A RESOLUTION APPROVING A GRANT APPLICATION FOR $100,000 FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT'S REMOVE II PROGRAM – BICYCLE INFRASTRUCTURE COMPONENT – FOR THE VIRGINIA CORRIDOR’S PHASE III BICYCLE PATH AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION DOCUMENTS

WHEREAS, the San Joaquin Valley Air Quality Control District ("SJVAQCD") has made funding available through the REMOVE II grant, which provides funding for Class I Bike trails/paths, and

WHEREAS, development of the Virginia Avenue Corridor Trail Project (the "Project") Class I Bike path is consistent with the SJVAQCD’s requirements for the REMOVE II grant, and

WHEREAS, said procedures established by the SJVAQCD require the applicant’s governing body to certify by resolution the approval of the application before submission of said application to the state, and

WHEREAS, the applicant will enter into a contract with the SJVAQDC for the Project,

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

1. Approves the filing of an application for $100,000 for funds from the San Joaquin Valley Air Quality Control District through the REMOVE II grant; and

2. Certifies that the application has or will have sufficient funds to operate and maintain the Project; and
3. Certifies that the applicant has reviewed, understands, and agrees to the
General Provisions contained in the contract shown in the Procedural Guide;
and
4. Authorizes the City Manager, or his designee, as agent to conduct all
negotiations, execute and submit all documents including, but not limited to,
applications, agreements, payment requests and so on, which may be
necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council
of the City of Modesto held on the 28th day of June 2005 by Councilmember Jackman,
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: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor
Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: ________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-325

A RESOLUTION APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH MARKET PLACE MEDIA TO WORK WITH THE CITY TO DEVELOP AND IMPLEMENT A MARKETING PLAN FOR PROGRAM SPONSORSHIP AND PRESENTATION SPONSORS FOR THE CITY'S PARKS, PROGRAMS AND FACILITIES AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, on February 25, 2003, the City Council by Resolution No. 2003-95 accepted the Parks, Recreation and Neighborhoods Department's first Fund Development Report; and

WHEREAS, on May 24, 2004, the City Council by Resolution No. 2004-285 directed staff to develop presentation sponsors, and

WHEREAS, on September 27, 2004, the Finance Committee supported staff's recommendation to seek a marketing firm to assist with securing sponsorships, and

WHEREAS, the City of Modesto issued a request for proposal in the Fall of 2004 for a qualified company to develop a policy and marketing plan for program sponsorship and for the development of presentation sponsors, and

WHEREAS, the City of Modesto's RFP process did not produce an acceptable, responsive and responsible respondent, and

WHEREAS, the City of Modesto staff contacted some agencies possessing good reputations and knowledge of the local area with respect to a reduced scope of work from the original RFP, and

WHEREAS, Market Place Media answered the request with a proposal for sponsorship marketing, which contained a monthly retainer arrangement,
NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves an agreement with Market Place Media for the development and implementation of program sponsorships and presentation sponsors for the City’s parks, programs, and facilities.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the agreement with Market Place Media.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2005 by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: Marsh

ATTEST:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE McHENRY MUSEUM & HISTORICAL SOCIETY TO PROVIDE FUNDING FOR A 1,000 HOUR EMPLOYEE TO SERVE AS THE MUSEUM GIFT STORE EMPLOYEE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the McHenry Museum & Historical Society (Society) desires to provide funding for a 1,000 hour employee to serve at the McHenry Mansion Gift Store, and

WHEREAS, in addition to providing funding for salary and benefits for said employee, the Society will provide an additional 7% for administrative costs,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Council hereby approves the agreement with the McHenry Museum & Historical Society to provide funding for a 1,000 hour McHenry Museum Gift Store employee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-327

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE McHENRY MANSION FOUNDATION TO PROVIDE FUNDING FOR A 1,000-HOUR EMPLOYEE TO SERVE AS THE MANSION GIFT STORE EMPLOYEE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the McHenry Mansion Foundation (Foundation) desires to provide funding for a 1,000 hour employee to serve at the McHenry Mansion Gift Store, and

WHEREAS, in addition to providing funding for salary and benefits for said employee, the Foundation will provide an additional 7% for administrative costs,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Council hereby approves the agreement with the McHenry Mansion Foundation to provide funding for a 1,000 hour McHenry Mansion Gift Store employee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-328

A RESOLUTION AMENDING RESOLUTION NO. 2004-283 ENTITLED “A RESOLUTION ESTABLISHING NEW RATES AT THE MUNICIPAL NINE-HOLE GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDEMUNICIPAL GOLF COURSE, ESTABLISHING NEW RATES FOR ANNUAL PASSES, ESTABLISHING NEW RATES FOR HIGH SCHOOL ROUNDS AND TOURNAMENT PLAY, DEDICATING $1.00 PER 18-HOLE ROUND AT THE END OF EACH FISCAL YEAR TO THE GOLF FUND RESERVE FOR CAPITAL IMPROVEMENTS, INTRODUCING A 6-HOLE RATE AT MUNICIPAL NINE-HOLE GOLF COURSE, AND RESCINDING RESOLUTION NO. 2003-329” TO PROVIDE THAT THE POLICY OF DEDICATING $1.00 PER ROUND OF GOLF TO THE GOLF FUND RESERVE FOR CAPITAL IMPROVEMENTS SHALL BE SUSPENDED DURING FISCAL YEAR 2004-2005

WHEREAS, on May 25, 2004, the City Council adopted Resolution No. 2004-283 which established new rates at Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Golf Course, and

WHEREAS, Resolution No. 2004-283 also established new rates for annual passes, high school rounds and tournament play and introduced a 6-hole rate at Municipal Nine-Hole Golf Course, and

WHEREAS, Resolution No. 2004-283 also dedicated $1.00 per 18-hole round at the end of each fiscal year to the Golf Fund reserve for capital improvements, and

WHEREAS, City staff is recommending that the $1.00 per 18-hole round dedication for future capital improvements be rescinded for Fiscal Year 2004-2005 only, and

WHEREAS, the Finance Committee met on April 18, 2005 and supported rescinding those provisions of Resolution 2004-283, for Fiscal Year 2004-05 only,
establishing a $1.00 per 18-hole round of golf to fund the Golf Fund reserve for capital improvements for, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated June 20, 2005, City staff recommended the change as outlined in the report, and

WHEREAS, Resolution No. 2004-283 is hereby amended solely to provide that the policy dedicating $1.00 per round of golf to the Golf Fund reserve for capital improvements be suspended during Fiscal Year 2004-2005, and

WHEREAS, Resolution No. 2004-283 is reaffirmed in every other respect and repeated in its entirety herein for the sake of administrative convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that except for Fiscal Year 2004-2005, it hereby approves dedicating $1.00 per round at the end of each fiscal year to the Golf Fund to be used for capital improvements to the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course. Said dedication shall resume in Fiscal Year 2005-2006.

BE IT FURTHER RESOLVED by the City Council as follows:

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.
SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of $5.00 per round shall be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.), who qualify,
will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu-Play Cards. Golfers can purchase a weekday, 6-round Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Family Tee Program. To promote family play, golfers may play from established “family tees” to be set no more than 175 yards from the greens at Municipal Nine-Hole Golf Courses. Rates for play are $6.00 weekdays and $7.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round at half price. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting
professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City’s Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit “C” attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year’s Day (January 1st), Martin Luther King’s Birthday (the third Monday in January), Washington’s Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Park Women’s Golf Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after June 28, 2005.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Dunbar, 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: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: _____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney
## EXHIBIT "A"
### CITY OF MODESTO GOLF COURSES
#### GREEN FEE SCHEDULE
##### EFFECTIVE JULY 1, 2004

### DRYDEN PARK MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Time &amp; Day</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$14.50</td>
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<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
<td>$20.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$17.00</td>
</tr>
<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$16.50</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$10.50</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$15.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
<td>$16.50</td>
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<tr>
<td>Weekends/Holidays, 18-holes</td>
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<tr>
<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
<td>$15.50</td>
</tr>
<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$19.50</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$13.50</td>
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</table>

- 6-play Valu-Play booklet: $105.00
- 6-play Valu-Play booklet (seniors/juniors/disabled): $90.00

### CREEKSIDE MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Time &amp; Day</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$16.00</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$13.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
<td>$22.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$18.50</td>
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<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$14.00</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$17.50</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$11.50</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$16.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
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<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
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<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$15.50</td>
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- 6-play Valu-Play booklet: $105.00
- 6-play Valu-Play booklet (seniors/juniors/disabled): $90.00
MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes $13.00
Weekdays, 9-holes (seniors/juniors/disabled) $11.00
Weekdays, 9-holes (juniors, after noon) $8.50
Weekdays Mid-day, 9-holes $11.00
Weekdays Super-Twilight, 9-holes $9.00
Weekdays afternoon League Play $10.00
Weekdays/Holidays, 9-holes $15.00
Weekdays/Holidays, 9-holes (juniors, after noon) $9.50
Weekdays/Holidays Mid-day, 9-holes $12.00
Weekdays/Holidays Super-Twilight, 9-holes $10.00

6-play Valu-Play booklet $52.50
6-play Valu-Play booklet (seniors/juniors/disabled) $45.00

Weekdays, 9-holes, Family Tees $6.00
Weekends, 9-holes, Family Tees $7.00

Weekdays, 6-holes $6.00
Weekends, 6-holes $7.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership $150.00
*Annual Club Membership, Every Day $980.00
*Annual Club Membership, Every Day, Jr./Sr. $860.00
*Annual Club Membership, Every Day, Family $1,460.00
*Annual Club Membership, Every Day, Family, Jr./Sr. $1,280.00
*Annual Club Membership, Week Day $800.00
*Annual Club Membership, Week Day, Jr./Sr. $670.00
*Annual Club Membership, Week Day, Family $1,190.00
*Annual Club Membership, Week Day, Family, Jr./Sr. $1,010.00

*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.
TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE JULY 1, 2004

EXHIBIT "B"

<table>
<thead>
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<th>FEE PER PLAYER</th>
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**CREEKSIDE**

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<tr>
<td>Weekends</td>
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<td>$48.50</td>
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**DRYDEN**

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<td>Weekends</td>
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**MUNI**

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<td>Weekend</td>
<td>$25.00</td>
<td>$27.00</td>
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In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($22.50 weekdays/$29.50 weekends at Creekside, $20.50 weekdays/$26.50 weekends at Dryden and $13.00 weekdays/$15.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden/Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden/Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($26.50 weekdays/$34.50 weekends at Creekside, $24.50 weekdays/$31.50 weekends at Dryden and $15.00 weekdays/$17.00 weekends at Muni); Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $5.00 at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $5.00 at Muni). Cart rental is required for shotgun style tournaments.
Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($26.50 weekdays at Creekside; $24.50 weekdays at Dryden); Pro Shop merchandise credit ($7.00 at Creekside/Dryden); and golf course restaurant credit ($7.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women’s Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.
The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;

2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);

3. They have a minimum of twenty-four (24) players;

4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);

5. Their events do not promote a formal competition or championship; and

6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-329

A RESOLUTION APPROVING THE PRIORITIZATION LIST FOR THE CAPITAL IMPROVEMENT PROGRAM (“CIP”) PROJECTS REMAINING TO BE CONSTRUCTED IN THE CARVER-BANGS/PELANDALE-SNYDER COMMUNITY FACILITIES DISTRICT (“CBPS CFD”)

WHEREAS, in 1998 the Carver-Bangs/Pelandale-Snyder Community Facilities District (“CBPS CFD”) was formed to fund the core infrastructure needed to serve the area, and

WHEREAS, the CBPS CFD utilized traditional “pay-as-you-go” financing requiring that each developer pay a one-time tax at the time of development, and

WHEREAS, as of June 1, 2005, all one-time tax amounts have been collected except for roughly $700,000, and the CFD will be unable to fund all of the remaining projects identified in the Public Report which currently have a total estimated cost of $4.2M, and

