WHEREAS, until the certificate is in hand, Carollo needed to provide CPO services, and

WHEREAS, in August, 2009, the WQC Plant Manager and Deputy Director both received their certificates and the City was able to release Carollo from its CPO obligations, and

WHEREAS, the amount of $8,338 represents the final billing from Carollo for CPO services, and

WHEREAS, funds are budgeted in Account Numbers 6210-480-5213-0235 and 6210-480-5214-0235 for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Amendment to the On-Call Engineering Services Agreement with Carollo Engineers in the amount of $8,338, for a total amount not to exceed $52,338 for Fiscal Year 2009-10.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Final Amendment to 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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-491

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE
CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE
PURPOSE OF INGRESS, EGRESS, AND BASIN IMPROVEMENTS WITHIN
MID LATERAL NO. 6 FOR THE SIX-LANE PELANDALE AVENUE
WIDENING PROJECT TO USE CERTAIN REAL PROPERTY, AS DESCRIBED
IN EXHIBITS A AND B OF THE LICENSE AGREEMENT; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT

WHEREAS, the City of Modesto (Licensee) desires ingress, egress, and basin
improvements for the Pelandale Storm Water Basin Facility, and

WHEREAS, Modesto Irrigation District ("District") has an interest in certain real
property within the City of Modesto commonly referred to as Lateral No. 6 (Pelandale
Avenue), and

WHEREAS, District will grant to Licensee, at no expense to Licensee, permission
to make improvements within 2,876 square feet of Lateral No. 6, as described in Exhibits
A and B of the License Agreement, as part of Modesto’s Six-Lane Pelandale Avenue
Widening project consisting of roadway widening from two to six lanes from Dale Road
to McHenry Avenue, hereinafter referred to as the “Basin Improvements,” and

WHEREAS, District requires a License Agreement prior to allowing construction
within its right-of-way, and

WHEREAS, this will allow Licensee to use the District right-of-way for the Basin
Improvements at no cost.

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 purpose of ingress, egress, and basin improvements within MID
Lateral No. 6 for the Six-Lane Pelandale Avenue Widening project to use certain real property, as described in Exhibits A and B of the License Agreement.

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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: ____________________________

(Seal)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

DESCRIPTION OF LICENSING AREA
APN 046-004-011 & 021

All that certain real property being a portion of the southeast quarter of Section 5, T.3S., R.9E., M.D.B. & M., in the unincorporated area, County of Stanislaus, State of California, being described as follows:

COMMENCING at a point which is the southerly most corner of Lot 30, as said Lot is shown on the map entitled "Parcel Map of The Summit Corporate Center, Unit No. 2", recorded in Book 52 of Parcel Maps, at Page 59, in said County, said point also being the intersection of the northerly right-of-way line of Pelandale Avenue with the northwesterly right-of-way of the Modesto Irrigation District Lateral No. 6, as shown on said Parcel Map; thence along said northwesterly right-of-way, South 65°55'00" West, 264.39 feet to the TRUE POINT OF BEGINNING, said point also being a point of intersection of the future southerly right-of-way of Pelandale Avenue, a 135 foot wide public road, said point also being the westerly most corner of that parcel of land as described within Exhibit "A", and as shown on Exhibit "B" of that certain "Agreement Consenting To Common Use", dated April 7, 1998, by and between the Modesto Irrigation District and the City of Modesto; thence along the southerly line of said "Agreement Consenting To Common Use", from a radial line which bears North 05°18'33" East, 0.45 feet along the arc of a non-tangent 4932.50 foot radius curve to the right, through a central angle of 00°00'19"; thence leaving said southerly line and entering into said Lateral No. 6, the following five (5) courses and distances:

1. South 13°23'57" West, a distance of 19.06 feet;

2. North 88°52'40" West, a distance of 26.67 feet;

3. South 66°00'11" West, a distance of 274.52 feet;

4. South 65°57'19" West, a distance of 210.76 feet;

5. South 65°53'11" West, a distance of 16.53 feet to a point on the easterly line of the property transferred to the City of Modesto January 23, 2003 by Quitclaim Deed recorded as Instrument Number 2003-0009562, in said County;

THENCE along said easterly line, North 01°10'32" West, a distance of 13.74 feet to a point on the aforementioned northwesterly right-of-way; THENCE along said
northwesterly right-of-way, the following two (2) courses and distances:

1. North 68°40'00" East, a distance of 192.14 feet;

2. North 65°55'00" East, a distance of 339.88 feet to the TRUE POINT OF BEGINNING.

Containing 3,056 square feet or 0.07 acres, more or less.

The Basis of Bearings for this description being North 87°34'42" West between GPS Monuments 2722 and 2723, as shown in Book 22 of Surveys at Page 51, Stanislaus County Records.

See Exhibit “B”, plat to accompany description, attached hereto and made a part hereof.

September 14, 2009

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA
EXHIBIT B
PLAT TO ACCOMPANY DESCRIPTION

Pelandoale Ave. Detention Basin
Licensing Area
APN 046-004-011 & 021
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

OVERALL SITE PLAN
SCALE: 1"=200'

DETAIL "B"
N.T.S.

DETAIL "A"
SCALE: 1"=100'
SEE DESCRIPTION FOR COURSE INFORMATION

<table>
<thead>
<tr>
<th>LINE</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>S13°23'57''W</td>
<td>19.06'</td>
</tr>
<tr>
<td>T2</td>
<td>S65°55'00''W</td>
<td>16.53'</td>
</tr>
<tr>
<td>T3</td>
<td>N01°10'32''W</td>
<td>13.74'</td>
</tr>
</tbody>
</table>

CURVE RADIUS DELTA LENGTH
C1 R=4932.50' 00°00'19'' L=0.45'

PROFESSIONAL LAND SURVEYOR
STATE OF CALIFORNIA

WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING
3301 C St., Bldg. 100-B Tel 916.341.7780
Sacramento, CA 95815 Fax 916.341.7767
SEPTEMBER 14, 2009 8105.001 SHEET 1 OF 1
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-492

A RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO CONTRIBUTE $25,000 TO THE CENTRAL VALLEY SALINITY COALITION INC., AND APPROVING NICK PINHEY’S NOMINATION AS THE CITY’S DESIGNEE FOR THE CENTRAL VALLEY SALINITY COALITION INC. BOARD

WHEREAS, the accumulation of salts in the Central Valley water environment is a serious problem that is threatening the environment, industry, and agriculture, and

WHEREAS, current estimates indicate that 15.5 million tons of salt are brought into Central Valley waters each year, and

WHEREAS, the continued accumulation of these salts will limit water supplies, destroy productive crop land, and impact the economic vitality of the Central Valley, and

WHEREAS, the current regulatory system for salts in the water environment is broken and does not work for cities, industry, agriculture, the State Water Resources Control Board, or the Regional Water Quality Control Board, and

WHEREAS, comprehensive salinity management is needed to address near and long-term water supply sustainability and to avoid increased costs for municipal wastewater treatment, and

WHEREAS, a new basin plan needs to be developed and implemented to provide cost effective compliance with salinity and nutrients management goals, and

WHEREAS, the Central Valley Salinity Coalition Inc. (CVSC) is a non-profit formed in cooperation with the State Water Resources Control Board to organize, facilitate, and fund efforts needed to develop the efficient management of salinity and nutrients in the Central Valley water environment, and
WHEREAS, CVSC represents public agencies and other entities that are focused on the advancement of research, education planning, and management of salinity and nitrate impacts to water environment in the Central Valley region of California, and

WHEREAS, CVSC’s mission is to advance salinity and nutrient management for the region to protect water quality and water supplies, as well as providing an efficient and effective mechanism to develop funding and resources for this effort, and

WHEREAS, by combining resources, participating organizations can leverage their funding through economies of scale for studies and research that can form the basis of a new basin plan, and

WHEREAS, membership and participation in the CVSC satisfies a requirement of the City of Modesto’s National Pollutant Discharge Elimination (NPDES) permit, Water Boards Order No. R5-2008-0059, as issued by the California Regional Water Quality Control Board which states “The Discharger shall also participate financially in the development of the Central Valley Salinity Management Plan at a level commensurate with its contributions to the salinity to the Delta,” and

WHEREAS, Public Works requested authorization to contribute $25,000 to the CVSC and approval of Nick Pinhey’s nomination to the Board of Directors, which makes the City of Modesto a partner in the development of the science, planning, and implementation of solutions to salinity and nutrients to protect water resources in the Central Valley, and

WHEREAS, funds are available in Account No. 6210-480-5217-0235 for this expenditure,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Public Works Department to contribute $25,000 to the Central Valley Salinity Coalition Inc.

BE IT FURTHER RESOLVED that the Council also approves Nick Pinhey’s nomination as the City’s designee for the Central Valley Salinity Coalition Inc. Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-493

A RESOLUTION APPROVING AN AGREEMENT WITH VBN ARCHITECTS TO PREPARE THE FINAL DESIGN OF THE BUS MAINTENANCE FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED $651,011 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $65,101 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $716,112, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on March 28, 2000, by Resolution No. 2000-144, the City Council approved the design concept of the new Bus Maintenance Facility, and

WHEREAS, on July 2, 2002, by Resolution No. 2002-321, the City Council approved an agreement with Parsons Brinckerhoff Quade and Douglas, Inc. (PB) for the negotiated price of $590,751 (including fixed fee) to design, prepare construction documents, and provide support services during bidding and construction specifically for the new Bus Maintenance Facility, and

WHEREAS, on August 4, 2004, by Resolution No. 2004-404, the City Council approved an Amendment to Agreement in the amount of $96,958.11 which increased the total agreement amount specifically for the new Bus Maintenance Facility to $687,709.11, and

WHEREAS, the amendment included the design of a canopy to cover eight of the 65 bus parking spaces, a land survey of the site, oversight of the demolition of the buildings on the property purchased for the project, and phasing of the project for construction in two segments, and

WHEREAS, the Transportation Policy Committee reviewed the preliminary design proposal in February 2003, to ensure that the maintenance building met the City’s aesthetic requirements. and
WHEREAS, PB proposed horizontal deep rib siding to achieve the desired look, and the Committee approved this design attribute, and

WHEREAS, in 2005, City staff conveyed concerns of late notification of change in project scope and increase in fees with PB, and

WHEREAS, these discussions resulted in PB agreeing to an agreement cost reduction, but still required a $350,000 Second Amendment to Agreement to complete design, and

WHEREAS, in February 2006, Council decided that it was not in the City's best interest to complete the design with PB, and did not approve the Second Amendment to Agreement, and

WHEREAS, in February 2007, a Request for Qualifications and Proposals was initiated to assist with project management, and

WHEREAS, on January 27, 2009, by Resolution No. 2009-052, the City Council approved an Agreement with RBF Consulting (RBF) for Program Management Services for the Bus Maintenance Facility in the amount of $136,265, to assist in the completion of design documents for the project, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, RBF with assistance of City staff wrote a Request for Qualifications which was sent to over two hundred (200) engineering and architectural firms, and

WHEREAS, there were twenty-five (25) firms that provided Qualification Statements and all were ranked with their experience in bus maintenance design, and
WHEREAS, on April 27, 2009 the Finance Committee approved short-listing the top four (4) qualified firms, and

WHEREAS, in May 2009 a Request for Proposals was sent to the top four (4) qualified firms, and

WHEREAS, each of the top four (4) qualified firms responded and were interviewed, and

WHEREAS, AECOM was selected as the most qualified, and

WHEREAS, after contract negotiations, the fee from AECOM was determined excessive, and City staff moved to the second most qualified firm VBN Architects (VBN), and

WHEREAS, VBN has completed the design of similar bus maintenance facility projects in the area, and

WHEREAS, VBN is needed for their expertise in bus maintenance facility design and construction. Federal Transit Administration guidelines, and the latest building code adjustments, and

WHEREAS, after contract negotiations. City staff felt the VBN design fee was acceptable, and

WHEREAS, on August 13, 2009 the Finance Committee approved the selection, fee, Agreement with VBN and recommended to forward to full City Council. and

WHEREAS, City staff recommends an agreement with VBN Architects as the City does not have the staffing level or subject matter expertise to complete the design of the new Bus Maintenance Facility, and current workload levels do not provide for timely in-house engineering.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with VBN Architects to prepare the final design of the Bus Maintenance Facility Project in an amount not to exceed $651,011 for the identified scope of services, plus $65,101 for additional services (if needed), for a maximum total amount of $716,112, to complete the design documents for the project titled, "New Bus Maintenance Facility."

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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPOINTING JENNIFER ALLSUP TO THE CITY OF MODesto ENTERTAINMENT 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 Safety & Communities Committee met on August 5, 2009, and recommended appointment of Jennifer Allsup to the Entertainment Commission.

