MODESTO CITY COUNCIL
RESOLUTION NO. 2008-233

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE AND INSTALLATION OF A HIGH-DENSITY STORAGE SYSTEM FOR THE MODESTO POLICE DEPARTMENT, FOR AN ESTIMATED COST OF $91,238

WHEREAS, the Evidence and Property facility located at 1124 F Street is leased by the Modesto Police Department to store all property and evidence obtained by Modesto Police Department personnel, and

WHEREAS, the storage capacity of the building is limited, and the standard shelving that is currently in place is at approximately 85% storage capacity, and

WHEREAS, the purchase will maximize the use of the space available within the building with a high-density storage system, and

WHEREAS, this first phase purchase will increase storage capacity by approximately 25% in the current facility, and

WHEREAS, future phases are planned to allow the department to keep up with increasing demands for evidence storage, and

WHEREAS, the City has received State Law Enforcement Supplemental Funding (SLESF) for this purchase, and

WHEREAS, funds are budgeted and available in the following accounts for the purchase and installation of a high-density storage system in FY 07/08:

<table>
<thead>
<tr>
<th>Code</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0400-190-2923-5011</td>
<td>$80,000</td>
<td>PD Grant-Property/Evd/Shelving</td>
</tr>
<tr>
<td>0100-190-1921-0223</td>
<td>$11,238</td>
<td>PD Records and Support</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a formal Request for Bids
(RFB) for the purchase and installation of a high-density storage system for the Modesto Police Department, for an estimated cost of $91,238.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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:  

APPROVED AS TO FORM:

By  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-234

A RESOLUTION ACCEPTING A MINI-GRANT IN THE AMOUNT OF $8,000 FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, FOR THE CALIFORNIA CLICK IT OR TICKET (CIOT) PROJECT FOR OVERTIME SEAT BELT ENFORCEMENT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS.

WHEREAS, the Modesto Police Department submitted an application in the amount of $8,000 to the California Office of Traffic and Safety, through the National Highway Traffic Safety Administration, for a California Click It or Ticket (COIT) Project, and

WHEREAS, the program is for a three-week period and allows for overtime seat belt enforcement, 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.1.B.8., which calls for obtaining public service grants, and

WHEREAS, the total mini-grant is $8,000 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 $8,000 from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California Click It or Ticket (CIOT) Project for overtime seat belt enforcement.

BE IT FURTHER RESOLVED that the Interim 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 22nd day of April, 2008, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-235

A RESOLUTION AMENDING THE FISCAL YEAR 2007/08 BUDGET TO APPROPRIATE $8,000 FOR REVENUE AND EXPENSE FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, FOR THE CALIFORNIA CLICK IT OR TICKET (CIOT) PROJECT FOR OVERTIME SEAT BELT ENFORCEMENT

WHEREAS, the City of Modesto Police Department was awarded funding in the sum of $8,000 from the California Office of Traffic Safety for the California Click It or Ticket (CIOT) Project, and

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

WHEREAS, the total mini-grant will be $8,000, with no local match required of the City, and

WHEREAS, the Council of the City of Modesto authorized the Interim City Manager, or his designee, to accept the California Click It or Ticket (CIOT) Project mini-grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the 2007/08 Operating Budget is hereby amended as follows:

Appropriate:
To: 0410-190-2997-0130 $8,000 Overtime

Revenue:
To: 0410-190-2997-3490 $8,000 Click It or Ticket Mini-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 22nd day of April, 2008, 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]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-236

A RESOLUTION ACCEPTING THE WORK BY RICHARD TOWNSEND CONSTRUCTION, INC. FOR THE PROJECT TITLED “BLOCK WALL CONSTRUCTION FOR WELL 21 IN MCHENRY VILLAGE” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $174,791.57

WHEREAS, a report has been filed by the Public Works Director that the project titled “Block Wall Construction for Well 21 in McHenry Village” has been completed by Richard Townsend Construction, Inc., in accordance with the contract agreement dated February 14, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Block Wall Construction for Well 21 in McHenry Village” is hereby accepted as complete from said contractor Richard Townsend Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $174,791.57 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-237

A RESOLUTION ACCEPTING THE WORK BY PERMA GREEN HYDROSEEDING, INC. FOR THE PROJECT TITLED “TUOLUMNE RIVER REGIONAL PARK GATEWAY PARCEL PHASE 1.1” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $625,779.47

WHEREAS, a report has been filed by the Public Works Director that the project titled “Tuolumne River Regional Park Gateway Parcel Phase 1.1” has been completed by Perma Green Hydroseeding, Inc., in accordance with the contract agreement dated August 8, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Tuolumne River Regional Park Gateway Parcel Phase 1.1” is hereby accepted as complete from said contractor Perma Green Hydroseeding, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $625,779.47 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-238

A RESOLUTION ACCEPTING THE WORK BY HARRIS BUILDERS, INC. FOR THE PROJECT TITLED “SHADE STRUCTURES FOR MODESTO PARKS (GEORGE ROGERS, STOCKARD COFFEE AND ROBERTSON ROAD”) AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $152,217.53

WHEREAS, a report has been filed by the Public Works Director that the project titled “Shade Structures for Modesto Parks (George Rogers, Stockard Coffee and Robertson Road”) has been completed by Harris Builders, Inc., in accordance with the contract agreement dated May 22, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Shade Structures for Modesto Parks (George Rogers, Stockard Coffee and Robertson Road”) is hereby accepted as complete from said contractor Harris Builders, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $152,217.53 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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: SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-239

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH HARRIS & ASSOCIATES FOR CONSTRUCTION MANAGEMENT SERVICES OF THE LA LOMA LIFT STATION PROJECT IN THE NOT-TO-EXCEED AMOUNT OF $24,020.00, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on January 23, 2007, by Resolution 2007-073, the City Council awarded a construction contract in the amount of $1,794,000 to Preston Pipelines to construct the La Loma Avenue Sanitary Sewer Lift Station Replacement project, and

WHEREAS, the La Loma Avenue Sanitary Sewer Lift Station Replacement project is a large specialized project that requires construction management and inspection, and

WHEREAS, the City Council on February 13, 2007, by Resolution 2007-116, approved an Agreement with Harris & Associates, a construction management firm specializing in these types of inspections, to assist with this project, and

WHEREAS, as part of this Amendment, Harris & Associates will continue to provide full-time inspection and project close out assistance for the La Loma Avenue Sanitary Sewer Lift Station Replacement project, and

WHEREAS, there are sufficient funds available in CIP Account 6210-430-B609 “La Loma Avenue Sanitary Sewer Lift Station Replacement” to continue work on the ongoing and additional tasks to complete the additional services, and

WHEREAS, the original Agreement was for $200,725, and

WHEREAS, the additional work associated with this Amendment is $24,020, which will increase the total Agreement to $224,745,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the Agreement between City of Modesto and Harris & Associates for additional services related to the La Loma Avenue Sanitary Sewer Lift Station Replacement Project in the amount of $24,020.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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
A RESOLUTION ACCEPTING THE WORK BY GOODLAND LANDSCAPE CONSTRUCTION, INC. FOR THE PROJECT TITLED “SANDERS NEIGHBORHOOD PARK” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $2,596,899.41

WHEREAS, a report has been filed by the Public Works Director that the project titled “Sanders Neighborhood Park” has been completed by Goodland Landscape Construction, Inc., in accordance with the contract agreement dated August 8, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Sanders Neighborhood Park” is hereby accepted as complete from said contractor Goodland Landscape Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $2,596,899.41 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-241

A RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT WITH NICHOLS CONSULTING ENGINEERS, CHTD. IN THE AMOUNT OF $33,848.23 FOR PAVEMENT TESTING, EVALUATION, AND ANALYSIS REPORT IN CONNECTION WITH DESIGN OF CLAUS ROAD REHABILITATION, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City’s Fiscal Year 06-07 Pavement Maintenance Program for rehabilitation includes the following street: Claus Road Rehabilitation from Scenic Drive to approximately 5,200 feet south, and

WHEREAS, rehabilitation may include an asphalt overlay of the existing pavement or complete reconstruction of the street, and

WHEREAS, during project design, the existing asphalt is tested for strength and elasticity, and

WHEREAS, pavement testing involves use of specialized equipment to measure the total deflection resulting from a load applied on the surface of the pavement, and

WHEREAS, following analysis of the deflection results, recommendations are made regarding thickness of required overlay or to reconstruct if overlay of the existing pavement is not feasible, and

WHEREAS, the firm of Nichols Consulting Engineers, Chtd. (Nichols) is deemed the most qualified to provide the requested pavement testing services and has demonstrated satisfactory pavement testing services to the City in the past, and

WHEREAS, as an example, Nichols Consulting Engineers, Chtd. provided pavement testing, evaluation and analysis report in connection with Kansas Avenue-Carpenter Road to Emerald Avenue, and
WHEREAS, City staff recommends an agreement with the consulting firm of Nichols Consulting Engineers, Chtd. be approved to perform pavement testing, evaluation and analysis report in connection with design of the Claus Road Rehabilitation as the City does not have the staffing level to perform testing and evaluation for this project and current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City staff recommends that City Council approve an agreement with Nichols Consulting Engineers, Chtd. to perform pavement testing, evaluation and analysis report in connection with design of the Claus Road Rehabilitation in an amount not to exceed $33,848.23, and

WHEREAS, Nichols will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Nichols Consulting Engineers, Chtd. to perform pavement testing, evaluation and analysis report in connection with design of the Claus Road Rehabilitation in an amount not to exceed $33,848.23.

BE IT FURTHER RESOLVED that the Interim 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 22nd day of April, 2008, 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]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH TRS CONSULTANTS, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DALE ROAD/ KIERNAN AVENUE INTERSECTION IMPROVEMENTS PROJECT, IN THE NOT-TO-EXCEED AMOUNT OF $594,834.42, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Caltrans, the City of Modesto, and Stanislaus County have been planning for the widening of Kiernan Avenue (State Route 219), and

WHEREAS, the project is needed to provide a means of keeping pace with the City’s and regional projected growth, and

WHEREAS, the project will include ultimate roadway improvements on the south leg of the Kiernan (State Route 219) intersection, and the widening to four (4) lanes of Kiernan Road, east and west of the intersection, and

WHEREAS, additional improvements will consist of roadway widening, asphalt concrete pavement, curb and gutter, sidewalk, street lights and traffic signal modifications, and

WHEREAS, the selection process for construction management services followed the City’s selection procedures for professional consultants. In accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, Capital Improvement Services (CIS) staff mailed approximately 20 Request for Qualifications for construction management services, and

WHEREAS, fifteen firms responded and three were asked to provide a proposal, and
WHEREAS, the City’s Selection Committee reviewed the three proposals submitted and held interviews with the two firms that continued in the selection process, and

WHEREAS, the firm of TRS Consultants, Inc. was considered to be the most qualified to provide construction management services for the project, and

WHEREAS, TRS Consultants, Inc. is an experienced construction management firm that provides construction management services for major highway projects, and has provided acceptable services on previous agreements of this type and size, and

WHEREAS, Capital Improvement Services staff recommends that an Agreement with the consulting firm of TRS Consultants, Inc. be approved to perform the construction management services as current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City desires to enter into an Agreement with TRS Consultants, Inc. in an amount not-to-exceed $594,834.42, to perform construction management services for the Dale Road/Kiernan Avenue Intersection Improvements project, and

WHEREAS, TRS Consultants, Inc. will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with TRS Consultants, Inc., in the amount not-to-exceed $594,834.42, for construction management services for the Dale Road/Kiernan Avenue Intersection Improvements project.

BE IT FURTHER RESOLVED that the Interim 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 22nd day of April, 2008, 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]

(S Seal)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION

WHEREAS, the U.S. Department of Transportation (DOT) will be initiating the grant application process for the Small Community Air Service Development Program (SCASDP), and

WHEREAS, the SCASDP provides support for cities desiring to enhance their commercial air service, and

WHEREAS, details about the current program are still pending; however, the DOT has traditionally issued $20 million annually nationwide in grants to approximately 40 communities to support improved air service at local airports, and

WHEREAS, the SCASDP has previously limited awards to no more than four communities in any one state, and

WHEREAS, on March 27, 2008, a Request for Proposals for “Air Service Development for Modesto City-County Airport” was sent to four consultants to assist the City in the SCASDP application process, and

WHEREAS, all four of these consultants have assisted airports that were awarded SCASDP grants in previous years, and

WHEREAS, the consultants’ proposals are due by April 9, 2008, and once a consultant is chosen, preparation of the grant application will begin for submittal to the DOT in a timely manner, and
WHEREAS, the City applied for and was awarded a $550,000 SCASDP grant in 2005, and used the grant funds to obtain additional air service to Los Angeles, and

WHEREAS, the DOT allows communities to apply for SCASDP grants every two years, and

WHEREAS, on April 14, 2008, the Council’s Economic Development Committee endorsed the recommendation to submit a SCASDP grant application to the DOT,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a grant application to the U.S. Department of Transportation for the Small Community Air Service Development Program.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the grant application.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: 

(SIGNATURE)

SEAL

APPROVED AS TO FORM:

by 

(SIGNATURE)

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-244

A RESOLUTION APPROVING AN AMENDMENT TO THE AIRPORT LEASE AGREEMENT WITH MODESTO FLIGHT CENTER, INC. AND RICHARD CORBETT, AN INDIVIDUAL, FOR THE ADDITION OF OFFICE SPACE #8 IN THE FORMER AIRPORT ADMINISTRATION BUILDING, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, on August 14, 2007, the City Council, by Resolution 2007-503, approved a 15-year Airport Lease Agreement with Modesto Flight Center, Inc. and Richard Corbett, an individual, to operate the business known as Modesto Flight Center, Inc. (MFC, Inc.) at Modesto City-County Airport, and

WHEREAS, the leased premises consist of the following:

(a) Office Building No. 1
(b) Hangar No. 5
(c) Office Space #4 in the former Airport Administration Building
(d) Aircraft tie-down spaces in a number and location as needed, agreed in concurrence with Airport Manager, and

WHEREAS, MFC, Inc is requesting to lease Office Space #8 in the former Airport Administration Building to accommodate business growth, and

WHEREAS, Airport Enterprise Fund Revenue Account No. 6310-440-5412-4413 will receive approximately $1,800 annually for the lease of Office Space #8 to MFC, Inc., and

WHEREAS, pursuant to Modesto Municipal Code Section 7-3.417, the Council may enter into lease agreements at Modesto City-County Airport,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Airport Lease Agreement with
Modesto Flight Center, and Richard Corbett, an individual, for addition of office space #8 in the former airport administration building.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSAN ALCALA WOOD, City Attorney
A RESOLUTION AMENDING SECTION 10 OF RESOLUTION NO. 2007-282 "ENTITLED “A RESOLUTION ADJUSTING RENTAL CHARGES AND FUEL FLOWAGE FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL RESOLUTION NO. 2006-272” TO INCREASE THE FUEL FLOW FEE RATE FROM $0.06 TO $0.07 PER GALLON, PAID BY SKY TREK AVIATION TO THE MODESTO CITY-COUNTY AIRPORT, EFFECTIVE JULY 1, 2008

WHEREAS, Sky Trek Aviation is a tenant at the Modesto City-County Airport,

and

WHEREAS, Sky Trek Aviation has a long-term lease to operate the Airport Fuel Farm and provide petroleum products at Modesto City-County Airport, and

WHEREAS, a recent market survey shows that the current fuel flow fee rate paid by Sky Trek Aviation is in the lower third of similar airports, and

WHEREAS, on October 8, 2007, the Economic Development Committee reviewed the fuel flow fee rate paid to the Airport by Sky Trek Aviation and recommended a $0.01 increase from $0.06 to $0.07, and

WHEREAS, on May 8, 2007, the City Council, by Resolution No 2007-282, authorized the current fuel flow fee rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 10 of Resolution No. 2007-282 is hereby amended to read as follows:

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($0.07) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.
BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation as of July 1, 2008.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-246

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JEAN-PIERRE BATMALE FROM THE SOLID WASTE ADVISORY COMMITTEE

WHEREAS, JEAN-PIERRE BATMALE was appointed a member of the Solid Waste Advisory Committee on September 5, 2006, and

WHEREAS, JEAN-PIERRE BATMALE has tendered his resignation from the Community Qualities Forum, and

WHEREAS, JEAN-PIERRE BATMALE has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of JEAN-PIERRE BATMALE from the Community Qualities Forum 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 this City, hereby expresses its sincere appreciation to JEAN-PIERRE BATMALE for his outstanding 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 May, 2008, 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]

APPROVED AS TO FORM:

[Signature]
Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-247

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LLOYD FARRIS FROM THE COMMUNITY QUALITIES FORUM

WHEREAS, LLOYD FARRIS was appointed a member of the Community Qualities Forum on February 22, 2003, and

WHEREAS, LLOYD FARRIS has tendered his resignation from the Community Qualities Forum, and

WHEREAS, LLOYD FARRIS has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of LLOYD FARRIS from the Community Qualities Forum 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 this City, hereby expresses its sincere appreciation to LLOYD FARRIS for his outstanding 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 May, 2008, 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

APPROVED AS TO FORM:

Susana Alcala Wood, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-248

A RESOLUTION APPOINTING MEMBERS OF THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT 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, on March 5, 2008, the Citizens Redevelopment Advisory Commission recommended TOM SLATER, LEE HEDGEPETH and GENE HAYS as its representatives to the Citizens Housing and Community Development Committee.