WHEREAS, on June 28, 2005 staff presented a Carver-Bangs/Pelandale-Snyder Facilities Prioritization List (“Facilities Prioritization List”) to the City Council for consideration, and

WHEREAS, said Facilities Prioritization List will provide staff with direction regarding the order in which the remaining projects will be funded and constructed, and

WHEREAS, at its meeting on June 13, 2005, the Economic Development Committee recommended approval of Staff’s list of remaining projects, the proposed prioritization, the amount programmed, and the current cost estimates,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Carver-Bangs/Pelandale-Snyder Facilities Prioritization List, attached hereto as Exhibit “A”, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
**Exhibit "A"**

**Summary and Recommended Prioritization of the Remaining CIP Projects in the Carver-Bangs/Pelandale-Snyder CFD**

<table>
<thead>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Q318</td>
<td>1</td>
<td>Storm Drainage Basins &amp; Pump Stations - Construct two pump stations and install a 48&quot; storm drain line into the East Basin.</td>
<td>$1,330,000</td>
<td>$1,570,000</td>
<td>$1,570,000</td>
<td>$0</td>
<td>100% Plans &amp; Specifications are currently being reviewed by staff.</td>
</tr>
<tr>
<td>Q319</td>
<td>1</td>
<td>Prescott Rd. - Pelandale to Snyder - Widen west side of Prescott Road adjacent to the storm drain basins.</td>
<td>$344,200</td>
<td>$344,200</td>
<td>$344,200</td>
<td>$0</td>
<td>This project is part of the Pelandale Intersection Improvement project. Bids open on 6/21/05.</td>
</tr>
<tr>
<td>A101</td>
<td>1</td>
<td>Dale Rd. - Snyder to Pelandale - Complete landscaping in front of Dale Rd. offices near Snyder.</td>
<td>$26,000</td>
<td>$26,000</td>
<td>$26,000</td>
<td>$0</td>
<td>This landscaping is currently being installed by a developer and will be reimbursed through an Acquisition and Shortfall Agreement.</td>
</tr>
<tr>
<td>A102</td>
<td>1</td>
<td>Snyder Ave. - Prescott to Carver - Widen Snyder Ave. on the south side, adjacent to the canal between Prescott Rd. and Carver Rd.</td>
<td>$235,300</td>
<td>$285,000</td>
<td>$285,000</td>
<td>$0</td>
<td>Design is nearly complete.</td>
</tr>
<tr>
<td>??</td>
<td>2</td>
<td>Bike Trail System (Tax Area B) - Install bike trail, landscaping and fencing along Snyder Ave. between Prescott and Carver, and along the MID Lat. #6 between Carver Rd. and the Union Pacific railroad.</td>
<td>$533,800</td>
<td>$1,117,802</td>
<td>$533,800</td>
<td>$584,002</td>
<td>No design- The original funding split for this project was 18% CFF and 82% CFD. Because of the significant increase in the cost of the project, CFF will fund 52% and CFD will fund 48%.</td>
</tr>
<tr>
<td>X519</td>
<td>2</td>
<td>Bike Trail (Tax Area A) - Install 2,180 feet of 8'-wide bike path along MID lateral #6 between Bangs and Pelandale.</td>
<td>$127,000</td>
<td>$216,430</td>
<td>$127,000</td>
<td>$89,430</td>
<td>No design- The original funding split for this project was 23% CFF and 77% CFD. Because of the increase in the cost of the project, CFF will fund 41% and CFD will fund 59%.</td>
</tr>
<tr>
<td>A105</td>
<td>3</td>
<td>Bangs Ave. - American to Carver - Construct a 9'-wide strip along the south side of Bangs Ave. from American Ave. to adjacent subdivision to the east.</td>
<td>$93,000</td>
<td>$93,000</td>
<td>$93,000</td>
<td>$0</td>
<td>Preliminary design work was performed. Need to wait for property to develop and developer to install frontage improvements.</td>
</tr>
<tr>
<td>A103</td>
<td>3</td>
<td>Tully Rd. - Pelandale to MID #6 - Widen Tully Rd. adjacent to Big Valley Grace Church and adjacent to Brent Holtz property if and when it ever develops.</td>
<td>$570,000</td>
<td>$570,000</td>
<td>$570,000</td>
<td>$0</td>
<td>No design. No current cost estimate is available.</td>
</tr>
<tr>
<td>X509</td>
<td>3</td>
<td>American Ave. - Pelandale to Bangs - Construct a 2'-wide strip down the center of American Ave.</td>
<td>$3,200</td>
<td>$3,200</td>
<td>$3,200</td>
<td>$0</td>
<td>No design. No current cost estimate is available.</td>
</tr>
</tbody>
</table>

**Totals:** $3,262,500 | $4,225,632 | $3,552,200 | $673,432
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-330

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
SCENIC DRIVE BUS TURNOUT PROJECT, ACCEPTING THE BID AND
APPROVING A $77,812.00 CONTRACT WITH BDS CONSTRUCTION, INC.,
FOR THE PROJECT TITLED, "SCENIC DRIVE BUS TURNOUT PROJECT,"
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the Scenic Drive Bus Turnout Project was previously bid on March
8, 2005, and no bids were received, and

WHEREAS, modifications were made to the plans and specifications to meet the
current construction climate, and

WHEREAS, City staff has prepared the plans and specifications for the Scenic
Drive Bus Turnout Project and recommends approval to the City Council, and

WHEREAS, the bids received for “Scenic Drive Bus Turnout Project” were
opened at 11:00 a.m. on June 7, 2005, 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 $77,812
received from BDS Construction, Inc., be accepted as the lowest responsible bid and the
contract be awarded to BDS Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications for the Scenic Drive Bus Turnout
Project.

BE IT FURTHER RESOLVED that the Council hereby accepts the bid of
$77,812, and hereby awards BDS Construction, Inc., the contract titled “Scenic Drive
Bus Turnout Project.”
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AND ADOPTING THE WATER SYSTEM HYDRAULIC MODELING PROJECT AND THE FINAL DRAFT OF THE ASSOCIATED SYSTEM ANALYSIS REPORT (HMP REPORT)

WHEREAS, on July 23, 2002, the City Council approved a professional services agreement with West Yost & Associates (WYA) to develop a Water System Hydraulic Model and to prepare an Associated System Analysis Report (HMP Report), and

WHEREAS, the HMP Report is now complete and provides the City with design criteria and tools to evaluate the existing and future water system needs, and

WHEREAS, WYA has submitted to the City copies of the HMP Report which contains Technical Memorandum on the following project elements: selection of modeling software, projection of water demands, system performance and design criteria, development, calibration, and verification of the water system hydraulic model, analysis of existing and future water systems, and recommended capital improvement projects, and

WHEREAS, the HMP Report work products were used in identifying the City’s downstream improvements to fully integrate the distribution system with the Modesto Regional Water Treatment Plant Expansion, and

WHEREAS, the hydraulic model developed by the HMP Report is instrumental in completing capacity evaluations for new development and verifying the effectiveness of major new water system improvements, and
WHEREAS, this item was reviewed as a consent item for the Economic Development Committee meeting on June 13, 2005, and a favorable recommendation was made to forward the HMP Report to the Council for approval and adoption,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Water System Hydraulic Model and Associated System Analysis Report (HMP Report) is hereby approved and adopted.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: Marsh

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-332

A RESOLUTION ACCEPTING THE NORTHERN SAN JOAQUIN VALLEY REGIONAL WATER RECLAMATION FEASIBILITY STUDY REPORT AND AUTHORIZING CITY STAFF TO APPLY FOR SUBSEQUENT GRANTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICATIONS RELATED TO SUCH GRANTS ON BEHALF OF THE CITY

WHEREAS, On January 14, 2003, the City Council approved a professional services agreement with Raines, Melton & Carella, (RMC), Inc. to prepare the Northern San Joaquin Valley Water Reclamation Feasibility Study (Feasibility Study), and

WHEREAS, the City is currently contemplating tertiary treatment for anticipated wastewater discharge requirements, and

WHEREAS, the Feasibility Study has been recently completed, which analyzed the potential uses of tertiary treated wastewater (reclaimed water) within the City and the region, and

WHEREAS, the Feasibility Study provided preliminary market, regulatory and regionalization assessments for the potential reuse of reclaimed water, and

WHEREAS, there were five viable alternatives that were developed from stakeholder and regulatory agency meetings, regarding the potential use of reclaimed water within the region, and

WHEREAS, the recommended next steps are to apply for grants for the completion of a Facility Plan and environmental documentation and the actual construction of the recommended recycling water project, and

WHEREAS, the most feasible recycled water project could be implemented if the City is awarded a construction grant, and
WHEREAS, this item was reviewed at the Economic Development Committee meeting on June 13, 2005, and a favorable recommendation was made to forward the Feasibility Study to the Council for acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts The Northern San Joaquin Valley Water Reclamation Project Feasibility Study Report.

BE IT FURTHER RESOLVED that the Council hereby authorizes City staff continue to pursue the most economically feasible options and to apply for subsequent grants.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to execute applications related to such grants on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember O’Bryant, 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: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: 
Councilmembers: None

ABSENT: 
Councilmembers: Marsh

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-333

A RESOLUTION AMENDING THE ORIGINAL AGREEMENT WITH RAINES, MELTON & CARELLA, INC., NOW RMC WATER AND ENVIRONMENT, FOR ADDITIONAL WORK PROVIDED IN THE AMOUNT OF $17,869.49 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, the City of Modesto awarded the Northern San Joaquin Valley Water Reclamation Feasibility Study (Feasibility Study) contract to Raines, Melton & Carella, (RMC) Inc., in the amount of $150,000 in January 2003, and

WHEREAS, the City received notice on June 13, 2005 that the corporation has changed its name from Raines, Melton & Carella, Inc., to RMC Water and Environment, and

WHEREAS, the Feasibility Study analyzed the potential uses of tertiary treated wastewater within the City and the region, and

WHEREAS, the Feasibility Study has been completed and the study findings were presented to the Economic Development Committee in June 2005, and

WHEREAS, additional work was provided by RMC beyond the scope of the original agreement in order to provide a comprehensive understanding of the complex regulatory and stakeholder issues which were developed during the study, and

WHEREAS, City desires to pay the amount of the additional work provided by RMC, which is $17,869.49, and execute an Amendment to Agreement for Consultant Services with RMC Water and Environment in said amount,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves an Amendment to Agreement for Consultant Services in the
amount of $17,869.49 with RMC Water And Environment, for the Northern San Joaquin Valley Water Reclamation Feasibility Study.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember O'Bryant, 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: Dunbar, Hawn, Jacking Keating, O'Bryant, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Marsh

**APPROVED AS TO FORM:**

By MICHAEL D. MILICH, City Attorney

ATTEST:  
JEAN ZAHR, City Clerk

06/28/05/PWJ Bond/Item No 19 2005-333
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-334

A RESOLUTION REALLOCATING ONE (1) ASSOCIATE CIVIL ENGINEER POSITION IN ORGANIZATION 5015, CAPITAL PLANNING SECTION OF THE PUBLIC WORKS DEPARTMENT, TO THE POSITION OF SENIOR CIVIL ENGINEER.