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


SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Entertainment Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, 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. 2009-495

A RESOLUTION APPROVING THE 2010 CITY COUNCIL MEETING CALENDAR AND REVISING THE 2009 CITY COUNCIL MEETING CALENDAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that 2010 City Council Meeting Calendar, attached hereto as Exhibit “A”, and the Revised 2009 City Council Meeting Calendar, attached hereto as Exhibit “B”, are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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
### City Council Calendar 2010

#### January 2010
- 5\(^{th}\) CANCELLED*
- 12\(^{th}\) Council Meeting (regular)
- 19\(^{th}\) NO MEETING
- 26\(^{th}\) Council Meeting (regular)

#### February 2010
- 2\(^{nd}\) Council Meeting (regular)
- 9\(^{th}\) Council Meeting (regular)
- 16\(^{th}\) NO MEETING
- 23\(^{rd}\) Council Meeting (regular)

#### March 2010
- 2\(^{nd}\) Council Meeting (regular)
- 9\(^{th}\) Council Meeting (regular)
- 16\(^{th}\) NO MEETING
- 23\(^{rd}\) Council Meeting (regular)
- 30\(^{th}\) NO MEETING – 5\(^{th}\) Tuesday

#### April 2010
- 6\(^{th}\) CANCELLED**
- 13\(^{th}\) Council Meeting (regular)
- 20\(^{th}\) NO MEETING
- 27\(^{th}\) Council Meeting (regular)

#### May 2010
- 4\(^{th}\) Council Meeting (regular)
- 11\(^{th}\) Council Meeting (regular)
- 18\(^{th}\) NO MEETING
- 25\(^{th}\) Council Meeting (regular)

#### June 2010
- 1\(^{st}\) Council Meeting (regular)
- 8\(^{th}\) Council Meeting (regular)
- 15\(^{th}\) NO MEETING
- 22\(^{nd}\) Council Meeting (regular)
- 29\(^{th}\) NO MEETING – 5\(^{th}\) Tuesday

*January, 5\(^{th}\) due to Winter Break
**April 6\(^{th}\) due to Spring Break
***August 4\(^{th}\) Wednesday Meeting due to National Night Out on August 3\(^{rd}\)
****November 3\(^{rd}\) Wednesday Meeting due to Election Day on November 2\(^{nd}\)

#### July 2010
- 6\(^{th}\) Council Meeting (regular)
- 13\(^{th}\) Council Meeting (regular)
- 20\(^{th}\) NO MEETING
- 27\(^{th}\) NO MEETING

#### August 2010
- 4\(^{th}\) Council Meeting (special)***
- 10\(^{th}\) Council Meeting (regular)
- 17\(^{th}\) NO MEETING
- 24\(^{th}\) NO MEETING
- 31\(^{st}\) NO MEETING – 5\(^{th}\) Tuesday

#### September 2010
- 7\(^{th}\) Council Meeting (regular)
- 14\(^{th}\) Council Meeting (regular)
- 21\(^{st}\) NO MEETING
- 28\(^{th}\) Council Meeting (regular)

#### October 2010
- 5\(^{th}\) Council Meeting (regular)
- 12\(^{th}\) Council Meeting (regular)
- 19\(^{th}\) NO MEETING
- 26\(^{th}\) Council Meeting (regular)

#### November 2010
- 3\(^{rd}\) Council Meeting (special)****
- 9\(^{th}\) Council Meeting (regular)
- 16\(^{th}\) NO MEETING
- 23\(^{rd}\) Council Meeting (regular)
- 30\(^{th}\) NO MEETING – 5\(^{th}\) Tuesday

#### December 2010
- 7\(^{th}\) Council Meeting (regular)
- 14\(^{th}\) Council Meeting (regular)
- 21\(^{st}\) CANCELLED per MMC 2-1.01
- 28\(^{th}\) CANCELLED per MMC 2-1.01
<table>
<thead>
<tr>
<th>January 2009</th>
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<tbody>
<tr>
<td>6\textsuperscript{th} Council Meeting (regular)</td>
<td>7\textsuperscript{th} Council Meeting (regular)</td>
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<td>5\textsuperscript{th} Council Meeting (special)**</td>
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<td>29\textsuperscript{th} NO MEETING – 5\textsuperscript{th} Tuesday</td>
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<th>April 2009</th>
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<td>6\textsuperscript{th} Council Meeting (regular)</td>
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<td>4\textsuperscript{th} Council Meeting (special)***</td>
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<td>15\textsuperscript{th} Council Meeting (special)******</td>
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<td>22\textsuperscript{nd} CANCELLED per MMC 2-1.01</td>
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<td>30\textsuperscript{th} NO MEETING – 5\textsuperscript{th} Tuesday</td>
<td>29\textsuperscript{th} CANCELLED per MMC 2-1.01</td>
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*April 14\textsuperscript{th} due to Spring Break

**August 5\textsuperscript{th} Wednesday Meeting due to National Night Out on August 4\textsuperscript{th}

***November 4\textsuperscript{th} Wednesday Meeting due to Election Day on November 3\textsuperscript{rd}

****December 9\textsuperscript{th} Wednesday Meeting due to Run-Off Election on December 8\textsuperscript{th}

*****December 15\textsuperscript{th} Tuesday Meeting due to Winter Break (12/25/09-1/3/10) and cancelled 1/5/10 meeting
RESOLUTION NO. 2009-496

CITY COUNCIL
OF THE
CITY OF MODESTO

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION IA RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Section 25.5 of Article XIII of the California Constitution and Chapter 14XXXX of the California Statutes of 2009 (Assembly Bill No. 15), as amended (the “Act”), certain local agencies within the State of California (the “State”) are entitled to receive certain payments to be made by the State on or before June 30, 2013, as reimbursement for reductions in the percentage of the total amount of ad valorem property tax revenues allocated to such local agencies during the State’s 2009-10 fiscal year (the “Reimbursement Payments”), which reductions have been authorized pursuant to Sections 100.05 and 100.06 of the California Revenue and Taxation Code;

WHEREAS, the City of Modesto, a local agency within the meaning of Section 6585(t) of the California Government Code (the “Seller”), is entitled to and has determined to sell all right, title and interest of the Seller in and to its “Proposition IA Receivable”, as defined in Section 6585(g) of the California Government Code (the “Proposition IA Receivable”), namely, the right to payment of moneys due or to become due to the Seller pursuant to Section 25.5(a)(1)(B)(iii) of Article XIII of the California Constitution and Section 100.06 of the California Revenue and Taxation Code, in order to obtain money to fund public capital improvements or working capital;

WHEREAS, the Seller is authorized to sell or otherwise dispose of its property as the interests of its residents require;

WHEREAS, the California Statewide Communities Development Authority, a joint exercise of powers authority organized and existing under the laws of the State (the “Purchaser”), has been authorized pursuant to Section 6588(x) of the California Government Code to purchase the Proposition IA Receivable;

WHEREAS, the Purchaser desires to purchase the Proposition IA Receivable and the Seller desires to sell the Proposition IA Receivable pursuant to a purchase and sale agreement by and between the Seller and the Purchaser in the form presented to this City Council (the “Sale Agreement”) for the purposes set forth herein;

WHEREAS, in order to finance the purchase price of the Proposition IA Receivable from the Seller and the purchase price of other Proposition IA Receivables from other local agencies, the Purchaser will issue its bonds (the “Bonds”) pursuant to Section 6590 of the California Government Code and an Indenture (the “Indenture”), by and between the Purchaser and Wells Fargo Bank, National Association, as trustee (the “Trustee”), which Bonds will be payable solely
from the proceeds of the Seller's Proposition 1A Receivable and other Proposition 1A Receivables sold to the Purchaser by local agencies in connection with the issuance of the Bonds:

WHEREAS, the Seller acknowledges that (i) any transfer of its Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement shall be treated as an absolute sale and transfer of the property so transferred and not as a pledge or grant of a security interest by City of Modesto to secure a borrowing, (ii) any such sale of its Proposition 1A Receivable to the Purchaser shall automatically be perfected without the need for physical delivery, recordation, filing or further act, (iii) the provisions of Division 9 (commencing with Section 9101) of the California Commercial Code and Sections 954.5 to 955.1 of the California Civil Code, inclusive, shall not apply to the sale of its Proposition 1A Receivable, and (iv) after such transfer, the Seller shall have no right, title, or interest in or to the Proposition 1A Receivable sold to the Purchaser and the Proposition 1A Receivable will thereafter be owned, received, held and disbursed only by the Purchaser or a trustee or agent appointed by the Purchaser;

WHEREAS, the Seller acknowledges that the Purchaser will grant a security interest in the Proposition 1A Receivable to the Trustee and any credit enhancer to secure payment of the Bonds;

WHEREAS, a portion of the proceeds of the Bonds will be used by the Purchaser to, among other things, pay the purchase price of the Proposition 1A Receivable;

WHEREAS, the Seller will use the proceeds received from the sale of the Proposition 1A Receivable for any lawful purpose as permitted under the applicable laws of the State;

NOW THEREFORE, the City Council of the City of Modesto hereby resolves as follows:

Section 1. All of the recitals set forth above are true and correct, and this City Council hereby so finds and determines.

Section 2. The Seller hereby authorizes the sale of the Proposition 1A Receivable to the Purchaser for a price equal to the amount certified as the Initial Amount (as defined in the Sale Agreement) by the County auditor pursuant to the Act. The form of Sale Agreement presented to the City Council is hereby approved. An Authorized Officer (as set forth in Appendix A of this Resolution, attached hereto and by this reference incorporated herein) is hereby authorized and directed to execute and deliver the Sale Agreement on behalf of the Seller, which shall be in the form presented at this meeting.

Section 3. Any Authorized Officer is hereby authorized and directed to send, or to cause to be sent, an irrevocable written instruction to the State Controller (the "Irrevocable Written Instruction") notifying the State of the sale of the Proposition 1A Receivable and instructing the disbursement pursuant to Section 6588.6(c) of California Government Code of the Proposition 1A Receivable to the Trustee, on behalf of the Purchaser, which Irrevocable Written Instruction shall be in the form presented at this meeting.

Section 4. The Authorized Officers and such other Seller officers, as appropriate, are hereby authorized and directed, jointly and severally, to do any and all things and to execute
and deliver any and all documents, including but not limited to, if required, appropriate escrow instructions relating to the delivery into escrow of executed documents prior to the closing of the Bonds, and such other documents mentioned in the Sale Agreement or the Indenture, which any of them may deem necessary or desirable in order to implement the Sale Agreement and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. All consents, approvals, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, whether before or after the sale of the Proposition 1A Receivable or the issuance of the Bonds, including without limitation any of the foregoing that may be necessary or desirable in connection with any default under or amendment of such documents, may be given or taken by an Authorized Officer without further authorization by this City Council, and each Authorized Officer is hereby authorized and directed to give any such consent, approval, notice, order or request, to execute any necessary or appropriate documents or amendments, and to take any such action that such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 6. The City Council acknowledges that, upon execution and delivery of the Sale Agreement, the Seller is contractually obligated to sell the Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement and the Seller shall not have any option to revoke its approval of the Sale Agreement or to determine not to perform its obligations thereunder.
Section 7. This Resolution shall take effect from and after its adoption and
approval.

PASSED AND ADOPTED by the City Council of the City of Modesto, State of
California, this 27th day of October, 2009, by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Attest:

City Clerk

Approved as to form:

SELLER'S COUNSEL

By ____________________________

Dated: __________________________
APPENDIX A

CITY OF MODESTO

Authorized Officers: Greg Nyhoff, City Manager

James Miguel, Acting Deputy City Manager

any designee of any of them, as appointed in a written certificate of such Authorized Officer delivered to the Trustee.
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-497

RESOLUTION AUTHORIZING THE AWARD OF BID AND APPROVING AN AGREEMENT FOR LINEN SERVICES FOR THE MODESTO FIRE DEPARTMENT WITH MISSION LINEN FOR TWO (2) YEARS, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $26,140, AND POTENTIAL FIVE (5) YEAR COST OF $130,700; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, each of the City’s eleven fire stations receive linen services, and

WHEREAS, these services include the weekly rental of bed linens, pillow cases, bath towels and dish towels, and

WHEREAS, linen services are provided at a cost much less that it would cost to purchase and provide these services in-house, and

WHEREAS, although each station has cleaning equipment for clothing, the machines are currently used to wash truck towels and turnouts, and

WHEREAS, this leaves a less than desirable level of oil and other contaminants in the cleaning equipment, and

WHEREAS, this equipment would not adequately clean items used for bathing, sleeping and dish cleaning, and

WHEREAS, on November 5, 2008, the City Council, by Resolution No. 2008-616, authorized the issuance of formal Request for Bids for linen services for the Modesto Fire Department, and

WHEREAS, in order to meet the requirements of the Modesto Municipal Code, bids were solicited for linen services for the Modesto Fire Department, and

WHEREAS, formal Request for Bids were issued to seventeen (17) vendors as well as posted on the City’s website and legally advertised by the City Clerk’s office, and
WHEREAS, two (2) vendors responded with bids for linen services for the
Modesto Fire Department, and

WHEREAS, Mission Linen provided the most responsive and responsible bid for
linen services for the Modesto Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the award of bid and Agreement for linen services for the
Modesto Fire Department to Mission Linen for a two (2) year agreement, with three (3)
one-year extension options for an estimated annual cost of $26,140, and potential five (5)
year cost of $130,700.