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

SECTION 1. TOM SLATER, LEE HEDGEPETH and GENE HAYS, as representative of the Citizens Redevelopment Advisory Commission, are hereby appointed to the Citizens Housing & Community Development Committee with term expirations of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Citizens Housing & Community Development, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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

APPROVED AS TO FORM:

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

Susana Alcala Wood, City Attorney
RESOLUTION APPROVING A SEVENTH AMENDMENT TO AGREEMENT FOR AUDITOR SERVICES WITH MAZE & ASSOCIATES, AN ACCOUNTANCY CORPORATION, TO EXTEND THE CONTRACT TERM ONE YEAR, AT A COST NOT TO EXCEED $159,645 FOR FISCAL YEAR 2008 AUDIT, AND $7,510 FOR THE 2008 ANNUAL REPORT OF FINANCIAL TRANSACTIONS (STATE CONTROLLER’S REPORT), AND, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto entered into a contract with Maze & Associates (Auditor) on April 1, 2003, to perform its annual financial statement audits, and

WHEREAS, said contract contains a provision for a three year term; and

WHEREAS, said contract contains a provision whereby the City may, at its option, elect to extend this contract two years, upon written notice of such extension to Auditor, and

WHEREAS, based on the passage of Measure M on February 5, 2008, an additional one year extension is necessary until the City Auditor position is filed, and

WHEREAS, Auditor has made a proposal to City to conduct financial statement audits for Fiscal Year 2008 at a cost not to exceed $159,645, and $7,510 for the 2008 Annual Report of Financial Transactions (State Controller’s Report), and

WHEREAS, the Audit Committee, at its April 22, 2008, meeting recommended Council approve a one-year extension of said contract, to have Maze & Associates perform the Fiscal Year 2008 financial statement audits and the 2008 Annual Report of Financial Transactions (State Controller’s Report),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Seventh Amendment to Agreement for Auditor Services with Maze & Associates to extend the contract term one year, perform these services at a price

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute said Amendment to Agreement for Auditor Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-250

A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTING SERVICES WITH NATIONAL DEMOGRAPHICS CORPORATION

WHEREAS, in the February 5, 2008 election, the electorate overwhelmingly approved Measure N, and

WHEREAS, pursuant to the terms of Measure N, the City of Modesto will be moving from an at-large election system to a district election system, and

WHEREAS, Measure N requires the formation of a Citizens’ Districting Commission to prepare a districting plan for the City of Modesto, and

WHEREAS, on April 8, 2008, by motion, the City Council appointed members as recommended by the Mayor to serve on the Citizens’ Districting Commission, and

WHEREAS, the Citizens’ Districting Commission requires the services of an expert to guide them in the preparation of a districting plan, and

WHEREAS, National Demographics Corporation has the necessary experience and qualifications to assist the Commission with the creation of a districting plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Consultant Services with National Demographics Corporation.

BE IT FURTHER RESOLVED that the Interim 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 6th day of May, 2008, 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

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney

STEFANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-251

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE CAMBROOK ESTATES SUBDIVISION IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, GP LAND INVESTMENT COMPANY LLC, a CALIFORNIA LIMITED LIABILITY COMPANY ("Subdivider"), is the subdivider of the CAMBROOK ESTATES ("SUBDIVISION"), and

WHEREAS, SUBDIVIDER, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of $250,066.30, and $250,066.30, respectively, and

WHEREAS, SUBDIVIDER, has filed a warranty bond in the amount of $25,006.63 to guarantee public improvements in the SUBDIVISION, and

WHEREAS, the Public Works Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept the public improvements in the SUBDIVISION as complete, authorize the City Clerk to file a Notice of Completion, and to release the securities upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:
1. The public improvements in the SUBDIVISION are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion for the public improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $250,066.30 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amounts of $250,066.30 sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee SUBDIVISION improvements in the amount of $25,006.63 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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: 

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-252

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE GRAHAM ESTATES SUBDIVISION IN THE VILLAGE ONE SPECIFIC PLAN AREA OF THE CITY OF MODESTO, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH GRAHAM ESTATES, LLC, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND TO RELEASE SECURITY UPON EXPIRATION OF STATUTORY PERIOD

WHEREAS, GRAHAM, LLC, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 4.041 acres, known as Graham Estates ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of July, 2006, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Public Works Director has certified that all public improvements required by the City of Modesto have been completed in said SUBDIVISION to the satisfaction of the Public Works Director, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept the public improvements in said SUBDIVISION as complete
and authorize the City Clerk to file a Notice of Completion and release the security upon expiration of statutory period and,

WHEREAS, the subdivider has posted a warranty security in an amount equal to 10% of the estimated cost of the public improvements, as determined by the City Engineer, to guarantee and warranty the public improvements for a period of one year after acceptance.

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

1. The final map is hereby approved.
2. The dedications for streets, alleys and easements as shown thereon within the boundaries of said SUBDIVISION are hereby accepted on behalf of the public for public use.
3. The improvements completed in Graham Estates are hereby accepted and the City Clerk is authorized to file a Notice of Completion.
4. The City Clerk is hereby authorized to certify the map of said SUBDIVISION on behalf of the City of Modesto, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.
5. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Municipal Code.
6. The City Clerk is further authorized to release the warranty security to guarantee improvements in the amount of $42,167.18 one year and one
day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-253

A RESOLUTION APPROVING TASK ORDER NO. 2 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH GOODWIN CONSULTING GROUP, INC. FOR THE ANNUAL ADMINISTRATION OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-2 (KIERNAN BUSINESS PARK WEST) AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE TASK ORDER NO. 2

WHEREAS, the City Council is desirous of administering and maintaining its existing Community Facilities Districts ("CFDs"), and

WHEREAS, on December 12, 2006, the Council of the City of Modesto approved a Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. ("Consultant") for the administration of CFDs, and

WHEREAS, on July 24, 2007, the Council of the City of Modesto approved Task Order No. 1 for the administration of the City’s then existing CFDs, and

WHEREAS, Consultant has prepared Task Order No. 2 ("Task Order") for the administration of the City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West), attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, the annual administration of the City’s CFDs is funded through an annual special maintenance tax as described in the Rate and Method of Apportionment of each CFD,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Task Order No. 2 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. for the annual
administration of City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West).

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute Task Order No 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
This task order sets forth the scope of work and fee schedule for Goodwin Consulting Group, Inc. (GCG) to provide services related to the annual administration of the City of Modesto Community Facilities District (CFD) No. 2007-2 (Kiernan Business Park West). Each fiscal year, GCG will prepare the special tax levy for the CFD pursuant to the adopted Rate and Method of Apportionment of Special Tax. Preparation of the levy will include the following tasks:

1. GCG will update the database with land use, parcel and acreage data provided by the District.

2. GCG will consult with the District to confirm the following items and determine the amount of the levy: (i) maintenance costs to be funded by the CFD, (ii) CFD administrative costs, and (iii) surplus/deficits in CFD accounts.

3. GCG will determine the special tax that will be levied on each parcel within the CFD to generate the amount needed to pay the annual maintenance expenses and will submit the corresponding levy to the Stanislaus County Auditor-Controller’s Office.

4. GCG will provide the District with an annual summary of the components of the special tax calculation and levy. This summary will include a list of Assessor’s parcels that will be taxed in the then current fiscal year and the corresponding special tax that will be levied on each parcel.

5. After April 10th, GCG will determine if there have been special tax delinquencies in the CFD, discuss the amount of such delinquencies with the District, and if requested, prepare demand letters to the owners of such delinquent parcels.

6. GCG will provide the County Tax Collector's Office with a GCG contact name and phone number to allow us to field calls from homeowners, realtors, appraisers, title companies, and other interested parties. The District can also forward all calls directly to GCG, and calls will generally be returned the day they are received.
EXHIBIT B

GOODWIN CONSULTING GROUP, INC.

TASK ORDER 2

FEE SCHEDULE WORK FOR ANNUAL ADMINISTRATION

CITY OF MODESTO

COMMUNITY FACILITIES DISTRICT NO. 2007-2

(KIERNAN BUSINESS PARK WEST)

A.  **Maximum Annual Budgets**

The budget for annual administration for CFD No 2007-2 is $1,000 for fiscal year 2008-09, which amount may be adjusted for inflation thereafter.

B.  **Hourly Fee Schedule**

Services provided pursuant to this scope of work will be billed using the following fee schedule:

**GCG HOURLY SERVICE RATES**

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managing Principal</td>
<td>$225/Hour</td>
</tr>
<tr>
<td>Principal</td>
<td>215/Hour</td>
</tr>
<tr>
<td>Senior Associate</td>
<td>175/Hour</td>
</tr>
<tr>
<td>Associate</td>
<td>150/Hour</td>
</tr>
<tr>
<td>Analyst</td>
<td>135/Hour</td>
</tr>
<tr>
<td>Research Assistant</td>
<td>80/Hour</td>
</tr>
</tbody>
</table>

* Effective through fiscal year 2008-09 and may be adjusted for inflation thereafter.

C.  **General Terms and Conditions**

GCG will charge for time and materials, using the hourly rates set forth in above, up to the proposed budget maximum, subject to the limitations below, unless otherwise agreed to by the City. Monthly invoices will be presented to the City to provide details of services rendered and expenses incurred. At the City’s request, services in addition to those identified in the scope of work may be provided if the total fee to complete the tasks selected is less than the budget. Alternatively, if the selected tasks can be completed for less than the budget, only the hours actually expended will be billed.

In addition to fees for services, GCG will be reimbursed for mileage, photocopying, database services or materials, facsimile and telephone calls, clerical services, and other out-of-pocket expenses in an amount not to exceed $250 per year.
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-254

A RESOLUTION AMENDING THE FISCAL YEAR 2007-2008 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 the Fiscal Year 2007-2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2007-2008 budget have been adjusted as shown on the Budget Request form(s).

BE IT FURTHER RESOLVED that the Finance Director 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 May 2008, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST:

STEFANIE LOPEZ, City Clerk

(seal)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-255

A RESOLUTION APPROVING THREE (3) REQUEST FOR PROPOSAL (RFP) APPLICATIONS FOR THE CITY OF MODESTO TO APPLY TO BECOME A “HOST CITY” (START CITY, FINISH CITY OR FINISH/START CITY) FOR THE FOURTH ANNUAL AMGEN TOUR OF CALIFORNIA, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE APPLICATION AND RELATED DOCUMENTS

WHEREAS, each February for the past 3 years the Amgen Tour of California has swept through California for eight days generating over $100 million of economic impact to the host cities and the state with over one billion marketing impressions created worldwide, and

WHEREAS, Modesto was the Host City for the Stage 3 Start of the third annual Amgen Tour of California on February 20, 2008, and

WHEREAS, the City of Modesto received lavish praise from local residents and from race officials and participants, and staff has been encouraged to submit a Request for Proposal application to again become a Host City for the fourth annual Amgen Tour of California in February 2009, and

WHEREAS, the Amgen Tour of California has posted their Request for Proposal (RFP) application for response from cities who wish to be considered as a “Host City” for the fourth Annual Amgen Tour of California in February 2009, and

WHEREAS, the City of Modesto would like to become a “Host City” for the Amgen Tour of California in February 2009, and

WHEREAS, the City of Modesto has read the requirements exhibited in Amgen’s RFP and agrees to abide by the requirements,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing of three (3) Request for Proposal (RFP) applications for the City of Modesto to apply to become a “Host City” (start city, finish city or finish/start city) for the fourth annual Amgen Tour of California, and authorizing the Interim City Manager, or his designee, to sign the application and related documents.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney

Attest: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-256

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
"FLOYD AVENUE IMPROVEMENTS FROM ROSELLE AVENUE TO FINE
AVENUE" PROJECT, ACCEPTING THE BID AND APPROVING A
$2,072,323.65 CONTRACT WITH GEORGE REED, INC. FOR THE PROJECT
TITLED, "FLOYD AVENUE IMPROVEMENTS FROM ROSELLE AVENUE TO
FINE AVENUE," AND AUTHORIZING THE INTERIM DISTRICT
ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the "Floyd Avenue
Improvements from Roselle Avenue to Fine Avenue" project, and City staff recommends
approval to the City Council, and

WHEREAS, the bids received for the "Floyd Avenue Improvements from Roselle
Avenue to Fine Avenue" project were opened at 11:00 a.m. on April 1, 2008, and later
tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of
$2,072,323.65 received from George Reed, Inc. be accepted as the lowest responsible bid
and the contract be awarded to George Reed, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications for the project titled “Floyd Avenue
Improvements from Roselle Avenue to Fine Avenue,” accepts the bid of George Reed,
Inc. in the amount of $2,072,323.65, and awards George Reed, Inc. the contract.

BE IT FURTHER RESOLVED that the Interim District Administrator, or his
designee, is hereby authorized to execute the contract in the amount of $2,072,323.65 for
the project titled “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue".
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of May, 2008, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-257

A RESOLUTION INCREASING THE PUBLIC WORKS DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS ON THE “ROSELLE AVENUE AT FLOYD AVENUE IMPROVEMENTS” PROJECT FROM 8 PERCENT ($225,583.97) TO 10.6 PERCENT ($300,930.27) OF THE ORIGINAL CONTRACT PRICE WITH TEICHERT CONSTRUCTION

WHEREAS, on February 6, 2007, by Resolution No. 2007-091, the City Council awarded a $2,819,799.75 contract to Teichert Construction to construct the “Roselle Avenue at Floyd Avenue Improvements” project, and

WHEREAS, the contractor started work on February 20, 2007, and

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

WHEREAS, the cost of the extra work was estimated to be as high as $300,930.27, an amount which exceeded the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of $225,583.97,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Public Works Director’s authority to issue change orders on the “Roselle Avenue at Floyd Avenue Improvements” project from 8 percent ($225,583.97) to 10.6 percent ($300,930.27) of the original contract price with Teichert Construction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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)

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-258

A RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE PROJECT TITLED “ROSELLE AVENUE AT FLOYD AVENUE IMPROVEMENTS” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $3,120,730.02

WHEREAS, a report has been filed by the Public Works Director that the project titled “Roselle Avenue at Floyd Avenue Improvements” has been completed by Teichert Construction in accordance with the contract agreement dated February 6, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Roselle Avenue at Floyd Avenue Improvements” is hereby accepted as complete from said contractor Teichert Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $3,120,730.02 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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

ATTEN: [Signature]

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-259  

A RESOLUTION INCREASING THE PUBLIC WORKS DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS ON THE “INSTALLATION OF LIGHTED CROSSWALKS” PROJECT FROM $25,000.00 TO $36,436.05.