WHEREAS, the Capital Planning section of the Public Works Department oversees Capital Improvement programs and projects associated with the City’s water, wastewater and stormwater systems, and

WHEREAS, in and effort to plan for the future of these systems, the City has recently undertaken major infrastructure assessments in each of these areas, and

WHEREAS, these assessments are utilized as the basis for adjusting rates to ensure infrastructure needs are met and adequately funded, and

WHEREAS, the Capital Planning section is charged with leading these infrastructure assessments, and

WHEREAS, the Capital Planning section is currently comprised of one (1) Senior Civil Engineer, one (1) Associate Civil Engineer, two (2) Assistant Civil Engineers, and one (1) Senior Civil Engineering Assistant, and

WHEREAS, the Associate Civil Engineer has been assigned to oversee development of infrastructure assessments, particularly the master plans for water, sewer and storm drainage, and has also been very involved in the preparation of Facility Master Plans for each Specific Plan area within the City, and

WHEREAS, as the City moves toward the implementation of over $600 million in infrastructure improvements, a reallocation of the work load will be necessary in the
Capital Planning area as the level of work needed is above that of an Associate Civil Engineer, and

WHEREAS, this Associate Civil Engineer position is currently vacant and recent recruitments in May 2005 have yielded minimally qualified candidates at the Associate level, and

WHEREAS, recruitments at the Senior Civil Engineer level have allowed for the hiring of three (3) Senior Civil Engineers in the past year, and

WHEREAS, both the Associate and Senior Civil Engineer positions require registration as a Professional Engineer (PE) and it appears that the salary level of the Senior position is the difference in the success of these recruitments, and

WHEREAS, it is staff's belief that reallocation of the vacant Associate position to Senior Civil Engineer is more reflective of the level of work to be performed by the position and would yield a more suitable candidate pool, and

WHEREAS, funding for this proposed reallocation, estimated at $14,124 annually, will be provided through charges to projects and to the utility funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reallocates one (1) Associate Civil Engineer position in Organization 5015, Capital Planning Section of the Public Works Department, to the position of Senior Civil Engineer.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 28th day of June 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-335

A RESOLUTION APPROVING THE FINAL MAP OF THE EVERGREEN SUBDIVISION, IN THE COFFEE CLARATINA SPECIFIC PLAN AREA, OF THE CITY OF MODESTO, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH VALLEY VENTURES IV, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, MERITAGE HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION, BFC PROPERTIES, A CALIFORNIA CORPORATION, AND BERBERIAN PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND ACCEPT DEDICATION OF REAL PROPERTY FOR EXPANSION OF THE GRECIAN STORM DRAINAGE BASIN

WHEREAS, VALLEY VENTURES IV, LLC, a California Limited Liability Company, MERITAGE HOMES OF CALIFORNIA, INC., a California Corporation, BFC PROPERTIES, a California Corporation, and BERBERIAN PROPERTIES, LLC, a California Limited Liability Company (collectively "Subdividers"), are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.02 acres, known as the EVERGREEN SUBDIVISION ("SUBDIVISION"), in the Coffee Claratina Specific Plan Area, and

WHEREAS, the application for a vesting tentative subdivision map was deemed complete by the Secretary of the Planning Commission on January 25, 2005, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 4th day of April, 2005, and

WHEREAS, as a condition of development of SUBDIVISION, the owners are required to dedicate property located to the east of SUBDIVISION for the purpose of expanding the Grecian Storm Drainage Basin, and
WHEREAS, Subdividers have provided the City with an executed Grant Deed dedicating Parcel No. 3 of the McHenry Avenue/Grecian Avenue Parcel Map to the City for the purpose of expanding the Grecian Storm Drainage Basin, and

WHEREAS, the Public Works Department has confirmed that the property being dedicated is in the proper location and adequately sized to accommodate said basin expansion, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract 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; and after subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.
BE IT FURTHER RESOLVED that the City Manager and the City Clerk is authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that the City Manager is authorized to accept the dedication of Parcel 3 of the McHenry Avenue/Grecian Avenue Parcel Map for expansion of the Grecian Storm Drainage Basin on behalf of the public.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahr, Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE CITY OF MODESTO DRAFT “ANALYSIS TO IMPEDIMENTS TO FAIR HOUSING CHOICE” (AI) REPORT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN RELATED DOCUMENTS FOR SUBMITTAL TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

WHEREAS, as a recipient of the Housing and Urban Development (HUD) federal funds, the City of Modesto is required to certify that it is affirmatively furthering fair housing, and

WHEREAS, this requirement is based on HUD’s mandate under Section 808 of the Fair Housing Act and is completed by each entitlement jurisdiction completing an “Analysis to Impediments to Fair Housing Choice (AI),” and

WHEREAS, the requirement calls for the City to engage in fair housing planning through: 1) the completion of an analysis of impediments to fair housing; 2) action to eliminate identified impediments to fair housing choices; and 3) maintenance of records demonstrating that the City took action on the identified impediments, and

WHEREAS, HUD has defined the AI as an analysis of three broad areas related to housing choice: 1) a comprehensive review of the jurisdiction’s laws, regulations, and administrative policies, procedures and practices; 2) an assessment of how those laws, regulations and administrative policies affect the location, availability and accessibility of housing; and 3) an assessment of both public and private conditions affecting fair housing choice, and

WHEREAS, the purpose of the AI is to serve as a living document for fair housing planning, to provide essential information to policy makers, housing providers
and advocates, and finally, to assist in building public support for fair housing efforts, and

WHEREAS, the last AI for the City of Modesto was completed in 1996, and

WHEREAS, HUD regulations require that a 30-day public comment period be held as part of the Citizen Participation process, and

WHEREAS, this 30-day period began on May 28, 2005, and will end on June 28, 2005, with a public hearing scheduled for that evening at the regular City Council meeting, and public comments will be included as part of the AI, as well as City responses to the public comments received, and

WHEREAS, submittal of an AI is required to receive the City’s entitlement grants from HUD; this document also illustrates how the City can promote better fair housing programs, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) recommended support of this item at its June 17, 2005, meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of June 28, 2005, to consider submission of the Analysis to Impediments to Fair Housing Choice (AI),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Analysis to Impediments to Fair Housing Choice (AI), a copy of which is on file in the Office of the City Clerk, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents necessary for the submission of the
Analysis to Impediments to Fair Housing Choice (AI) to the Department of Housing and Urban Development (HUD).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

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

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

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

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

WHEREAS, the City’s garbage collection companies have requested an adjustment in the maximum rates, and

WHEREAS, the City has conducted an analysis of the base maximum rates using the audited financial statements provided by the garbage haulers, and
WHEREAS, new maximum rates have been calculated based on adjustments to the base maximum rates for cost decreases and increases, and a recommendation for a new maximum rate schedule has been developed, and

WHEREAS, the Economic Development Committee met on June 13, 2005 and recommended this item to the full Council for its consideration, and

WHEREAS, a report dated June 28, 2005, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on June 28, 2005, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

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

1. That it hereby approves the Maximum Charges for Garbage Service as contained in Exhibit “1”, attached hereto and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service
Agreements and shall become effective on July 1, 2005, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2004-406 is hereby rescinded, effective July 1, 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MAXIMUM CHARGES FOR GARBAGE SERVICE

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

Standard service shall include one, 96-gallon container for garbage/recyclables, one, 96-gallon container for green waste, blue bag recycling, a countertop container for kitchen scraps, drop-off of old TV and computer tubes, and two bulky item collections per year by appointment. Customer may opt for smaller containers; however, maximum rates apply.

The maximum rate for new sign ups for service or change in service which occur after July 1, 1996, shall be charged $18.95 per month regardless of size of container. The maximum rate for each additional garbage container shall be $14.12 per month.

The maximum rate for customers with 60 gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be $15.95. The maximum rate for each additional garbage container shall be $14.12 per month.

The above maximum standard container rate shall apply for service when containers are placed in a location set forth in Section 5-5.11 of the Municipal Code.

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>31.54</td>
<td>52.59</td>
<td>73.61</td>
<td>94.65</td>
<td>115.69</td>
<td>136.73</td>
</tr>
<tr>
<td>1½ CY</td>
<td>42.08</td>
<td>73.62</td>
<td>105.20</td>
<td>136.48</td>
<td>168.64</td>
<td>199.86</td>
</tr>
<tr>
<td>2 CY</td>
<td>52.59</td>
<td>94.65</td>
<td>136.73</td>
<td>178.80</td>
<td>220.86</td>
<td>262.93</td>
</tr>
<tr>
<td>3 CY</td>
<td>73.61</td>
<td>136.73</td>
<td>199.83</td>
<td>262.93</td>
<td>326.05</td>
<td>389.15</td>
</tr>
<tr>
<td>4 CY</td>
<td>94.65</td>
<td>178.80</td>
<td>262.93</td>
<td>347.08</td>
<td>431.22</td>
<td>515.37</td>
</tr>
<tr>
<td>5 CY</td>
<td>115.69</td>
<td>220.86</td>
<td>326.05</td>
<td>431.22</td>
<td>536.41</td>
<td>641.58</td>
</tr>
<tr>
<td>6 CY</td>
<td>136.73</td>
<td>262.93</td>
<td>389.15</td>
<td>515.37</td>
<td>641.58</td>
<td>767.80</td>
</tr>
</tbody>
</table>

DETACHABLE CONTAINER RENTAL RATES ARE INCLUDED IN ABOVE SCHEDULE

<table>
<thead>
<tr>
<th>Detachable container size</th>
<th>Monthly rental rate</th>
<th>Weekly rental of Detachable Containers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY to 6 CY</td>
<td>$10.00</td>
<td>Shall not exceed the rate for 1 pickup per week for each size container</td>
</tr>
</tbody>
</table>

DROP BOX CONTAINERS

EXHIBIT "1"
July 1, 2005
Pick up charge - $191.35 per pick up
Rental - $0.85 per day up to 7 day maximum rental
$3.00 per day additional for boxes kept 7 or more days without servicing
$10 per day additional for boxes kept 21 or more days without servicing

Disposal charge - Actual charge to be paid by customer
Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle.

**COMPACTORS**

<table>
<thead>
<tr>
<th>Compactor Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 CY</td>
<td>1: 152.12, 2: 304.24, 3: 456.36, 4: 608.48, 5: 760.60, 6: 912.72</td>
</tr>
<tr>
<td>4 CY</td>
<td>1: 201.72, 2: 403.44, 3: 605.16, 4: 806.88, 5: 1008.60, 6: 1210.32</td>
</tr>
</tbody>
</table>

**Roll-Off Type:**
- 6 CY to 40 CY $191.35 per pickup
- Washing of compactor at the request of customer $30.00
- Disposal Charge: Actual charge to be paid by customer

**EXTRA PICKUPS**
- Standard containers or equivalent $3.50 plus $1.38/container
- Detachable containers $12.00 plus $2.75/cubic yard

**SPECIAL SERVICE CONDITIONS**

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

**DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE**

<table>
<thead>
<tr>
<th>CY</th>
<th>1 CY</th>
<th>1½ CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$10.12</td>
<td>$11.00</td>
<td>$12.10</td>
<td>$15.40</td>
<td>$20.24</td>
<td>$25.08</td>
<td>$29.92</td>
</tr>
</tbody>
</table>

**NOTATIONS**

1. The above maximum residential rates include the $0.10 per month per household recycling fee payable to the City by the garbage company. In addition to garbage, maximum residential rates also include twice-a-year bulky item pickup, blue bag recycling, green waste collection, food waste containers, cathode ray tube drop-off, and illegal dumping removal from streets and alleys.
2. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service.
A RESOLUTION AUTHORIZING THE FILING OF AN AMENDMENT TO GRANT NUMBER CA-03-0562 FOR THE NEW BUS MAINTENANCE FACILITY WITH THE FEDERAL TRANSIT ADMINISTRATION UNDER SECTION 5309 OF THE FEDERAL TRANSIT ACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

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

WHEREAS, the City of Modesto has provided all annual certifications and assurances to the Federal Transit Administration required for the projects, and

WHEREAS, the City of Modesto had an approved Federal Transit Administration (FTA) Section 5309 grant for $3,668,116 in federal funds for the new Bus Maintenance Facility, and

WHEREAS, on June 24, 2003, the City Council approved Amendment No. 1 to the Section 5309 grant that added $445,585 to the approved amount of federal funds for said project, and

WHEREAS, $3,614,907 in Section 5309 federal funds for the Bus Maintenance Facility have been earmarked by Congress for this project, and

WHEREAS, an amendment to the current Section 5309 grant, as amended by Amendment No. 1, is required to access these earmarked funds, and

WHEREAS, the Bus Maintenance Facility project funds in the Section 5309 grant amendment application are included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG on February 9, 2005, and
WHEREAS, the grant amendment for Federal assistance will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs, and