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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-498

RESOLUTION AUTHORIZING THE AWARD OF BID AND APPROVING A TWO (2) YEAR AGREEMENT WITH CASCADE FIRE FOR PERSONAL PROTECTIVE EQUIPMENT – GROUP 2 – FOR THE FIRE DEPARTMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $10,000, AND A POTENTIAL FIVE YEAR COST OF $50,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, personal protective equipment (PPE) is paramount to the well-being of line personnel at the Modesto Fire Department, and

WHEREAS, PPE include turnout pants and jackets, structure boots, hoods, helmets, gloves, self-contained breather equipment, EMS gloves, etc., and

WHEREAS, the City provides PPE to line personnel at the time of hire, and

WHEREAS, PPE is replaced when it no longer meets safety standards, and

WHEREAS, in order to meet the requirements of the Modesto Municipal Code, bids were solicited for PPE for the Fire Department, and

WHEREAS, formal Request for Bids were issued to twenty-five (25) vendors as well as posted on the City’s website and legally advertised by the City Clerk’s office, and

WHEREAS, seven (7) vendors responded with bids for PPE for the Fire Department, and

WHEREAS, Cascade Fire provided the most responsive and responsible bid for Personal Protective Equipment – Group 2 – for the Fire Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and approves an agreement with Cascade Fire for Personal Protective Equipment – Group 2 – for the Fire Department for a two (2) year
agreement, with three (3) one-year extension options, for an estimated annual cost of $10,000, and a potential five year cost of $50,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, 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 APPROVING A TWO (2) YEAR AGREEMENT WITH JAECO FIRE FOR PERSONAL PROTECTIVE EQUIPMENT – GROUPS 4 B; AND 5 – FOR THE FIRE DEPARTMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $5,000, AND A POTENTIAL FIVE YEAR COST OF $25,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, personal protective equipment (PPE) is paramount to the well-being of line personnel at the Modesto Fire Department, and

WHEREAS, PPE include turnout pants and jackets, structure boots, hoods, helmets, gloves, self-contained breather equipment, EMS gloves, etc., and

WHEREAS, the City provides PPE to line personnel at the time of hire, and

WHEREAS, PPE is replaced when it no longer meets safety standards, and

WHEREAS, in order to meet the requirements of the Modesto Municipal Code, bids were solicited for PPE for the Fire Department, and

WHEREAS, formal Request for Bids were issued to twenty-five (25) vendors as well as posted on the City’s website and legally advertised by the City Clerk’s office, and

WHEREAS, seven (7) vendors responded with bids for PPE for the Fire Department, and

WHEREAS, Jaeco Fire provided the most responsive and responsible bid for Personal Protective Equipment – Groups 4 b; and 5 – for the Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and approves an agreement with Jaeco Fire for Personal Protective Equipment – Groups 4 b; and 5 – for the Fire Department for a two
(2) year agreement, with three (3) one-year extension options for an estimated annual cost of $5,000 and potential five year cost of $25,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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 APPROVING A TWO (2) YEAR AGREEMENT WITH L.N. CURTIS FOR PERSONAL PROTECTIVE EQUIPMENT – GROUPS 1; 3 A, B, D & E; 4 C; 7; 8 B AND C – FOR THE FIRE DEPARTMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $59,000, AND A POTENTIAL FIVE YEAR COST OF $295,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, personal protective equipment (PPE) is paramount to the well-being of line personnel at the Modesto Fire Department, and

WHEREAS, PPE include turnout pants and jackets, structure boots, hoods, helmets, gloves, self-contained breather equipment, EMS gloves, etc., and

WHEREAS, the City provides PPE to line personnel at the time of hire, and

WHEREAS, PPE is replaced when it no longer meets safety standards, and

WHEREAS, in order to meet the requirements of the Modesto Municipal Code, bids were solicited for PPE for the Fire Department, and

WHEREAS, formal Request for Bids were issued to twenty-five (25) vendors as well as posted on the City’s website and legally advertised by the City Clerk’s office, and

WHEREAS, seven (7) vendors responded with bids for PPE for the Fire Department, and

WHEREAS, L.N. Curtis provided the most responsive and responsible bid for Personal Protective Equipment – Groups 1; 3 a, b, d & e; 4 c; 7; 8 b and c – for the Fire Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and approves an agreement with L. N. Curtis for Personal Protective Equipment – Groups 1; 3 a, b, d & e; 4 c; 7; 8 b and c – for the
Fire Department for a two (2) year agreement, with three (3) one-year extension options, for an estimated annual cost of $59,000, and potential five year cost of $295,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’ Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SIGNATURE)

APPROVED AS TO FORM:

By:  

(SIGNATURE)

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID AND APPROVING A TWO (2) YEAR AGREEMENT WITH THE MALLORY COMPANY FOR PERSONAL PROTECTIVE EQUIPMENT – GROUPS 3 C; 4A; 7; 8 A – FOR THE FIRE DEPARTMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $2,000, AND A POTENTIAL FIVE YEAR COST OF $10,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, personal protective equipment (PPE) is paramount to the well-being of line personnel at the Modesto Fire Department, and

WHEREAS, PPE include turnout pants and jackets, structure boots, hoods, helmets, gloves, self-contained breather equipment, EMS gloves, etc., and

WHEREAS, the City provides PPE to line personnel at the time of hire, and

WHEREAS, PPE is replaced when it no longer meets safety standards, and

WHEREAS, in order to meet the requirements of the Modesto Municipal Code, bids were solicited for PPE for the Fire Department, and

WHEREAS, formal Request for Bids were issued to twenty-five (25) vendors as well as posted on the City’s website and legally advertised by the City Clerk’s office, and

WHEREAS, seven (7) vendors responded with bids for PPE for the Fire Department, and

WHEREAS, The Mallory Company provided the most responsive and responsible bid for Personal Protective Equipment – Groups 3 c; 4a; 7; 8 a – for the Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and approves an agreement with The Mallory Company for Personal Protective Equipment – Groups 3 c; 4a; 7; 8 a – for the Fire Department.
Department for a two (2) year agreement, with three (3) one-year extension options for an estimated annual cost of $2,000, and potential five year cost of $10,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID AND APPROVING A TWO (2) YEAR AGREEMENT WITH WITMER PUBLIC SAFETY FOR PERSONAL PROTECTIVE EQUIPMENT – GROUP 5 – FOR THE FIRE DEPARTMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF $5,000, AND A POTENTIAL FIVE YEAR COST OF $25,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, personal protective equipment (PPE) is paramount to the well-being of line personnel at the Modesto Fire Department, and

WHEREAS, PPE include turnout pants and jackets, structure boots, hoods, helmets, gloves, self-contained breather equipment, EMS gloves, etc., and

WHEREAS, the City provides PPE to line personnel at the time of hire, and

WHEREAS, PPE is replaced when it no longer meets safety standards, and

WHEREAS, in order to meet the requirements of the Modesto Municipal Code, bids were solicited for PPE for the Fire Department, and

WHEREAS, formal Request for Bids were issued to twenty-five (25) vendors as well as posted on the City’s website and legally advertised by the City Clerk’s office, and

WHEREAS, seven (7) vendors responded with bids for PPE for the Fire Department, and

WHEREAS, Witmer Public Safety provided the most responsive and responsible bid for Personal Protective Equipment – Group 5 – for the Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and approves an agreement with Witmer Public Safety for Personal Protective Equipment – Group 5 – for the Fire Department for a two
(2) year agreement, with three (3) one-year extension options, for an estimated annual cost of $5,000, and potential five year cost of $25,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH AEG CYCLING, LLC FOR THE CITY OF MODESTO TO BE A HOST CITY FOR A STAGE FOUR FINISH FOR THE 2010 AMGEN TOUR OF CALIFORNIA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS for the past three years the Amgen Tour of California has traveled through the State of California generating over $100 million of economic impact to the Host Cities and over one billion marketing impressions created worldwide, and

WHEREAS, on June 2, 2009, the Council, by Resolution No. 2009-232, approved a Request for Proposal (RFP) application for the City of Modesto to apply to become a “Host City” for the 4th Annual Amgen Tour of California, and

WHEREAS, on October 22, 2009, the City of Modesto was notified that it had been selected to host a stage four finish for the 2010 Amgen Tour of California to be held on May 19, 2010, and

WHEREAS, an agreement between the City of Modesto and AEG Cycling, LLC is required.

NOW. THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with AEG Cycling, LLC for Modesto to be a Host City for a stage four finish for the 2010 Amgen Tour of California, to be held on May 19, 2010.

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 October, 2009 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-504

RESOLUTION APPROVING AN AMENDMENT TO THE HOUSING AUTHORITY OF STANISLAUS COUNTY HOME LOAN AGREEMENT WITH THE CITY OF MODESTO FOR THE ACQUISITION OF PALM VALLEY APARTMENTS TO INCLUDE A PROJECT BUDGET AND TIMELINE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS

WHEREAS, on April 22, 2008, the City Council, by Resolution No. 2008-230, approved the allocation of HOME funds in the amount of $1,000,000 to the Housing Authority of Stanislaus County for the acquisition of the Palm Valley Apartments (201 E. Coolidge Avenue, Modesto), and

WHEREAS, the Housing Authority’s intention is to rent the units to low and very low-income households to help preserve the affordable housing stock in Modesto, and

WHEREAS, staff is recommending the Housing Authority of Stanislaus County HOME Loan Agreement be amended to incorporate the Project Budget (Exhibit “B”) and the Project Timeline (Exhibit “C”) to the HOME Loan Agreement, in accordance with HOME Regulations 24 CFR 92 Subpart K (1)(i),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Housing Authority of Stanislaus County HOME Loan Agreement with the City of Modesto for the acquisition of Palm Valley Apartments.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment and related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

**NOES:**
Councilmembers: None

**ABSENT:**
Councilmembers: None

(SIGNATURE)

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
<table>
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<td>TOTAL RECEIPTS</td>
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<td>$1,694</td>
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**EXHIBIT 'B'**
1. Units were acquired on July 17, 2009

2. Rehabilitation of the Handicap Conversion unit should be completed in October 2009

3. The installation of the Security Gate
   a. Out to bid in September - October 2009
   b. Award of bid in October - November 2009
   c. Work to be completed January 2010
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-505

A RESOLUTION APPROVING ADDENDUM NO. 1 TO THE "AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS RELATING TO THE ADMINISTRATION, DEVELOPMENT, AND OPERATION OF A SANITARY LANDFILL"; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE ADDENDUM

WHEREAS, On August 17, 1970, the City and County entered into the "Agreement Between the City of Modesto and the County of Stanislaus Relating to the Administration, Development, and Operation of A Sanitary Landfill”, an agreement which governed the operation of the Geer Road Sanitary Landfill, which was jointly owned by the City and County; and

WHEREAS, under this Agreement, the County operated the 167 acre landfill, and the City and County were jointly responsible for the cost of the operations; and

WHEREAS, the landfill was closed in 1990, and post-closure mitigation and monitoring of the site began in 1993; and

WHEREAS, funding for post-closure work comes from two sources: the County collects $1.50 per ton on wastes that are disposed of at the Fink Road Landfill, and the City of Modesto and the County charge $4.00 per ton on ash produced by the Waste-to-Energy facility; and

WHEREAS, each year, the $450,000 generated by these charges is deposited in the Geer Road Landfill Enterprise Fund maintained by the County for post-closure maintenance, mitigation, and monitoring; and

WHEREAS, the County is proposing to issue a Request For Quotations for the potential construction and operation of a solar farm on the closed Geer Road Landfill site, based on its discussions with interested firms; and
WHEREAS, the County has requested that the City execute an Addendum to the Agreement for the Geer Road landfill authorizing it to negotiate and approve, without further City consultation or approval, all necessary actions to establish, construct, and operate a privately owned solar energy farm at the landfill, and

WHEREAS, the proposed Addendum includes a provision holding the City free and harmless from any personal or property liability incurred as a result of the construction and operation of the solar farm, and

WHEREAS, the Addendum stipulates that any revenues from this project would be deposited into the Geer Road Enterprise Fund for use in post-closure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Addendum No. 1 to the "Agreement Between the City of Modesto and the County of Stanislaus Relating to the Administration, Development, and Operation of A Sanitary Landfill".

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Addendum.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-506

A RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO ESTABLISH THE CLASSIFICATION OF BUDGET MANAGER

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification: Budget Manager

The job specification for this classification is being created to plan, organize, and direct the activities of the Budget and Financial Analysis Division within the City Manager’s Office. The job specification for the classification of Budget Manager, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 27, 2009.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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
CITY OF MODESTO
No: 3504

BUDGET MANAGER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize, and direct the activities of the Budget and Financial Analysis Division within the City Manager’s Office; to coordinate division activities with City departments; and to provide highly responsible technical support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over assigned supervisory and professional, technical and administrative personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Recommend and implement goals and objectives; establish performance standards and methods for budgeting and ensuring the long-range financial stability of the City; develop and implement policies and procedures.

Plan, oversee, and monitor the work of staff involved in the development, preparation and implementation of the City’s annual budget with particular emphasis on balancing staff resources devoted to budget preparation and monitoring versus long-range financial planning.

Evaluate operations and activities of assigned section; implement improvements and modifications; prepare various reports on operations and activities.

Participate in the budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for staffing, equipment, materials and supplies; monitor and control expenditures.

Participate in the selection of staff; coordinate staff training; conduct performance evaluations; recommend discipline; implement discipline procedures as directed.

“Exhibit A”
Essential Functions: (Continued)

Manage the development and implementation of the City Budget; develop revenue projections; recommend fiscal strategies including reserve fund levels; assure proper allocation of costs.

Conduct or direct special financial analyses requiring research, analysis, and interpretation in areas such as: long-range financial planning for the City's infrastructure, capital improvement program, and operating budget; land-use financial impact; utility rates; fee structures; redevelopment financing and analysis; and bond financing and analysis.

Integrate special financial analyses with the City budget; assist the City Manager and Mayor in assessing budget implications of various long-range projects, plans, and scenarios.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Build and maintain positive working relationships with Senior Executive Team, Mayor and City Council, co-workers, other City employees and the public using principles of good customer service.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of economic, financial, and statistical analysis.