WHEREAS, on December 12, 2006, by Resolution No. 2006-774, the City Council awarded a $154,020.14 contract to Applegate Johnston, Inc. to construct the “Installation of Lighted Crosswalks at 4 Locations” project, and

WHEREAS, the contractor started work on April 23, 2007, and

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

WHEREAS, the cost of the extra work has been determined to be $36,436.05, an amount which exceeded the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of $25,000.00,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Public Works Director’s authority to issue change orders on the “Installation of Lighted Crosswalks at 4 Locations” project from $25,000.00 to $36,436.05.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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: 

(Seal)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-260

A RESOLUTION ACCEPTING CERTAIN KAISER OFF-SITE IMPROVEMENTS AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, the City Council, by Ordinance No. 3357-C.S., which became effective on October 8, 2004, approved the Development Agreement between the City of Modesto and Kaiser Foundation Hospitals for the development of Kaiser Modesto Medical Center/Crnerstone Business Park located in the Kiernan Business Park Specific Plan (DEVELOPMENT), and

WHEREAS, as a condition of said Development Agreement, Kaiser Foundation Hospitals (DEVELOPER) was required to construct certain Off-Site Improvements (IMPROVEMENTS) identified as follows:

1. Dale Road widening between Bangs Avenue and Kiernan Avenue
2. Health Care Way improvements from Dale Road to approximately 1250 feet west of Dale Road
3. Bangs Avenue improvements from Dale Road to approximately 600 feet east of Dale Road,

and

WHEREAS, the improvements along the north side of Health Care Way and the improvements along the east side of Dale Road are temporary and will be completed by others as the adjacent parcels develop, and

WHEREAS, the Construction Administration Office, in a memorandum to staff, indicates that said IMPROVEMENTS have been completed to the satisfaction of the Public Works Department, and

WHEREAS, DEVELOPER has provided a warranty for said IMPROVEMENTS,
WHEREAS, the Construction Administration Office has indicated that it would
be in order for the City Council to accept said IMPROVEMENTS as complete, and
authorize the City Clerk to record a Notice of Completion with the Stanislaus County
Recorder and to release securities upon expiration of statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that certain Kaiser Remote Off-Site Improvements are hereby accepted.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of May, 2008, 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]

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-261

A RESOLUTION APPROVING A STORM DRAINAGE DISCHARGE AGREEMENT BETWEEN THE MODESTO IRRIGATION DISTRICT (MID) AND THE CITY OF MODESTO TO ALLOW DISPOSAL OF DRAINAGE WATER FROM A NEW CITY PUMP STATION INTO MID LATERAL NO. 6, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Irrigation District (MID) owns, maintains and operates a distribution system consists of a network of canals, pipelines, ditches, weirs and appurtenant facilities for the transportation, control and distribution of irrigation water to lands within the District, and

WHEREAS, a segment of the MID’s distribution system, identified as MID Lateral No. 6, is located in the vicinity of the City’s Pelandale Avenue Widening Project and associated stormwater drainage basin, and

WHEREAS, the City seeks MID’s permission to discharge said drainage waters from the City pump station into MID's distribution system into MID Lateral No. 6, which crosses Pelandale Avenue, west of Detroit Lane, and

WHEREAS, MID, as an accommodation in furtherance of the public interest and welfare, is willing to grant such permission on certain terms and conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Storm Drainage Discharge Agreement between the Modesto Irrigation District (MID) and the City of Modesto to allow disposal of drainage water from a new City pump station into MID Lateral No. 6.

BE IT FURTHER RESOLVED that the Interim 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 May, 2008, 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]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
SUSANA ALCALA WOODS, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-262

A RESOLUTION APPROVING AN AGREEMENT WITH CONSOLIDATED CM, INC. (CCM) FOR CONSTRUCTION MANAGEMENT SERVICES OF THE PHASE 1A TERTIARY WASTEWATER TREATMENT PROJECT IN AN AMOUNT NOT TO EXCEED $1,123,346, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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

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

WHEREAS, due to the lengthy process of implementing a full-scale tertiary facility, a phased approach is under way that will allow the City to comply with expected regulatory issues and continue with development within a short time frame, and

WHEREAS, the Phase 1A Tertiary Wastewater Treatment Project (Phase 1A Project) will include the construction and startup of new wastewater treatment facilities, as identified in the final Preliminary Design Report, which was accepted by City Council on June 26, 2007, by Resolution No. 2007-379, and

WHEREAS, the final design of the Phase 1A Project is expected to be completed by May 2008, and is scheduled to go out to bid in June 2008, and

WHEREAS, the selection process for construction management services followed the City’s selection procedures for professional consultants, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, in October 2007, Capital Improvement Services staff issued
a Request for Qualifications for construction management services for the Phase 1A Project, and

WHEREAS, a total of five firms submitted a Statement of Qualifications (SOQs), and City staff and the program management consultant (RMC Water and Environment) reviewed the SOQs and determined that four of the five firms were qualified for the Phase 1A Project, and

WHEREAS, all four firms were then interviewed by the review panel (comprised of City staff and RMC Water and Environment), and the panel ranked the firms based on qualifications and experience demonstrated in the proposal and the interview, and

WHEREAS, the cost proposals from the four qualified teams were not opened or shared with the review panel until after a firm was selected, and

WHEREAS, Consolidated CM, Inc. (CCM) was selected as the most qualified firm to provide construction management services, and

WHEREAS, CCM has experience managing similar types of projects and is currently providing construction management services on the City’s Dissolved Air Flotation Project, and

WHEREAS, by approving this Agreement, CCM will perform a constructability review of the design documents before they go out to bid, which could identify any potential fatal flaws or significant issues in the design package, which can then be modified and resolved before issuing the documents to bidders, and

WHEREAS, final design is nearing completion and construction bid advertisement is scheduled for June 2008; however, the City does not currently have the
staffing level or expertise to manage the construction of the Phase 1A Project in-house, and

WHEREAS, Capital Improvement Services staff recommends that an agreement with the construction management services firm of Consolidated CM, Inc. be approved to perform the construction management services as current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City desires to enter into an agreement with Consolidated CM, Inc., in an amount not-to-exceed $1,123,346, to perform construction management services for the Phase 1A Tertiary Wastewater Treatment Project, and

WHEREAS, Consolidated CM, Inc. will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate and other direct costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Consolidated CM, Inc., in an amount not-to-exceed $1,123,346, for construction management services for the Phase 1A Tertiary Wastewater Treatment Project.

BE IT FURTHER RESOLVED that the Interim 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 May, 2008, 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-263

A RESOLUTION APPROVING A TRIAL MODESTO AREA EXPRESS (MAX) BUS ROUTE TO PRIMARILY SERVE THE STANISLAUS COUNTY MEDICAL FACILITY LOCATED AT 401 PARADISE ROAD

WHEREAS, Stanislaus County provides medical services at a facility located at 401 Paradise Road, Modesto, and

WHEREAS, Modesto Area Express (MAX) provides service in that area but does not have a bus stop on the north side of Paradise Road adjacent to the new medical facility, and

WHEREAS, Stanislaus County requested that the City establish a bus stop on the north side of Paradise Road to serve the new facility, and

WHEREAS, Public Works Department staff concluded that a new bus route would be needed in order to establish a bus stop on the north side of Paradise Road as requested by Stanislaus County, and

WHEREAS, by an agenda report to the City Council dated April 23, 2008, from the Public Works Director, City staff recommended to the Council that a new bus route be established on a three-month trial basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a trial Modesto Area Express bus route to primarily serve the Stanislaus County medical facility located at 401 Paradise Road is approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-264

ADOPT A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF EIGHT (8) DUMP TRUCKS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO THE FOLLOWING COMPANIES: HANSEL FORD, SANTA ROSA, CA, ONE (1) DUMP TRUCK, FOR AN ESTIMATED COST OF $47,159; COUNTRY FORD TRUCKS, INC., CERES, CA, TWO (2) DUMP TRUCKS, FOR AN ESTIMATED COST OF $166,902; INTERSTATE TRUCK CENTER, LLC, STOCKTON, CA, TWO (2) DUMP TRUCKS, FOR AN ESTIMATED COST OF $213,636; PAPE TRUCKS, FRENCH CAMP, CA, ONE (1) DUMP TRUCK, FOR AN ESTIMATED COST OF $95,075; AND BONANDER TRUCK, TURLOCK, CA, TWO (2) DUMP TRUCKS, FOR AN ESTIMATED COST OF $134,909, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF $657,681

WHEREAS, on April 22, 2008, consent item #10, was continued for further discussion to the May 6, 2008, Council Meeting, and

WHEREAS, the fiscal impact of the continuance is a total estimated cost increase of $1,600, due to the body fabricators price increase dated April 21, 2008, and

WHEREAS, if the manufacturer cut off date is missed the minimum impact will be $2,448 for the Ford F650 from Hansel Ford. All other manufacturers have not indicated the cost increase of a 2009 model, and

WHEREAS, the Public Works Department, Fleet Services Division has determined that the current dump trucks have reached the end of their useful life and are scheduled for replacement, and

WHEREAS, on August 14, 2007, the City Council, by Resolution No. 2007-495, authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 07/08 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and
WHEREAS, eight (8) dump trucks for various divisions were included in the FY 07/08 new vehicles and heavy equipment list authorized by Council and

WHEREAS, on December 5, 2007, the Purchasing Division issued RFB No. 0708-16 for the purchase of eight (8) dump trucks to thirty-eight (38) prospective bidders, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on December 11, 2007, a bidders conference was held. Five (5) companies were in attendance, and

WHEREAS, on January 22, 2008, RFB’s were formally opened in the City Clerk’s office. Of the thirty-eight (38) prospective bidders, six (6) companies chose to respond, and

WHEREAS, three (3) companies submitted non-responsive and non-responsible bids and their bid submittals were rejected, and

WHEREAS, based on being deemed the lowest responsive and responsible bids, City staff recommends the award of bid and contracts to the following companies:

Hansel Ford, Santa Rosa, CA, one (1) dump truck with three/four yard capacity, for an estimated cost of $47,159.

Country Ford Trucks, Inc., Ceres, CA, two (2) dump trucks with five/six yard capacity, for an estimated cost of $166,902.

Interstate Truck Center, LLC, Stockton, CA, two (2) dump trucks with fourteen yard capacity, for an estimated cost of $213,636.

Pape Trucks, French Camp, CA, one (1) dump truck with fourteen yard capacity, for an estimated cost of $95,075.

Bonander Truck, Turlock, CA, two (2) dump trucks with 22,000 GVW, for an estimated cost of $134,909.
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of eight (8) dump trucks for the Public Works Department, Fleet Services Division conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the following accounts for the purchase of eight (8) dump trucks for FY 07/08, Fund 7210, Agency 480, Org 5814 and objects, 5794,5771,5798,5770,5772,5784,5804,5805, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contracts for the purchase of eight (8) dump trucks for the Public Works Department, Fleet Services Division, to the following companies: Hansel Ford, Santa Rosa, CA, one (1) dump truck, for an estimated cost of $47,159; Country Ford Trucks, Inc, Ceres, CA, two (2) dump trucks, for an estimated cost of $166,902; Interstate Truck Center, LLC, Stockton, CA, two (2) dump trucks, for an estimated cost of $213,636; Pape Trucks, French Camp, CA, one (1) dump truck, for an estimated cost of $95,075; and Bonander Truck, Turlock, CA, two (2) dump trucks, for an estimated cost of $134,909, and

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue purchase orders for a total estimated cost of $657,681.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of May, 2008, 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, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
ADOPT A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF TWO (2) TRUCKS WITH AERIAL BUCKETS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO TEREX UTILITIES, INC., SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF $274,466

WHEREAS, on April 22, 2008, consent item #10, was continued for further discussion to the May 6, 2008, Council Meeting, and

WHEREAS, the fiscal impact of the continuance is a total estimated cost increase of $3,083, and

WHEREAS, the manufacture cut off date for orders has been missed on the specialized Ford chassis, and

WHEREAS, the two (2) trucks with aerial buckets will now be manufactured as 2009 models with a cost increase of $1,542 per vehicle. This increase will be drawn from the Fleet Replacement Fund, and

WHEREAS, the Public Works Department, Fleet Services Division, has determined that the current trucks with aerial buckets have reached the end of their useful life and are scheduled for replacement, and

WHEREAS, on August 14, 2007, the City Council, by Resolution No. 2007-495, authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 07/08 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, two (2) trucks with aerial buckets for the Community Forestry Division were included in the FY 07/08 new vehicles and heavy equipment list authorized by Council, and
WHEREAS, on January 30, 2008, the Purchasing Division issued RFB No. 0708-22 for the purchase of two (2) trucks with aerial buckets to nineteen (19) prospective bidders, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on February 6, 2008, a bidders conference was held. One (1) company was in attendance, and

WHEREAS, on March 11, 2008, RFB’s were formally opened in the City Clerk’s office. Of the nineteen (19) prospective bidders, three (3) companies chose to respond, and

WHEREAS, all companies submitted responsive and responsible bids, and

WHEREAS, based on being deemed the lowest responsive and responsible bid, City staff recommends the award of bid and contract to Terex Utilities, Inc., Sacramento, CA, for a total estimated cost of $274,466, and

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

WHEREAS, funds are budgeted and available in the following accounts for the purchase of two (2) trucks with aerial buckets for FY 07/08, Account numbers 7210-480-5814-5779 and 7210-480-5814-5780, the increase in cost due to the continuance will be drawn from the Fleet Replacement fund

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of two (2) trucks
with aerial buckets for the Public Works Department, Fleet Services Division, to Terex Utilities, Inc., Sacramento, CA, for a total estimated cost of $274,466.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue purchase orders for a total estimated cost of $274,466.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez, O'Bryant

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-266

A RESOLUTION DENYING THE APPEAL BY PHILLIP PETERSON, OF PETERSON KING CONTRACT GLASS, INC., REGARDING THE DETERMINATION OF CAPITAL FACILITIES FEES ON BUILDING PERMIT NO. BLD 2007-53541 LOCATED WITHIN THE CITY’S SPHERE OF INFLUENCE AT 4812 STRATOS WAY

WHEREAS, on January 24, 2006, the Modesto City Council adopted Resolution No. 2006-055 updating its Capital Facilities Fee (“CFF”) program for the establishment and collection of fees for future capital facilities, and

WHEREAS Resolution No. 2006-055 defines the categories of uses and rates on which the fees will be collected, and

WHEREAS, the categories identified in the CFF program include a broad range of uses based on square footage to ensure that each use pays its share of the CFF based on the anticipated impacts of the development, and

WHEREAS, the current City practice is to charge capital facilities fees within the City limits and within the City’s Sphere of Influence based on use and square footage as a result of the comprehensive study undertaken to enact the CFF program which went into effect in September 2003, and

WHEREAS, on August 1, 2007, the Building Services Division issued Building Permit No. BLD2007-53541 for the conversion of a carport to a 764 square foot retail addition (showroom) located at 4812 Stratos Way, and

WHEREAS, 4812 Stratos Way is located outside the City of Modesto limits but within the City’s Sphere of Influence, and

WHEREAS, in August 2007, staff met with Phillip Peterson (“Appellant”) to discuss the CFF determination for his project, and
WHEREAS, in August 2007, Appellant placed a “Stop Payment” on his CFF payment, and

WHEREAS, since that time, staff has been unsuccessful in collecting payment of the CFF from Appellant, and

WHEREAS, on March 24, 2008, Appellant requested an appeal of his CFF determination for Peterson King Contract Glass, Inc., located within the City’s Sphere of Influence, at 4812 Stratos Way, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, on May 6, 2008, at 5:30 p.m., at which date and time said duly noticed public hearing was held and evidence, both oral and documentary, was received and considered,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby finds and determines as follows:

1. The City Council has reviewed Phillip Peterson’s request and has determined that 4812 Stratos Way is located within the City’s Sphere of Influence and is required to pay capital facilities fees as outlined in the CFF program.

2. Said appeal should be denied as recommended.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of Phillip Peterson regarding Peterson King Contract Glass, Inc., located at 4812 Stratos Way for modification of Capital Facilities Fees.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-267

A RESOLUTION APPROVING THE CITY OF MODESTO DRAFT 2008-2009 HUD ANNUAL ACTION PLAN FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PARTNERSHIP GRANT (HOME), AND EMERGENCY SHELTER GRANT (ESG) FUNDS, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PERTAINING TO THE 2008-2009 ANNUAL ACTION PLAN, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED CERTIFICATIONS AND DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

WHEREAS, the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME), and Emergency Shelter Grant (ESG) funds from the U. S. Department of Housing and Urban Development (HUD), and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty line, and the number of housing units that are considered substandard, and

WHEREAS, submittal of an Annual Action Plan is required to receive the City’s entitlement grants from HUD, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) recommended support of this item at its April 30, 2008, meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council on May 6, 2008, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider submission of an application to HUD pertaining to the 2008-2009 HUD Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto draft 2008-2009 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) funds and the Emergency Shelter Grant (ESG) funds, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the required certificates and documents.

BE IT FURTHER RESOLVED that City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2008-2009 Annual Action Plan which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2008, 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, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-268

A RESOLUTION APPOINTING STEPHANIE D. LOPEZ AS CITY CLERK OF THE CITY OF MODESTO AND AUTHORIZING THE MAYOR TO SIGN AN EMPLOYMENT AGREEMENT WITH STEPHANIE D. LOPEZ TO SERVE AS CITY CLERK OF THE CITY OF MODESTO, EFFECTIVE APRIL 8, 2008

WHEREAS, Section 900 of the Modesto City Charter provides that the City Clerk shall be appointed by and serve at the pleasure of the City Council of the City of Modesto, and

WHEREAS, the City Council desires to appoint Stephanie D. Lopez as City Clerk effective April 8, 2008 and enter into an employment agreement with Stephanie D. Lopez to serve as City Clerk at an annual salary of $96,200.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Stephanie D. Lopez to serve as City Clerk of the City of Modesto effective April 8, 2008 and authorizes the Mayor to sign an employment agreement with Stephanie D. Lopez to serve as City Clerk of the City of Modesto, at an annual salary of $96,200. Said employment agreement is attached hereto as Exhibit “A” and incorporated herein by this reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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)

ATTEST: [Signature]

STEFHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
EMPLOYMENT AGREEMENT

This agreement, made and entered into this _____ day of May, 2008, by and between the CITY OF MODESTO, State of California, a municipal corporation, hereinafter called “CITY,” and Stephanie D. Lopez, hereinafter referred to as “EMPLOYEE,” both of whom understand as follows:

RECITALS:

WHEREAS, Section 900 of the CITY’s Charter provides that the City Clerk of Modesto, California (City Clerk), shall be appointed by and serve at the pleasure of the City Council of the City of Modesto (“COUNCIL”), and

WHEREAS, CITY desires to employ the services of EMPLOYEE as City Clerk of the City of Modesto as provided by said City Charter, and

WHEREAS, COUNCIL desires to employ EMPLOYEE as City Clerk and to provide certain benefits, establish certain conditions of employment and set working conditions of EMPLOYEE, and

WHEREAS, EMPLOYEE desires to serve as City Clerk, and

WHEREAS, it is the desire of the parties hereto to provide the terms and conditions by which CITY shall receive and retain the services of EMPLOYEE and to provide for her to remain in such employment, to act as a deterrent against malfeasance or dishonesty for personal gain on her part; and to provide for terminating her services at such time as she may be unable to fully discharge her duties or when COUNCIL may otherwise desire to terminate her employ.

SECTION 1. Duties

CITY hereby agrees to employ said Stephanie D. Lopez as City Clerk of said CITY to perform the functions and duties specified in Section 901 of the Modesto City Charter and to
perform other legally permissible and proper duties and functions as COUNCIL shall from time to time assign.

SECTION 2. Term

a. Effective April 8, 2008, EMPLOYEE shall fulfill the powers, functions and duties of City Clerk and shall serve in this capacity until such time as this agreement is terminated pursuant to Section 3, below.

b. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of COUNCIL to terminate the services of EMPLOYEE at any time subject only to the provisions set forth in Section 3, below.

c. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from her position as City Clerk, subject only to the provisions as set forth in Section 3, below.

d. EMPLOYEE agrees to remain in exclusive employ of CITY, and neither to accept other employment or to become employed by any other employer until this agreement is terminated.

SECTION 3. Termination and Severance

a. EMPLOYEE may terminate this Agreement, with or without cause, by giving the CITY sixty (60) days written notice in advance of termination unless the parties agree otherwise. During the notice period, all the rights and obligations of the parties under this agreement shall remain in full force and effect. EMPLOYEE will not receive any severance pay if EMPLOYEE’s resignation is solely voluntary on EMPLOYEE’s part.

EXHIBIT “A”
b. The COUNCIL may terminate this Agreement upon affirmative vote of four (4) members of the COUNCIL, with or without cause. COUNCIL shall give EMPLOYEE a minimum of sixty (60) days written notice prior to terminating EMPLOYEE as City Clerk, provided however that if EMPLOYEE is terminated for cause as defined in this agreement, the sixty (60) day written notice requirement shall not apply and EMPLOYEE may be terminated effective immediately upon written notice.

c. If the COUNCIL discharges EMPLOYEE without cause during the term of this Agreement, and EMPLOYEE is willing and able to perform her duties under this Agreement, then EMPLOYEE shall be entitled to a severance payment equal to three (3) months of EMPLOYEE’s then current annual base salary. This provision will not apply in the event the COUNCIL discharges EMPLOYEE for cause, in which case EMPLOYEE will not be entitled to any severance payment or continuation of benefits. The determination of whether there is good cause for termination shall be in the sole discretion of the COUNCIL.

d. For purposes of this agreement, cause shall mean:

(1) Willful and repeated failure to perform the duties of City Clerk;

(2) Conviction of an employment-related illegal act;

(3) Conviction of a felony; or

(4) Malfeasance materially related to the job.

e. Notwithstanding the provisions of this section and in accordance with Article IX, Section 900 of the City Charter, COUNCIL shall not terminate this agreement during or within ninety (90) days next succeeding the election of a member of the COUNCIL.

EXHIBIT “A”
SECTION 4. Salary

Effective the 8th day of April, 2008, CITY agrees to pay EMPLOYEE for her services rendered pursuant to this agreement an annual salary of ninety six thousand two hundred ($96,200.00) dollars, payable in installments at the same time as other employees of CITY are paid.

SECTION 5. Health, Long Term Disability and Life Insurance Benefits

a. CITY agrees to provide health, dental and vision insurance for EMPLOYEE and dependents equal to that which is provided to all other unrepresented Management and Confidential employees of CITY. CITY’s contribution toward the premiums for said health, dental and vision coverage shall not be less than that which CITY contributes to other Executive employees of the CITY.

b. CITY agrees to provide long term disability coverage for EMPLOYEE at CITY’s expense.

c. EMPLOYEE may elect to submit once per calendar year to a complete physical examination by the CITY medical provider or by the EMPLOYEE’s physician under the EMPLOYEE’s group insurance plan with CITY reimbursement for EMPLOYEE’s out-of-pocket costs.

d. CITY shall pay the amount of premium due for a term life insurance policy consistent with that provided to other unrepresented Management and Confidential employees of CITY. EMPLOYEE shall name the beneficiary of the life insurance policy.

EXHIBIT “A”
SECTION 6. Retirement

a. CITY shall continue enrollment of EMPLOYEE in the California Public Employees’ Retirement System (CalPERS). CITY shall pay 6.6% and EMPLOYEE shall pay 0.40% of the total 7% “Employee’s share,” and CITY shall pay 100% of the “Employer’s share” on behalf of the EMPLOYEE.

b. CITY shall provide a qualified 401(a) defined contribution plan for EMPLOYEE in the form of a money purchase plan to which CITY shall contribute five (5%) percent of EMPLOYEE’s base salary. EMPLOYEE shall match the CITY’s contribution.

c. CITY shall provide a Section 457 deferred compensation plan for EMPLOYEE’s voluntary participation. In addition to the base salary paid by CITY to EMPLOYEE, CITY agrees to pay an amount equal to one and one-half percent (1.5%) of EMPLOYEE’s base salary, or greater, into the designated plan on the EMPLOYEE’s behalf, in equal proportionate amounts each pay period. EMPLOYEE shall match CITY’s contribution.

d. Any or all of the CITY and EMPLOYEE contribution amounts designated in this Section are subject to change in the event that COUNCIL authorizes such change for all Charter Officers of the CITY.

SECTION 7. Other Supplemental Benefits

a. Vacation Leave. Upon the effective date of this agreement, EMPLOYEE shall be credited with twenty (20) hours of vacation leave and commence accruing vacation at the rate of one hundred sixty (160) hours during year one (1). In each subsequent year, EMPLOYEE’s vacation accrual rate shall increase on her employment
anniversary date of March 20th, consistent with the standard vacation accrual progression for Management and Confidential employees. This vacation accrual is in addition to the standard eighty (80) hours of Management Leave afforded annually to Executives and Charter Officers. EMPLOYEE shall be credited with a pro-rata share of Management Leave hours for calendar year 2008 hours, upon effective date of this agreement.

b. **Automobile.** EMPLOYEE’s functions and duties require that she shall have the use of an automobile during her employment with the CITY. CITY shall pay EMPLOYEE the monthly sum of $400 for the expense of owning, operating, and maintaining and insuring her personal automobile.

c. **Other Benefits.** All actions taken by COUNCIL relating to fringe benefits for unrepresented Management and Confidential employees shall be considered actions granting the same benefits to EMPLOYEE. As used herein, fringe benefits include but are not limited to vacation, sick leave, holidays, retirement (CalPERS) benefits and payments, health insurance, dental insurance, vision insurance, and life insurance.

SECTION 8. **Professional Development**

In its discretion, COUNCIL shall budget for and pay travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings, courses, institutes and seminars adequate to continue her professional development and to adequately pursue necessary official and other functions on behalf of the CITY, including but not limited to the annual conference of the League of California Cities and the annual League of California Cities City Clerk’s Department Conference.

**EXHIBIT “A”**
SECTION 9. Indemnification

CITY shall defend, save harmless and indemnify EMPLOYEE against any tort, professional liability claim or demand or any other legal action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the course and scope of performance of EMPLOYEE’s functions and duties. CITY may compromise and settle any claim or suit and shall pay the amounts of all settlements or judgments rendered against EMPLOYEE and/or CITY thereon.

SECTION 10. Performance Evaluation

a. COUNCIL shall review and evaluate EMPLOYEE’s performance at least once a year.

b. Annually, the COUNCIL may define such goals and performance objectives as COUNCIL determines necessary for the proper operation of CITY and the attainment of the COUNCIL’s policy objectives and may further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. Said goals and objectives shall generally be attainable within the time limitations as specified in the annual operations and capital budgets and appropriations provided.

c. In effecting the provisions of this section, the COUNCIL and EMPLOYEE mutually agree to abide by the provisions of applicable law.

d. EMPLOYEE will timely cause to be placed on the COUNCIL agenda each year a “closed session” for purposes of her performance evaluation.

EXHIBIT “A”
SECTION 11. Additional Term of Employment

COUNCIL, in consulting with EMPLOYEE, shall fix any such other terms and conditions of employment as it may determine from time to time relating to the performance of EMPLOYEE, provided that such terms and conditions are reduced to writing and included in an amendment to this agreement.

SECTION 12. Notices

Notices pursuant to this agreement shall be given by deposit in the custody of the United States Postal Service, postage pre-paid, addressed as follows, or as such address may be changed from time to time upon notice to the other:

CITY: EMPLOYEE:
Mayor Stephanie D. Lopez
City of Modesto 683 Kelcie Drive
P. O. Box 642 Ripon CA 95366
1010 10th Street, Suite 6200
Modesto CA 95353

Alternatively, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.


a. The text herein shall constitute the entire agreement between the parties.

b. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of EMPLOYEE.

c. This agreement shall become effective commencing the 8th day of April, 2008.

EXHIBIT “A”
d. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF the CITY has caused this agreement to be signed and executed in its behalf by its Mayor under authority of Resolution No. __________, and EMPLOYEE has signed and executed this agreement, both in duplicate, the day and year first above written, and EMPLOYEE has caused this agreement to be duly executed.

CITY OF MODESTO
A MUNICIPAL CORPORATION:

By __________________________________________
Jim Ridenour, Mayor

EMPLOYEE:

By __________________________________________
Stephanie D. Lopez

(SEAL)

APPROVED AS TO FORM:

By __________________________________________
Susana Alcala Wood, City Attorney

EXHIBIT “A”
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-269

A RESOLUTION APPROVING A REQUEST FROM JESUSISLORD.COM/CHAD
WRIGHT FOR AMPLIFIED MUSIC AT MANCINI BOWL FOR A “WEST COAST
YOUTH EXPLOSION” EVENT TO BE HELD ON MAY 31, 2008, FROM 3:00 P.M. TO
8:00 P.M.

WHEREAS, on December 6, 2007, the Parks, Recreation and Neighborhoods
Department staff received a request from Chad Wright of JesusIsLord.com for amplified music
at Mancini Bowl for a “West Coast Youth Explosion” event to be held on May 31, 2008, from
3:00 p.m. to 8:00 p.m., and

WHEREAS, in addition to the amplified music, the event will also include food and non-
alcohol drink concessions, biblical teachings and youth activities, and

WHEREAS, security personnel will be assigned to work the event, and

WHEREAS, this event was successfully held previously at the same location on June 2,
2007, and

WHEREAS, the use of amplified music requires approval from the City Council, and

WHEREAS, if the request for amplified music is approved, a team of staff members from
the City of Modesto will meet with Chad Wright of JesusIsLord.com to work out all
requirements and details for the event, and

WHEREAS, Chad Wright of JesusIsLord.com will be responsible for all fees related to
this event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
Council hereby approves a request from JesusIsLord.com/Chad Wright for amplified music at
Mancini Bowl for a “West Coast Youth Explosion” event to be held on May 31, 2008, from 3:00
p.m. to 8:00 p.m.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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)

STEFANIE LOPEZ, City Clerk

(APPROVED AS TO FORM)

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-270

A RESOLUTION AUTHORIZING THE SOLICITATION FOR QUALIFICATIONS AND BIDS FOR AIRPORT CONSULTING ENGINEERS FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE MODESTO CITY-COUNTY AIRPORT FOR A FIVE (5) YEAR TERM

WHEREAS, Modesto City-County Airport anticipates constructing various capital improvement projects over the next five years, and

WHEREAS, successful planning and timely execution of those projects will require the assistance of competent airport consulting engineers for design and construction management services, and

WHEREAS, the Federal Aviation Administration (FAA) funding for those projects includes provision for payment of design and construction management services, and

WHEREAS, the Economic Development Committee at its April 14, 2008, meeting supported approval for solicitation for qualifications and bids for airport consulting engineers for design and construction management services for the Modesto City-County Airport for a five (5) year term,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the solicitation for qualifications and bids for airport consulting engineers for design and construction management services for the Modesto City-County Airport for a five (5) year term.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE SUBMITTAL OF THE MODESTO CITY-COUNTY AIRPORT’S REVISED AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) TO THE FEDERAL AVIATION ADMINISTRATION (FAA)

WHEREAS, Modesto City-County Airport is a commercial service airport that is part of the federal airport system and eligible for federal funding through the Airport Improvement Program, and

WHEREAS, the Federal Aviation Administration (FAA) prioritizes airport funding needs through the Airport Capital Improvement Plans (ACIP) submitted by the nation’s airports, and

WHEREAS, the FAA requires airports to update their ACIPs annually, and

WHEREAS, the FAA is requesting the City submit a revised 5-year ACIP, and

WHEREAS, the Economic Development Committee considered this item at its April 14, 2008 meeting and recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of the Modesto City-County Airport’s revised Airport Capital Improvement Plan to the FAA.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of May, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:  [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT APPLICATION IN THE AMOUNT OF $1,282,500 TO THE FEDERAL AVIATION ADMINISTRATION (FAA), AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION.

WHEREAS, Modesto City-County Airport is a commercial service airport and is eligible for Federal Airport Improvement Program (AIP) entitlement and discretionary funds, and

WHEREAS, the Federal Aviation Administration (FAA) has requested the City submit a new funding application for the Modesto City-County Airport capital funding, along with a revised Airport Capital Improvement Plan (ACIP), and

WHEREAS, the Economic Development Committee at its April 14, 2008 meeting recommended approval of the submittal of a AIP Grant Application for $1,282,500 to the FAA, and

WHEREAS, the Federal grant application is consistent with the City’s approved revised ACIP, and

WHEREAS, the AIP Grant Application includes projects totaling $1,350,000, and

WHEREAS, the $1,282,500 Federal AIP Grant will pay 95% of the total projects and Passenger Facility Charges (PFCs) collected by the airlines from enplaning passengers or funds from the Airport Reserves will pay the remaining 5% ($67,500),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of a Federal AIP Grant Application in the amount of $1,282,500 to the FAA.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmember: None
ABSENT: Councilmember: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-273

A RESOLUTION AUTHORIZING THE SOLICITATION FOR QUALIFICATIONS AND BIDS FOR AIRPORT PLANNING FIRMS FOR PLANNING SERVICES FOR THE MODESTO CITY-COUNTY AIRPORT

WHEREAS, Modesto City-County Airport anticipates constructing various capital improvement projects over the next five years, and

WHEREAS, successful planning and timely execution of those projects will require the assistance of a competent airport planning firm to provide planning services in preparation for the projects, and

WHEREAS, the Federal Aviation Administration (FAA) funding for those projects includes provision for payment of planning services, and

WHEREAS, the Economic Development Committee at its April 14, 2008 meeting supported approval for solicitation for qualifications and bids for airport planning firms for planning services at the Modesto City-County Airport,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the solicitation for qualifications and bids for airport planning firms for planning services for the Modesto City-County Airport.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

by 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-274

A RESOLUTION APPROVING THE DRAFT FINAL NOISE EXPOSURE MAPS (NEM) AND SUPPORTING DOCUMENTATION FOR THE MODESTO CITY-COUNTY AIRPORT 14 CFR PART 150 NOISE COMPATIBILITY STUDY, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE SPONSOR’S CERTIFICATION DOCUMENT

WHEREAS, in response to concerns regarding environmental impacts to aviation noise, Congress adopted federal support for airport noise compatibility programs under the 1979 Aviation Safety and Noise Abatement Act, and

WHEREAS, the Federal Aviation Administration (FAA) established program guidelines under 14 CFR Part 150 to set minimum standards for the preparation of such studies, and

WHEREAS, on December 11, 2001, the City of Modesto entered into a Professional Services Agreement with Coffinan and Associates to complete an Airport Master Plan for Modesto City-County Airport, update the airport layout plan, and complete an environmental review, and an additional $300,000 for an update to the Airport Noise Compatibility Program (NCP) once the City had received federal funding for the Noise Program Update, and

WHEREAS, on June 11, 2006, the City Council approved a $285,000 Grant Offer (AIP 3-06-0153-30) from the FAA for 95% funding of “airport development or noise program implementation”, and

WHEREAS, on May 18, 2006, Coffman and Associates provided a revised Scope of Services and revised Final Cost Breakdown for the CFR 14 Part 150 NCP Update to reflect the inclusion of a “Housing Assessment,” as requested by the FAA, to provide a
preliminary review of housing relocation issues for residences affected by aircraft noise, as well as the most current CFR 14 Part 15 requirements, and

WHEREAS, on October 24, 2006, the City Council approved an Amendment to the Professional Services Agreement with Coffman & Associates to reflect the revised Scope of Services and revised Final Cost Estimate for the NCP Update, and

WHEREAS, the first component of the NCP, the Draft Final Noise Exposure Maps, have been completed according to FAA guidelines and must be submitted to the FAA for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Draft Noise Exposure Maps (NEM) and supporting documentation for the Modesto City-County Airport 14 CFR Part 150 Noise Compatibility Study, and

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Sponsor’s Certification.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-275

A RESOLUTION APPROVING AN AIRPORT/AIRLINE LEASE AGREEMENT WITH SKYWEST AIRLINES, INC., A UTAH CORPORATION, FOR CONTINUED USE OF AIRPORT FACILITIES TO OPERATE PASSENGER SERVICES AT MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on May 26, 1998, the City Council, by Resolution No. 98-290, approved a Lease Agreement with SkyWest Airlines, Inc. (SkyWest) to offer scheduled air carrier service at Modesto City-County Airport and lease space in the Airport passenger terminal, and

WHEREAS, on January 26, 1999, the City Council, by Resolution No. 99-40, approved an Amendment to the Agreement revising the square footage that was being leased to SkyWest, and

WHEREAS, the original 1998 Agreement expired on December 31, 2003, and has been carried forward on a month-to-month basis, and

WHEREAS, SkyWest operates flights to San Francisco and Los Angeles from Modesto City-County Airport at this time; however, SkyWest has proposed discontinuing the four flights per day to Los Angeles as of June 28, 2008 due to rising fuel costs, and

WHEREAS, the proposed discontinuance of Los Angeles service will not impact the five flights per day to San Francisco; therefore, SkyWest has need of airport facilities to operate passenger service, and
WHEREAS, Airport Enterprise Fund Revenue Account No. 6310-440-5412-4413 will receive $31,163.88 annually for the lease of airport facilities to SkyWest, an increase of $9,827.88 per year over the previous lease terms, and

WHEREAS, pursuant to Modesto Municipal Code Section 7-3.417, the Council may enter into lease agreements at Modesto City-County Airport,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Airport/Airline Lease Agreement with SkyWest Airlines, Inc. for continued use of airport facilities to operate passenger services at Modesto City-County Airport.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Airport/Airline Lease Agreement with SkyWest Airlines, Inc., a Utah Corporation.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of May, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: (SEAL)

APPROVED AS TO FORM:

By

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-276


WHEREAS, electrical utility costs within the City of Modesto have increased over the course of the past three calendar years, and

WHEREAS, the City of Modesto experienced new building growth, adding more street lights and traffic signals into our utility system, and

WHEREAS, the increase experienced this fiscal year is estimated to be $193,000 over our utilities budget, and

WHEREAS, the Finance Committee at its April 28, 2008, meeting reviewed and concurred with staff’s recommendation to amend the Fiscal Year 2007/2008 Operating Budget by approving the appropriation of funds in the amount of $193,000 from the Gas Tax Reserve to Fund 0700-160-1605, “Electrical Utility Cost,” in order to fully fund electrical utility costs for the remainder of Fiscal Year 2007/2008, and

WHEREAS, existing policy requires City Council approval to appropriate funds from reserve to the Operating Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2007/2008 Operating Budget approving the appropriation of funds in the amount of $193,000 from the Gas Tax Reserve to Fund 0700-160-1605, “Electrical Utility Cost,” in order to fully fund the Electrical Utility costs for the remainder of Fiscal Year 2007/2008.
BE IT FURTHER RESOLVED that the Finance Director 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 13th day of May, 2008, 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: ____________________________

SUSÁNA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-277

A RESOLUTION ACCEPTING THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION CALTRANS GRANT IN AN AMOUNT NOT TO EXCEED $12,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE NECESSARY GRANT DOCUMENTS

WHEREAS, in February, 2008, Traffic Engineering staff received a contract from CALTRANS for a grant in an amount not to exceed $12,000 for the project titled, “Section 130 Grade Crossing Improvement Program–Woodland Avenue,” and

WHEREAS, the CALTRANS grant will pay for all necessary labor, materials, tools and equipment required to complete the project titled, “Section 130 Grade Crossing Improvement Program–Woodland Avenue,” and

WHEREAS, the City of Modesto will be responsible for the total cost of the project and will prepare and submit to CALTRANS invoices for actual allowable costs incurred, and

WHEREAS, the invoices will be reviewed and payment will be made by CALTRANS to the City of Modesto within forty-five (45) days of the date of receipt of an invoice by CALTRANS,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State of California Department of Transportation CALTRANS grant in an amount not to exceed $12,000.

BE IT FURTHER RESOLVED that the Interim City Manager or his designee, is hereby authorized to execute necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-278

A RESOLUTION AMENDING THE FISCAL YEAR 2007/2008 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET ACCEPTING THE GRANT FUNDS AND ESTABLISHING ONE NEW CIP PROJECT TITLED, “SECTION 130 GRADE CROSSING IMPROVEMENT PROGRAM—WOODLAND AVENUE,” IN THE AMOUNT OF $12,000

WHEREAS, in February, 2008, City Traffic staff received a contract from State of California, Department of Transportation CALTRANS for a grant in an amount not to exceed $12,000 for the project titled, “Section 130 Grade Crossing Improvement Program—Woodlane Avenue,” and

WHEREAS, the CALTRANS grant will provide for all necessary labor, materials, tools and equipment required to complete the project, and

WHEREAS, the City of Modesto will be responsible for the total cost of the project, and will prepare and submit to CALTRANS invoices for actual allowable costs incurred, and

WHEREAS, the invoices will be reviewed and payment will be made by CALTRANS to the City of Modesto within forty-five (45) days of the date of receipt of an invoice by CALTRANS,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2007/2008 Capital Improvement Program (CIP) budget accepting State of California, Department of Transportation grant an amount not to exceed $12,000 and establishing one new Capital Improvement Project titled, “Section 130 Grade Crossing Improvement Program—Woodland Avenue,” in the amount of $12,000.
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 13th day of May, 2008, 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. 2008-279

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SnyDER AVENue IMPROVEMENTS FROM PRESCOTT ROAD TO CARVER ROAD PROJECT, ACCEPTING THE BID AND APPROVING A CONTRACT WITH ROSS F. CARROLL, INC. IN THE AMOUNT OF $590,692.05 FOR THE SnyDER AVENue IMPROVEMENTS FROM PRESCOTT ROAD TO CARVER ROAD PROJECT, AND AUTHORIZING THE DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Snyder Avenue Improvements from Prescott Road to Carver Road project, and City staff recommends approval to the City Council, and

WHEREAS, the bids received for the Snyder Avenue Improvements from Prescott Road to Carver Road project were opened at 11:00 a.m. on April 22, 2008, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $590,692.05 received from Ross F. Carroll, Inc. be accepted as the lowest responsible bid and the contract be awarded to Ross F. Carroll, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Snyder Avenue Improvements from Prescott Road to Carver Road project, accepts the bid of Ross F. Carroll, Inc. in the amount of $590,692.05, and awards Ross F. Carroll, Inc. the contract.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the contract in the amount of $590,692.05 for the Snyder Avenue Improvements from Prescott Road to Carver Road project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of May, 2008, 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
A RESOLUTION FINDING THAT THE SNYDER AVENUE IMPROVEMENTS FROM PRESCOTT ROAD TO CARVER ROAD PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041).

WHEREAS, the City Council of the City of Modesto on March 4, 2003, by Resolution No. 2003-123, certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, the City of Modesto proposes to widen the south side of Snyder Avenue between Prescott Road and Carver Road to provide a curb and gutter on the south side and include landscaping and a bike path, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for 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 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 No. 2007-12 (“Initial Study”) reviewed the proposed street project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (“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 December 27, 2007, 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 duly noticed public meeting, which was held on May 13, 2008, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed street project a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of project is described in Chapter II of the Master EIR (SCH No. 1999082041).

2. 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.

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 and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

4. 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; and

c. The project is within the scope of the MEIR.

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 13th day of May, 2008, 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
Master EIR Initial Study Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the Capital Project for widening of an existing street and installation of bicycle facility is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (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 MEIR (SCH# 1999082041) was also consulted which lists both General Plan policies and mitigation measures for each area of environmental study.

II. PROJECT DESCRIPTION

A. Title: Widen South Side of Snyder Ave. between Prescott Ave. and Carver Ave. within existing Right of Way, Including Construction of Bicycle Facility

B. Location: South Side of Snyder Ave. between Prescott Ave. and Carver Ave., Modesto, Stanislaus County

C. Proponent: City of Modesto Public Works Department, Modesto, Stanislaus County

D. Contact Person: Vickey Dion, Senior Civil Engineer
Department: Public Works Department
Phone Number: (209) 571-5542
E-mail address: vdion@modestogov.com

E. Current General Plan Designation(s): R, Residential

F. Current Zoning Classification(s): R-1, Single-family Residential

G. Surrounding Land Uses: West: Single-Family Residential
                              North: Single-Family Residential
                              East: Single-Family Residential
                              South: Single-Family Residential

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

   Widen the south side of Snyder Ave. between Prescott and Carver within existing ROW. The road will be widened to provide a curb and gutter on the south side. Existing width of pavement is about 30'. Project will widen it to include about 40' from curb to curb (room for two-12' travel lanes and two-8' shoulders/parking areas. Along the south side, behind the curb will be 5' of landscaping, 8' of concrete bike path and another 5' of landscaping beyond the bike path. A 2' tall, concrete block wall with a 4' tall chain link fence on top of the block at the right-of-way line will provide separation from the canal bank.

I. Other Public Agencies Whose Approval is Required:

   None.
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. X Within the Scope - The project is within the scope of the 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 II 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.

2. Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the 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 II 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 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 II 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.
4. Within the Scope Analysis of this Document:

The 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.

(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR. □ YES □ NO

(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 this document. □ YES □ NO

(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). □ YES □ NO

(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. □ YES □ NO

(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan. □ YES □ NO

(6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR. □ YES □ NO

Discussion:

(1) The City of Modesto is the Lead Agency for the proposed street and bicycle lane improvements.

(2) The subject project proposes improvements to existing right of way located within the Pelandale-Snyder CPD, in conformance with the General Plan and Specific Plan.

(3) The Master EIR was last updated in March 2003. Since that update, there have been no changes to Federal, State, Regional and County regulations that have resulted in less restrictive regulations.

(4) This is a proposal to complete the improvement of existing right of way. No significant resources were identified in this proposal.

(5) The subject area is located within the Modesto Urban Area General Plan. All appropriate mitigation measures as listed in the Master EIR and attached to this document are incorporated into the project.
A Global list of General Plan Policies and Mitigation Measures was reviewed and all appropriate Mitigation Measures will be required as part of the project's approval.

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 General 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 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 Finding of Conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 build out of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.
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 V-1-6 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

The Master EIR for the Urban Area General Plan included the subject site. Because the project is not a high traffic inducing use, it is within the scope of the Master EIR analysis for traffic related impacts. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-1.B 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 development project will have a new significant effect on the environment if it would exceed the following criteria:

- The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR.

- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).

- Result in inadequate emergency access.

- Result in inadequate parking capacity.

Discussion:

The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue and will not generate any additional traffic, increase any traffic hazard, affect emergency access, or affect parking capacity.
2. AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NO\textsubscript{x} levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

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 V-2-11 through V-2-18 in 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 IV, Mitigation Measures Applied to Project.

Discussion:

Construction impacts would be less than significant with implementation of Mitigation Measure Air-1 (page V-2-24 in the MEIR). No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate construction practices that satisfy City standards.

c. Project-Specific Effects

Section V-2.B 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:

1. The project exceeds the emissions thresholds established for CO and NO\textsubscript{x} by the San Joaquin Valley Unified Air Pollution Control District’s (SJVUAPCD) adopted CEQA Guidelines.

2. The project does not incorporate the best management practices for PM\textsubscript{10} reduction established by the SJVUAPCD.

3. The project does not comply with the air quality policies of the Modesto Urban Area General Plan.

4. The project would expose sensitive receptors to substantial pollutant concentrations.

5. The project would create objectionable odors affecting a substantial number of people.
Discussion:

(1-5) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue and will not generate any additional emissions when in operation. Potential construction related effects will be mitigated by the adopted mitigation policies of the MEIR.

3. **NOISE**

a. **Significant Effects Identified in the Master EIR**

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

  **Effect:** Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

  **Effect:** Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-9 through V-3-15 of the MEIR. All feasible measures appropriate to the project will be incorporated into this project and any new measures are listed in Section IV, Mitigation Applied to Project.

Discussion:

Although construction activities may create noise in excess of ambient levels, operation of the project is not expected to create a significant amount of noise and no mitigation measures from the MEIR are required to be applied to the project. The project will incorporate construction practices that satisfy City standards.

c. **Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise 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. **YES NO**
   - The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.

2. **YES NO**
   - The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.
(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  

(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.

Discussion:

(1-4) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue and will not generate any additional noise when in operation. Potential construction related effects will be mitigated by the adopted mitigation policies of the MEIR.

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

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 V-4-4 through V-4-8 in the MEIR.

Discussion:

The subject property is identified as an urbanized area by the California Department of Conservation. The project consists of the completion of street and bikeway improvements on existing right-of-way. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-4.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:

City of Modesto Finding of Conformance
General Plan Master EIR 10

Initial Study
EA/PW No. 2007-12
December, 2007
(1) The project is inconsistent with the Modesto Urban Area General Plan. [YES NO]

(2) The project will directly result in the development of land outside the March 2003 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 conversion of Farmland to non-agricultural use. [ ]

Discussion:

(1-4) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue on existing right-of-way. The Modesto Urban Area General Plan designates the site as R, Residential. There are no agricultural operations on the site and there will be no impact on agriculture as a result of the project.

5. WATER SUPPLY

a. Significant Effects Identified In the Master EIR

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer overdraft. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that any increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less than significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by 2020. Modesto will have a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

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

City of Modesto Finding of Conformance
General Plan Master EIR 11

Initial Study
EA/PW No. 2007-12
December, 2007
Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 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 IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will satisfy City standards.

c. Project-Specific Effects

Section V-5.B of the MEIR provides analysis of Water Supply impacts on 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.

2. Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.

Discussion:

(1) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue and will not generate any additional demand for water when in operation.

6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a)(MEIR mitigation SS-1, page V-6-2). Implementing the WMP, requiring the implementation of Best Management Practices for post-construction activities, and Urban Area General Plan policy V-D.2(a), will avoid violation of wastewater discharge requirements. As a result, this impact would be less than significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline
Developed and Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

**Note on the WMP Master EIR.** The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under the Wastewater Master Plan MEIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

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

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-2 through V-6-7 of the MEIR. All feasible measures appropriate to the project are listed in Section IV, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will satisfy City development standards.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service 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. □ YES NO

2. The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments. □ YES NO

**Discussion:**

(1-2) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue and will not generate any additional demand for wastewater collection/treatment when in operation.
7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less than significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

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

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-15 through V-7-21 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 IV, Mitigation Measures Applied to Project.

Discussion:

The project site lies outside the Biological Resource Study Area, shown on Figure V-7-1a in the MEIR. Therefore, no mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat 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.

(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) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Discussion:

(1-3) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue. The subject site is designated as R, Residential Modesto Urban Area General Plan. The proposed improvements are consistent with the City's General Plan. The site lies outside the Biological Resource Study Area and
there is no specific information known that would suggest the possible presence of significant plant or animal species on or near the project site.

8. ARCHAEOLOGICAL OR HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. No impact would be expected to occur, since the buildings to be removed or demolished are not considered to have historical significance.

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

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-8-9 through V-8-14 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 IV, Mitigation Applied to Project.

Discussion:

The project consists of the completion of street and bikeway improvements on existing right-of-way. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will satisfy City standards.

c. Project-Specific Effects

Section V-8.B of the MEIR provides analysis of Archaeological/Historical 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. YES NO
The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site.

Discussion:

The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue. The MEIR does not identify a listed or eligible cultural resource either on or in the vicinity of the site, thus no impacts are expected to occur.

9. STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less than significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

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

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-3 through V-9-8 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 IV, Mitigation Measures Applied to Project.

Discussion:

The project consists of the completion of street and bikeway improvements on existing right-of-way. The proposed development would not be expected to create a significant increase in the
amount of storm water runoff that is not anticipated nor properly contained/processed and disposed. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-9.B of the MEIR provides analysis of Storm Drainage 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.

2. The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site.

3. Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Discussion:

1. The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area.

2-3. The added pavement would be expected to create a minor increase in the amount of storm water but will be handled in accordance with all requirements of the various agencies charged with storm water amelioration. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less than significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.
**Effect:** The potential impacts of the project on surface water quality are considered less than significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

**Effect:** The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water quality impacts to a less-than-significant level.

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

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-4 through V-10-10 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 IV, Mitigation Applied to Project.

**Discussion:**

The project consists of the completion of street and bikeway improvements on existing right-of-way. As shown on Figure V-10-1a in the MEIR, the project site does not lie in an area having a potential for flooding. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

### c. Project-Specific Effects

Section V-10.B of the MEIR provides analysis of Flooding and Water 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:

<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 Urban Area General Plan.</td>
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<td>☒</td>
</tr>
<tr>
<td>(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>(3) The project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Discussion:

(1) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area.

(2) Development of proposed improvements will be required to comply with the Clean Water Act and the Porter-Cologne Act.

(3) Development of the proposed improvements must comply with the City's Guidance Manual for New Development Storm Water Quality Control Measures. Compliance is ensured through review of improvement plans and construction inspection.

(4) This project alone will not create need for additional stormwater treatment.

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less than significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less than significant.

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

Parks and Open Space Mitigation Measure(s) pertinent to the proposed project are found on pages V-11-3 through V-11-9 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. All feasible measures appropriate to the project that will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.
c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation 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:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area.

12. SCHOOLS

a. Significant Effects Identified in the Master EIR

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

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, eight middle schools, and seven high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that increased enrollment would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-3 through V-12-7 in the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project.
Discussion:

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

c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools 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.  
2. The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools.

Discussion:

(1-2) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area. It will have no effect on schools.

13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less than significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

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

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-2 through V-13-4 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 IV, Mitigation Measures Applied to Project.

Discussion:

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

c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services 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 is inconsistent with the Modesto Urban Area General Plan. ☐ ☒

(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. ☐ ☒

Discussion:

(1) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area. It will have no effect on the demand for Police services

14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less than significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less than significant.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These
are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study.

Fire Services mitigation measure(s) pertinent to the proposed project are found on pages V-14-2 through V-14-5 of the MEIR. All feasible measures appropriate to the project that will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

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

c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services 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:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☐ ☑</td>
</tr>
<tr>
<td>(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.</td>
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</table>

Discussion:

(1) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area. It will have no effect on the demand for Fire services

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less than significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid Waste Mitigation Measure(s) pertinent to the proposed project are found on pages V-15-3 through V-15-6 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 IV, Mitigation Applied to Project.

Discussion:

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

c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste 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:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
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<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☐ ☒</td>
</tr>
<tr>
<td>(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.</td>
<td>☐ ☒</td>
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</tbody>
</table>

Discussion:

(1-2) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area. It will have no effect on the demand for Solid Waste services.

16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less than significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

However, groundwater contamination consisting of TCE/TCM and PCE from a dry cleaning facility that once was located at the intersection of Oakdale Road and Orangeburg Avenue is
known to exist. Contaminated groundwater may be encountered during the construction of footings for the light standard/communications tower.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under Federal, State, and County policies and regulations and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to this document.

Hazardous Materials Mitigation Measures pertinent to the project being analyzed in this Initial Study are found on pages V-16-5 through V-16-12 in the MEIR. Mitigation measures from the MEIR will be applied to the project to ensure compliance will all appropriate regulations. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No new or additional mitigation measures or alternatives are required for the project. The presence of hazardous materials will not play any part in this development.

Tests will be conducted during construction for the presence of hazardous materials, if required, in accordance with the requirements of the Stanislaus County Department of Environmental Resources.

c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts due to 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>
<tr>
<td>(1)</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
</tr>
<tr>
<td>(2)</td>
<td>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.</td>
</tr>
<tr>
<td>(3)</td>
<td>The project contains a contaminated site not identified as of March 2003.</td>
</tr>
<tr>
<td>(4)</td>
<td>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.</td>
</tr>
<tr>
<td>(5)</td>
<td>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.</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area.

(2) The project will be conditioned to ensure that any hazardous materials used on site are properly identified, handled, and stored.

(3-5) The City’s Final Master Environmental impact Report lists hazardous materials sites and this project is not near any of those sites.

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

**Effect:** There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less than significant.

**Effect:** There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements; therefore, the project impact will be less than significant.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-5 through V-17-7 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 IV, Mitigation Measures Applied to Project:

Discussion:

Mitigation measures pertinent to the project are found on pages V-17-5 through V-16-12 in the MEIR. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic 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.  
   - YES NO
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.  
   - YES NO

Discussion:

1. The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area.

2. According to the MEIR’s physical description of the General Plan study area, the site is not located in an area subject to landslide, lateral spreading, subsidence, liquefaction or collapse.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Projects will be subject to Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

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

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:
Discussion:

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

c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy 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. YES NO

Discussion:

1. The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area.

19. PLANNING AND LAND USE

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

a. Project-Specific Effects

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

1. The project is inconsistent with the Modesto Urban Area General Plan. YES NO

2. The project includes a substantive amendment to the Modesto Urban Area General Plan. YES NO

3. The project would physically divide an established community. YES NO

Discussion:

1-3. The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area. The project does not divide an established community.
20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

a. Project-Specific Effects

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

(1) The project is inconsistent with the Modesto Urban Area General Plan. [ ]

(2) The project would have a substantial adverse effect on a scenic vista. [ ]

(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings. [ ]

(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. [ ]

Discussion:

(1-4) The proposed project is completion of right-of-way improvements including bike lane installation along Snyder Avenue, consistent with the General Plan and Specific Plan for the area. As the project consists of completion of right-of-way improvements including bike lane installation, no effect on scenic vistas is anticipated. The type of improvements are consistent with street improvements elsewhere in the area and throughout the City.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

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 General Plan Policies and 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).

Traffic and Circulation Measures:

None - Traffic Study not required.
Air Quality Measures:

Air-1 (page V-2-24 of the MEIR)
a. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM10. The following controls are required to be implemented at all construction sites:

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

2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

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

4. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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

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

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

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

9. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Noise Measures:

None

Agricultural Land Measures:

None

Water Supply Measures:

None
Sanitary Sewer Service Measures:
None

Sensitive Wildlife and Plant Habitat Measures:
None

Archaeological or Historic Sites Measures:
None

Storm Drainage Measures:
None

Flooding and Water Quality Measures:
None

Parks and Open Space Measures:
None

Schools Measures:
None

Police Services:
None

Fire Services:
None

Generation of Solid Waste
None

Generation of Hazardous Materials
None

Potential for Landslides and Seismic Activity
None
Energy
None

Planning and Land Use
None

Aesthetics
None
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-281

A RESOLUTION AMENDING THE CURRENT CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET IN ORDER TO FULLY FUND THE CONTRACT WITH ROSS F. CARROLL, INC. BY TRANSFERRING $281,956 FROM ACCOUNT 2670-800-8000-8208 “CARVER/BANGS PELANDALE/SNYDER CFD RESERVES” TO CIP ACCOUNT 2680-020-A102 “SNYDER AVENUE (PRESCOTT & CARVER)” TO FULLY FUND THE SNYDER AVENUE IMPROVEMENTS FROM PRESCOTT ROAD TO CARVER ROAD PROJECT

WHEREAS, certain budgetary transactions are necessary to fully fund the construction contract with Ross F. Carroll, Inc. in the amount of $590,692.05 required for the Snyder Avenue Improvements from Prescott Road to Carver Road project, and

WHEREAS, to fully fund the construction contract including design/administration support, contingency and construction administration, the current Capital Improvement Program (CIP) budget must be amended by transferring funds in the amount of $281,956 from Account 2670-800-8000-8208 “Carver/Bangs Pelandale/Snyder CFD Reserves” to Account 2680-800-800-8208 “Pelandale/Snyder CFD Fund”, then from Account 2680-800-800-8208 “Pelandale/Snyder CFD Fund” to Objects 6040-Construction in the amount of $190,693, 6041-City Forces in the amount of $10,000, 6050-Contingency in the amount of $58,604 and 6060-Construction Administration in the amount of $22,659 with CIP Account 2680-020-A102 “Snyder Avenue (Prescott & Carver)” to fully fund the Snyder Avenue Improvements between Prescott Road and Carver Road project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of funds as set forth herein to fully fund the construction contract including design/administration support, contingency and
construction administration required for the Snyder Avenue Improvements from Prescott Road to Carver Road project.

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 13th day of May, 2008, 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. 2008-282

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS - TIER 1 PRIORITY 1 AND 2 TURNOUTS PROJECT, ACCEPTING THE BID AND APPROVING A $2,685,000 CONTRACT WITH MOZINGO CONSTRUCTION, INC. FOR THE PROJECT TITLED, "DOWNSTREAM WATER SYSTEM IMPROVEMENTS - TIER 1 PRIORITY 1 AND 2 TURNOUTS," AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT.

WHEREAS, plans and specifications have been prepared for the Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts project and City staff recommends approval to the City Council, and

WHEREAS, the bids received for the Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts project were opened at 11:00 a.m. on April 15, 2008, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $2,685,000 received from Mozingo Construction, Inc. be accepted as the lowest responsible bid and the contract be awarded to Mozingo Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for said project, and accepts the bid of Mozingo Construction, Inc., in the amount $2,685,000.00, and hereby awards Mozingo Construction, Inc. the contract titled “Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts.”

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May 2008, 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, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: [Signature]

(S Seal)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-283

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY REDUCING OBJECTS 6010 ENGINEERING/DESIGN/ADMINISTRATION IN THE AMOUNT OF $38,685, 6040 CONSTRUCTION IN THE AMOUNT OF $1,560,000, AND 6060 CONSTRUCTION ADMINISTRATION IN THE AMOUNT OF $241,500 IN CIP ACCOUNT 6180-430-W361 “DOWNSTREAM IMPROVEMENTS PRVS-SECONDARY”, AND REAPPROPRIATING FUNDS IN THE AMOUNT OF $187,750 TO OBJECT 6050 CONTINGENCY WITHIN THE SAME ACCOUNT, AND TRANSFERRING SURPLUS FUNDING IN THE AMOUNT OF $1,652,435 TO PRIMARY ACCOUNT 6180-430-W425 “DOWNSTREAM IMPROVEMENTS-PRIMARY”

WHEREAS, certain budgetary transactions are necessary to fully fund the construction contingency in the amount of $187,750 required for the Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts project, and

WHEREAS, to fully fund the construction contingency in the amount of $187,750, the current Capital Improvement Program (CIP) budget must be amended by increasing Object 6050 Contingency in the amount of $187,750 in CIP Account 6180-430-W361-6040 “Downstream Improvements PRVS-Secondary,” and

WHEREAS, due to low bids, unused surplus funding in the amount of $1,652,435 is to be transferred from CIP Account 6180-430-W361 “Downstream Improvements PRVS - Secondary” to the Primary Account 6180-430-W425 “Downstream Improvements-Primary” to fund other phases of the Downstream Water System Improvements projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of funds as set forth herein to fully fund the construction contingency required for the Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts project, and return unused surplus funding back to the
Primary Account to fund other phases of the Downstream Water System Improvements projects.

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 13th day of May, 2008, 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, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: ____________________________
       STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
       SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-284

A RESOLUTION INCREASING THE PUBLIC WORKS DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS ON THE MARSHALL PARK IMPROVEMENTS AND SYLVAN PARK SPLASH PAD PROJECT FROM 10 PERCENT ($25,000.00) TO 15.3 PERCENT ($37,793.64) OF THE ORIGINAL CONTRACT PRICE WITH PLANNED ENVIRONMENTS, INC.

WHEREAS, the City Council on April 24, 2007, by Resolution No. 2007-243, awarded a $247,910.41 contract to Planned Environments, Inc. to construct the Marshall Park Improvements and Sylvan Park Splash Pad project, and

WHEREAS, the contractor started work on June 4, 2007, and

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

WHEREAS, the cost of the extra work was estimated to be as high as $37,793.64, an amount which exceeded the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of $25,000.00,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Public Works Director's authority to issue change orders on the Marshall Park Improvements and Sylvan Park Splash Pad project from 10 percent ($25,000.00) to 15.3 percent ($37,793.64) of the original contract price with Planned Environments, Inc.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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 ÁLCALA WOOD, City Attorney
A RESOLUTION ACCEPTING THE WORK BY PLANNED ENVIRONMENTS, INC. FOR THE MARSHALL PARK IMPROVEMENTS AND SYLVAN PARK SPLASH PAD PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $285,704.05

WHEREAS, a report has been filed by the Public Works Director that the Marshall Park Improvements and Sylvan Park Splash Pad project has been completed by Planned Environments, Inc. in accordance with the contract agreement dated April 24, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Marshall Park Improvements and Sylvan Park Splash Pad project is hereby accepted as complete from said contractor Planned Environments, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $285,704.05 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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

APPROVED AS TO FORM:

By 

SUSANNA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-286

A RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH STORER TRANSIT SYSTEMS (STORER) TO OPERATE THE MODESTO AREA DIAL-A-RIDE (DAR) SYSTEM, COMMENCING JUNE 28, 2008, AND TERMINATING JUNE 27, 2013, AT AN ANNUAL COST OF APPROXIMATELY $2,478,450, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing agreement with Storer Transit Systems to operate the Modesto Area Dial-A-Ride service expires June 27, 2008, and

WHEREAS, the City wishes to continue providing Dial-A-Ride service to citizens of Modesto, and

WHEREAS, the City Council authorized staff to solicit proposals for a new five-year contract to be effective June 28, 2008, and

WHEREAS, Storer Transit Systems submitted a reasonable and fair proposal for the five-year contract, and

WHEREAS, by an agenda report to the City Council dated May 13, 2008, the Public Works Director recommended approval of the contract with Storer Transit System,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five-year agreement with Storer Transit Systems, to operate the Modesto Dial-A-Ride system, commencing on June 28, 2008, and terminating June 27, 2013, at an annual cost of approximately $2,478,450,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.
The following resolution was introduced at a regular meeting of the Council of the City of Modesto on the 13th day of May, 2008, 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. 2008-287

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE GOVERNOR’S OFFICE OF HOMELAND SECURITY (OHS) REQUESTING $175,000 IN FY 2007-08 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS FOR THE PURCHASE AND INSTALLATION OF A VIDEO SURVEILLANCE SYSTEM AT THE TRANSIT CENTER; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION AND GRANT-RELATED DOCUMENTS

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 was approved by the voters as Proposition 1B in the November 7, 2006 general election, and

WHEREAS, Senate Bill 88 (SB 88), enabling legislation for the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, was signed by the Governor and chaptered into law on August 24, 2007, and

WHEREAS, SB 88 created the California Transit Assistance Funds administered by the Governor’s Office of Homeland Security (OHS), and

WHEREAS, in Fiscal Year 2007-08 a total of $60,000,000 was appropriated to the California Transit Assistance Fund, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated recipient for regional funds under GC 8879.58 (a)(2), and

WHEREAS, the StanCOG Policy Board passed a resolution April 9, 2008 designating $175,000 of the regional funds for the City of Modesto to purchase and install a video surveillance system at the Transit Center, and

WHEREAS, by a report to the Council dated April 24, 2008, from the Public Works Department, City staff recommended submitting a grant application for purchase
and installation of a video surveillance system at the Transit Center, (OHS ID number -- FY 07-08 Prop. 1B-6067-002),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a grant application to the Governor’s Office of Homeland Security requesting $175,000 in California Transit Assistance Funds for the purchase and installation of a video surveillance system at the Transit Center.

BE IT FURTHER RESOLVED that the Interim City Manager, is authorized to execute all necessary grant documents with the Governor’s Office of Homeland Security on behalf of the City of Modesto.

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

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Deputy Director of Transportation Services to execute all grant application and grant agreement documents.