WHEREAS, by a report to the Council dated June 13, 2005, from the Public Works Department, City staff recommended amending the current FTA Section 5309 grant for the Bus Maintenance Facility, and

WHEREAS, the Modesto City Council conducted a Public Hearing on June 28, 2005, at 5:30 p.m., in the Tenth Street Place Chambers located in the Basement of 1010 Tenth Street, Modesto, California, in accordance with FTA regulations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute and file an amendment to Federal Section 5309 Grant Number CA-03-0562 on behalf of the City of Modesto with the Federal Transit Administration (FTA) for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute all necessary grant documents with the Federal Transit Administration on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, 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:  Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor
         Ridenour

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Marsh

Attest:  

Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE FILING OF A SECTION 5307 APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR PUBLIC TRANSIT OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

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

WHEREAS, the City of Modesto has provided all annual certifications and assurances to the Federal Transit Administration required for the projects, and

WHEREAS, each year the City of Modesto submits a grant application for Section 5307 funds from the formula apportionment made available to the Modesto Urbanized area by the FTA, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Section 5307 Urban Area Formula Program Assistance for no more than $3,482,993 for FY 2004-2005, and

WHEREAS, the projects in the Section 5307 grant application are in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG February 9, 2005, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs, and

WHEREAS, by a report to the Council dated June 13, 2005, from the Public Works Department, City staff recommended submitting a grant application for $3,482,993 in Section 5307 formula FTA funds to partially offset the operational and capital costs of the City’s public transit program, and
WHEREAS, the Modesto City Council conducted a Public Hearing on June 28, 2005, at 5:30 p.m., in the Tenth Street Place Chambers located in the Basement of 1010 Tenth Street, Modesto, California, in accordance with FTA regulations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute and file an application for Federal Section 5307 assistance on behalf of the City of Modesto with the Federal Transit Administration (FTA) for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the Federal Transit Administration on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-340

A RESOLUTION ADOPTING THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION'S (STRGBA) INTEGRATED GROUNDWATER MANAGEMENT PLAN FOR THE MODESTO SUBBASIN

WHEREAS, the City of Modesto entered into a Memorandum of Understanding (MOU) in September 2001 to re-form the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) to coordinate water resource planning efforts with other water supply agencies within the Modesto Sub-basin, and

WHEREAS, the California Legislature passed Assembly Bill (AB) 3030, which is designed to provide local public agencies increased management authority over their groundwater resources through the adoption of a Groundwater Management Plan, and

WHEREAS, in September 2002, the State of California passed two laws (SB 1938 and SB 1672), which encourage local agencies to work cooperatively in the preparation of integrated regional water management plans, and

WHEREAS, the implementation of the Integrated Regional Groundwater Management Plan (IRGMP) for the Modesto Groundwater Sub-basin and performance of specific actions identified in the plan will enable better understanding and management of the groundwater sub-basin, and

WHEREAS, a Public Hearing was held June 28, 2005, at 5:30 p.m. in the Tenth Street Place Chambers located in the Basement at 1010 Tenth Street, Modesto, California, for public comments regarding the adoption of the plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Stanislaus and Tuolumne Rivers Groundwater Basin
Association's Integrated Regional Groundwater Management Plan for the Modesto Sub-basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: ____________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _________________________________

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING CITY STAFF TO APPLY FOR VARIOUS WATER RELATED GRANTS, INCLUDING PROPOSITION 50, CHAPTER 8 FUNDING, THROUGH THE 2005/06 AND 2006/07 FISCAL YEARS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICATIONS RELATED TO SUCH GRANTS ON BEHALF OF THE CITY

WHEREAS, the City of Modesto receives approximately 60% of its annual water supply from groundwater wells located throughout the City and has experienced a decline in groundwater quality at a number of well sites, which has resulted in those wells being taken out of service, and

WHEREAS, the City of Modesto overlies two groundwater basins, the Modesto Groundwater Sub-basin (MGB) and the Turlock Groundwater Sub-basin (TGB), and

WHEREAS, the Local Groundwater Management Assistance Act of 2000 (California Water Code Section 10795 et seq.) was enacted to allow the Department of Water Resources (DWR) to administer grants to local agencies to conduct groundwater monitoring and studies, and

WHEREAS, the Proposition 50 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 Grant Program encourages an integrated regional approach to water resources management by supporting projects that protect communities from drought, improve water quality, and reduce dependency on imported water, and

WHEREAS, concurrent with this resolution, the Council adopted Resolution No. 2005-340, which adopted the Stanislaus and Tuolumne Rivers Groundwater Basin Association’s Integrated Regional Groundwater Management Plan for the Modesto Sub-basin, and
WHEREAS, a Public Hearing was held June 28, 2005, at 5:30 p.m. in the Tenth Street Place Chambers located in the Basement at 1010 Tenth Street, Modesto, California, for public comments regarding the adoption of the plan and submission of various water-related grant applications, and

WHEREAS, preference will be given to grant proposals that include integrated projects with multiple benefits, improve local and regional water supply reliability, contribute towards improving water quality standards, reduce pollution in impaired waters, and improve groundwater management, and

WHEREAS, the Integrated Regional Groundwater Management Plan has identified regional groundwater studies that are eligible for state grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City Staff to apply for various water related water resource management grants.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized and directed to execute the necessary applications for such grants.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED AS TO FORM:

ATTEST: Jean Zahr, City Clerk

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-342

A RESOLUTION APPROVING A TAX-EXEMPT BOND FINANCING TO BE ISSUED BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO BENEFIT SUTTER HEALTH AND CERTAIN AFFILIATES

WHEREAS, Sutter Health, Sutter Gould Medical Foundation and certain other affiliates of Sutter Health, each a nonprofit public benefit corporation (collectively, the “Health Institutions”), have requested that the California Statewide Communities Development Authority (the “Authority”) issue bonds in one or more series in an aggregate principal amount not to exceed $400,000,000 (the “Bonds”) for the purpose of, among other things, financing or refinancing the acquisition, improvement and equipping (the “Financing”) of certain health facilities owned or operated by the Health Institutions, including Sutter Gould Medical Foundation (the “Facilities”) located in the City of Modesto (the “City”);

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the City because the Facilities are located within the territorial limits of the City;

WHEREAS, the City Council of the City (the “Council”) is the elected legislative body of the City and is one of the applicable elected representatives required to approve the issuance of the Bonds under Section 147(f) of the Code;

WHEREAS, the Authority has requested that the Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 9 of the Amended and Restated Joint

06/28/05/Finance/B Newlin/Item No 28

1

2005-342
Exercise of Powers Agreement, dated as of June 1, 1988 (the “Agreement”), among certain local agencies, including the City;

WHEREAS, the Authority has also requested that the Council approve, for purposes of Section 9 of the Agreement, the issuance of any bonds to be issued by the Authority to refund the Bonds; and

WHEREAS, pursuant to Section 147(f) of the Code, the Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

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

Section 1. The Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Council that this Resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facilities are to be located, in accordance with said Section 147(f) and (b) Section 9 of the Agreement, which shall also be deemed satisfied for any Authority bonds issued to refund the Bonds.

Section 2. 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 deem necessary or advisable in order to carry out, give effect to and comply
with the terms and intent of this Resolution and the financing transaction approved hereby.

Section 3. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Jackman, Keating, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Marsh

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-343

A RESOLUTION APPROVING THE AGREEMENTS BETWEEN THE CITY OF MODESTO AND PACIFICARE, KAISER PERMANENTE, AMERICAN SPECIALTY HEALTH PLANS (chiropractic coverage) AND PACIFICARE BEHAVIORAL HEALTH; CONTINUING DENTAL AND VISION COVERAGE THROUGH THE CITY’S SELF-INSURED PROGRAM AND AUTHORIZING THE RISK MANAGER TO SERVE AS THE COORDINATOR FOR THE VARIOUS PLANS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and

WHEREAS, the Employee Benefits Committee (EBC) has met and reviewed and evaluated coverage for Fiscal Year 2005/2006, and

WHEREAS, the rates charged by health insurance carriers will increase by 24% for Kaiser and 9% for PacifiCare, and

WHEREAS, mental health rates will increase by 13% and the City’s self-insured dental rates by 10.7%, and

WHEREAS, the City’s self-insured vision rates will increase by 6.1%, and the chiropractic rates will remain the same, and

WHEREAS, the EBC voted to continue to offer both PacifiCare and Kaiser, and

WHEREAS, Kaiser has discontinued offering Preferred Provider Option (PPO) to all employees, and

WHEREAS, PacifiCare continues to offer Preferred Provider Option (PPO) to all employees, and
WHEREAS, the EBC recommended maintaining the health plan design, and the drug co-pays at current rates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves execution of agreements with PacifiCare, Kaiser Permanente, American Specialty Health Plans, and PacifiCare Behavioral Health.

BE IT FURTHER RESOLVED that the Council hereby approves the continuation of dental and vision coverage through the City's self-insured program as recommended by the Employee Benefits Committee.

BE IT FURTHER RESOLVED that the Risk Manager is hereby authorized to serve as the coordinator for the various plans.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute all necessary agreements relating to employee and dependent health care as set forth herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-343A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
DECLARING THAT NO SUBSTANTIAL CHANGES HAVE OCCURRED IN
THE CIRCUMSTANCES IN WHICH THIS PROJECT HAS BEEN
UNDERTAKEN AND THAT PURSUANT TO SECTION 15162 OF THE CEQA
GUIDELINES, NO NEW ENVIRONMENTAL REVIEW NEEDS TO BE
COMPLETED FOR AN ORDINANCE AMENDING THE LEVY OF SPECIAL
TAXES WITHIN CITY OF MODESTO COMMUNITY FACILITIES DISTRICT
2004-1 FOR TAX ZONE 2

WHEREAS, THE City Council adopted the Village One Facilities Master Plan
Update and said update was certified by the Council on May 6, 2003, and

WHEREAS, an Ordinance entitled “An Ordinance of the City Council of the City
of Modesto Authorizing the Levy of Special Taxes within City of Modesto Community
Facilities District No. 2004-1 (Village One #2) has been introduced to the Council, and

WHEREAS, said Ordinance is intended to create a Tax Zone 2 which will fund
the projects listed in the Village One Facilities Master Plan, and

WHEREAS, the Ordinance does not change or alter any of the projects for which
the Facilities Master Plan was adopted, and

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

1. No changes have been proposed in this project subsequent to the just
   referenced action which would require important revisions of the
   environmental document and,

2. No substantial changes have occurred in the circumstances under which the
   project is undertaken which would require such changes and,
3. Pursuant to Section 15162 of the CEQA Guidelines, no new environmental review need be completed, and this subsequent activity is entirely consistent with the anticipated project(s) that are analyzed in the previous environmental determination and,

4. The Council finds that this project is consistent with the EIR (SCH No. 90020181).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-344

A RESOLUTION AUTHORIZING THE FIRE CHIEF TO PURCHASE ONE 105-FOOT HEAVY DUTY AERIAL LADDER TRUCK WITH “ALL WHEEL STEERING” FROM PIERCE MANUFACTURING, THROUGH GOLDEN STATE FIRE APPARATUS, MODESTO, CALIFORNIA FOR A TOTAL COST OF $702,685.59

WHEREAS, the Modesto Fire Department uses sixteen engine companies and two truck companies in its current fire/life safety delivery system, and

WHEREAS, front line apparatus consists of thirteen engine companies and two truck companies, and

WHEREAS three reserve engines are utilized when front line apparatus are out-of-service for repairs and/or when additional apparatus is needed to maintain our system delivery, and

WHEREAS, a truck company’s useful lifespan is projected at fifteen years in front line service and ten in reserve status, and

WHEREAS, currently, there is no reserve ladder truck in the Fire Department fleet to be used when one of the front line ladder trucks are out of service for repair and/or when additional apparatus is needed to maintain our system delivery, and

WHEREAS, in 1989 the Modesto Fire Department established an apparatus committee consisting of our Senior Fire Mechanic and representation from all suppression ranks, and

WHEREAS, their charge was to develop apparatus specifications and to review the capabilities of fire apparatus manufacturing facilities, and

WHEREAS, Pierce Manufacturing is the only manufacturer that provides “all wheel steer” technology, and
WHEREAS, Pierce Manufacturing was declared the “sole source” vendor, and
WHEREAS, purchasing the 105-foot Heavy Duty Aerial Ladder Truck With “All Wheel Steering” from Pierce will maintain our operational costs, system reliability and consistent apparatus platform, and
WHEREAS, this truck is budgeted for in the Fire Department’s budget, and
WHEREAS, the Safety and Communities Committee approved this request on June 6, 2005, for recommendation to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of one 105-Foot Heavy Duty Aerial Ladder Truck with “All Wheel Steering” from Pierce Manufacturing, for the sum of $702,689.59.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-345

A RESOLUTION AMENDING THE FISCAL YEAR 2005-06 FIRE DEPARTMENT OPERATING BUDGET AND AUTHORIZING THE CITY MANAGER TO APPROVE THE FOLLOWING INTRA-FUND TRANSFERS: 1) TRANSFER $20,000.00 FROM FY04/05 0100-180-1802-5623 TO FUND 1320 and 2) TRANSFER $540,000 FROM FY05/06 0100-180-1802-0223 TO FUND 1320, FOR THE PURCHASE OF ONE 105-FOOT HEAVY DUTY AERIAL LADDER TRUCK WITH “ALL WHEEL STEERING” FROM PIERCE MANUFACTURING, THROUGH GOLDEN STATE FIRE APPARATUS, MODESTO, CALIFORNIA FOR A TOTAL COST OF $702,685.59, AND APPROPRIATE A TRUCK PURCHASE ACCOUNT: 1320-180-1899-5XXX

WHEREAS, the Modesto Fire Department uses sixteen engine companies and two truck companies in its current fire/life safety delivery system, and

WHEREAS, a truck company’s useful lifespan is projected at fifteen years in front line service and ten in reserve status, and

WHEREAS, currently, there is no reserve ladder truck in the Fire Department fleet to be used when one of the front line ladder trucks are out of service for repair and/or when additional apparatus is needed to maintain our system delivery, and

WHEREAS, the Modesto Fire Department desires to purchase a 105-foot Heavy Duty Aerial Ladder Truck With “All Wheel Steering” from Pierce, and

WHEREAS, purchasing the truck will maintain our operational costs, system reliability and consistent apparatus platform, and

WHEREAS, the truck purchase qualifies for the use of Capital Facilities Fees (CFF), and

WHEREAS, in order to track the use of CFF, an intra-fund transfer will be made to CFF from the Fire Department’s operating budget in the amount of $560,000, which
includes $20,000 in apparatus acquisition savings for Fiscal Year 04-05 and the apparatus acquisition budget of $540,000 for Fiscal Year 05-06, and

WHEREAS, Fire CFF will provide the balance of $142,685.59, and

WHEREAS, the Safety and Communities Committee approved this request on June 6, 2005, for recommendation to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to approve the following appropriation transfers: 1) $20,000.00 from FY04-05-0100-180-1802-5623 to fund 1320; 2) $540,000 from FY 05-06-0100-180-1802-0223 to fund 1320, for the purchase of one 105-Foot Heavy Duty Aerial Ladder Truck with “All Wheel Steering” from Pierce Manufacturing, for the sum of $702,689.59.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-346

A RESOLUTION APPROVING THE FINAL MAP OF THE HACIENDA DEL SOL UNIT NO. 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, OF THE CITY OF MODESTO, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH HASHEM NARAGHI, TRUSTEE OF THE NORA NARAGHI SEPARATE TRUST UNDER AGREEMENT DATED NOVEMBER 7, 2000, AND CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP

WHEREAS, HASHEM NARAGHI, Trustee of the Nora Naraghi Separate Trust Under Agreement Dated November 7, 2000, and CENTEX HOMES, a Nevada General Partnership, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 17.622 acres, known as the HACIENDA DEL SOL UNIT NO. 1 SUBDIVISION ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, an application for a vesting tentative subdivision map was deemed complete by the Secretary of the Planning Commission on August 7, 2003, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of August, 2003, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have 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,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract 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; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of July 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, Marsh,
O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By __________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-347

A RESOLUTION APPROVING AN AMENDMENT TO AN ENGINEERING SERVICES AGREEMENT WITH THE URS CORPORATION IN THE AMOUNT OF $15,000 TO SUPPORT THE PROCUREMENT OF AN AUTOMATIC VEHICLE LOCATION (AVL) SYSTEM FOR MODESTO AREA EXPRESS (MAX) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City Council approved an agreement with the URS Corporation of Santa Ana, California on February 26, 2002 in the amount of $55,000 to provide engineering services to assist in selection and implementation of an Automatic Vehicle Location (AVL) system for Modesto Area Express (MAX), and

WHEREAS, URS has completed the Request for Proposals (RFP) for this project, which is the major work product for the agreement, and

WHEREAS, the complexity of the project has required additional tasks to be undertaken than originally anticipated in the Agreement’s Scope of Work, and

WHEREAS, an amendment of $15,000 to the URS agreement to complete the engineering services is needed to finish the AVL project, and

WHEREAS, funds are budgeted in Account 6510-165-1678-5980 for this amendment, and

WHEREAS, on June 13, 2005 the Economic Development Committee (EDC) approved the staff recommendation to amend the URS agreement, and

WHEREAS, by an agenda report to the City Council dated June 16, 2005, from the Public Works Director, City staff recommended to the Council that it approve an amendment to the URS agreement,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amendment to the URS agreement in the amount of $15,000 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment to the agreement on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-348

A RESOLUTION APPROVING THE SOLICITATION OF A REQUEST FOR PROPOSALS (RFP) TO FURNISH AND INSTALL AN AUTOMATIC VEHICLE LOCATION (AVL) SYSTEM FOR THE MODESTO AREA EXPRESS (MAX) BUS SERVICE AND CONSOLIDATING FUNDS FOR THE PROJECT INTO ONE BUDGET ACCOUNT

WHEREAS, a major goal for public transit is to make travel safer and more efficient, while increasing passenger satisfaction, and
WHEREAS, Automatic Vehicle Location (AVL) systems have proved to be cost-effective in helping transit managers achieve this goal, and
WHEREAS, the City’s budget includes $780,889 for the procurement of an AVL system for the Modesto Area Express (MAX) bus service, and
WHEREAS, the project currently totals $780,866 and funding is available from the following sources:

- Congestion Mitigation Air Quality (CMAQ) $359,313
- Federal Transit Administration (FTA) $300,000
- Local Transportation Funds (LTF) $121,553

, and

WHEREAS, these funds are located in the following budget accounts:

- 6510-165-A044-6070
- 6510-165-F768-6070
- 6510-165-1678-5980

, and

WHEREAS, staff has prepared an RFP to solicit proposals to furnish and install the AVL system for the City, and

WHEREAS, staff wishes to consolidate funding for the project into one account to simplify accounting, and
WHEREAS, on June 13, 2005 the Economic Development Committee (EDC) approved the staff recommendation to solicit proposals for furnishing and installing the AVL system, and

WHEREAS, by an agenda report to the City Council dated June 16, 2005, from the Public Works Director, City staff recommended to the Council that it approve solicitation of proposals for furnishing and installing the AVL system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the solicitation of proposals from qualified firms to furnish and install an Automatic Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus service.

BE IT FURTHER RESOLVED that the FY06 budget is amended to close 6510-165-F768 and return available funds to the fund balance and reallocate $404,888 to CIP Project 6510-165-A044.

BE IT FURTHER RESOLVED that the FY06 budget is amended to move $75,000 from operating organization 6510-165-1678 to 6510-165-A044.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-349

A RESOLUTION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION NO. EA/PR&N 2004-02 (SCH # 2005012009) FOR THE FOLLOWING PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): SUTTON COMMUNITY PARK

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified an update to the Final Master Environmental Impact Report ("Master EIR") (SCH No 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, by Initial Study/Mitigated Negative Declaration EA/PR&N No. 2004-02, (SCH # 2005012009) dated December 2004, reviewed the proposed Project pursuant to Section 21157.1 of the Public Resources Code to analyze whether the proposed project is within the scope of the Master Environmental Impact Report, and

WHEREAS, Section 21080(c)(2) allows the adoption of an Initial Study/ Mitigated Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, identifies potentially significant effects on the environment, but (a) revisions in the Project plans or proposals made by, or agreed to by, the applicant before the Mitigated Negative Declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there is no substantial evidence in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment, and

WHEREAS, the City of Modesto, the lead agency, after reviewing and considering the Master EIR, the Initial Study/Mitigated Negative Declaration and the
entire record before it identified potentially significant effects on the environment, but (a) revisions in the Project plans agreed to by the City before the proposed Initial Study/Mitigated Negative Declaration was released for public review would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there was no substantial evidence in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment and determined that it would be appropriate to prepare a Mitigated Negative Declaration for the Project, and

WHEREAS, the City of Modesto prepared, circulated and posted, pursuant to Sections 15070 and 15105 of the CEQA Guidelines, an Initial Study/Draft Mitigated Negative Declaration No. EA/PR&N 2004-02(SCH # 2005012009) dated December 2004, ("IS/MND")

and

WHEREAS, the IS/MND was released for public review and comment for the required 30-day period beginning on January 7, 2005, and ending on February 7, 2005, and

WHEREAS, comments submitted in response to the proposed IS/MND are included in the “Findings approving a Mitigated Negative Declaration and Adopting Mitigation Measures as Performance Standards and Design Criterion for Sutton Community Park”, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, and

WHEREAS, on July 5, 2005, the City Council reviewed and considered the IS/MND for the proposed development and construction of Sutton Community Park Project, together with all comments received during the public review and circulation period and responses thereto, and

WHEREAS, on July 5, 2005, concurrently with this resolution, the City Council considered approving the proposed Sutton Community Park Master Plan and Design Development Report contained therein,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Draft Mitigated Negative Declaration No. EA/PR&N 2004-02 (SCH # 2005012009) ("IS/ Draft MND") for the proposed Project, a copy of which is on file in the Parks, Recreation and Neighborhoods Department, together with all comments received during the public review and circulation period included in the "Findings approving a Draft Mitigated Negative Declaration and Adopting Mitigation Measures as Performance Standards and Design Criterion for Sutton Community Park, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, and any oral comments received at the public hearing, and based on the substantial evidence included in said IS/MND makes the following findings:

1. The Initial Study prepared for the proposed project pursuant to CEQA Section 21157.1, has identified additional significant environmental effects that were not analyzed in the Master EIR. These additional significant effects are potential impacts to Aesthetics, Air Quality, Cultural resources, Hydrology and Hazardous Materials.

2. Based on the above-referenced Initial Study/Draft Mitigated Negative Declaration, feasible mitigation measures were incorporated into the Project and agreed to by the City in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, Council finds that the IS/MND should be adopted pursuant to CEQA Section 21157.5 et seq. for the proposed Sutton Community Park Master Plan, Design Development Report, and subsequent park and road construction.

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

4. As part of the adoption of the IS/MND, the City Council hereby adopts the Findings as set forth in Exhibit 1 and determines that the Findings and the IS/MND reflect the City’s independent judgment.

5. As required by CEQA Section 21081.6 et. Seq., a Mitigation Monitoring Program will be adopted by incorporating the Mitigation Measures into the project plan (CEQA Section 21081.6(b)).
6. The cumulative impacts of this project are consistent with those set forth in the General Plan Master EIR for the Modesto Urban Area General Plan. This proposed project consists of constructing a community park on a 22-acre City-owned vacant parcel in southeast Modesto. Integration of a municipal services facility into an existing park is consistent with specific language in Chapter 5, Section G of the City of Modesto’s General Plan, and therefore the project would be consistent with build-out scenarios examined by the Urban Area General Plan Master EIR. The City’s Parks, Recreation and Neighborhoods, Public Works, and Community Development Departments have determined that the impacts from this project with mitigation applied will achieve the level of service consistent with the Modesto Urban Area General Plan and General Plan Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the General Plan Master EIR. All appropriate mitigation measures from the General Plan Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required since this project generated no significant cumulative impact.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, based on the above findings, the City of Modesto hereby adopts the Initial Study/Mitigated Negative Declaration No. EA/PR&N 2004-02 (SCH # 2005012009) for the proposed development and construction of the Sutton Community Park Project by the City of Modesto and hereby designates the Parks Planning and Development Services Division of the Parks, Recreation and Neighborhoods Department as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Department of Parks, Recreation and Neighborhoods, 1010 Tenth Street, Suite 4400, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Section 21081.6 of the Public Resources Code, a Mitigation Monitoring and Reporting Program is hereby adopted by incorporating the mitigation measures into the Project plan as set forth in Exhibit 2 attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Parks, Recreation and Neighborhoods Director is hereby authorized and directed to file a Notice of
Determination with the County Clerk’s Office within five (5) working days of the date of this determination, 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 7th day of July 2005 by Councilmember Jackman, 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:       Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES:       Councilmembers:       None

ABSENT:     Councilmembers:       None

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-350

A RESOLUTION APPROVING THE DESIGN DEVELOPMENT REPORT AND
MASTER PLAN INCLUDED THEREIN FOR SUTTON COMMUNITY PARK

WHEREAS, the City of Modesto currently owns the approximately 22-acre
Sutton Community Park site immediately to the south of Johansen High School, to the
east of Claus Road and to the west of Norseman Drive in the Johansen Comprehensive
Planning District, and

WHEREAS the HLA Group has provided a Design Development Report and
Master Plan included therein for Sutton Community Park, and

WHEREAS, prior to adopting the Design Development Report, the California
Environmental Quality Act (CEQA) requires that the City of Modesto consider the
environmental consequences of the proposed project, and

WHEREAS, the Safety and Communities Committee met on January 3, 2005, and
recommended that City Council approve a Master Plan and Design Development Report
for Sutton Community Park, and

WHEREAS, by an agenda report dated June 10, 2005, from the Parks, Recreation
and Neighborhoods Director, staff recommended to the Council approving the Sutton
Community Park Design Development Report, a copy of said report is on file in the
office of the City Clerk, and

WHEREAS, the Sutton Community Park Design Development Report dated
February 5, 2005, is within the scope of the Modesto Urban Area General Plan Master
Environmental Impact Report (SCH #1999082041), and
WHEREAS, on July 5, 2005, concurrent with this resolution, the Modesto City Council adopted Resolution No.349, adopting a Mitigated Negative Declaration for Sutton Community Park (SCH # 2005012009),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Sutton Community Park Design Development Report is complete and adequate, and it hereby approves the Sutton Community Park Design Development Report, and Master Plan included therein, a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July 2005, by Councilmember Jackman, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-351

A RESOLUTION APPROVING THREE (3) AGREEMENTS BETWEEN THE CITY OF MODESTO AND RED ROCK RANCH, LTD. (APN: 046-007-021) AND ALVIN & WILLIAM LUCHESSA (APN: 046-002-001; 046-007-037) AT THE INTERSECTIONS OF PELANDALE AVENUE; TULLY ROAD AND CARVER ROAD FOR THE PELANDALE SIGNALIZATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS

WHEREAS, the City Council of the City of Modesto directed staff to enter into negotiations with Red Rock Ranch, Ltd. (APN: 046-007-021) and Alvin & William Luchessa (APN: 046-002-001; 046-007-037) for acquisition of a portion of the properties at the intersection of Pelandale Ave, Carver Rd and Tully Rd for the Pelandale Signalization Project, and

WHEREAS, said real properties need to be acquired for this signalization project, and

WHEREAS, an agreement is needed for the acquisition of each parcel of the needed real property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves three (3) agreements between City of Modesto and Red Rock Ranch, Ltd. (APN: 046-007-021) and Alvin & William Luchessa (APN: 046-002-001; 046-007-037) to purchase the necessary real properties for the Pelandale Signalization Project in the total amount of $386,475.

BE IT FURTHER RESOLVED that the execution of said Agreements by the City Manager on behalf of the City of Modesto is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, by Councilmember Dunbar, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-352

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
ACCEPTANCE FORM FOR GRANT DEEDS FOR THE ACQUISITION OF
PORTIONS OF PROPERTIES OWNED BY RED ROCK RANCH, LTD. (APN:
046-007-021) AND ALVIN & WILLIAM LUCHESSA (APN: 046-002-001; 046-007-
037) BY THE CITY OF MODESTO AT THE INTERSECTIONS OF
PELANDALE AVENUE; CARVER ROAD AND TULLY ROAD FOR THE
PELANDALE SIGNALIZATION PROJECT

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

WHEREAS, the City of Modesto desires to acquire portions of the following
parcels for right of way from Red Rock Ranch, Ltd. (APN: 046-007-021) and Alvin &
William Luchessa (APN: 046-002-001; 046-007-037) at the intersections of Pelandale
Ave, Carver Rd and Tully Rd for the Pelandale Signalization Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager is hereby authorized to sign an acceptance form on behalf of the
City of Modesto for Grant Deeds for the acquisition of portions of the properties owned
by Red Rock Ranch, Ltd. (APN: 046-007-021) and Alvin & William Luchessa (APN:
046-002-001; 046-007-037) at the intersection of Pelandale Ave, Carver Rd and Tully Rd
for the Pelandale Signalization Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, by Councilmember Dunbar, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

ATTEST: Jean Zahr

JEAN ZAHRI City Clerk

07/12/05/CED/L. Boston/Item No 5 2 2005-352
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-353

A RESOLUTION APPROVING FIVE (5) AGREEMENTS BETWEEN THE CITY OF MODESTO AND EDWARD FERNANDES (APN: 085-001-044); LEONARD RORABAUGH (APN: 083-004-008); WILLIAM HUANG, ET AL (APN: 085-001-042); BIDDLE/LAVERTY (APN: 085-001-032) AND KENNETH MOODY (APN: 084-002-041) FOR THE SYLVAN-ROSELLE ROUNDBOUT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, the City Council of the City of Modesto directed staff to enter into negotiations with Edward Fernandes (APN: 085-001-044); Leonard Rorabaugh (APN: 083-004-008); William Huang, et al (APN: 085-001-042); Biddle/Laverty (APN: 085-001-032) and Kenneth Moody (APN: 084-002-041) to purchase the necessary real properties for the Sylvan-Roselle Roundabout Project, and

WHEREAS, said real properties need to be acquired for this expansion project, and

WHEREAS, an agreement is needed for the acquisition of each parcel of the needed real property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that five (5) agreements between City of Modesto and Edward Fernandes (APN: 085-001-044); Leonard Rorabaugh (APN: 083-004-008); William Huang, et al (APN: 085-001-042); Biddle/Laverty (APN: 085-001-032) and Kenneth Moody (APN: 084-002-041) to purchase the necessary real properties for the Sylvan-Roselle Roundabout Project in the total amount of $337,360 are hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreements by the City Manager on behalf of the City of Modesto is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Approved as to Form:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-354

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR GRANT DEEDS FOR THE ACQUISITION OF PROPERTIES OWNED BY EDWARD FERNANDES (APN: 085-001-044); LEONARD RORABAUGH (APN: 083-004-008); WILLIAM HUANG, ET AL (APN: 085-001-042); BIDDLE/LAVERTY (APN: 085-001-032) AND KENNETH MOODY (APN: 084-002-041) FOR THE SYLVAN-ROSELLE ROUNDBOAT PROJECT

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

WHEREAS, the City of Modesto desires to acquire portions of the following parcels for right of way from Edward Fernandes (APN: 085-001-044); Leonard Rorabaugh (APN: 083-004-008); William Huang, et al (APN: 085-001-042); Biddle/Laverty (APN: 085-001-032) and Kenneth Moody (APN: 084-002-041) for the Sylvan-Roselle Roundabout Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form on behalf of the City of Modesto for a Grant Deed for the acquisition of portions of the properties owned by Edward Fernandes (APN: 085-001-044); Leonard Rorabaugh (APN: 083-004-008); William Huang, et al (APN: 085-001-042); Biddle/Laverty (APN: 085-001-032) and Kenneth Moody (APN: 084-002-041) for the Sylvan-Roselle Roundabout Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-355  

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACTS FOR THE PURCHASE OF NINETEEN (19) MOTORCYCLE HELMET RADIO COMMUNICATION KITS, CATEGORIZED IN THREE (3) EQUIPMENT GROUPS, TO THE FOLLOWING COMPANIES, GROUP 1 – PVP COMMUNICATIONS, INC., TORRANCE, CA, FOR $28,183.33, GROUP 2 – TEN-FOUR COMMUNICATIONS, MODESTO, CA, FOR $16,229.60, AND GROUP 3 – DELTA WIRELESS, INC., STOCKTON, CA, FOR $710.37, FOR A TOTAL PRICE OF $45,124.30  

WHEREAS, in 2002, the Police Department, Traffic Unit, transitioned from using Motorola mounted radios on their police motorcycles to using a “stand-alone” portable radio system, due to frequent repairs on the older mounted radios, which created excessive downtime for the motorcycles, and  

WHEREAS, the stand-alone portable radio system consists of a Motorola HT1000 radio attached to a set of Set-Com Super Mic ear speakers, and  

WHEREAS, the ear speakers are mounted inside the officer’s motorcycle helmet, and relay to a push-to-talk switch on the motorcycle, which receives and transmits calls to dispatch and other officers, and  

WHEREAS, traffic officers began experiencing problems in the clarity of the reception coming from the ear speakers, and  

WHEREAS, a few of the portable radio systems were brought to Set-Com for analysis, and  

WHEREAS, Set-Com acknowledged there seemed to be an unusual amount of distortion in the sound coming from the ear speakers, and  

WHEREAS, Set-Com gave the Police Department six (6) new sets of ear speakers to test, and
WHEREAS, these speakers were installed in the motorcycle helmets and tested, and the results were the same, distorted sound, and

WHEREAS, the Police Department contacted Set-Com several times trying to remedy the clarity problems, but was met with very slow responses, and no corrective action taken from the vendor, and

WHEREAS, the Police Department then sought the help from a local communications company, which examined the Set-Com system and discovered that the distorted sound was due from an “impedance mismatch”, caused by the Set-Com Super Mic speakers, and

WHEREAS, in order to correct the problem the Super Mic system would have to be dismantled and rewired, and

WHEREAS, the Police Department determined that this was not a cost effective option, and

WHEREAS, the Police Department polled the law enforcement community and found many local law enforcement agencies using portable radio equipment produced by a company named PVP Communications, Inc., located in Torrance, CA, and

WHEREAS, the Police Department contacted PVP Communications, Inc. to inquire about the possibility of testing their equipment, and

WHEREAS, PVP Communications, Inc. provided the Police Department with sample equipment to test of the newest technology, “Blue-Tooth” wireless, which is proximity based, and
WHEREAS, the system senses when an officer is on his/her motorcycle, in proximity to the radio, and automatically switches to the portable radio when the officer walks away from the motorcycle, and

WHEREAS, the Blue-Tooth wireless system links to a Kenwood 90 series radio, and

WHEREAS, the Kenwood radio is more weather resistant than the Motorola HT1000 currently in use,

WHEREAS, the Kenwood is easier to repair than the Motorola, which in turn reduces the overall repair costs, and

WHEREAS, the Police Department contacted several law enforcement agencies using the Kenwood radio on their police motorcycles and found no reports of weather related problems, and

WHEREAS, the Police Department thoroughly tested the Blue-Tooth system with the Kenwood radio and is very pleased with the overall results, and

WHEREAS, motorcycle officers can clearly hear themselves speak through their helmet speakers when communicating to dispatch and other officers, and

WHEREAS, because of the successful test results from the new “Blue-Tooth” wireless technology, providing the motorcycle officers with reliable and dependable transmission quality, and due to the inability of Set-Com to remedy the quality problems of their equipment, the Police Department recommended discontinuing the use of all Set-Com systems and converting all of their motorcycles over to the Blue-Tooth wireless system, and
WHEREAS, on June 7, 2005, Council approved Resolution No. 2005-289, authorizing the Purchasing Supervisor to formally solicit bids for the purchase of nineteen (19) motorcycle helmet radio communication kits, and

WHEREAS, the Purchasing Division solicited Request for Bid No. 0405-37, for the purchase of nineteen (19) motorcycle helmet radio communication kits to fifteen (15) companies, posted the bid on the City’s web site, and formally advertised as required by law, and

WHEREAS, of the fifteen (15) companies solicited, five (5) companies chose to respond, and

WHEREAS, bid language categorized the communication equipment into three (3) groups, Group 1 – helmet-transmit kits, Group 2 – radio equipment, and Group 3 – mounting equipment. This allowed the bidders the opportunity to choose the category they wished to bid on, and in turn, provided the City with the best overall price possible, and

WHEREAS, based on being the lowest responsive and responsible bidders, City staff recommends the award of Bid No. 0405-37 and contracts for the purchase of nineteen (19) motorcycle helmet radio communication kits to the following companies, Group 1 – PVP Communications, Inc., Torrance, CA, for $28,183.33, Group 2 – Ten-Four Communications, Modesto, CA, for $16,229.60, and Group 3 – Delta Wireless, Inc., Stockton, CA, for $710.37, for a total price of $45,124.30.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Bid No. 0405-37 and contracts for the purchase of nineteen (19) motorcycle helmet radio communication kits to the following companies, Group 1 – PVP
Communications, Inc., Torrance, CA, for $28,183.33, Group 2 – Ten-Four
Communications, Modesto, CA, for $16,229.60, and Group 3 – Delta Wireless, Inc.,
Stockton, CA, for $710.37, for a total price of $45,124.30.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby
authorized to issue purchase orders for the purchase of nineteen (19) motorcycle helmet
radio communication kits to the following companies, Group 1 – PVP Communications,
Inc., Torrance, CA, for $28,183.33, Group 2 – Ten-Four Communications, Modesto, CA,
for $16,229.60, and Group 3 – Delta Wireless, Inc., Stockton, CA, for $710.37, for a total
price of $45,124.30.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-356

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR CHLORINE WEIGHING SYSTEM TO FORCE FLOW, INC. OF CONCORD, CA. IN THE APPROXIMATE AMOUNT OF $64,537.38

WHEREAS, the Operations and Maintenance Department-Water Quality Control Division has requested the purchase of a chlorine weighing system for the Secondary Wastewater Treatment Facility, located at 7007 Jennings Road, Modesto, CA, and

WHEREAS, Resolution 2005-122A authorized the Purchasing Supervisor to solicit formal Request for Bids for (RFB) for a chlorine weighing system, and

WHEREAS, currently staff does not have the ability to accurately measure the amount of chlorine available; it is possible the tanks could become empty, therefore, not dispensing the necessary required amount of chlorine into the water, and

WHEREAS, chlorine is used as a disinfectant for treating wastewater released into the San Joaquin River, and

WHEREAS, without adequate chlorine, the water to be discharged may not be disinfected and, therefore, the system meters would respond by initiating an automatic failsafe and abruptly stop river discharge, and

WHEREAS, startup after a failsafe shutdown is complex and as compared to continued river discharge without interruption, inefficient, and

WHEREAS, in order to ensure that tanks do not empty completely, tanks are currently replaced when staff believes there may not still be chlorine available, and
WHEREAS, installing a chlorine weighing system will allow staff to know exactly when tanks need to be replaced, thereby allowing staff to plan ahead for changing the tanks, as well as better utilization of chlorine supplies, and

WHEREAS, in addition, the weighing system would also verify that the amount of product delivered is the same as that being invoiced, and

WHEREAS, the Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases, which meet or exceed $50,000 for materials, equipment, or contractual services to be formally bid. The code also states that purchases whose total maximum cost to the City exceeds $50,000 shall receive preliminary approval of Council. MMC (8-3.203 (a)). The chlorine weighing system received said approval with Resolution No. 2005-122A. This award of bid and contract will conform to code, and

WHEREAS, the Purchasing Division solicited formal bids for a chlorine weighing system on Request for Bid (RFB) 0405-18, and

WHEREAS, out of four (4) vendors solicited, three (3) chose to respond to the RFB, and

WHEREAS, Force Flow, Inc. of Concord, CA. is deemed to be the lowest responsive and responsible bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract to Force Flow of Concord, CA. in the approximate amount of $64,537.38.

BE IT FURTHER RESOLVES that the Purchasing Supervisor is hereby authorized to issue a purchase order to Force Flow Inc, in the approximate amount of $64,537.38.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-357

ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF LIGHT EMITTING DIODES (LED) TRAFFIC SIGNAL MODULES UNDER THE COMPETITIVELY BID COUNTY OF SACRAMENTO, LED CONTRACT FROM JAM SERVICES OF LIVERMORE, CA. FOR A TOTAL ESTIMATED COST OF $107,205.56

WHEREAS, the Public Works Department-Electrical Division has requested the purchase of LED traffic signal modules, and

WHEREAS, LED traffic signal modules replace the incandescent lamp needed for the illumination of traffic signal indication, and

WHEREAS, these LED traffic signal modules are needed to meet the mandate of the California Energy Commission Title, which limits use of traffic signal lamps/modules to seventeen (17) watts, and

WHEREAS, these traffic signal modules have a life expectancy of seven (7) years, and

WHEREAS, the LED traffic signal modules are energy efficient and provide a brighter light with significant improvement to traffic safety, and

WHEREAS, the use of LED traffic signal modules will essentially pay for their maintenance with energy savings, and

WHEREAS, purchasing the equipment from Jam Services under the County of Sacramento contract will allow the City to receive the lowest possible price for the LEDs, and

WHEREAS, the estimated total cost of this purchase is $107,205.56, and
WHEREAS, the Modesto Municipal Code (MMC) generally requires all purchases exceeding $50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, per MMC Section 8-3.204 (d) the Purchasing Supervisor may determine that a process other than the formal bid procedures set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of purchase order for LED traffic signal modules to Jam Services of Livermore, CA in the approximate amount of $107,205.56.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue purchase orders for LED traffic signal modules, as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney

07/12/05/Finance/T. Reidie/Item No 10 2 2005-357
A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS TO PROVIDE $933,600 IN HOME FUNDS FOR THE DEVELOPMENT OF A MULTI-FAMILY HOUSING PROJECT IN VILLAGE ONE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOME AGREEMENT AND RELATED DOCUMENTS

WHEREAS, on April 9, 2002, by Resolution No. 2002-172, the City Council authorized staff to solicit Requests for Qualifications for the development of multi-family housing for working citizens in the Village One Specific Plan Area (Village One), and

WHEREAS, on August 23, 2002, the Citizens Housing and Community Development Committee reviewed and approved a sub-committee’s recommendation to accept the Housing Authority and its consultant team as the agency to develop an affordable housing development on the Belharbour and Roselle property in Village One, and

WHEREAS, on October 1, 2002, by Resolution No. 2002-489, the City Council approved the Housing Authority and its consultant team as the selected agency to develop an affordable housing development in Village One, and

WHEREAS, also at the October 1, 2002, Council meeting, staff recommended the allocation of up to 80% or $933,600 of the Fiscal Year 2002-2003 HOME entitlement funds to be used toward construction of the Village One multi-family housing project, and

WHEREAS, the funds will be used by the Housing Authority of Stanislaus County to develop a 20 rental-unit multi-family residential project for low-income families, and
WHEREAS, the terms of the agreement include: a 30-year amortized loan at a 3% simple interest rate; deferred payments for 30 years; and, certification through the Crime Free Multi Housing Program administered by the Modesto Police Department, and

WHEREAS, the Citizens Housing and Economic Development Committee met on September 24, 2004, and supported the recommendation to allocate these HOME funds to the Housing Authority of Stanislaus County for development of a multi-family housing project in Village One,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a development agreement with the Housing Authority of the County of Stanislaus to provide $933,600 in HOME funds for the development of a multi-family housing project in Village One.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
AMENDED FOR CLERICAL ERROR

MODESTO CITY COUNCIL
RESOLUTION NO. 2005-359

A RESOLUTION AMENDING THE FY 05-06 OPERATING BUDGET TO ALLOCATE $933,600 FROM 1170-800-8000-8003, HOME FUND RESERVE, TO 1170-320-3259-0497, DIRECT LOAN, TO FULLY FUND THE PROPOSED FY05-06 HOME FUND ALLOCATION TO THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR DEVELOPMENT OF A MULTI-FAMILY HOUSING PROJECT IN VILLAGE ONE

WHEREAS, on April 9, 2002, by Resolution No. 2002-172, the City Council authorized staff to solicit Requests for Qualifications for the development of multi-family housing for working citizens in the Village One Specific Plan Area (Village One), and

WHEREAS, on August 23, 2002, the Citizens Housing and Community Development Committee reviewed and approved a sub-committee’s recommendation to accept the Housing Authority and its consultant team as the agency to develop an affordable housing development on the Belharbour and Roselle property in Village One, and

WHEREAS, on October 1, 2002, by Resolution No. 2002-489, the City Council approved the Housing Authority and its consultant team as the selected agency to develop an affordable housing development in Village One, and

WHEREAS, also at the October 1, 2002 Council meeting, staff recommended the allocation of up to 80% or $933,600 of the Fiscal Year 2002-2003 HOME entitlement funds to be used toward construction of the Village One multi-family housing project, and

WHEREAS, the funds will be used by the Housing Authority of Stanislaus County to develop a 20 rental-unit multi-family residential project for low-income families, and
WHEREAS, the terms of the agreement include: a 30-year amortized loan at a 3% simple interest rate; deferred payments for 30 years; and, certification through the Crime Free Multi Housing Program administered by the Modesto Police Department, and

WHEREAS, the Citizens Housing and Economic Development Committee met on September 24, 2004, and supported the recommendation to allocate these HOME funds to the Housing Authority of Stanislaus County for development of a multi-family housing project in Village One, and

WHEREAS, these funds are available in the HOME Fund Reserve, 1170-800-8000-8003, and

WHEREAS, in order to make these funds available for this project, funds in the amount of $933,600 need to be allocated to operating account 1170-320-3259-0497, Direct Loans,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the FY 05-06 operating budget to allocate $933,600 from 1170-800-8000-8003, HOME Fund Reserve, to 1170-320-3259-0497, Direct Loan, to fully fund the proposed FY05-06 HOME Fund allocation.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Ridenour

Attest:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A ONE-YEAR LEASE RENEWAL WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR THE USE OF A CITY OWNED HOUSE AT 308 LOCUST STREET FOR STANCO’S TRANSITIONAL HOUSING PROGRAM, AT THE COST OF $1.00

WHEREAS, in 1988, the City received the property at 308 Locust Street during the foreclosure process on a housing rehabilitation loan, and

WHEREAS, this house was then used for temporary relocations for households being required to move while their units were being rehabilitated under the Housing Maintenance Program, and

WHEREAS, in 1997, the City began leasing the home to Stanislaus County Affordable Housing Corporation (STANCO) at the cost of $1.00 per year; the house was not needed for relocations at that time, and had been vacant, and

WHEREAS, STANCO has expressed interest in renewing the lease which expires on July 13, 2005, and

WHEREAS, City staff anticipates relatively few temporary relocations from the Housing Maintenance Program during the next year and the home is not located near the current mandatory target area of Highway Village, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) recommended support of this item at its June 17, 2005 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO’s transitional housing program, at the cost of $1.00.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the lease renewal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2005 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: __________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: __________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-361

A RESOLUTION APPROVING THE CITY OF MODESTO’S PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO APPLY FOR $873,000 IN GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 PER CAPITA GRANT PROGRAM

WHEREAS, the people of the State of California have enacted the Per Capita Grant program which provides funds for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto’s City Council to certify by resolution the approval of the applicant to apply for the Per Capita Allocation, and

WHEREAS, the City of Modesto is eligible for $873,000 in Per Capita Grant Program funding, and

WHEREAS, the City of Modesto will enter into a contract with the State of California,

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

1. Approves the filing of an Application for local assistance funds from the Per Capita Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and
2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-362

A RESOLUTION APPROVING THE CITY OF MODESTO TO APPLY FOR $537,781 IN GRANT FUNDS UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 ROBERTI-Z’BERG-HARRIS BLOCK GRANT PROGRAM

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 which provides funds for the Roberti-Z’berg-Harris Block Grant program for grants to eligible Applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto’s City Council to certify by resolution the approval of the City of Modesto to apply for the Roberti-Z’berg-Harris allocation, and

WHEREAS, the City of Modesto is eligible to apply for $537,781 in Roberti-Z’berg-Harris Grant Program funding, and

WHEREAS, the City of Modesto will enter into a contract with the State of California for the Project,

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

1. Approves the filing of an application for local assistance funds from the Roberti-Z’berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and;

2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project(s); and
3. Certifies that the City of Modesto has reviewed, understands and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Certifies that the projects conform to the recreation element of the City of Modesto’s General Plan, and,

5. Appoints the City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest:  

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-363  

A RESOLUTION AUTHORIZING THE RISK MANAGER BIND EXCESS WORKERS’ COMPENSATION INSURANCE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE RENEWAL AGREEMENT FOR THE INSURANCE  

WHEREAS, the City of Modesto has participated in the workers’ compensation excess insurance pool, California Public Employers Insurance Authority (CPEIA), since July 1, 2002, and  

WHEREAS, renewal of City’s excess workers’ compensation insurance is due on July 1, 2005, and  

WHEREAS, staff has received an initial quote that reflects a rate reduction due to the workers’ compensation reforms, and  

WHEREAS, the insurance pool anticipates substantial savings which has reduced program rates, and  

WHEREAS, based upon authorization from Council, staff will bind Insurance coverage through the City’s broker at $750,000 self-insured retention, and  

WHEREAS, the anticipated cost of said insurance coverage is $185,028,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Risk Manager is hereby authorized to bind excess workers’ compensation insurance coverage in the amount of $185,028 as presented by the City’s Broker of Record.  

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the renewal agreement for excess Workers’ Compensation Insurance.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-364

A RESOLUTION AUTHORIZING THE RISK MANAGER TO BIND
PROPERTY INSURANCE FOR THE CITY OF MODESTO OWNED AND/OR
OPERATED PROPERTIES AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE RENEWAL AGREEMENT FOR THE INSURANCE

WHEREAS, Driver Alliant Insurance Services has developed a joint-purchasing
group of clients called PEPIP (Public Entity Property Insurance Program) which includes
over 5000 public entities in 7 different states, and

WHEREAS, PEPIP’s loss experience, coverage form and pricing have been
among the most competitive in the industry, and

WHEREAS, renewal of said insurance is due on July 01, 2005, and

WHEREAS, staff has received the final renewal quote that provides for a rate
increase of approximately 17% for property and boiler & machinery coverage due to an
increased valuation of 51% of property value, and

WHEREAS, based upon authorization from Council, staff will bind the insurance
coverage through PEPIP, at the cost of $254,815,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Risk Manager is hereby authorized to bind property and boiler &
machinery insurance coverage in the amount of $254,815 as presented by the City’s
Broker of Record pursuant to Council direction.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee,
is hereby authorized to execute the renewal agreement for property and boiler &
machinery insurance coverage and pay the quoted premiums.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of July, 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM

By: [Signature]
MICHAEL D. MILICH, City Attorney

ATTEST: [Signature]
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-365

A RESOLUTION ALLOCATING A NEW COMMUNITY SERVICE OFFICER TO THE MODESTO POLICE DEPARTMENT MASTER POSITION ALLOCATION FOR THE FRANCHISE TOWING PROGRAM.

WHEREAS, the Council of the City of Modesto has made a motion directing the Purchasing Division to issue a Request for Proposals/Applications for a City of Modesto Non-Exclusive Franchise Tow Program, and

WHEREAS, on April 2, 2004, the current non-consensual tow rotation contract between the Police Department and 26 tow companies lapsed, and

WHEREAS, Police Department staff embarked on formulating an improved contract for the City that would provide optimum service, fewer complaints and offset the growing cost of the City's non-consensual towing program, and

WHEREAS, Police Department staff research, investigations, site visits and discussions were initiated with cities that had implemented franchise towing systems, and

WHEREAS, California Vehicle Code Section 12110 allows local agencies to enter into franchise contracts with tow companies to offset the costs for nonconsensual towing, and

WHEREAS, the elements of this program require effective implementation and management, and

WHEREAS, Police management staff proposes that a Community Service Officer conduct and manage all aspects of the contract to insure compliance from the tow companies, and
WHEREAS, two public workshops were held on August 3, 2004, and December 20, 2004, and another workshop will be held on August 18, 2005, to discuss the Franchise Towing Program, and

WHEREAS, at its meeting on March 1, 2004, the Safety and Communities Committee unanimously endorsed the initial concept of an RFP/Franchise Tow Contract system for towing, and

WHEREAS, at its meeting of February 23, 2005, the Finance Committee unanimously endorsed the actions of:

1) A motion directing the Purchasing Division to issue a Request for Proposals (RFP)/Application for a City of Modesto Non-Exclusive Franchise Tow Program, and

2) Adoption of a resolution, subject to additional revenues collected, authorizing the addition of one Modesto Community Service Officer to the Police Department’s Position Allocation to conduct and manage all aspects of the contracts for the non-exclusive Franchise Tow Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Position Allocation for the Modesto Police Department be increased by one Community Service Officer, subject to additional revenues collected.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary allocation increase.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Ridenour

ATTEST: 

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-366

A RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO WOOD RODGERS, INC., FOR $644,323 TO COMPLETE DESIGN SERVICES FOR A 6-LANE INTERIM FACILITY ON PELANDALE AVENUE BETWEEN DALE ROAD AND MCHENRY AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Council Resolution No. 2004-451 adopted the 2004/2005 Capital Improvement Program, and

WHEREAS, the 2004/2005 Capital Improvement Program included a project titled, “Pelandale Widening to 4 lanes – Dale to McHenry,” and a future project for “Pelandale Widening to 6 lanes - Dale to McHenry” and

WHEREAS, the Finance Committee met on January 24, 2005, and directed staff to investigate costs and funding for a single project to widen Pelandale to 6 lanes from Dale to McHenry and move this project forward, and

WHEREAS, staff estimates the cost to widen Pelandale to 6 lanes, from Dale to McHenry, at $9,369,000, and

WHEREAS, City Administrative Directive 3.1 was followed to select a professional engineering design consultant, and

WHEREAS, a Request for Proposals was sent to nine qualified engineering firms (including four local companies), of which seven responded, and

WHEREAS, the proposals were reviewed for compliance with the project's scope of work, and interviews were conducted with the seven firms, and
WHEREAS, Wood Rodgers was deemed most qualified and was selected for engineering design services for the Pelandale Widening to 6 lanes - Dale to McHenry project, and

WHEREAS, the Public Works Director has recommended accepting the proposed contract with Wood Rodgers to complete the Design Services for the Pelandale Widening to 6 lanes - Dale to McHenry in an amount not to exceed $644,323;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Wood Rodgers to complete the Design Services for the Pelandale Widening to 6 lanes - Dale to McHenry in an amount not to exceed $644,323.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, by Councilmember Dunbar, 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:  Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Mayor Ridenour

ATTEST:  

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-367

A RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO MARK THOMAS AND COMPANY FOR $178,687 TO COMPLETE DESIGN SERVICES FOR ROADWAY WIDENING AND SIGNAL MODIFICATIONS AT THE INTERSECTION OF PELANDALE AVENUE AND SISK ROAD AND ON THE NORTHBOUND ON-RAMP AT STATE ROUTE 99 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Council Resolution No. 2004-451 adopted the 2004/2005 Capital Improvement Program, and

WHEREAS, the Economic Development Committee, as part of the 2004/2005 Capital Improvement Program reviewed this project, and

WHEREAS, the 2004/2005 Capital Improvement Program included a project titled, “Pelandale Sisk to 99 Improve,” and

WHEREAS, staff estimates the cost to provide the Pelandale Sisk to 99 Improve, at $1,240,000, and

WHEREAS, City Administrative Directive 3.1 was followed to select a professional engineering design consultant, and

WHEREAS, a Request for Proposals was sent to nine qualified engineering firms (including four local companies), of which seven responded, and

WHEREAS, the proposals were reviewed for compliance with the project’s scope of work, and interviews were conducted with the seven firms, and

WHEREAS, Mark Thomas and Company was deemed most qualified and was selected for engineering design services for the Pelandale Sisk to 99 Improvement project, and
WHEREAS, the Public Works Director has recommended accepting the proposed contract with Mark Thomas and Company to complete the Design Services for the Pelandale Sisk to 99 Improvement Project in an amount not to exceed $178,687,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Mark Thomas and Company to complete the Design Services for the Pelandale Sisk to 99 Improvement Project in an amount not to exceed $178,687,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, by Councilmember Dunbar, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH LARRY WALKER ASSOCIATES FOR ADDITIONAL WORK IN THE DEVELOPMENT OF THE POLLUTION PREVENTION PLANS FOR THE NPDES PERMIT IN THE AMOUNT OF $13,917 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the City’s Wastewater Treatment Facilities operate under National Pollutant Discharge Elimination System (NPDES) permits issued by the Regional Water Quality Control Board (Regional Board), and

WHEREAS, the River Discharge Permit requires the City to conduct numerous studies, establish comprehensive source control measures on various constituents, and develop pollution prevention plans, and

WHEREAS, on June 5, 2001, Council awarded Larry Walker Associates a contract to conduct special studies, as required by the Regional Water Quality Control Board (Regional Board) issued NPDES permit, and

WHEREAS, these studies have been completed and significant amounts of data have been gathered, and

WHEREAS, on January 6, 2004, Council awarded a new contract to Larry Walker Associates in the amount of $174,298 to develop the pollution prevention plan from the special studies they had previously conducted, and

WHEREAS, there were additional costs for this contract in the amount of $13,917 for additional work that needed to be performed in a short duration of time; some of which coincided with discharge to the river, and City staff requests approval of the First Amendment to the Agreement,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Larry Walker Associates for additional work on the Pollution Prevention Plans for the NPDES Permit in the amount of $13,917; bringing the total amount of the new contract to $188,215.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-369

A RESOLUTION ACCEPTING THE WORK BY KROEKER, INC., FOR THE "DEMOLITION OF BUILDINGS ON 8TH STREET" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $110,419 PER THE CONTRACT. TOTAL PROJECT EXPENDITURES TO DATE ARE $2,665,092

WHEREAS, a report has been filed by the Public Works Director that the project titled "Demolition of Buildings on 8th Street" has been completed by Kroeker, Inc., in accordance with the contract agreement dated June 22, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council that the "Demolition of Buildings on 8th Street" project be hereby accepted from said contractor, Kroeker, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $110,419 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION REJECTING THE SOLE BID FOR THE PROJECT TITLED "PLAY EQUIPMENT UPGRADES FOR MODESTO PLAYGROUNDS" AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bid received for Play Equipment Upgrades for Modesto Playgrounds was opened at 11:00 a.m. on June 14, 2005, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, during the bid evaluation process staff determined that the sole bid for the project unreasonably exceeded the consultant architect’s estimate. Therefore, staff recommends the bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sole bid received for “Play Equipment Upgrades for Modesto Playgrounds,” opened in the office of the City Clerk on June 14, 2005, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2005, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: _______________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _______________________

MICHAEL D. MILICH, City Attorney