Advanced financial modeling and software, particularly related to budgeting and financial analysis.

Principles and practices of municipal budget preparation and administration.

Pertinent local, State, Federal rules, regulations and laws.

Modern office procedures, methods and computer equipment.

“Exhibit A”
Knowledge of: (Continued)

Principles and practices of research analysis and management.

Principles and practices of municipal budget development, preparation and administration.

Ability to:

Principles and practices of supervision, training, and performance evaluation.

Organize, implement and direct Budget and Financial Analysis Division operations and activities.

Conduct complex economic and financial analyses; to interpret data and draw sound conclusions.

Forecast economic conditions and the impact thereof on the City budget and operations.

Interpret and explain pertinent City and department policies and procedures.

Develop and recommend policies and procedures related to assigned operations.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Supervise, train and evaluate personnel.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Six years of increasingly responsible experience in professional finance budgeting, or economics; including one year providing technical and functional supervision over assigned personnel.

“Exhibit A”
Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in economics, business, finance or a related field.

A Master's degree with major course work in economics, business, finance, or a related field is highly desirable.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. Hearing/Talking: frequent hearing and talking, in person and on the phone. Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. Environmental: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions require occasional overtime or weekend work and the ability to travel.

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"Exhibit A"
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-507

A RESOLUTION ACCEPTING THE COMMUNITY ORIENTED POLICING SERVICES 2009 TECHNOLOGY GRANT IN THE AMOUNT OF $500,000 FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, TO PROVIDE PARTIAL FUNDING FOR THE CITY OF MODESTO AND STANISLAUS OPERATIONAL AREA REGIONAL RADIO INTEROPERABILITY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, on September 24, 2009, the Modesto Police Department received notification that the City of Modesto had been awarded $500,000 for the Community Oriented Policing Services (COPS) 2009 Technology grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project, and

WHEREAS, this funding is not part of the American Recovery and Reinvestment Act of 2009, and

WHEREAS, the regional communications between public safety agencies within Stanislaus County are inadequate, and

WHEREAS, this funding will enhance the existing interoperability channel, expand radio coverage through difficult terrain, replace aging equipment, and continue progress towards a radio system that meets the national standard for interoperability, and

WHEREAS, this will support the City and County’s joint efforts to respond to public safety incidents throughout California’s Central Valley and be prepared for disaster situations.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Community Oriented Policing Services 2009 Technology grant in the amount of $500,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents, including any extensions, amendments, or subsequent contracts with the U.S. Department of Justice, Office of Community Oriented Policing Services, in relation thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-508

A RESOLUTION AMENDING THE FISCAL YEAR 2009/2010 MULTI-YEAR BUDGET, ESTIMATING REVENUE OF $500,000 FOR THE COMMUNITY ORIENTED POLICING SERVICES 2009 TECHNOLOGY GRANT TO PROVIDE PARTIAL FUNDING FOR THE CITY OF MODESTO AND STANISLAUS OPERATIONAL AREA REGIONAL RADIO INTEROPERABILITY PROJECT

WHEREAS, on September 24, 2009, the Modesto Police Department received notification that the City of Modesto had been awarded $500,000 for the Community Oriented Policing Services 2009 Technology grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project, and

WHEREAS, this funding is not part of the American Recovery and Reinvestment Act of 2009, and

WHEREAS, the regional communications between public safety agencies and Stanislaus County are inadequate, and

WHEREAS, this funding will enhance the existing interoperability channel, expand radio coverage through difficult terrain, replace aging equipment, and continue progress towards a radio system that meets the national standard for interoperability, and

WHEREAS, this will support the City and County’s joint efforts to respond to public safety incidents throughout California’s Central Valley and be prepared for a disaster situations, and

WHEREAS, there is no local match required for this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2009/2010 Multi-Year Budget to appropriate
revenues and expenditures of $500,000, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio interoperability project, as indicated below:

**Expense:**
To: 0410-190-2501-5000 $500,000 Technology Grant/Radio Interoperability

**Revenue:**
To: 0410-190-2501-3508 $500,000 Federal Police Grant

BE IT FURTHER RESOLVED that the Finance Director, or his 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 27th day of October, 2009 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED AS TO FORM:

By: SUSANNA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-509

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER, OR HIS
DESIGNEE, TO ISSUE FORMAL REQUEST FOR BIDS FOR THE PURCHASE
AND INSTALLATION OF A REGIONAL RADIO INTEROPERABILITY
SYSTEM, FOR THE CITY OF MODESTO AND STANISLAUS COUNTY, AT AN
ESTIMATED TOTAL COST OF $500,000

WHEREAS, on September 24, 2009, the Modesto Police Department received
notification that the City of Modesto had been awarded $500,000 for the Community
Oriented Policing Services 2009 Technology grant from the U.S. Department of Justice,
Office of Community Oriented Policing Services, to provide partial funding for the City
of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project, and

WHEREAS, the regional communications between public safety agencies and
Stanislaus County are inadequate, and

WHEREAS, this funding will enhance the existing interoperability channel,
expand radio coverage through difficult terrain, replace aging equipment, and continue
progress towards a radio system that meets the national standard for interoperability, and

WHEREAS, this will support the City and County’s joint efforts to respond to
public safety incidents throughout California’s Central Valley and be prepared for
disaster situations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the Purchasing Manager, or his designee, to issue formal
Request for Bids for the purchase and installation of equipment and system engineering
to begin the build out of a regional radio interoperability system, for the City of Modesto
and Stanislaus County, at an estimated total cost of $500,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-510

A RESOLUTION ACCEPTING A MINI-GRANT IN THE AMOUNT OF
$35,791.52 FROM THE OFFICE OF TRAFFIC SAFETY SOBRIETY
CHECKPOINT MINI-GRANT PROGRAM, TO CONDUCT SOBRIETY
CHECKPOINTS; AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, on July 2, 2009, the Modesto Police Department received an
announcement for the solicitation of applications for the “Sobriety Checkpoint Mini-
Grant Program” from the Office of Traffic Safety (OTS), through the National Highway
Traffic Safety Administration (NHTSA), and

WHEREAS, the mini-grant is for personnel overtime costs to conduct sobriety
checkpoints during the Winter Holiday Period, between December 16, 2009 and January
3, 2010, and the Labor Day period in August/September 2010, and

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

WHEREAS, a checkpoint cannot exceed $4,473.94 for overtime to conduct the
checkpoint and includes funding for dispatchers and support personnel (Community
Services Officer), and

WHEREAS, on September 25, 2009, the Modesto Police Department received
notification that it was awarded $35,791.52 for the operation of up to eight sobriety
checkpoints in Modesto, and

WHEREAS, the goal of the statewide sobriety checkpoint program is to reduce
the number of people killed in alcohol-related collisions, and

WHEREAS, sobriety checkpoints have proven to be one of the most important
DUI countermeasures available to law enforcement agencies, and
WHEREAS, this mini-grant will result in increased grant revenue of $35,791.52 to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a mini-grant in the amount of $35,791.52 from the Office of Traffic Safety Sobriety Checkpoint Mini-Grant Program to conduct sobriety checkpoints.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-511

A RESOLUTION AMENDING THE FISCAL YEAR 2009/2010 MULTI-YEAR BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $35,791.52 TO CONDUCT SOBRIETY CHECKPOINTS

WHEREAS, on June 1, 2009, the Modesto Police Department received an announcement for the solicitation of applications for the “Sobriety Checkpoint Mini-Grant Program” from the Office of Traffic Safety (OTS), through the National Highway Traffic Safety Administration (NHTSA), and

WHEREAS, the mini-grant is for personnel overtime costs to conduct sobriety checkpoints during the Winter Holiday Period, between December 16, 2009 and January 3, 2010, and the Labor Day period in August/September 2010, and

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

WHEREAS, a checkpoint cannot exceed $4,473.94 for overtime to conduct the checkpoint and includes funding for dispatchers and support personnel (Community Services Officer), and

WHEREAS, on September 25, 2009, the Modesto Police Department received notification that it was awarded $35,791.52 for the operation of up to eight sobriety checkpoints in Modesto, and

WHEREAS, the goal of the statewide sobriety checkpoint program is to reduce the number of people killed in alcohol-related collisions, and

WHEREAS, sobriety checkpoints have proven to be one of the most important DUI countermeasures available to law enforcement agencies, and
WHEREAS, this mini-grant will result in increased grant revenue of $35,791.52 to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2009/2010 Multi-Year Budget to appropriate revenues and expenditures of $35,791.52 for overtime to conduct sobriety checkpoints, as listed in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director, or his 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 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _________________________

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
**Exhibit A**

The Fiscal Year 2009/2010 Multi-Year Budget will be amended as follows:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>To:</td>
<td>0410-190-2101-3490</td>
<td>$35,791.52</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2009/10 OTS Sobriety Checkpoint Mini Grant</td>
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<table>
<thead>
<tr>
<th>Expense</th>
<th></th>
<th></th>
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<td>To:</td>
<td>0410-190-2101-0130</td>
<td>$35,791.52</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Overtime</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-512

A RESOLUTION ACCEPTING AN AWARD OF $3,118 FROM THE U.S.
DEPARTMENT OF JUSTICE, BULLETPROOF VEST PARTNERSHIP
PROGRAM, FOR ARMOR VESTS

WHEREAS, on July 17, 2009, City staff submitted an application to the U.S.
Department of Justice (DOJ) for reimbursement funding through the Bulletproof Vest
Partnership (BVP) Program, and

WHEREAS, on October 6, 2009, City staff received notification of approval of
the application to the DOJ for reimbursement funding through the BVP Program in the
amount of $3,118, and

WHEREAS, through the BVP Program Federal reimbursements funds are made
available for the purchase of bulletproof vests for law enforcement officers, and

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

WHEREAS, the City of Modesto Police Department desires to participate in the
BVP Program from the DOJ, and

WHEREAS, the BVP Program helps protect the lives of law enforcement officers
by assisting local government equip their officers with armor vests, and

WHEREAS, the BVP Program has awarded the City of Modesto funding in the
amount of $3,118, to purchase armor vests for law enforcement officers in the Modesto
Police Department.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an award in the amount of $3,118 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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. 2009-513

A RESOLUTION AMENDING THE 2009/10 MULTI-YEAR BUDGET TO ESTIMATE REVENUE OF $3,118 FROM THE U.S. DEPARTMENT OF JUSTICE (DOJ), BULLETPROOF VEST PARTNERSHIP PROGRAM, AND APPROPRIATE FUNDS FOR THE PURCHASE OF BULLETPROOF VESTS

WHEREAS, the City of Modesto Police Department was awarded funding in the sum of $3,118 from the U.S. Department of Justice (DOJ), Bulletproof Vest Partnership Program, and

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

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

WHEREAS, the Council of the City of Modesto authorized the City Manager, or his designee, to accept the BVP program funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2009/10 Multi-Year Budget is hereby amended as follows:

**Special Revenue Fund-0410:**

Revenue:
To: 0410-190-2502-3508 $3,118 Federal Police Grant

**Expense:**
To: 0410-190-2502-0308 $6,236 Tools, Shop and Field Supplies

**Transfer between Funds:**

**Expense:**
To: 0100-700-2502-7041 $3,118 Transfer Out From Fund 0100 (Match Funding)

**Revenue:**
To: 0410-700-2502-9010 $3,118 Transfer In to Fund 0410
BE IT FURTHER RESOLVED that the Finance Director, or his authorized
designee, is hereby authorized to take the necessary steps to implement the provisions of
this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____________________________

SUSANA ALCALA WOOD, City Attorney

(SEAL)

APPROVED AS TO FORM:

By: _____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-514

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
3200 NIGHTINGALE DRIVE - BUILDING DEMOLITION PROJECT,
ACCEPTING THE BID, AND APPROVING A CONTRACT WITH DELTA
OILFIELD SERVICES, INC. IN THE AMOUNT OF $15,750 FOR THE 3200
NIGHTINGALE DRIVE - BUILDING DEMOLITION PROJECT, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE CONTRACT

WHEREAS, plans and specifications have been prepared for the 3200
Nightingale Drive - Building Demolition project and City staff recommends approval by
the City Council, and

WHEREAS, the bids received for the 3200 Nightingale Drive - Building
Demolition project were opened at 11:00 a.m. on September 22, 2009, and later tabulated
by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of
$15,750 received from Delta Oilfield Services, Inc. be accepted as the lowest responsible
bid and the contract be awarded to Delta Oilfield Services, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications for the 3200 Nightingale Drive -
Building Demolition project, accepts the bid of Delta Oilfield Services, Inc. in the
amount of $15,750, and awards Delta Oilfield Services, Inc. the contract for the 3200
Nightingale Drive - Building Demolition 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 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, 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. 2009-515

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN
THE SCOPE OF THE PROJECT COVERED BY THE MODESTO
WASTEWATER MASTER PLAN MASTER ENVIRONMENTAL IMPACT
REPORT (SCH NO. 2006052076): HAHN LIFT STATION RELOCATION /
RECONSTRUCTION

WHEREAS, on May 27, 1997, the City Council, by Resolution No. 97-290,
certified the Master Environmental Impact Report (“EIR”) for the Modesto Wastewater
Master Plan (SCH No. 2006052076), and

WHEREAS, the City of Modesto proposes to relocate/reconstruct the Hahn Lift
Station as identified on the adopted Wastewater Collection System Master Plan and in the
Wastewater Master Plan Master EIR, and

WHEREAS, Section 15177 of the CEQA Guidelines, relating to reviewing
subsequent projects within the scope of a Master EIR, states that the lead agency shall
prepare an initial study on any proposed subsequent project to analyze whether the
subsequent project may cause any significant effect on the environment that was not
examined in the Master EIR, whether any new additional mitigation measures or
alternatives will be required in conjunction with the project, and whether the subsequent
project was described in the Master EIR as being within the scope of the project, and

WHEREAS, the City’s Public Works Department by Environmental Assessment
Initial Study EA/PW 2008-21 reviewed the proposed Hahn Lift Station
Relocation/Reconstruction to determine whether the project is within the scope of the
project covered by the Wastewater Master Plan Master EIR, and made the determination
that the proposed project will have no additional significant effect on the environment
that was not identified in the Master EIR and, further, that no new or additional
mitigation measures or alternatives are required, and that therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines on November 17, 2008, the City caused to be published a 30-day notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a regular meeting on October 27, 2009, at 5:30 p.m., in the Tenth Street Place Chambers, 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 Project, a copy of which it 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. The type of Project under consideration is described in the Master EIR (MEIR).