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Transit Manager to execute all grant application and grant agreement documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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
A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE GOVERNOR’S OFFICE OF HOMELAND SECURITY (OHS) REQUESTING $100,000 IN FY 2007-08 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS FOR THE PURCHASE AND INSTALLATION OF A VIDEO SURVEILLANCE SYSTEM AT THE BUS MAINTENANCE FACILITY; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION AND GRANT-RELATED DOCUMENTS

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 was approved by the voters as Proposition 1B in the November 7, 2006 general election, and

WHEREAS, Senate Bill 88 (SB 88), enabling legislation for the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, was signed by the Governor and chaptered into law on August 24, 2007, and

WHEREAS, SB 88 created the California Transit Assistance Funds administered by the Governor’s Office of Homeland Security (OHS), and

WHEREAS, in Fiscal Year 2007-08 a total of $60,000,000 was appropriated to the California Transit Assistance Fund, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated recipient for regional funds under GC 8879.58 (a)(2), and

WHEREAS, the StanCOG Policy Board passed a resolution April 9, 2008 designating $100,000 of the regional funds for the City of Modesto to purchase and install a video surveillance system at the bus maintenance facility, and

WHEREAS, by a report to the Council dated April 24, 2008, from the Public Works Department, City staff recommended submitting a grant application for purchase...
and installation of a video surveillance at the bus maintenance, (OHS ID number -- FY 07-08 Prop. 1B-6067-002),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a grant application to the Governor’s Office of Homeland Security requesting $100,000 in California Transit Assistance Funds for a video surveillance system at the bus maintenance facility.

BE IT FURTHER RESOLVED that the Interim City Manager, is authorized to execute all necessary grant documents with the Governor’s Office of Homeland Security on behalf of the City of Modesto.

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

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Deputy Director of Transportation Services to execute all grant application and grant agreement documents.

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Transit Manager to execute all grant application and grant agreement documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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. 2008-289

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE GOVERNOR’S OFFICE OF HOMELAND SECURITY (OHS) REQUESTING $25,606 IN FY 2007-08 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS FOR THE PURCHASE AND INSTALLATION OF VIDEO SURVEILLANCE SYSTEMS IN FOUR BUSES; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION AND GRANT-RELATED DOCUMENTS

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 was approved by the voters as Proposition 1B in the November 7, 2006 general election, and

WHEREAS, Senate Bill 88 (SB 88), enabling legislation for the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, was signed by the Governor and chaptered into law on August 24, 2007, and

WHEREAS, SB 88 created the California Transit Assistance Funds administered by the Governor’s Office of Homeland Security (OHS), and

WHEREAS, in Fiscal Year 2007-08 a total of $60,000,000 was appropriated to the California Transit Assistance Fund, and

WHEREAS, the California Transit Assistance Fund allocates $25,606 of GC 8879.58 (a)(3) funds for the City of Modesto, and

WHEREAS, by a report to the Council dated April 24, 2008, from the Public Works Department, City staff recommended submitting a grant application for the purchase and installation of video surveillance systems in four buses, (OHS ID number --FY 07-08 Prop. 1B-6067-002),
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a grant application to the Governor’s Office of Homeland Security requesting $25,606 in California Transit Assistance Funds for the purchase and installation of video surveillance systems in four buses.

BE IT FURTHER RESOLVED that the Interim City Manager, is authorized to execute all necessary grant documents with the Governor’s Office of Homeland Security on behalf of the City of Modesto.

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

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Deputy Director of Transportation Services to execute all grant application and grant agreement documents.

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Transit Manager to execute all grant application and grant agreement documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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. 2008-290

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF HOMELAND SECURITY (OHS) REQUESTING $48,426 IN FY 2007-08 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FUNDS FOR THE PURCHASE AND INSTALLATION OF VIDEO SURVEILLANCE SYSTEMS IN SIX BUSES; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION AND GRANT-RELATED DOCUMENTS.

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 was approved by the voters as Proposition 1B in the November 7, 2006 general election, and

WHEREAS, Senate Bill 88 (SB 88), enabling legislation for the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, was signed by the Governor and chaptered into law on August 24, 2007, and

WHEREAS, SB 88 created the California Transit Assistance Funds administered by the Governor’s Office of Homeland Security (OHS), and

WHEREAS, in Fiscal Year 2007-08 a total of $60,000,000 was appropriated to the California Transit Assistance Fund, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated recipient for regional funds under GC 8879.58 (a)(2), and

WHEREAS, the StanCOG Policy Board passed a resolution April 9, 2008 designating $48,426 of the regional funds for the City of Modesto to purchase and install a video surveillance system in six buses, and

WHEREAS, by a report to the Council dated April 24, 2008, from the Public Works Department, City staff recommended submitting a grant application for the
purchase and installation of video surveillance systems in six buses, (OHS ID number -- FY 07-08 Prop. 1B-6067-002),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of a grant application to the Governor’s Office of Homeland Security requesting $48,426 in California Transit Assistance Funds for video surveillance in six buses.

BE IT FURTHER RESOLVED that the Interim City Manager, is authorized to execute all necessary grant documents with the Governor’s Office of Homeland Security on behalf of the City of Modesto.

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

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Deputy Director of Transportation Services to execute all grant application and grant agreement documents.

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Transit Manager to execute all grant application and grant agreement documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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]

SUSANA ALCALA WOOD, City Attorney
WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, Modesto City Council Resolution No. 2003-267 provides for Airport rate increases based upon the Consumer Price Index (CPI) for All Urban Consumers for the western United States, and

WHEREAS, during the past year the Consumer Price Index (CPI) of the western United States increased at a rate of two and eight-tenths percent (2.8%), and

WHEREAS, Modesto City Council Resolution Nos. 2007-282 and 2008-245 established the current Airport Rental Charges and Fees and contain provisions for rate increases which went into effect July 1, 2007 and July 1, 2008, based upon an increase in the Consumer Price Index, and

WHEREAS, the Modesto City-County Airport Advisory Committee recommended adoption of the 2.8% rate increase at its meeting on March 19, 2008, and

WHEREAS, aircraft landing fees have not been increased since 1994 from their current rate of $0.66 per thousand pounds of gross weight, an increase of $0.02 to $0.68 per thousand pounds of landed gross weight is being recommended, and

WHEREAS, on February 26, 2008 (Reso. No. 2008-129) Council approved authorizing submittal of an application to the Federal Aviation Administration (FAA) to
impose, collect and use a Passenger Facility Charge (PFC) by air carriers on passengers using the Modesto City-County Airport, and

WHEREAS, upon approval and authorization by the FAA airlines will begin collecting PFC fees in the new amount of $4.50 (up from the previous collection rate of $3.00) for each passenger enplanement, and

WHEREAS, airlines will be remitting those fees monthly to Modesto City-County Airport for use on federally eligible airport improvement projects, and

WHEREAS, by an agenda report dated April 16, 2008, from the Public Works Director, City staff recommended rate increases of

1) 2.8% for rental of aircraft hangars and tie-downs, and office space,

2) $0.02 for aircraft landing fees, and

3) $1.50 per PFC collection, and

WHEREAS, a duly noticed public hearing was held by the Council on May 13, 2008 at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing all interested persons were given the opportunity to be heard relative to the proposal to increase the rates and charges for the Modesto City-County Airport's aircraft hangars, office space, and tie-down rentals,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:
(a) T-Hangars

<table>
<thead>
<tr>
<th>Hangar</th>
<th>End Units</th>
<th>Rate per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td>$129/*$157</td>
</tr>
<tr>
<td></td>
<td>End Units</td>
<td>$149/*$178</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td>$155/*$184</td>
</tr>
<tr>
<td></td>
<td>End Units</td>
<td>$192/*$221</td>
</tr>
<tr>
<td>C</td>
<td></td>
<td>$163/*$193</td>
</tr>
<tr>
<td></td>
<td>End Units</td>
<td>$198/*$2260</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td>$147/*$176</td>
</tr>
<tr>
<td></td>
<td>End Units</td>
<td>$175/*$205</td>
</tr>
<tr>
<td>E</td>
<td></td>
<td>$214 unit per month</td>
</tr>
<tr>
<td></td>
<td>End Units</td>
<td>$250 unit per month</td>
</tr>
<tr>
<td>F</td>
<td></td>
<td>$214 unit per month</td>
</tr>
<tr>
<td></td>
<td>End Units</td>
<td>$250 unit per month</td>
</tr>
<tr>
<td>G</td>
<td></td>
<td>$214 unit per month</td>
</tr>
<tr>
<td>H</td>
<td></td>
<td>$214 unit per month</td>
</tr>
<tr>
<td>I</td>
<td></td>
<td>$418 unit per month</td>
</tr>
<tr>
<td>J</td>
<td></td>
<td>$214 unit per month</td>
</tr>
<tr>
<td>K</td>
<td>End Unit</td>
<td>$241 unit per month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$359 unit per month</td>
</tr>
<tr>
<td>Storage</td>
<td></td>
<td>$85 per month</td>
</tr>
</tbody>
</table>

Portables - Land Rent       $63 unit per month

(*T-Hangars A – D with electrical service)

(b) Storage Hangars:

<table>
<thead>
<tr>
<th>Hangar No.</th>
<th>Rate per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,568.00</td>
</tr>
<tr>
<td>2</td>
<td>$1,309.00</td>
</tr>
<tr>
<td>3</td>
<td>$689.00</td>
</tr>
<tr>
<td>4</td>
<td>$1,173.00</td>
</tr>
</tbody>
</table>
Hangar No. 5 .... $1,167.00 per month
Hangar No. 6 .... $ 684.00 per month

A five percent (5%) discount will be made in any of the above rental charges when a year’s lease is entered into and the year’s rental charges are paid in advance.

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $39.00 per month
(b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $63.00 per month
(c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) $0.05 per square foot per month
(d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft $7.20 per day
(e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) $9.25 per day
(f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) $13.50 per day
(g) Jets – $13.50 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year’s lease is entered into and the year’s rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO
agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

(a) Old Administration Building ........................................ $0.86 per square foot
(b) Office Building No. 1 .................................................... $0.86 per square foot
(c) Office Building No. 2 .................................................... $0.86 per square foot
(d) Hangar Office Space ...................................................... $0.50 per square foot

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL. Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter ............................................................ $0.092 per square foot
(b) Other areas ............................................................... $0.092 per square foot

SECTION 5. AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters - $10.00 per landing
(b) All large single and multi-engine aircraft - $0.68 per 1,000 pounds of gross weight, but not less than $10.00 per landing
(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplaned passenger by airline - $4.50 per ticketed passenger.

SECTION 7. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<table>
<thead>
<tr>
<th>Display Size</th>
<th>Display Only</th>
<th>Display &amp; Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5” x 9.5”</td>
<td>$15.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>7.5” x 21”</td>
<td>$35.00</td>
<td>$55.00</td>
</tr>
<tr>
<td>19” x 21”</td>
<td>$45.00</td>
<td>$65.00</td>
</tr>
</tbody>
</table>

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel are authorized to collect as follows:

(a) Incoming Service ............. $0.50 per page

(b) Outgoing Service ............. Area code 209 - $1.00 per page
                                 Other domestic area codes - $2.00 first page
                                 $1.50 - all other pages
SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($0.07) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and
callboard phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 14. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2003, the rents, fees and charges set forth in Sections 1, 2, and 4 of this resolution may be adjusted annually as of the first day of July.

Said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the
denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2008, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 16. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 2008.

SECTION 17. RESCIND. This resolution rescinds Council Resolution Nos. 2007-282 and 2008-245.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 13th day of May, 2008, 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: Councilmember: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

by [Signature]
SUSANA ALCALA WOOD, City Attorney
MODERATO CITY COUNCIL
RESOLUTION NO. 2008-292

ADOPT A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF EIGHTEEN (18) PICKUP TRUCKS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO THE FOLLOWING COMPANIES: AMERICAN CHEVROLET, MODESTO, CA, TWO (2) PICKUP TRUCKS, FOR AN ESTIMATED COST OF $44,469; DOWNTOWN FORD, SACRAMENTO, CA, NINE (9) PICKUP TRUCKS, FOR AN ESTIMATED COST OF $205,590; GEWEKE FORD, LODI, CA, SEVEN (7) PICKUP TRUCKS, FOR AN ESTIMATED COST OF $141,105; AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF $391,164

WHEREAS, on April 22, 2008, consent item #8, was continued for further discussion to the May 13, 2008, Council Meeting, and

WHEREAS, the fiscal impact of the continuance is based upon the City placing an order prior to the manufacturer cut-off date. At the time of this report the published manufacturer cut-off date is May 19, 2008, and is subject to change at any time, and

WHEREAS, should the City miss the manufacturer cut-off date, pricing will be based on the 2009 model and the increase cannot be calculated at this time, and

WHEREAS, the Public Works Department, Fleet Services Division has determined that the current pickup trucks have reached the end of their useful life and are scheduled for replacement, and

WHEREAS, on August 14, 2007, the City Council, by Resolution No. 2007-495, authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 07/08 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, eighteen (18) pickup trucks for various divisions, were included in the FY 07/08 new vehicles and heavy equipment list authorized by Council, and
WHEREAS, on December 26, 2007, the Purchasing Division issued RFB No. 0708-15 for the purchase of nineteen (19) pickup trucks to fifty-six (56) prospective bidders, posted the bid on the City's web site and formally advertised as required by law, and

WHEREAS, on December 11, 2007, a bidders conference was held. Two (2) companies were in attendance, and

WHEREAS, On February 8, 2008, one pickup truck on Attachment A, PSER #4399 was cancelled by the using department, and

WHEREAS, on February 12, 2008, RFB's were formally opened in the City Clerk's office. Of the fifty-six (56) prospective bidders, nine (9) companies chose to respond, and

WHEREAS, three (3) companies submitted non-responsive and non-responsible bids and their bid submittals were rejected, and

WHEREAS, based on being deemed the lowest responsive and responsible bids, staff recommends the award of bid and contract for the purchase of eighteen (18) pickup trucks to the following companies:

American Chevrolet, Modesto, CA, two (2) 2008 pickup trucks, for a total estimated cost of $44,469;

Downtown Ford, Sacramento, CA, nine (9) 2008 pickup trucks, for a total estimated cost of $205,590;

Geweke Ford, Lodi, CA, seven (7) 2008 pickup trucks, for a total estimated cost of $141,105, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of eighteen (18)
pickup trucks for the Public Works Department, Fleet Services Division conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the following accounts for the purchase of eighteen (18) pickup trucks for FY 07/08, Fund 7210, Agency 480, Org 5814 and objects, 5812, 5790, 5802, 5759, 5764, 5765, 5766, 5769, 5777, 5813, 5793, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of eighteen (18) pickup trucks to American Chevrolet, Modesto, CA, two (2) pickup trucks, for an estimated cost of $44,469; Downtown Ford, Sacramento, CA, nine (9) pickup trucks, for an estimated cost of $205,590; Geweke Ford, Lodi, CA, seven (7) pickup trucks, for an estimated cost of $141,105;

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue purchase orders for a total estimated cost of $391,164.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, by Councilmember O’Bryant, 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

051308/Finance/MTorres/item24 3 2008-292
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-293

ADOPT A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF FIVE (5) TRUCKS WITH UTILITY BODIES FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO THE FOLLOWING COMPANIES: SAN FRANCISCO FORD, LINCOLN, MERCURY, SAN FRANCISCO, CA, FOUR (4) TRUCKS WITH UTILITY BODIES, FOR AN ESTIMATED COST OF $183,674; HANSEL FORD, SANTA ROSA, CA, ONE (1) TRUCK WITH UTILITY BODY, FOR AN ESTIMATED COST OF $56,593, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF $240,267

WHEREAS, on April 22, 2008, consent item #9, was continued for further discussion to the May 13, 2008, Council Meeting, and

WHEREAS, the fiscal impact of the continuance is a total estimated cost increase of $1,600, due to the body fabricators price increase dated April 21, 2008, and

WHEREAS, if the manufacturer cut off date is missed the minimum impact will be $2,448 for the Ford F350 from Hansel Ford. All other manufacturers have not indicated the cost increase of a 2009 model, and

WHEREAS, the Public Works Department, Fleet Services Division has determined that the current trucks with utility bodies have reached the end of their useful life and are scheduled for replacement, and

WHEREAS, on August 14, 2007, the City Council, by Resolution No. 2007-495, authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 07/08 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, five (5) trucks with utility bodies for various divisions were included in the FY 07/08 new vehicles and heavy equipment list authorized by Council, and
WHEREAS, On January 25, 2008, the Purchasing Division issued RFB No. 0708-21 for the purchase of five (5) trucks with utility bodies to thirty-one (31) prospective bidders, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on February 1, 2008, a bidders conference was held. One (1) company was in attendance, and

WHEREAS, on February 6, 2008, RFB’s were formally opened in the City Clerk’s office. Of the thirty-one (31) prospective bidders, six (6) companies chose to respond, and

WHEREAS, one (1) company submitted a non-responsive and non-responsible bid and their bid submittal was rejected, and