2. All applicable policies, regulations, and mitigation measures identified in the MEIR have been applied to the project.

3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR. It has been determined that the project was described in the MEIR and is within the scope of the MEIR (SCH No. 2006052076), which analyzed the potential impacts of build out of the Wastewater Master Plan.

4. Based on the Initial Study, the City of Modesto finds and determines:
   a. That the proposed subsequent project will have no additional significant effect that was not identified in the MEIR.
   b. That no new or additional mitigation measures or alternatives are required.

5. The Initial Study, Environmental Assessment No. EA/PW 2008-21, provides the substantial evidence to support findings 1 through 4. above.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
Public Works Director is hereby authorized and directed to file a notice of 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 October, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, 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"

INITIAL STUDY
EA/PW 2008-21
Finding of Conformance to
Wastewater Master Plan Update Master EIR

Initial Study Environmental Checklist
EA/PW No. 2008-21

For the proposed:
Hahn Lift Station Relocation/Reconstruction

Prepared by:
City of Modesto
Public Works Department
Capital Improvement Services/Engineering Design Division

November 2008
City of Modesto
Wastewater Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Wastewater Master Plan Master EIR. This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether a subsequent project is “within the scope” of the project analyzed in the Modesto Wastewater Master Plan Master EIR (SCH# 2006052076) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is “within the scope” of the Master EIR when:

1. It will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. No new or additional mitigation measures or alternatives are required.

“Additional significant effects” means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158 (d))

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. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City’s Wastewater Master Plan MEIR (SCH# 2006052076) was also consulted which lists mitigation measures for each area of environmental study.

II. PROJECT DESCRIPTION

A. Title: Hahn Lift Station Relocation/Reconstruction

B. Address or Location:

Project: Intersection of Nightingale Dr. and Honey Creek Rd., Modesto, Stanislaus County, CA, southeast and southwest corner parcels (3808 Honey Creek Road/APN 076-001-042 and 3200 Nightingale Drive/APN 076-001-037)

Applicant: Capital Improvement Services Division
Public Works Department
1010 Tenth Street, Suite 4600
P. O. Box 642
Modesto, CA 95353

D. City Contact Person: Rich Ulm, Public Works Deputy Director/William Wong, Senior Civil Engineer

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR

Initial Study
EA/PW 2008-21
November 2008
E. Current General Plan Designation(s): Residential

F. Current Zoning Classification(s): R-1

G. Surrounding Land Uses: single family residential

H. Project Description:

The purpose of the project is to relocate and upgrade the Hahn Lift Station to move from the current location on the corner of a lot which also contains a single family home to the lot currently containing a vacant single family home across the street. The currently existing lift station is at the southeast corner of the intersection of Nightingale Dr. and Honey Creek Rd., the project would re-locate this facility to the southwest corner. The project includes acquisition of the new site and is expected to include demolition or relocation of the vacant home. The project will also increase pump capacity as well as capacity of associated pipe work in conformance with capacity planned for in the WWMP MEIR. This increased capacity will provide for the peak flow at build out of the planned tributary area for this lift station. This project will also reduce/remove stormwater inflows and eliminate flooding of the pump station and concomitant maintenance issues. Associated site work will include construction of ornamental iron fencing in the front of the site, masonry block wall to the side and rear of the facility, concrete flatwork, site lighting, and front landscaping. The project includes the demolition/removal of the existing lift station and associated equipment at the southeast corner, and also includes installation of all appurtenant piping to effect the relocation.

I. Other Public Agencies Whose Approval is Required: none
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **Within the Scope** - The project is within the scope of the Wastewater Master Plan Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

   A. The type of project is described in Chapter III of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

   D. Based on the Initial Study, the City of Modesto finds and determines:

      a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.

      b) No new or additional mitigation measures or alternatives are required.

   E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

2. **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

   A. The type of project is described in Chapter III of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Wastewater Master Plan Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:

   A. The type of project is described in Chapter III of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

---

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR

Senior Civil Engineer
Title

11/14/08
Date

William Wong, Project Manager

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR

Initial Study
EA/PW 2008-21
November 2008
4. Within the Scope Analysis of this Document:

The Wastewater Master Plan Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any “No” response must be discussed.

YES NO

(1) The lead agency for subsequent projects is the City of Modesto or a responsible agency identified in the Master EIR.

(2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template.

(3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).

(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.

(5) The project will occur within the boundaries of the planning area as established in the Wastewater Master Plan.

(6) Development within the project will comply with all mitigation measures identified in the Wastewater Master Plan Master EIR.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any no response must be discussed.

YES NO

(1) Certification of the Wastewater Master Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.

(2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings.

(3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.

(4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the Wastewater Master Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of the Wastewater Master Plan Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a notice of conformity after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect buildout of the project as identified in the MEIR.

The Master EIR for the Wastewater Master Plan organizes its analysis of environmental impacts into eleven subject areas plus Effects Found Not to be Significant (and additional five topics). The following analysis is based on the impact analyses contained in Chapter IV of the Master EIR.

1. AESTHETICS (Visual Resources)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. At that level of detail, no significant effects on Visual Resources were identified. This topic is discussed in Chapter 4.1 of the MEIR.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

No mitigation measures for this topic are identified in the MEIR. Any new mitigation to be incorporated into or made conditions of approval of this project is listed in Section V, Mitigation Applied to Project.

c. Project-Specific Effects

Section IV.1 of the MEIR provides analysis of Visual Resources impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>Threshold</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>1. The project is inconsistent with the Modesto Wastewater Master Plan.</td>
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<tr>
<td>2. The project would have a substantial adverse effect on a scenic vista or</td>
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<tr>
<td>scenic resources.</td>
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<tr>
<td>3. The project would substantially degrade the existing visual character or</td>
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<tr>
<td>quality of the project site and its surroundings.</td>
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<tr>
<td>4. The project would create a new source of substantial light and glare,</td>
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<td>which would adversely affect day or nighttime views in the area.</td>
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</tbody>
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Discussion:
City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR 5
Initial Study
EA/PW 2008-21
November 2008
(1) The project is specifically provided for in the Modesto Wastewater Master Plan.

(2) No scenic vistas or scenic resources are affected by the proposed project.

(3) The existing visual character is of a single-family residential neighborhood. The proposed lift station will be within a vault below grade, overlain by concrete flatwork. The frontage of the site will be landscaped, and the site will be enclosed with fencing consisting of decorative iron fence toward the street frontages and masonry block wall toward the side lot lines. The area within the fenced enclosure will include concrete flatwork and equipment enclosures.

(4) Task lighting will be installed within the fenced area. Lighting will be shielded and directed to avoid off-site light and glare.

2. AGRICULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.B of the MEIR.

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland (Significant and Unavoidable).

Effect: Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of Prime Farmland (Significant and Unavoidable).

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages IV.B.8 and IV.B.11 of the MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan and/or the Modesto Wastewater Master Plan.

(2) The project will directly result in the development of land outside the Modesto Urban Area General Plan planning area boundaries.

(3) The project will conflict with existing zoning for agricultural use, or a Williamson Act contract.

(4) The project will involve other changes in the existing environment which, due to their location or nature, could result in additional conversion of farmland to non-agricultural use.

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan. The site is designated Residential on the Modesto Urban Area General Plan, this use is consistent with the designation and zoning of the site.

(2) The project is relocation/reconstruction of an existing lift station, on a site not used for agricultural use.

(3) The project is relocation/reconstruction of a lift station, on a site not zoned for agricultural use.

(4) The project is relocation/reconstruction of a lift station, as provided for in the Modesto Wastewater Master Plan, and will not result in additional conversion of farmland to non-agricultural use beyond that contemplated by the Master Plan EIR.

3. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.G of the MEIR.

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Emissions of criteria pollutants during construction of wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region (Significant and Unavoidable).

Effect: Emissions of criteria pollutants during the operation of the proposed wastewater system improvements would contribute to existing violations of the ambient air quality standards in the region (Significant and Unavoidable).

Effect: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Modesto Urban Area General Plan (Significant and Unavoidable).
Effect: The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment (Significant and Unavoidable).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages IV.G.16 through IV.G.28 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

Mitigation Measure G.1 in the MEIR shall be made a part of the proposed project to reduce the impacts of construction related PM$_{10}$ and impacts of ozone precursors from construction equipment exhaust to the extent possible.

c. Project-Specific Effects

Section IV.G of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

YES NO

(1) The project does not incorporate the best management practices for air pollutant reduction established by the SJVUAPCD. ☑

(2) The project does not comply with the air quality policies of the Modesto Urban Area General Plan. ☑

(3) The project would expose sensitive receptors to substantial pollutant concentrations. ☑

(4) The project would create objectionable odors affecting a substantial number of people. ☑

Discussion:

(1) Best management practices for air pollutant reduction established by the SJVUAPCD will be incorporated into the construction of the project.

(2) The project is relocation/reconstruction of an existing lift station, and will not increase air pollutant emissions when in operation. The project will comply with the air quality policies of the Modesto Urban Area General Plan.

(3) The project is relocation/reconstruction of an existing lift station, and will not increase air pollutant emissions when in operation.

(4) The project is relocation/reconstruction of an existing lift station, and will not increase air pollutant emissions/odors when in operation.
4. BIOLOGICAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.E of the MEIR.

The Master EIR identified the following significant environmental impacts relative to Biological Resources.

**Effect:** Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the Valley Elderberry Longhorn Beetle (Less than Significant with Mitigation).

**Effect:** Construction of project facilities could cause loss of occupied Burrowing Owl habitat (Less than Significant with Mitigation).

**Effect:** Construction of project facilities could cause disturbance of nesting raptors (Less than Significant with Mitigation).

**Effect:** Construction of project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook and of the Tuolumne River (Less than Significant with Mitigation).

**Effect:** Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson’s Hawk foraging habitat (Less than Significant with Mitigation).

**Effect:** Construction during the Swainson’s Hawk breeding season could result in the accidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment (Less than Significant with Mitigation).

**Effect:** Construction of improvements to the Secondary Plant may cause impacts to regulated habitats (Less than Significant with Mitigation).

**Effect:** Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers (Less than Significant with Mitigation).

**Effect:** Growth facilitated by the project would result in cumulative loss of Swainson’s Hawk and Burrowing Owl habitat (Less than Significant with Mitigation).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Biological Resources mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.E.25 through IV.E.37. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.E of the MEIR provides analysis of Biological Resources impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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<tr>
<th>YES</th>
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</table>

1. The project is inconsistent with the Modesto Wastewater Master Plan.
2. Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.
3. The project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Discussion:

1. The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan.
2. The project is relocation/reconstruction of an existing lift station, and will not have any new effects on wildlife. All work will be confined to an already-developed, urbanized site.
3. The project is relocation/reconstruction of an existing lift station. No local policies or ordinances will be affected.

5. CULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (pp. IV.L.10-13) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Cultural Resources.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Cultural Resources mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project. Note that policies of the Modesto Urban Area General Plan as related to preservation of archeological and paleontological resources are applicable to any project involving excavation. These policies are expressed in Policy VII.F.2 of the General Plan.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.L (pp. IV.L.10-12) of the MEIR provides analysis of Cultural Resources impacts of development of the Wastewater Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

YES NO

(1) The project is inconsistent with the Modesto Wastewater Master Plan.

(2) The project would adversely affect a cultural (historical or archaeological) resource pursuant to § 15064.5.

(3) The project would directly or indirectly destroy a unique paleontological resource or site, or disturb any human remains, including those interred outside of formal cemeteries.

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan.

(2) The project is relocation/reconstruction of an existing lift station on an already-developed site, outside the area of potential concern identified in the Modesto Urban Area General Plan, and will not have any new effects on cultural resources. The project site is outside the area identified in the Modesto Urban Area General Plan as potentially sensitive for this resource.

(3) The project is relocation/reconstruction of an existing lift station on an already-developed site, and will not have any new effects on paleontological resources or human remains. The project site is outside the area identified in the Modesto Urban Area General Plan as potentially sensitive for this resource.

6. GEOLOGY AND SOILS

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L of the MEIR.

The Master EIR identified no significant environmental impacts relative to Geology and Soils.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Geology and Soils mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.L (pp. IV.L.7-9) of the MEIR provides analysis of Cultural Resources impacts of development of the Wastewater Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

(1) The project is inconsistent with the Modesto Wastewater Master Plan.

(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan.

(2) The project is relocation/reconstruction of an existing lift station, and will not have any new effects in relation to unstable soils. The site vicinity is not mapped for any type of instability.

7. HAZARDS AND HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.J and IV.K of the MEIR.

The Master EIR identified no significant environmental impacts relative to hazardous materials.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazard and Hazardous Materials mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.K.11 through IV.K.15. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

City of Modesto Finding of Conformance
Wastewater Master Plan Master EIR 12
Initial Study
EA/PW 2008-21
November 2008
Section IV.J and IV.K of the MEIR provides analysis of hazardous materials and contaminated soils and Demolition impacts of development of the Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

- (1) The project is inconsistent with the Modesto Wastewater Master Plan.
- (2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.
- (3) The project contains a contaminated site not identified as of December 2006.
- (4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- (5) The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

Discussion:

- (1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan.
- (2) The project is relocation/reconstruction of an existing lift station. No hazardous materials will be used or stored on site.
- (3) The proposed site is a developed residential lot and is not known to be a contaminated site.
- (4) The project is relocation/reconstruction of an existing lift station. There will be no hazardous emissions or materials, substances or wastes.
- (5) The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5

8. HYDROLOGY AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.D of the MEIR.

The Master EIR identified the following significant environmental impacts relative to Hydrology and Water Quality:

Effect: Excavation and construction activities could cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies (Less than Significant with Mitigation).
Effect: Elimination of the cross-connections between the storm water drainage system and the wastewater collection system could result in localized flooding (Less than Significant with Mitigation).

Effect: Implementation of the proposed project at a rate that does not match projected growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system (Significant and Unavoidable).

Effect: Implementation of the proposed project may result in operation-period surface water degradation due to pollutant loading associated with treated wastewater discharges (Significant and Unavoidable).

Effect: Implementation of the proposed project may result in operation-period surface water degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area (Significant).

Effect: The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality (Less than Significant with Mitigation).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hydrology and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.D.26 through IV.D.41 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

Mitigation Measure D.1 in the MEIR shall be made a part of the proposed project to reduce the impacts to surface water quality through the construction period.

c. Project-Specific Effects

Section IV.D of the MEIR provides analysis of Hydrology and Water Quality impacts of development of the Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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</table>

(1) The project is inconsistent with the Modesto Wastewater Master Plan.
(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.
(3) The project does not comply with Modesto's Guidance Manual for New Development Stormwater Quality Control Measures.
(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
Discussion:

(1) The project is relocation/reconstruction of an existing lift station to a nearby lot, as provided for in the Modesto Wastewater Master Plan.

(2) Construction of the project will comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act as applicable.

(3) Construction of the project will comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.

(4) The project is relocation/reconstruction of an existing lift station to a nearby lot. The project will not substantially increase the rate or amount of surface runoff.

9. LAND USE AND PLANNING (Land Use, Plans, and Policies)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.A of the MEIR.

The Master EIR identified no significant environmental impacts relative to Land Use and Planning.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Land Use and Planning mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

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(1) The project is inconsistent with the Modesto Urban Area General Plan or any applicable Specific Plan.

(2) The project includes a substantive amendment to the Modesto Urban Area General Plan or any Specific Plan.

(3) The project would physically divide an established community.
Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan.

(2) The Project involves no amendment to any Plan.

(3) The project is relocation/reconstruction of an existing lift station, and will not physically divide an established community.

10. MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.8) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Land Use and Planning.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Mineral resources mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

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(1) The project is inconsistent with the Modesto Wastewater Master Plan.

(2) The project would result in the loss of availability of a known mineral resource, either locally important or of regional/statewide significance.

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan.

(2) The project is relocation/reconstruction of an existing lift station, and will have no effect on the availability of any mineral resource.
11. **NOISE**

**a. Significant Effects Identified in the Master EIR**

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.H of the MEIR.

The Master EIR identified the following significant environmental impacts relative to Noise:

**Effect:** Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City’s General Plan MEIR and the County General Plan (Less than Significant with Mitigation).

**Effect:** The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and/or Stanislaus County, or the noise performance standards set by the City and County (Significant and Unavoidable).

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.H.9 through IV.H.13 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**Discussion:**

Mitigation Measure H.1 in the MEIR shall be made a part of the proposed project to reduce noise impacts to sensitive receptors through the construction period.

**c. Project-Specific Effects**

Section IV.H of the MEIR provides analysis of noise impacts of development of the Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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<th>Threshold</th>
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<td>(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
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<td>(2) The project will exceed the noise policies of the Modesto Urban Area General Plan.</td>
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<tr>
<td>(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<tr>
<td>(4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</td>
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</tbody>
</table>
(1) The project is relocation/reconstruction of an existing lift station. During the construction phase, construction activities will be subject to the provisions of the Modesto noise ordinance.

(2) The project is relocation/reconstruction of an existing lift station. During the construction phase, construction activities will be subject to the provisions of the Modesto Urban Area General Plan.

(3) The project is relocation/reconstruction of an existing lift station and will not result in any permanent increase in ambient noise levels.

(4) The project is relocation/reconstruction of an existing lift station. During the construction phase, construction activities will be subject to the provisions of the Modesto noise ordinance and the project will not result in substantial temporary increase in ambient noise levels.

12. POPULATION AND HOUSING

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.13) of the MEIR.

The Master EIR identified no significant environmental impacts relative to population and housing.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Population and Housing mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

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The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan. The project will provide for minor expansion of the facility, accommodating build out as planned for and accommodated by the City’s General Plan and as anticipated in the Wastewater Master Plan and its EIR.
13. COMMUNITY SERVICES: PARKS, SCHOOLS, POLICE, AND FIRE

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.C and IV.E (p. IV.E.1-5) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Community Services.

b. Master EIR and/or New Mitigation Measures Applied to the Project

No Community Services mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

YES NO

(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan.

14. TRANSPORTATION/TRAFFIC (Transportation)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.F of the MEIR.

The Master EIR identified the following significant and unavoidable traffic impacts:

Effect: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Modesto Urban Area General Plan (Significant and Unavoidable).
b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages IV.F.12. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.F of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent project will have a new significant effect on the environment if it would exceed the following criteria:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.</td>
<td>x</td>
</tr>
<tr>
<td>(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).</td>
<td>x</td>
</tr>
<tr>
<td>(3) Result in inadequate emergency access.</td>
<td>x</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan.

(2) The project is relocation/reconstruction of an existing lift station, and will have no effect on traffic design.

(3) The project is relocation/reconstruction of an existing lift station, and will have no effect on emergency access.

15. UTILITIES AND SERVICES SYSTEMS: WATER SUPPLY, SANITARY SEWER, STORM DRAINAGE, SOLID WASTE, ENERGY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.5, 9-10) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Community Services.
b. Master EIR and/or New Mitigation Measures Applied to the Project

No Community Services mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.</td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is relocation/reconstruction of an existing lift station, as provided for in the Modesto Wastewater Master Plan and serving the area of the Modesto Urban Area General Plan.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1(c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted Master EIR Mitigation Measures shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study.

No new or additional mitigation measures are required for this project. The following measures from the Wastewater Master Plan Master EIR shall be applied to the project:
Aesthetics/Visual Resources Measures:
None.

Agricultural Resources Measures:
None.

Air Quality Measures:
Wastewater Master Plan EIR Mitigation Measure G.1

Biological Resources Measures:
None.

Cultural Resources Measures:
None.

Geology and Soils Measures:
None.

Hazard and Hazardous Materials Measures:
None.

Hydrology and Water Quality Measures:
Wastewater Master Plan EIR Mitigation Measure D.1

Land Use and Planning Measures:
None.

Mineral Resources Measures:
None.

Noise Measures:
Wastewater Master Plan EIR Mitigation Measure H.1

Community Services Measures:
None.

Transportation/Traffic Measures:
None.
Utility and Service System Measures:

None.
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR PURCHASE AND INSTALLATION OF CLEAIRE LONGVIEW DIESEL ENGINE PARTICULATE FILTERS TO A-Z BUS SALES, INC., SACRAMENTO CA, FOR AN ESTIMATED TOTAL COST OF $26,475 AND TO CUMMINS WEST, INC., SAN LEANDRO, CA, FOR AN ESTIMATED TOTAL COST OF $127,913; AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF $154,388

WHEREAS, the City Council authorized the purchase of seven buses in Capital Improvement Project (6510-165-A131), and

WHEREAS, the California Air Resources Board (CARB) requires that for each new bus placed in service an older diesel powered bus be retrofitted with a CARB compliant particulate filter, and

WHEREAS, only the Cleaire Longview diesel engine particulate filter is certified by the CARB for use in California, and

WHEREAS, City staff requested quotes from firms that could furnish and install the Cleaire Longview diesel engine particulate filters on one 1999 MCI bus and six 1998 Gillig buses, and

WHEREAS, Cummins West, Inc. and A-Z Bus Sales, Inc. submitted bids to furnish and install the Cleaire Longview diesel engine particulate filters on said buses, and

WHEREAS, A-Z Bus Sales, Inc. submitted the lowest bid to furnish and install said filter on the 1999 MCI, and

WHEREAS, Cummins West, Inc. submitted the lowest bid to furnish and install said filters on the six 1998 Gillig buses.
NOW. THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizes the award of bid and contract for the purchase and installation of seven Cleaire Longview diesel engine particulate filters for Modesto Area Express buses, to A-Z Bus Sales, Inc., Sacramento, CA, for a total estimated cost of $26,475 and Cummins West, Inc., San Leandro, CA, for a total estimated cost of $127,913.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue purchase orders for a total estimated cost of $154,388.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 27th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and this resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM

By: SUSANNA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 BUDGET TO MOVE $74,032 FROM REVENUE ACCOUNT NO. 6540-165-1600-3218 (FIXED-ROUTE BUS OPERATIONS) TO ACCOUNT NO. 6510-165-A131-6070 (FIXED-ROUTE BUS PURCHASES)

WHEREAS, the City Council authorized the purchase of seven buses in Capital Improvement Project (6510-165-A131), and

WHEREAS, the California Air Resources Board requires that for each new bus placed in service an older diesel powered bus be retrofitted with a CARB compliant particulate filter, and

WHEREAS, a budget adjustment in the amount of $74,032 is necessary to fully fund the purchase of the seven new buses and the installation of particulate filters in seven older buses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2009-2010 budget to move $74,032 from Account No. 6540-165-1600-3218 (Fixed-Route Bus Operations) to Account No. 6510-165-A131-6070 (Fixed-Route Bus Purchases).

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to implement the provisions of this resolution.
The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 27th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and this resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

( SEAL )

APPROVED AS TO FORM.

By: SUSANNA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-518

RESOLUTION ESTABLISHING A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT TITLED “AGRICULTURAL WELLS – COMMUNITY PARKS” AND APPROVING AN INTER-FUND LOAN BETWEEN THE CITY’S WATER FUND AND THE GENERAL FUND TO FUND THE PROJECT TO BE REPAID BY THE GENERAL FUND THROUGH AN ANNUAL TRANSFER IN THE AMOUNT OF $50,000

WHEREAS, one of the largest expenses in the parks maintenance budget is for irrigation water, with an annual cost of approximately $800,000 when optimal watering is done, and

WHEREAS, this is recognized as a substantial and on-going expense which could be reduced by the installation of shallow agricultural wells used solely for irrigation purposes, and

WHEREAS, staff from both Parks, Recreation, and Neighborhoods and Public Works recognize and agree that this is the correct approach which could also result in better water system pressure during peak times for other water customers, and

WHEREAS, the installation of agricultural wells in the City’s seven community parks requires the establishment of a Capital Improvement Program project and the allocation of funds, and

WHEREAS, project funding is estimated at $350,000 and is available through an inter-fund loan between the Water Fund and the General Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves establishing a Capital Improvement Project titled “Agricultural Wells – Community Parks”.

BE IT FURTHER RESOLVED that the Council also approves an inter-fund loan between the City’s Water Fund and the General Fund in the amount of $350,000 to fund the project.