WHEREAS, based on being deemed the lowest responsive and responsible bids, City staff recommends the award of bid and contracts to the following companies:
San Francisco Ford, Lincoln, Mercury, San Francisco, CA, one (1), 17,950 lbs. GVWR Ford F-550 with crane, for an estimated cost of $92,757;
San Francisco Ford, Lincoln, Mercury, San Francisco, CA, three (3) half-ton extended cab pickup trucks with utility bodies, for an estimated cost of $90,917;
Hansel Ford, Santa Rosa, CA, one (1) Ford F-350 Super Cab pickup truck with utility body, for an estimated cost of $56,593, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code, and
WHEREAS, funds are budgeted and available in the following accounts for the purchase of five (5) trucks with utility bodies for FY 07/08, Fund 6510, Agency 165, Org 1678, Objects 5945, 5003 and Fund 7210, Agency 480, Org 5814, Objects, 5789, 5791, 5792, 5801,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contracts for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of $183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of $56,593, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of $240,267.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue purchase orders for a total estimated cost of $240,267.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2008, by Councilmember O’Bryant, 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: SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-294


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

WHEREAS, the City and the Modesto Public Financing Authority (the “Authority”), a joint exercise of powers authority duly organized and existing under and by virtue of the laws of the State of California, have previously entered into a Master Installment Purchase Contract, dated as of November 1, 1997 (the “Master Contract”) in order to provide for the financing and refinancing from time to time of the costs of acquisition and construction of various additions, betterments, extensions and improvements to the City’s Water Utility System;

WHEREAS, the City previously refinanced certain improvements to its Water Utility System, pursuant to the 1997 Supplemental Installment Purchase Contract, dated as of November 1, 1997, by and between the City and the Authority, supplementing the Master Contract, with proceeds of $25,585,000 in aggregate principal amount of Refunding Revenue Certificates of Participation (1997 Water Utility System Refinancing Project) (the “1997 Certificates”) executed and delivered pursuant to a Trust Agreement, dated as of November 1,
1997, by and between the Authority and The Bank of New York Trust Company, N.A., as successor trustee;

WHEREAS, the City previously financed certain improvements to its Water Utility System (the “2006 Project”), pursuant to the 2006 Supplemental Installment Purchase Contract (the “2006 Supplement Contract”), dated as of November 1, 2006, by and between the City and the Authority, supplementing the Master Contract, with proceeds of $46,275,000 in aggregate principal amount of Water Revenue Certificates of Participation 2006 Series A (the “2006 Certificates”), executed and delivered pursuant to a Trust Agreement, dated as of November 1, 2006, by and between the Authority and The Bank of New York Trust Company, N.A., as trustee;

WHEREAS, pursuant to Article III of the Master Contract, the City may incur additional obligations payable on a parity thereunder, including by execution of a supplemental installment purchase contract;

WHEREAS, the City has experienced unusually high interest rates on its auction securities due to market disruptions;

WHEREAS, the City has determined that by refinancing the 2006 Certificates, the City can achieve interest cost savings and/or a desirable restructuring of debt obligations so as to minimize the impact of current and potentially future market instability;

WHEREAS, the City now desires to cause to be executed and delivered an additional series of certificates in an aggregate initial principal amount not to exceed $52,000,000 and designated as City of Modesto Water Refunding Revenue Certificates of Participation, Series
2008 (the "2008 Certificates") for the purpose of (i) refinancing the outstanding 2006 Series A Certificates, (ii) funding a parity reserve fund with cash, proceeds of the 2008 Certificates, or debt service reserve surety bonds and (iii) financing the costs of execution and delivery of the 2008 Certificates;

WHEREAS, the Authority and the City will enter into a 2008 Supplemental Installment Purchase Contract (the "2008 Supplemental Contract") to refinance the 2006 Project (the "2008 Project");

WHEREAS, pursuant to a Trust Agreement (the "2008 Trust Agreement") proposed to be executed and entered into by and between the Authority and The Bank of New York Trust Company, N.A., as trustee (the "2008 Trustee"), the Authority proposes to assign certain of its rights under the 2008 Supplemental Contract, including its right to receive the payments to be made by the City thereunder;

WHEREAS, in consideration of such assignment and the execution and entering into of the 2008 Trust Agreement by the 2008 Trustee and the Authority, the 2008 Trustee has agreed to execute and deliver the 2008 Certificates, evidencing and representing proportionate interests of the owners thereof in installment payments to be made by the City;

WHEREAS, the 2008 Certificates are expected to be initially executed and delivered as variable rate demand securities;

WHEREAS, Banc of America, N.A., as Liquidity Facility Provider (the "Liquidity Facility Provider"), the City and the Authority propose to execute and enter into a Stand-By
Certificate Purchase Agreement (the “Liquidity Facility”), relating to the performance of certain duties with respect to the remarketing of the 2008 Certificates;

WHEREAS, the City proposes to execute and enter into a Purchase Contract (the “Purchase Contract”) with Banc of America Securities LLC (the “Underwriter”) and the Authority, pursuant to which the Underwriter will purchase the 2008 Certificates for reoffering to the public;

WHEREAS, the City proposes to execute and deliver an Official Statement (the “Official Statement”) relating to the 2008 Certificates and to authorize the distribution of such Official Statement to prospective and actual purchasers of the 2008 Certificates;

WHEREAS the City and Bank of America, N.A. (the “Counterparty”), as a qualified counterparty, previously entered into a ISDA Master Agreement (Local Currency-Single Jurisdiction 1992), the U.S. Municipal Counterparty Schedule thereto, a Credit Support Annex, each dated as of September 27, 2006, and a Confirmation, entered into on September 27, 2006 (collectively, the “2006 Interest Rate Swap Agreement”);

WHEREAS the City and Bank of America, N.A., now desire to amend and supplement the 2006 Interest Rate Swap Agreement so as to relate the 2006 Interest Rate Swap Agreement to the 2008 Certificates and include certain provisions required by the Insurer (as defined below) (the “2008 Interest Rate Swap Amendments”);

WHEREAS, the City intends to obtain from a municipal bond insurance provider (the “Insurer”) municipal bond insurance policies to insure certain payments on the 2008 Certificates
and certain swap payments to be made by the City under the 2008 Interest Rate Swap Amendments and surety bonds to meet the parity reserve fund requirement; and

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

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

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.

Section 2. 2008 Supplemental Contract. The 2008 Supplemental Contract, proposed to be executed and entered into by and between the City and the Authority, in the form presented at this meeting and on file with the City Clerk of the City, is hereby approved. Each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Authority the 2008 Supplemental Contract in substantially said form, with such changes therein as such officer executing the 2008 Supplemental Contract may require or approve, such approval to be conclusively evidenced by
the execution and delivery thereof; provided, that the schedule of the installment payments to be contained in the 2008 Supplemental Contract and to be attached as an exhibit thereto shall be determined by the City Manager or the Finance Director of the City upon the sale of the 2008 Certificates, the aggregate principal amount of 2008 Certificates to be executed and delivered shall not exceed $52,000,000, the final principal payment date of the 2008 Certificates shall not be later than 35 years from the initial installment payment, and the 2008 Certificates initially shall be issued as variable rate demand securities bearing interest at a rate not to exceed 12% per annum (except when such 2008 Certificates are held by the Liquidity Facility Provider).

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

Section 4. Purchase Contract. The Purchase Contract, proposed to be executed and entered into by and among the City, the Authority, and the Underwriter, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Underwriter and the Authority the Purchase Contract in substantially said form, with such changes therein as such officer executing
the Purchase Contract may require or approve, such approval to be conclusively evidenced by
the execution and delivery thereof.

Section 5. **Official Statement.** The Official Statement, in the form presented at this
meeting and on file with the City Clerk, is hereby approved. Each of the Mayor, the City
Manager and the Finance Director, acting singly, is hereby authorized and directed to cause the
Official Statement, in substantially said form, with such changes therein as such officer may
require or approve, to be distributed to potential and actual purchasers of the 2008 Certificates.
Each of the Mayor, the City Manager and the Finance Director, acting singly, is hereby
authorized and directed, for and in the name and on behalf of the City, to execute and deliver the
Official Statement in substantially said form, with such changes therein as such officer executing
the Official Statement may require or approve, such approval to be conclusively evidenced by
the execution and delivery thereof.

Section 6. **2008 Interest Rate Swap Amendments.** The execution and delivery of the
2008 Interest Rate Swap Amendments, in such form, as recommended by Sidley Austin LLP,
and approved by the City Manager or the Finance Director, necessary to relate the 2006 Interest
Rate Swap Agreement to the 2008 Certificates and obtain a swap insurance policy from the
Insurer, is hereby approved and each of the City Manager and the Finance Director, acting
singly, is hereby authorized and directed for and in the name and on behalf of the City to execute
and deliver to the Counterparty the 2008 Interest Rate Swap Amendments, with such changes
therein as such officer executing the 2008 Interest Rate Swap Amendments may require or
approve, such approval to be conclusively evidenced by the execution and delivery thereof.
Section 7. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the Mayor, the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of the 2008 Certificates and the documents approved by this Resolution.

Section 8. Other Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to consummate the sale, execution and delivery of the 2008 Certificates and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, the 2008 Supplemental Contract, the Liquidity Facility, the Purchase Contract, the Official Statement, the 2008 Interest Rate Swap Amendments and the 2008 Certificates; to obtain municipal bond insurance policies and debt service reserve surety bonds, if upon the advice of the City’s financial advisor such policies and surety bonds are projected to result in a savings to the City; to effect the redemption of the 2006 Certificates; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 9. Effective Date. This Resolution shall take effect immediately upon its passage.
The foregoing resolution was introduced at a meeting of the City of Modesto held on the 13th day of May, 2008, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating, O’Bryant

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-295

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RICHARD MCFARREN FROM THE GOLF COURSES ADVISORY COMMITTEE

WHEREAS, RICHARD MCFARREN was appointed a member of the Golf Courses Advisory Committee, on March 11, 2008, and

WHEREAS, RICHARD MCFARREN has tendered his resignation from the aforementioned committee.

NOW, THEREFORE, BE IT RESOLVED that the resignation of RICHARD MCFARREN from the Golf Courses Advisory Committee 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 this City, hereby expresses its sincere appreciation to RICHARD MCFARREN 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 27th day of May, 2008, by Councilmember Keating, 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: ___________________________

(Seal)

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-296

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BILL ZOSLOCKI FROM THE AIRPORT ADVISORY COMMITTEE

WHEREAS, BILL ZOSLOCKI was appointed a member of the Airport Advisory Committee September 6, 2005, and

WHEREAS, BILL ZOSLOCKI has tendered his resignation from the aforementioned committee, and

WHEREAS, BILL ZOSLOCKI has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of BILL ZOSLOCKI from the Airport Advisory Committee 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 this City, hereby expresses its sincere appreciation to BILL ZOSLOCKI for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 2008, by Councilmember Keating, 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: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-297

A RESOLUTION APPROVING AN EXTENSION TO THE SIX-MONTH PROVISIONAL APPOINTMENT OF BROOKS TAYLOR, ADMINISTRATIVE ANALYST, TO JUNE 30, 2008

WHEREAS, the City Attorney’s Office has a vacant Deputy City Attorney position, and

WHEREAS, Brooks Taylor was provisionally appointed as Administrative Analyst to under-fill the vacant Deputy City Attorney position on November 13, 2007, and

WHEREAS, the City Attorney desires to extend the provisional appointment of Brooks Taylor, Administrative Analyst, until June 30, 2008, and

WHEREAS, Personnel Rule 7.5(c) requires Council approval if a provisional appointment is to exceed the six-month period authorized by said rule, and

WHEREAS, the City Attorney is requesting that the City Council approve an extension to the provisional appointment of Brooks Taylor, Administrative Analyst, to June 30, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an extension to the provisional appointment of Brooks Taylor, Administrative Analyst, to June 30, 2008, is 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 May, 2008, 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. 2008-298

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN (ANNEXATION NO. 14)

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and
WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled “Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)” and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the “Consolidated Boundary Map”), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12 and 13, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, it is intended that the territory be annexed to Tax Zone #2,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto, California, that:

SECTION 1. The above recitals are true and correct.
SECTION 2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled “Annexation Map No. 11 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled “Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2) on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42 and the map entitled “Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2) on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57.

SECTION 3. The territory proposed to be annexed to the District (the “Territory”) is described in Exhibit A.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2), City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than ten days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110, 3110.5, and 3313 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.
SECTION 5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

SECTION 6. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, June 10, 2008, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of
general circulation published in the area of the District, being The Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

SECTION 10. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 2008, 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: ____________________________

STEPHANIE LOPEZ, City Clerk

(S Seal)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-299

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE FURNISHING OF PEST CONTROL SERVICE FOR USE CITY-WIDE, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR A TOTAL ESTIMATED ANNUAL COST OF $40,000

WHEREAS, currently, pest control service is furnished to City owned buildings by various companies on a month-to-month basis, and

WHEREAS, improving efficiencies by taking advantage of “economies of scale” and potentially reducing the overall cost to the City for this service, an RFB will be issued for pest control service for use City-wide, 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, and

WHEREAS, the issuance of a formal RFB for the furnishing of pest control service conforms to the Modesto Municipal Code,

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

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the furnishing of pest control service for use City-wide, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.
SECTION 2. After the sealed bids are opened they shall be tabulated and
analyzed by the Purchasing Division and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of May, 2008, 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

(SIGNATURE)

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-300

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, OFFICE OF EMERGENCY SERVICES (OES), TO HOUSE AND MAINTAIN AN OES TYPE I FIRE APPARATUS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State of California, Office of Emergency Services (OES) maintains a fleet of fire apparatuses that are used at all-risk events, natural disasters, and emergency incidents, and

WHEREAS, the OES apparatus fleet is positioned strategically at local fire departments throughout the state and responds to events when requested by the OES, and

WHEREAS, the purpose of this apparatus placement is to provide quick and efficient additional fire resources to supplement federal, state, or local governments during large-scale events, and

WHEREAS, the responsibilities of the fire departments which house these apparatuses include responding directly to emergency incidents, covering vacant fire stations, and staging at a designated location for a planned event, and

WHEREAS, the OES would like to maintain three OES apparatuses in Stanislaus County, and approached the Modesto Fire Department with a proposal to house and maintain the third apparatus, and

WHEREAS, if the request is made by any party within the California Fire Assistance Agreement (CFAA), which includes Cal Fire; US Forest Service; Bureau of Land Management; US Fish and Wildlife; US Department of the Interior; and the California OES, then the reimbursement, once the deployment is beyond the initial 12 hours, will be made at 100% going back to the beginning of the deployment. The
majority of other mutual aid requests normally end in a disaster declaration and result in a minimum of 75% reimbursement, and

WHEREAS, the Safety and Communities Committee approved this request at the April 7, 2008, meeting for recommendation to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement between the City of Modesto and State of California, Office of Emergency Services (OES), to house and maintaining an OES Type I fire apparatus.

BE IT FURTHER RESOLVED that the Interim 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 May, 2008, 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: ________________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-301

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO CONDUCT A SOLE SOURCE PURCHASE FOR AN UPGRADE TO THE EXISTING XIOTECH MAGNITUDE 3D STORAGE SYSTEM FOR THE MODEST POLICE DEPARTMENT IN-CAR VIDEO STORAGE, FOR AN ESTIMATED TOTAL COST OF $68,000.00

WHEREAS, the Modesto Police Department’s In-Car Video system, once installed, will require large amounts of additional digital video files to be stored and retained for long periods of time, and

WHEREAS, the existing Xiotech storage system that currently provides digital storage for the Modesto Police Department does not have the capacity to support the additional In-Car video storage requirement, and will need to be expanded, and

WHEREAS, the intended upgrade will provide additional storage and scalability to the In-Car Video digital recordings and archive files, and

WHEREAS, Modesto Municipal Code Section 8-3.204, states, “All purchases in excess of fifty thousand dollars ($50,000.00), or when directed by the City Manager for any purchase of fifty thousand dollars ($50,000.00) or less, shall follow formal bid procedures, except for the following, which shall be exempt from the bid requirement: (b) Where the Purchasing Agency’s requirements can be met solely by a single article or process;” and

WHEREAS, due to the technical specifications required by the Information Technology Department, including complete compatibility with previously authorized and procured products, the procurement can only be conducted as a sole-source, and

WHEREAS, funds are budgeted and available in Police Department Account 0400-190-2923-5013 in the amount of $68,000 for the purchase of an upgrade to the
existing Xiotech Magnitude 3D Storage for the Modesto Police Department In-Car Video storage system,

   NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to conduct a sole source purchase of an upgrade to the existing Xiotech Magnitude 3D Storage System for the Modesto Police Department In-Car Video Storage System, for an estimated total cost of $68,000.00.

   The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 27th day of May 2008 by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call 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