BE IT FURTHER RESOLVED that said inter-fund loan shall be repaid by the General Fund to the City’s Water Fund in seven annual payments of $50,000, plus interest, at a rate of one-percent (1%) based on the City’s current portfolio yield.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney

WHEREAS, the City of Modesto’s Public Works Department was created by a 2004 reorganization that combined the former Operations and Maintenance Department (O & M) and the former Engineering and Transportation Department (E & T), and

WHEREAS, this reorganization was primarily done as a cost reduction measure and to strengthen the linkage between E & T and O & M, and

WHEREAS, recent developments in the water and wastewater utility marketplace, and the broad nature of the challenges in the delivery of essential services to the public have generated discussion about how Public Works can best position itself to meet the future needs of the City, and

WHEREAS, this discussion generated the proposal to divide Public Works into two departments: Public Works (PW) and Utility Planning and Projects (UP & P), and

WHEREAS, the proposed reorganization is designed around a “current planning” and “advance planning” model where the day-to-day operations will be addressed by PW, and the strategic initiatives, master planning, financing, and project implementation related to water resources will be addressed by UP & P, and

WHEREAS, the UP & P Department will consist of the following divisions:

- Utility Master Planning
- Utility CIP Design
- Capital Improvement Program
- Utility Rates/Grants
- Construction Administration
- Regional Initiatives/Strategic Planning
- Streets CIP Design
WHEREAS, the PW Department will consist of the following divisions:

- Water Services
- Water Quality Control Services
- Street Maintenance
- Graffiti Abatement
- Curb, Gutter, Sidewalks
- Street Sweeping
- Airport
- Fleet Services
- Parking Garage Maintenance

WHEREAS, the PW and UP & P Departments will need to have a high degree of coordination in a variety of areas and tasks such as capital improvements, master planning, rates and regional initiatives, and

WHEREAS, a Utilities Coordination team will be created to ensure ongoing coordination and collaboration between the two new departments, and

WHEREAS, additional staffing needs include an additional department head (funding partially offset by moving a Deputy Director of Public Works into the Interim Director of PW position and leaving the Deputy Director position vacant), and an Administrative Office Assistant II position.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reorganization of the Public Works Department into two departments: the Public Works Department and the Utility Planning and Projects Department, effective November 10, 2009.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-520

A RESOLUTION AMENDING FISCAL YEAR 2009/10 OPERATING BUDGET TO TRANSFER $62,225 FROM WATER FUND RESERVES (6100-800-8000-8003) AND $67,194 FROM WASTEWATER FUND RESERVES (6210-800-8000-8003) TO MEET ADDITIONAL FUNDING REQUIREMENTS FOR THE NEW UTILITY PLANNING AND PROJECTS DEPARTMENT (6100-440-5001)

WHEREAS, the City of Modesto’s Public Works Department was created by a 2004 reorganization that combined the former Operations and Maintenance Department (O & M) and the former Engineering and Transportation Department (E & T), and

WHEREAS, this reorganization was primarily done as a cost reduction measure and to strengthen the linkage between E & T and O & M, and

WHEREAS, recent developments in the water and wastewater utility marketplace, and the broad nature of the challenges in the delivery of essential services to the public have generated discussion about how Public Works can best position itself to meet the future needs of the City, and

WHEREAS, this discussion generated the proposal to divide Public Works into two departments: Public Works (PW) and Utility Planning and Projects (UP & P), and

WHEREAS, the proposed reorganization is designed around a “current planning” and “advance planning” model where the day-to-day operations will be addressed by PW, and the strategic initiatives, master planning, financing, and project implementation related to water resources will be addressed by UP & P, and

WHEREAS, funding for the additional Department Head will be partially offset by leaving one existing Deputy Director of Public Works position vacant, and
WHEREAS, in addition, approximately $130,000 is necessary to meet the additional funding requirements for the new UP & P Department for Fiscal Year 2009/10, and

WHEREAS, staff requested the transfer of $62,225 from Water Fund Reserves (6100-800-8000-8003) and $67,194 from Wastewater Fund (6210-800-8000-8003) to meet the additional funding requirements, as shown in “Exhibit A” attached.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending Fiscal Year 2009/10 Budget to transfer of $62,225 from Water Fund Reserves (6100-800-8000-8003) and $67,194 from Wastewater Fund Reserves (6210-800-8000-8003) to meet the additional funding requirements for the new Utility Planning and Projects Department (6100-440-5001).

BE IT FURTHER RESOLVED that the Finance Director, or his 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 October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Fund Name:

Water Fund

Revenue Account Adjustments

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>6100-440-5001-4909</td>
<td>Interfund Labor Charges</td>
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Expense Account Adjustments

<table>
<thead>
<tr>
<th>Account Number</th>
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<tr>
<td>6100-440-Various-0255</td>
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<td>6100-440-5001-0182</td>
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<td>6100-440-5001-0192</td>
<td>Benefits for new position (Director)</td>
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<td>6100-440-5001-0181</td>
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<td>6100-440-5001-0191</td>
<td>Benefit Adjustment (Increase)</td>
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<td>Equipment Pool Maintenance</td>
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<td>6100-440-5001-0225</td>
<td>Equipment Pool Replacement</td>
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<tr>
<td>6100-440-5001-0252</td>
<td>Infrastructure Tech and Info Charges</td>
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<tr>
<td>6100-440-5001-0253</td>
<td>Replacement Tech and Info Charges</td>
<td>$2,614</td>
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<tr>
<td>6100-440-5001-0254</td>
<td>Operations Tech and Info Charges</td>
<td>$7,533</td>
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<tr>
<td>6100-440-5001-0256</td>
<td>Phones Tech and Info Charges</td>
<td>$1,008</td>
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<tr>
<td>6100-440-5001-0257</td>
<td>Building Services - City Forces</td>
<td>$11,952</td>
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<tr>
<td>6100-440-5001-0413</td>
<td>Property Insurance</td>
<td>$24</td>
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<tr>
<td>6100-440-5001-0415</td>
<td>Liability Insurance</td>
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<tr>
<td>6100-440-5001-0207</td>
<td>Conferences</td>
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<td>6100-440-5001-0208</td>
<td>Business Expenses</td>
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<td>6100-440-5001-0209</td>
<td>Training Expenses</td>
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<td>6100-440-5001-0210</td>
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<td>6100-440-5001-0217</td>
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<td>6100-440-5001-0301</td>
<td>Office supplies</td>
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<tr>
<td>6100-440-5001-0302</td>
<td>Books and Periodicals</td>
<td>$144</td>
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<tr>
<td>6100-440-5001-0317</td>
<td>Microfilm</td>
<td>$72</td>
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<tr>
<td>6100-440-5001-0401</td>
<td>Memberships and Dues</td>
<td>$360</td>
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6100-800-8000-8003 Water Fund Contingency Reserve | -$62,225
## Wastewater Fund

### Revenue Account Adjustments

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6210-440-5203-4909</td>
<td>Interfund Labor Charges</td>
<td>-$129,861</td>
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### Expense Account Adjustments

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<tr>
<td>6210-440-5203-0184</td>
<td>Salary Adjustment (Decrease)</td>
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<tr>
<td>6210-440-5203-0253</td>
<td>Replacement Tech and Info Charges (decrease)</td>
<td>-$2,614</td>
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<tr>
<td>6210-440-5203-0254</td>
<td>Operations Tech and Info Charges (decrease)</td>
<td>-$7,533</td>
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<tr>
<td>6210-440-5203-0256</td>
<td>Phones Tech and Info Charges (decrease)</td>
<td>-$1,008</td>
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<tr>
<td>6210-440-5203-0257</td>
<td>Building Services - City Forces (decrease)</td>
<td>-$11,952</td>
</tr>
<tr>
<td>6210-440-5203-0413</td>
<td>Property Insurance (decrease)</td>
<td>-$24</td>
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<tr>
<td>6210-440-5203-0415</td>
<td>Liability Insurance (decrease)</td>
<td>-$7,560</td>
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<tbody>
<tr>
<td>6210-800-8000-8003</td>
<td>Sewer Fund Contingency Reserve</td>
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## Capital Improvement Fund

### Revenue Account Adjustments

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<tr>
<td>0300-420-4112-4909</td>
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### Expense Account Adjustments

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<tbody>
<tr>
<td>0300-420-4112-0182</td>
<td>Salary for new position (AOA II)</td>
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<tr>
<td>0300-420-4112-0192</td>
<td>Benefits for new position (AOA II)</td>
<td>$6,900</td>
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A RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO ESTABLISH THE CLASSIFICATION OF DIRECTOR OF UTILITY PLANNING AND PROJECTS, DEPUTY DIRECTOR OF UTILITY PLANNING AND PROJECTS, AMEND THE CLASSIFICATION OF DIRECTOR OF PUBLIC WORKS, AND DELETE THE CLASSIFICATION OF DEPUTY DIRECTOR OF PUBLIC WORKS - ENGINEERING

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2008-681 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the job classifications of Director of Utility Planning and Projects and Deputy Director of Utility Planning and Projects. The job classifications are being created as a result of the reorganization of the Public Works Department into two departments: Public Works and Utility Planning and Projects. The specifications for the classifications of Director of Utility Planning and Projects and Deputy Director of Utility Planning and Projects, as shown on the attached Exhibit “A
and B,” which are hereby made a part of this resolution by reference, are hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION II. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to amend the job specification of Director of Public Works. The job specification is being amended as a result of the reorganization of the Public Works Department into two departments: Public Works and Utility Planning and Projects. The job specification for Director of Public Works, as shown on the attached Exhibit “C,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION III. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete Deputy Director of Public Works – Engineering. Said classification is being deleted, as it is no longer needed.

SECTION IV. EFFECTIVE DATE. This resolution shall become effective on and after November 10, 2009.
DIRECTOR OF UTILITY PLANNING AND PROJECTS

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION
To plan, organize, direct, and review the functions of the Utility Planning and Projects Department including but not limited to: utility master planning, utility CIP design, utility rates/grants, construction administration, streets CIP design and regional water resource initiatives/strategic planning; to provide leadership to the department and the City organization; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager and Deputy City Manager.

SUPERVISION RECEIVED AND EXERCISED
Receives policy direction from the City Manager and/or Deputy City Manager.
Exercises direct supervision over assigned management, supervisory, professional, technical, maintenance, and administrative support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to the following:

Essential Functions:
Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Deputy City Manager, City Manager, and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee, and participate in the development of the Department's annual work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Supervise and participate in the development and administration of the Utility Planning and Projects Department budget; direct the forecast of additional funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement mid-year adjustments.

EXHIBIT A
CITY OF MODESTO
Director of Utility Planning and Projects
Page 2

Essential Functions: (Continued)

Select, train, motivate, and evaluate personnel; provide a high level of leadership; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards as necessary for efficient and professional operations of the Department.

Develop and implement long and short-term strategic plans in support of department and City-wide goals and objectives.

Plan, organize, direct, and evaluate all operations relating to utility master planning, utility CIP design, utility rates/grants, construction administration, streets CIP design, and regional initiatives/strategic planning, including the design, operation, construction, maintenance, and repair of utility facilities.

Prepare and implement long-range master planning and strategic planning for public works systems and improvements; prepare public works conditions to be placed on new and redeveloped parcels.

Direct the development, implementation, and administration of the City's capital improvement program as it relates to City-owned utility facilities.

Provide leadership in the development and implementation of strategies, programs, and ordinances.

Initiate and oversee the development, administration, and improvement of programs and strategies for protecting the City's water resources and wastewater treatment capacity, ensuring a reliable supply of high quality water to meet future needs and ensuring the availability of adequate physical facilities to meet future needs.

Advise on problems related to the operation, construction, and maintenance of City utility facilities.

Review plans, engineering reports, and budget estimates prepared by subordinates, outside consultants, and other City departments.

Perform utility rate structure analysis and make recommendations on utility rates.

Evaluate, recommend, and administer professional engineering consultants and contracts.

Represent the Department to outside groups and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.
Essential Functions: (Continued)

Research and prepare technical and administrative reports and studies; prepare written correspondence as necessary.

Build and maintain positive working relationships with Senior Executive Team, Mayor, City Council, co-workers, other City employees, and the public using principles of good customer service.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices, methods, materials, techniques, and equipment used in the construction, operation, and maintenance of water, sewer, and streets systems.

Principles and practices of civil engineering administration.

Principles and practices of leadership, motivation, team building, and conflict resolution.

Pertinent local, state and federal laws, rules, and regulations.

Organizational and management practices as applied to the analysis and evaluation of programs.

Principles and practices of organization, administration, and human resource management.

Principles and practices of budget preparation and administration.

Plan, direct, and control the administration and operations of the Utility Planning and Projects Department.

Ability to:

Prepare and administer department budgets.
Ability to: (Continued)

Develop and implement department policies and procedures.

Supervise, train, and evaluate assigned personnel.

Gain cooperation through discussion and persuasion.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Interpret and apply federal, state, local, and department policies, procedures, laws, and regulations.

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts as directed by the City Manager.

Identify and respond to public and City Council issues and concerns.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Seven years of increasingly responsible public sector, water and wastewater industry, public utility, or related experience; including three years of administrative and management responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering, public or business administration, or a related field.
Training: (Continued)

A Master's degree from an accredited college or university in civil engineering, public, or business administration is highly desirable.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a Certificate of Registration as a professional civil engineer in the State of California is highly desirable.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. Hearing/Talking: frequent hearing and talking, in person and on the phone. Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. Environmental: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature-controlled office environment subject to typical office noise and environment. Positions require regular overtime or weekend work and the ability to travel.

Individuals appointed into positions in this classification are in the Unclassified Service and serve at the will of the City Manager.

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DEPUTY DIRECTOR OF UTILITY PLANNING AND PROJECTS

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist the Director of Utility Planning and Projects in managing and directing the Utility Planning and Projects Department; to plan, organize, and direct the activities of the Capital Improvement Services Division; and to provide highly complex staff assistance to the Director of Utility Planning and Projects.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Utility Planning and Projects.

Exercises direct supervision over management, supervisory, professional, technical, and administrative support personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Assist the Director of Utility Planning and Projects in managing and directing the Utility Planning and Projects Department.

Assist in developing department goals and objectives; assist in the development and implementation of policies and procedures.

Plan, organize, and direct the activities of assigned division as it relates to the planning, design, and construction management of City buildings, equipment, City streets, electrical, water, wastewater, and drainage systems.

Establish long-range plans and goals, including strategic planning for the utility enterprise funds, rate setting, and issues dealing with environmental regulations.

Prepare division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer approved budget.

EXHIBIT B
Recommend appointment of personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Exercise responsible charge of assigned engineering and utility planning functions.

May be assigned special projects requiring engineering design calculations and using the judgment of a registered professional engineer.

Represent the Department to outside groups and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Research, prepare, and present technical and administrative reports to Council, commissions, and a variety of committees; prepare written correspondence.

Build and maintain positive working relationships with Senior Executive Team, Mayor, City Council, co-workers, other City employees, and the public using principles of good customer service.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.

Principles and practices of policy development and implementing.

Principles and practices of leadership, motivation, team building, and conflict resolution.

Principles and practices of business correspondence and report writing.

Principles and practices of contract management.

Pertinent local, state and federal rules, regulations, and laws.
Knowledge of: (Continued)

Principles and practices of budget development, implementation, and monitoring.

Principles and practices of organizational analysis and management.

Principles and practices of supervision, training, and personnel management.

Technical, legal, and financial issues related to the conduct of municipal public works program.

Principles and practices of municipal utility rate settings.

Strategic planning, rate setting, and environmental regulations for municipal utilities.

Methods of preparing designs, plans, specifications, estimates, reports, and recommendations relating to proposed public works projects.

Modern office procedures, methods, and computer equipment.

Ability to:

Organize, direct, and implement a comprehensive CIP and engineering program.

Prepare and administer a budget.

Supervise, train, and evaluate personnel.

Interpret and explain Department policies and procedures.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Gain cooperation through discussion and persuasion.

Oversee and coordinate the activities of a number of sections within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Review and interpret cost estimates.
Ability to: (Continued)

Perform a variety of technical and engineering research and prepare reports of findings.

Establish and maintain cooperative relationships with those contacted during the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Six years of increasingly responsible experience as a professional civil engineer; including two years of management responsibility.

Training:

Equivalent to a Bachelor’s degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver’s license.

Possession of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, candidates will have six (6) months to obtain California Registration.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. Hearing/Talking: frequent hearing and talking, in person and on the phone. Emotional/Psychological: frequent
decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental:** frequent exposure to noise.

**WORKING CONDITIONS**

Work is performed in a typical temperature-controlled office environment subject to typical office noise and environment. Positions require regular overtime or weekend work and the ability to travel.

Individuals appointed into positions in this classification after February 5, 2008 are in the Unclassified Service and serve at the will of the Director of Utility Planning and Projects.

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CITY OF MODESTO
NO. 1780

DIRECTOR OF PUBLIC WORKS

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize, direct, and review the functions of the Public Works Department including but not limited to: fleet, parking, streets, water, wastewater collection and treatment, storm water, airport, and transit; to provide leadership to the department and the City organization; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager and Deputy City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the City Manager and/or Deputy City Manager.

Exercises direct supervision over assigned management, supervisory, professional, technical, maintenance, and administrative support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to the following:

Essential Functions:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Deputy City Manager, City Manager, and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee, and participate in the development of the Department's annual work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Supervise and participate in the development and administration of the Public Works Department budget; direct the forecast of additional funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement mid-year adjustments.

EXHIBIT C
Essential Functions: (Continued)

Select, train, motivate, and evaluate personnel; provide a high level of leadership; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards as necessary for efficient and professional operations of the Department.

Develop and implement long and short-term strategic plans in support of department and City-wide goals and objectives.

Plan, organize, direct, and evaluate all operations relating to fleet, parking, streets, water, wastewater collection and treatment, storm water, airport, and transit, including the operation, construction, maintenance, and repair of utility facilities.

Participate in the development of the City’s capital improvement program as it relates to City-owned utilities and transportation systems.

Advise on problems related to the operation, construction, and maintenance of City utility and transportation systems.

Review plans, engineering reports, and budget estimates prepared by subordinates, outside consultants and other City departments.

Participate in utility rate structure analysis and act as a key stakeholder.

Evaluate, recommend, and administer professional consultants and contracts.

Represent the Department to outside groups and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Research and prepare technical and administrative reports and studies; prepare written correspondence as necessary.

Build and maintain positive working relationships with Senior Executive Team, Mayor, City Council, co-workers, other City employees and the public using principles of good customer service.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Principles, practices, methods, materials, techniques, and equipment used in the construction, operation, and maintenance of fleet, water and sewer systems, wastewater facilities, and streets.

Principles and practices of leadership, motivation, team building, and conflict resolution.

Pertinent local, state and federal laws, rules, and regulations.

Organizational and management practices as applied to the analysis and evaluation of programs.

Principles and practices of organization, administration, and human resource management.

Principles and practices of budget preparation and administration.

Ability to:

Plan, direct, and control the administration and operations of the Public Works Department.

Prepare and administer department budgets.

Develop and implement department policies and procedures.

Supervise, train, and evaluate assigned personnel.

Gain cooperation through discussion and persuasion.

Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.

Interpret and apply federal, state, local, and department policies, procedures, laws and regulations.
Ability to: (Continued)

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts as directed by the City Manager.

Identify and respond to public and City Council issues and concerns.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Seven years of increasingly responsible public works experience; including three years of administrative and management responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering, public or business administration, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a Certificate of Registration as a professional civil engineer in the State of California is highly desirable.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work;
occasional color and depth vision. **Dexterity:** frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking:** frequent hearing and talking, in person, and on the phone. **Emotional/Psychological:** frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental:** frequent exposure to noise.

**WORKING CONDITIONS**

Work is performed in a typical temperature-controlled office environment subject to typical office noise and environment. Positions require regular overtime or weekend work and the ability to travel.

Individuals appointed into positions in this classification are in the Unclassified Service and serve at the will of the City Manager.

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The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING EXHIBIT "I" OF RESOLUTION NO. 2007-384 TO AMEND THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT TO ESTABLISH THE DIRECTOR OF UTILITY PLANNING AND PROJECTS AT SALARY RANGE 1422

WHEREAS, the City Council desires to amend Exhibit "I" of Resolution No. 2007-384, which approved the Class Range Table for Executive Management Classes,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2007-384. Exhibit "I" entitled, "City of Modesto Class Range Table Executive Management Effective June 26, 2007," attached to Resolution No. 2007-384, is hereby amended as shown on Exhibit "A" entitled, "City of Modesto Class Range Table Executive Management Effective November 10, 2009," which is attached hereeto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Director of Utility Planning and Projects at range 1422.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 10, 2009.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 27th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ______________

(SEAL)

APPROVED AS TO FORM:

By: ______________

SUSANA ALCALA WOOD, City Attorney
<table>
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<tr>
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| 1414  | City Auditor  
City Clerk |
| 1420  | Director of Finance  
Director of Human Resources |
| **1422** | Chief Information Officer  
Director of Community and Economic Development  
Director of Parks, Recreation and Neighborhoods  
Director of Public Works  
**Director of Utility Planning and Projects** |
| 1427  | Chief of Police  
Deputy City Manager  
Fire Chief |
| 1428  | City Attorney |
| 1436  | City Manager |

Exhibit A
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2007-384 TO AMEND THE CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO DELETE DEPUTY DIRECTOR OF PUBLIC WORKS – ENGINEERING AND ESTABLISH THE CLASSIFICATION OF DEPUTY DIRECTOR OF UTILITY PLANNING AND PROJECTS AT SALARY RANGE 2455

WHEREAS, Council desires to amend Exhibit “A” of Resolution No. 2007-384, which approved the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes, Effective June 26, 2007,

WHEREAS, the Deputy Director of Public Works – Engineering is being deleted from salary range 2455,

WHEREAS, the Deputy Director of Utility Planning and Projects is being established at salary range 2455,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2007-384 Exhibit "A" entitled, "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective June 26, 2007,” is hereby amended as shown on Exhibit “A” entitled, “City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes, Effective November 10, 2009,” which is attached hereto and made part hereof as though set forth in full herein. Said amended Exhibit "A" deletes the Deputy Director of Public Works – Engineering and establishes the salary range for Deputy Director of Utility Planning and Projects at range 2455.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 10, 2009.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, 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
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **November 10, 2009**

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| 2425  | Executive Assistant to the City Council  
|       | Executive Assistant to the City Manager  
|       | Paralegal |
| 2427  | Legal Services Administrator |
| 2431  | Equal Opportunity Analyst/Paralegal |
| 2434  | Senior Auditor |
| 2439  | Employee Relations Coordinator |
| 2444  | Deputy City Attorney I  
|       | Risk Manager |
| 2448  | Deputy City Attorney II |
| 2452  | Deputy Chief Information Officer  
|       | Deputy City Attorney III  
|       | Deputy Director of Community and Economic Development  
|       | Deputy Director of Cultural and Enterprise Services  
|       | Deputy Director of Finance  
|       | Deputy Director of Human Resources  
|       | Deputy Director of Public Works – Operations  
|       | Deputy Director of Recreation and Neighborhoods |
| 2455  | Deputy Director of Public Works – Engineering  
|       | Deputy Director of Utility Planning and Projects |
| 2456  | Senior Deputy City Attorney |
| 2462  | Assistant City Attorney |

Exhibit A
A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS-TIER 1, NORTH TANK WATER TRANSMISSION MAINS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION IN THE AMOUNT OF $4,458,366 FOR THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS-TIER 1, NORTH TANK WATER TRANSMISSION MAINS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project were opened at 11:00 a.m. on September 15, 2009, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of $4,458,366 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 Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project, accepts the bid of A. Teichert & Son, Inc. dba Teichert Construction in the amount of $4,458,366, and awards A. Teichert & Son, Inc. dba Teichert Construction the contract for the
Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains 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 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, 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. 2009-525

A RESOLUTION APPROVING THE KIERNAN BUSINESS PARK SPECIFIC PLAN AMENDMENT NO. 4 (KIERNAN BUSINESS PARK EAST) FACILITIES MASTER PLAN AND INFRASTRUCTURE FINANCE PLAN FOR THE INFRASTRUCTURE NECESSARY TO SUPPORT THE DEVELOPMENT OF APPROXIMATELY 153 ACRES LOCATED NORTH OF PELANDALE AVENUE, EAST OF DALE ROAD, WEST OF THE FUTURE EXPANSION OF AMERICAN AVENUE, AND SOUTH OF KIERNAN AVENUE

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for greater level of detail in planning sites or areas of special interest or value; and

WHEREAS, the Modesto Urban Area General Plan includes a policy that requires the preparation of a comprehensive plan for all Comprehensive Planning Districts; and

WHEREAS, the Modesto Urban Area General Plan allows the implementation of a comprehensive plan through Specific Plans, as defined by Government Code Section 65450 et. seq.; and

WHEREAS, the Kiernan Business Park East area is located in the western portion of the Kiernan/Carver Comprehensive Planning District that consists of a total of 1,380 acres; and

WHEREAS, the Kiernan Business Park Specific Plan Amendment No. 4 ("Project") application was filed by Aruna Chopra ("Applicant") of Chopra Development Enterprises to allow for the development of approximately 153 acres located north of Pelandale Avenue, east of Dale, west of the future expansion of American Avenue and south of Kiernan Avenue ("Property"); and
WHEREAS, Kiernan Business Park East area includes 16 acres of medium-high density residential, 23 acres of mixed used non-residential and 114 acres of business park development; and

WHEREAS, a Final Environmental Impact Report was prepared for the Kiernan Business Park Specific Plan Amendment No. 4 (SCH No. 2007062071) which analyzed the potential environmental effects of the proposed Project; and

WHEREAS, on September 1, 2009, the City Council approved the Kiernan Business Park Specific Plan Amendment No. 4 and certified the Kiernan Business Park Specific Plan Amendment No. 4 EIR; and

WHEREAS, the FMP and IFP are planning documents that will guide future infrastructure development and are required by the Kiernan Business Park Specific Plan Amendment No. 4; and

WHEREAS, The FMP and IFP are explicitly contemplated in the Kiernan Business Park Specific Plan Amendment No. 4 EIR; and

WHEREAS, on October 5, 2009, the Planning Commission held a duly noticed public hearing to consider the Kiernan Business Park East FMP and IFP in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing the Planning Commission recommended the Kiernan Business Park East FMP and IFP for City Council approval; and

WHEREAS, on October 27, 2009, the City Council held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed Kiernan Business Park East FMP and IFP was considered;
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby finds as follows:

1. The proposed Kiernan Business Park Specific Plan Amendment No. 4 has been adopted by the Modesto City Council by Resolution 2009-420.

2. The companion Environmental Impact Report was also adopted by the Modesto City Council by Resolution 2009-418.

3. The proposed FMP and IFP supply the necessary information for the development of the infrastructure necessary to develop the needed backbone facilities for Kiernan Business Park East area.

4. The proposed Kiernan Business Park East FMP and IFP are consistent with the Final Program Environmental Impact Report for the Kiernan Business Park Specific Plan Amendment No. 4 Project (SCH No. 2007062071) and have been adequately analyzed by the EIR.

5. As per Sections 15168(c) and 15162 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA, and

6. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR.

7. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR.

8. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR, was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR; or,

   b. significant effects which were previously examined will be substantially more severe than previously shown; or,

   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
d. mitigation measures or alternatives which are considerably different from those analyzed in the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

9. The Initial Study, Environmental Assessment No. EA/C&ED 2009-20, provides the substantial evidence to support findings 4-6, above, and the City hereby determines that no further environmental documentation is required for the proposed project.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that the drainage basins or structure locations depicted in the FMP may be modified as required.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby adopts the Kiernan Business Park East Facilities Master Plan and Infrastructure Finance Plan on file in the office of the Community and Economic Development Department and incorporated herein by reference.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the Kiernan Business Park East FMP and IFP. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney