RESOLUTION ACCEPTING THE WORK BY JACINO ELECTRICAL FOR THE “STREET ILLUMINATION – MCHENRY VILLAGE AREA” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $52,878 PER THE CONTRACT. TOTAL PROJECT COST IS $77,101

WHEREAS, a report has been filed by the Public Works Director that the project titled “Street Illumination – McHenry Village Area” has been completed by Jacino Electrical in accordance with the contract agreement dated May 27, 2003.

NOW, THEREFORE, BE IT RESOLVED that the “Street Illumination – McHenry Village Area” project be accepted from said contractor, Jacino Electrical, that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $52,878, 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 8th day of February, 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. 2005-088

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT TO MITCHELL’S MODESTO HARLEY-DAVIDSON OF MODESTO, CA FOR EIGHT (8), 2005 HARLEY DAVIDSON POLICE MOTORCYCLES FOR AN ESTIMATED TOTAL COST OF $126,543.20

WHEREAS, the Public Works Department-Fleet Services Division had requested the purchase of eight (8), 2005 Police motorcycles, and

WHEREAS, the Modesto Police Department currently has sixteen (16), Harley Davidson Police motorcycles, and

WHEREAS, eight (8) of those motorcycles are replaced each year on a two-year rotation cycle to keep them in an active warranty status, and

WHEREAS, the two-year warranty and current replacement cycle results in lower operation costs on these motorcycles, and

WHEREAS, the two-year replacement cycle also provides for a greater trade-in allowance value to the City of Modesto on the used motorcycles, and

WHEREAS, the total cost of the eight (8) motorcycles is approximately $126,543.20 including freight and sales tax, and

WHEREAS, the trade-in allowance of $78,000.00, reduces the total net cost of the motorcycles to approximately $48,543.20 including freight and sales tax, and

WHEREAS, Resolution 2004-377 authorized the Purchasing Supervisor to solicit formal bids for vehicles and equipment with the Purchasing Supervisor coming back to Council for award authorization, and

WHEREAS, the Purchasing Division solicited formal bids for eight (8), 2005 Police Motorcycles on Request for Bid (RFB) 0405-09-01, and
WHEREAS, out of seven (7) vendors solicited, three (3) chose to respond to the RFB, and

WHEREAS, bids received were evaluated per specification 0405-09-1 by the Purchasing Division and the Public Works Department Fleet Services staff, and

WHEREAS, Mitchell’s Harley-Davidson of Modesto, CA. was 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 for eight (8), 2005 Harley-Davidson Police motorcycles to Mitchell’s Harley-Davidson of Modesto, CA. for an estimated total cost of $126,543.20.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February 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. 2005-089

A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO ACCEPT $78,000 AS THE TRADE-IN VALUE OF EIGHT (8) USED 2002 POLICE MOTORCYCLES TOWARDS SAID PURCHASE

WHEREAS, the Public Works Department-Fleet Services Division had requested the purchase of eight (8), 2005 Police motorcycles, and

WHEREAS, the Modesto Police Department currently has sixteen (16), Harley Davidson Police motorcycles, and

WHEREAS, eight (8) of those motorcycles are replaced each year on a two-year rotation cycle to keep them in an active warranty status, and

WHEREAS, the two-year warranty and current replacement cycle results in lower operation costs on these motorcycles, and

WHEREAS, the two-year replacement cycle also provides for a greater trade-in allowance value to the City of Modesto on the used motorcycles, and

WHEREAS, the total cost of the eight (8) motorcycles is approximately $126,543.20 including freight and sales tax, and

WHEREAS, the trade-in allowance of $78,000.00, reduces the total net cost of the motorcycles to approximately $48,543.20 including freight and sales tax, and

WHEREAS, Resolution 2004-377 authorized the Purchasing Supervisor to solicit formal bids for vehicles and equipment with the Purchasing Supervisor coming back to Council for award authorization, and

WHEREAS, the Purchasing Division solicited formal bids for eight (8), 2005 Police Motorcycles on Request for Bid (RFB) 0405-09-01, and
WHEREAS, out of seven (7) vendors solicited, three (3) chose to respond to the RFB, and

WHEREAS, bids received were evaluated per specification 0405-09-1 by the Purchasing Division and the Public Works Department Fleet Services staff, and

WHEREAS, Mitchell’s Harley-Davidson of Modesto, CA. was deemed to be the lowest responsive and responsible bidder,

NOW, THEREFORE, BE IT RESOLVED that the Acting City Manager is hereby authorized to accept $78,000 as the trade-in value of eight (8) 2002 Police motorcycles towards the purchase of said eight (8) 2005 Harley-Davidson Police motorcycles.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th of February, 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. 2005-090

A RESOLUTION AMENDING THE VILLAGE ONE FACILITIES PRIORITIZATION LIST AND AMENDING POLICIES WITH RESPECT TO ADMINISTRATION OF THE VILLAGE ONE FACILITIES PRIORITIZATION LIST

WHEREAS, on January 7, 2003 the City Council did adopt, pursuant to Resolution No. 2003-20A, the Village One Facilities Prioritization List (“Facilities Prioritization List”) to the City Council for consideration, and

WHEREAS, on June 10, 2003, the City Council did amend, pursuant to Resolution No. 2003-289, the Facilities Prioritization List to move Project SD-214 from Priority 2 to Priority 1 to realize a savings of approximately $123,119.73, and

WHEREAS, staff has reviewed the Facilities Prioritization List taking into consideration all of the new and proposed development in the Village One area as well as the needs of the current Village One residents, and

WHEREAS, staff recommends that the Facilities Prioritization List be amended to meet the needs of current residents and the new and propose development in the Village One area, and

WHEREAS, the City Council has expressed concern about the length of time it takes to acquire right-of-way and the negative impact this has on the construction of needed facilities, and

WHEREAS, staff recommends that the Facilities Prioritization List policy guidelines be amended to address the City Council’s concerns regarding right-of-way acquisition,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Village One Facilities Prioritization List, attached hereto as Exhibit “A”, is hereby approved modifying the following projects:

1. A portion of Project INT-005 be combined with RD-010 (Floyd Avenue widening between Oakdale Road and Roselle Avenue) and be moved from Priority 2 to Priority 1
2. The remainder of Project INT-005 be moved from Priority 2 to Priority 5.
3. Move project PK-005C (Freedom Park Phase 3,4 & 5 Park Construction) from Priority 3 to Priority 2.

4. Move project PK-004A (Claus Park Street Improvements) from Priority 3 to Priority 2.

5. Move project RD-010 (Floyd Ave. between Fine and Claus) from Priority 4 to Priority 3.

6. Move project INT-007 (Roselle & Merle Intersection Control and Road Widening) from Priority 2 to Priority 4.

7. Move project INT-008 (Roselle & Belharbour Intersection Control and Road Widening) from Priority 3 to Priority 2.

8. Move project SD-213 (East Basin Property Acquisition) from Priority 3 to Priority 4.

9. Move project RD-014 (Roselle Ave.-Briggsmore to Merle, median closure) from Priority 2 to Priority 4.

10. Move projects SD-216 (6 AC-ft retention basin on Freedom Park) and SD-217 (1200’ of 36” storm drain overflow line from Fine Ave. to Freedom Park) from Priorities 2 & 3 to Priority 5.

BE IT FURTHER RESOLVED that the following Facilities Prioritization List policy guidelines are hereby amended as follows:

1. Except for acquisition of right-of-way, until all projects within a higher priority, with Priority 1 being the highest priority, (i) have been constructed by Community Facilities District No. 1996-1 ("CFD"), (ii) have been constructed by a third party, pursuant to a contract executed with the CFD, and reimbursement has been paid to said third party, or (iii) funds have been reserved to construct the remaining projects within said priority, no projects within a lower priority shall be constructed by the CFD, no reimbursement shall be paid to a third party for construction of lower priority work and no funds shall be reserved for lower priority work. Right-of-way acquisition may occur within a lower priority, even though that priority is not currently funding construction projects.
2. A third party due reimbursement from the CFD, pursuant to an executed contract with the CFD, shall be placed in position, within a priority, based upon the date the Notice of Completion is issued for the work performed under said contract.

3. The City Council may, by subsequent action of the City Council, move a project or projects from one priority to another priority.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
Exhibit A

Attachment #2 to the Staff Report
### Existing Village One Projects (All or Partially Funded by the CFD)
#### Facilities Priority List
Priorities 1 & 2

**Updated November 2004**

**Priority 1 Facilities**

<table>
<thead>
<tr>
<th>FMP #</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD-301</td>
<td>Bear Creek Lane, Kodak Drive, Higgledy Avenue - West Basin and Ustach Park from 1 to 2</td>
<td>$1,213,700.00</td>
</tr>
<tr>
<td>SD-201</td>
<td>West Basin Reservoir for lower tier</td>
<td>$373,800.00</td>
</tr>
<tr>
<td>SD-202</td>
<td>West Basin Outlet Structures - 410' of 90° CFIP, 50' of 48&quot; RCP, 270' of 36&quot; RCP, Water structure</td>
<td>$753,800.00</td>
</tr>
<tr>
<td>SD-203</td>
<td>West Basin Outlet Structures - 110' of 60&quot; RCP, Inlet structure</td>
<td>$104,800.00</td>
</tr>
<tr>
<td>PK-003A</td>
<td>Ustach Park Phase 1 &amp; 2 Park Construction</td>
<td>$394,800.00</td>
</tr>
<tr>
<td>SD-204</td>
<td>West Basin Forebay and low flow channel</td>
<td>$54,000.00</td>
</tr>
<tr>
<td>SD-305</td>
<td>Higgledy Ave w/ 16&quot; RCP from Roselle to Central</td>
<td>$608,700.00</td>
</tr>
<tr>
<td>SD-306</td>
<td>Central Basin Outlet Structures and young trees - 24&quot; RCP (and 24T FM)</td>
<td>$103,900.00</td>
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<tr>
<td>SD-207</td>
<td>Force Main from West Basin to Central Basin</td>
<td>$285,800.00</td>
</tr>
<tr>
<td>SD-209</td>
<td>West Basin Pump Station</td>
<td>$507,600.00</td>
</tr>
<tr>
<td>SD-210</td>
<td>General Basin Pump Station, FM to DTM and completion of roading (maintenance road, low flow channel, etc.)</td>
<td>$552,900.00</td>
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<tr>
<td>SD-211</td>
<td>Central Basin Property Payback to SD fund</td>
<td>$634,800.00</td>
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<tr>
<td>SD-214</td>
<td>Landscape West Basin per RHAA plan</td>
<td>$1,501,200.00</td>
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<tr>
<td>INT-010</td>
<td>Sylvan &amp; Roselle Intersection Control &amp; Road Widening</td>
<td>$2,242,000.00</td>
</tr>
<tr>
<td>RD-002</td>
<td>Sylvan Avenue - South side in front of Symphony Park (requires condemnation of 2 homes) (ROW 02/03)</td>
<td>$820,000.00</td>
</tr>
<tr>
<td>INT-009</td>
<td>Roselle &amp; Foyd Intersection Control &amp; Road Widening</td>
<td>$7,595,000.00</td>
</tr>
<tr>
<td>RD-007</td>
<td>Floyd Avenue - North side between Oakdale and Roselle</td>
<td>$4,345,000.00</td>
</tr>
<tr>
<td>RD-006</td>
<td>Pedestrian Overcrossing (Design 03/04)</td>
<td>$1,542,000.00</td>
</tr>
<tr>
<td>RD-004A</td>
<td>Sylvan Avenue - South side between Roselle and Millbrook (ROW 03/04)</td>
<td>$865,000.00</td>
</tr>
<tr>
<td>RD-004B</td>
<td>Sylvan Avenue - North side between Roselle and property line between Grogan Park and High School (ROW 03/04)</td>
<td>$1,331,000.00</td>
</tr>
<tr>
<td>M-001A</td>
<td>Planning Recoup (1/4 of total)</td>
<td>$189,750.00</td>
</tr>
<tr>
<td>M-003A</td>
<td>ROW Contingency</td>
<td>$338,000.00</td>
</tr>
</tbody>
</table>

**Priority 1 Total:** $21,896,850.00

**Priority 2 Facilities**

<table>
<thead>
<tr>
<th>FMP #</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>PK-005A</td>
<td>Merle Park Street Improvements (Half width along Park)</td>
<td>$302,600.00</td>
</tr>
<tr>
<td>RD-008</td>
<td>Floyd Avenue - Full width between Roselle and Millbrook (not including Lawson property frontage)</td>
<td>$2,115,000.00</td>
</tr>
<tr>
<td>RD-009</td>
<td>Floyd Avenue - Full width between Millbrook and Fine</td>
<td>$2,845,000.00</td>
</tr>
<tr>
<td>SD-212</td>
<td>1200' of 30&quot; RCP from Merle to Central Basin (C-107 to basin)</td>
<td>$99,200.00</td>
</tr>
<tr>
<td>SD-228</td>
<td>Merle Avenue - Central Basin frontage</td>
<td>$128,800.00</td>
</tr>
<tr>
<td>INT-007</td>
<td>Roselle &amp; Merle Intersection Control &amp; Road Widening</td>
<td>$256,000.00</td>
</tr>
<tr>
<td>RD-014</td>
<td>Roselle Ave - Briggsmore to Merle (median closure)</td>
<td>$23,000.00</td>
</tr>
<tr>
<td>PK-003B</td>
<td>Ustach Park Phase 3, 4 &amp; 5 Park Construction</td>
<td>$228,000.00</td>
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<tr>
<td>SD-218</td>
<td>800' of 30&quot; RCP (C-165 to C-109, CDMP) to Merle Park Merle</td>
<td>$90,700.00</td>
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<tr>
<td>SD-224</td>
<td>1100' of 36&quot; RCP (W-210 to W-105, CDMP) to Kodak</td>
<td>$187,100.00</td>
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<tr>
<td>SD-225</td>
<td>1600' of 48&quot; RCP (W-105 to W-101, CDMP) to Kodak</td>
<td>$362,900.00</td>
</tr>
<tr>
<td>SD-226</td>
<td>201' of 42&quot; CFIP at Floyd and Fine</td>
<td>$40,700.00</td>
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<tr>
<td>SD-216</td>
<td>6 AC-ft Retention basin on Merle Park</td>
<td>$67,500.00</td>
</tr>
<tr>
<td>INT-005</td>
<td>Oakdale &amp; Floyd</td>
<td>$1,966,000.00</td>
</tr>
<tr>
<td>PK-003B</td>
<td>Merle Park Phase 1 &amp; 2 Park Construction</td>
<td>$472,100.00</td>
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<tr>
<td>M-001B</td>
<td>Planning Recoup (1/4 of total)</td>
<td>$189,750.00</td>
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<tr>
<td>M-003B</td>
<td>ROW Contingency</td>
<td>$338,000.00</td>
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</tbody>
</table>

**Priority 2 Total:** $9,474,650.00
# Existing Projects (All or Partially Funded by the CFD)

## Facilities Priority List

### Priorities 3, 4, 5 & 6

**Updated November 2004**

<table>
<thead>
<tr>
<th>FMP#</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD-213</td>
<td>East Basin Property Acquisition</td>
<td>$3,500,000.00</td>
</tr>
<tr>
<td>SD-217</td>
<td>1200' of 36&quot; RCP overflow line from Fine to Marle Park</td>
<td>$204,100.00</td>
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<tr>
<td>PK-004A</td>
<td>Claus Park Street Improvements (Half width along Park)</td>
<td>$415,100.00</td>
</tr>
<tr>
<td>RD-015</td>
<td>Roselle Avenue - between Sylvan &amp; Floyd</td>
<td>$3,520,000.00</td>
</tr>
<tr>
<td>INT-008</td>
<td>Roselle &amp; Belharbour Intersection Control &amp; Road Widening</td>
<td>$757,000.00</td>
</tr>
<tr>
<td>PK-005C</td>
<td>Marle Park Phase 3.4 &amp; 5 Park Construction</td>
<td>$175,000.00</td>
</tr>
<tr>
<td>INT-004</td>
<td>Oakdale &amp; Road G Intersection Control &amp; Road Widening</td>
<td>$946,000.00</td>
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<tr>
<td>INT-002</td>
<td>Sylvan &amp; Litt Intersection Control &amp; Road Widening</td>
<td>$1,024,000.00</td>
</tr>
<tr>
<td>PK-004B</td>
<td>Claus Park Phase 1 &amp; 2 Park Construction</td>
<td>$375,000.00</td>
</tr>
<tr>
<td>INT-003</td>
<td>Sylvan &amp; Aria Intersection Control &amp; Road Widening</td>
<td>$846,000.00</td>
</tr>
<tr>
<td>INT-011</td>
<td>Claus &amp; Sylvan Intersection Control &amp; Road Widening</td>
<td>$1,059,000.00</td>
</tr>
<tr>
<td>M-001C</td>
<td>Planning Recoup (1/4 of total)</td>
<td>$189,750.00</td>
</tr>
<tr>
<td>M-003C</td>
<td>ROW Contingency</td>
<td>$145,000.00</td>
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</table>

**Priority 3 Total:** $13,156,750.00

<table>
<thead>
<tr>
<th>FMP#</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>RD-010</td>
<td>Floyd Avenue - Full width between Fine and Claus</td>
<td>$2,428,000.00</td>
</tr>
<tr>
<td>RD-012</td>
<td>Oakdale Road - Widening between Floyd and Road G</td>
<td>$1,368,000.00</td>
</tr>
<tr>
<td>RD-001A</td>
<td>Sylvan Avenue - South side between Oakdale Rd. and Wood Sorrell</td>
<td>$1,496,000.00</td>
</tr>
<tr>
<td>RD-003</td>
<td>Sylvan Avenue - North side between Aria and Roselle</td>
<td>$2,279,000.00</td>
</tr>
<tr>
<td>RD-001B</td>
<td>Sylvan Avenue - North side between Oakdale and Aria</td>
<td>$1,763,000.00</td>
</tr>
<tr>
<td>RD-005</td>
<td>Sylvan Avenue - North Side between Litt and Claus</td>
<td>$1,534,000.00</td>
</tr>
<tr>
<td>INT-001</td>
<td>Sylvan &amp; Oakdale</td>
<td>$2,657,000.00</td>
</tr>
<tr>
<td>RD-013</td>
<td>Oakdale Road - Road G to Sylvan</td>
<td>$1,154,000.00</td>
</tr>
<tr>
<td>INT-006</td>
<td>Oakdale and Bnggsmore modification</td>
<td>$389,000.00</td>
</tr>
<tr>
<td>RD-011</td>
<td>Oakdale Road - Bnggsmore to Floyd</td>
<td>$35,000.00</td>
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<tr>
<td>M-001D</td>
<td>Planning Recoup (1/4 of total)</td>
<td>$189,750.00</td>
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<tr>
<td>M-003D</td>
<td>ROW Contingency</td>
<td>$321,000.00</td>
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**Priority 4 Total:** $15,322,750.00

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<th>Facility</th>
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</thead>
<tbody>
<tr>
<td>RD-016</td>
<td>Roselle Avenue - Full width between Sylvan to northern City limit (high school will do some of these improvements)</td>
<td>$2,389,000.00</td>
</tr>
<tr>
<td>SD-219A</td>
<td>East Basin Construction</td>
<td>$2,029,000.00</td>
</tr>
<tr>
<td>SD-219B</td>
<td>East Basin Landscaping</td>
<td>$2,352,200.00</td>
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<tr>
<td>SD-215</td>
<td>7 AC-ft Retention basin on Grogan Park</td>
<td>$91,000.00</td>
</tr>
<tr>
<td>SD-220</td>
<td>Claus Rd. trunk line from Floyd to East Basin</td>
<td>$2,700,000.00</td>
</tr>
<tr>
<td>SD-223</td>
<td>860' of 30&quot; RCP (W-21 - W-22, CDM Report) Hillglen</td>
<td>$120,500.00</td>
</tr>
<tr>
<td>SD-221</td>
<td>East Basin Pump Station and completion of basin</td>
<td>$540,000.00</td>
</tr>
<tr>
<td>PK-001A</td>
<td>Grogan Park Phase 1 &amp; 2 Park Construction</td>
<td>$6,051,300.00</td>
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<tr>
<td>PD-001</td>
<td>Police Substation - Tenant Improvements</td>
<td>$27,800.00</td>
</tr>
<tr>
<td>SD-229</td>
<td>Force Main from East Basin to Claus Rd. line</td>
<td>$135,000.00</td>
</tr>
<tr>
<td>SD-222</td>
<td>Force Main from Central Basin to Claus Rd. line</td>
<td>$540,000.00</td>
</tr>
<tr>
<td>M-003E</td>
<td>ROW Contingency</td>
<td>$29,000.00</td>
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</table>

**Priority 5 Total:** $16,990,500.00

**Priority 6 Facilities**

*Unlikely To Be Funded From CFD*

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<tr>
<th>FMP#</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>PK-001B</td>
<td>Grogan Park Phase 3 &amp; 4 Construction</td>
<td>$4,081,500.00</td>
</tr>
<tr>
<td>PK-007</td>
<td>Claus Urban Expressway Trail</td>
<td>$4,858,000.00</td>
</tr>
<tr>
<td>M-002</td>
<td>Monumentation &amp; Signage</td>
<td>$350,000.00</td>
</tr>
<tr>
<td>PK-006</td>
<td>Bike Trail - MID Ltt. #3</td>
<td>$1,479,100.00</td>
</tr>
<tr>
<td>PK-002</td>
<td>Buffer</td>
<td>$213,100.00</td>
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**Priority 6 Total:** $11,152,300.00

**Total Cost for Priority 1 thru 6 Items:** $87,993,800.00
### Proposed

**Village One Projects (All or Partially Funded by the CFD)**

**Facilities Priority List**

**Priorities 1 & 2**

#### Completed

- **Proposed February 2005 update**

<table>
<thead>
<tr>
<th>FMP #</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD-200</td>
<td>Bear Cob Lane, Kodiak Drive, Hillglen Avenue - West Basin and Ustach Park frontage</td>
<td>$1,214,720.00</td>
</tr>
<tr>
<td>SD-201</td>
<td>West Basin fencing of lower tier</td>
<td>$333,600.00</td>
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<tr>
<td>SD-202</td>
<td>West Basin inlet structures - 340’ of 90° CIPCP, 50’ of 45° RCP, 570’ of 27° RCP, 372’ of structure</td>
<td>$750,000.00</td>
</tr>
<tr>
<td>SD-203</td>
<td>West Basin inlet structures - 110’ of 66° RCP, 1 inlet structure</td>
<td>$314,800.00</td>
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<tr>
<td>PK-003A</td>
<td>Ustach Park Phase 1 &amp; 2 Park Construction</td>
<td>$394,800.00</td>
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<tr>
<td>SD-204</td>
<td>West Basin forebay and low flow channel</td>
<td>$54,000.00</td>
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<tr>
<td>SD-205</td>
<td>Hillglen Ave - 80’ RCP from Roselle to Vista</td>
<td>$635,700.00</td>
</tr>
<tr>
<td>SD-206</td>
<td>Central Basin inlet structures and ditches (10 24” RCP and 24” FM)</td>
<td>$1,051,200.00</td>
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<tr>
<td>SD-207</td>
<td>Force Main from West Basin to Central Basin - 23” RCP, 77” CIPCP (C-500) per CDM plan</td>
<td>$1,051,200.00</td>
</tr>
<tr>
<td>SD-209</td>
<td>West Basin Pump Station</td>
<td>$307,600.00</td>
</tr>
<tr>
<td>SD-210</td>
<td>Central Basin Pump Station, FM to interceptor and completion of basin (maintenance road, low flow channel, etc.)</td>
<td>$529,200.00</td>
</tr>
<tr>
<td>SD-211</td>
<td>Central Basin Property Payback to SD fund</td>
<td>$634,800.00</td>
</tr>
<tr>
<td>SD-214</td>
<td>Landscape West Basin per RHAA plan</td>
<td>$1,091,200.00</td>
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<td>M-001A</td>
<td>Planning Recoup (1/4 of total)</td>
<td>$189,720.00</td>
</tr>
<tr>
<td>INT-010</td>
<td>Sylvan &amp; Roselle Intersection - Intersection Control &amp; Road Widening</td>
<td>$2,242,000.00</td>
</tr>
<tr>
<td>RD-002</td>
<td>Sylvan Avenue - South side in front of Symphony Park (requires condemnation of 2 homes) (ROW 02/03)</td>
<td>$820,000.00</td>
</tr>
<tr>
<td>INT-009</td>
<td>Roselle &amp; Floyd Intersection Control &amp; Road Widening</td>
<td>$2,753,000.00</td>
</tr>
<tr>
<td>RD-007</td>
<td>Floyd Avenue - North side between Oakdale and Roselle (Project Limits Increased, No change in Priority)</td>
<td>$2,753,000.00</td>
</tr>
<tr>
<td>RD-006</td>
<td>Pedestrian Overcrossing (Design 03/04)</td>
<td>$5,134,000.00</td>
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<tr>
<td>RD-004A</td>
<td>Sylvan Avenue - South side between Roselle and Millbrook (ROW 03/04)</td>
<td>$386,000.00</td>
</tr>
<tr>
<td>RD-004B</td>
<td>Sylvan Avenue - North side between Roselle and property line between Grogan Park and High School (ROW 03/04)</td>
<td>$1,331,000.00</td>
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<td>M-003A</td>
<td>ROW Contingency</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$22,595,650.00</strong></td>
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#### Priority 2 Facilities

<table>
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<tr>
<th>FMP #</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>RD-008</td>
<td>Floyd Avenue - Full width between Roselle and Millbrook (not including Lawson property frontage)</td>
<td>$3,115,000.00</td>
</tr>
<tr>
<td>RD-009</td>
<td>Floyd Avenue - Full width between Millbrook and Fine</td>
<td>$2,845,000.00</td>
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<tr>
<td>PK-005A</td>
<td>Freedom Park Street Improvements (Half width along Park)</td>
<td>$302,600.00</td>
</tr>
<tr>
<td>PK-005B</td>
<td>Freedom Park Phase 1 &amp; 2 Park Construction</td>
<td>$477,100.00</td>
</tr>
<tr>
<td>PK-005C</td>
<td>Freedom Park Phase 3, 4 &amp; 5 Park Construction (Moved Up from Priority 3 to Priority 2)</td>
<td>$175,000.00</td>
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<tr>
<td>SD-212</td>
<td>700’ of 30” RCP from Merle to Central Basin (C-107 to basin)</td>
<td>$99,200.00</td>
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<tr>
<td>SD-228</td>
<td>Merle Avenue - Central Basin frontage</td>
<td>$129,600.00</td>
</tr>
<tr>
<td>PK-003B</td>
<td>Ustach Park Phase 3, 4 &amp; 5 Park Construction (Payback per agreement)</td>
<td>$225,000.00</td>
</tr>
<tr>
<td>INT-008</td>
<td>Roselle &amp; Belharbour Intersection Control &amp; Road Widening (Moved Up from Priority 3 to Priority 2)</td>
<td>$757,000.00</td>
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<tr>
<td>SD-218</td>
<td>600’ of 24” RCP (C-165 to C-109, CDM Report) Merle Park to Merle</td>
<td>$90,700.00</td>
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<tr>
<td>SD-224</td>
<td>1100’ of 36” RCP (W-107 to W-105, CDM Report) Kodiak</td>
<td>$167,100.00</td>
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<tr>
<td>SD-225</td>
<td>1600’ of 48” RCP (W-105 to W-101, CDM Report) Kodiak</td>
<td>$362,900.00</td>
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<tr>
<td>SD-227</td>
<td>201’ of 42” CIPCP at Floyd and Fine</td>
<td>$40,700.00</td>
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<tr>
<td>PK-004A</td>
<td>Claus Park Street Improvements (Half way along Park) (Moved Up from Priority 3 to Priority 2)</td>
<td>$415,100.00</td>
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<tr>
<td>M-001B</td>
<td>Planning Recoup (1/4 of total)</td>
<td>$189,720.00</td>
</tr>
<tr>
<td>M-003B</td>
<td>ROW Contingency</td>
<td>$63,500.00</td>
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</table>

**Priority 2 Total:** $8,478,250.00
## Proposed

**Village One Projects (All or Partially Funded by the CFD)**

**Facilities Priority List**

**Priorities 3, 4, 5 & 6**

### Proposed February 2005 update

#### Priority 3 Facilities

<table>
<thead>
<tr>
<th>FMP#</th>
<th>Facility</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>RD-015</td>
<td>Roselle Avenue - between Sylvan &amp; Floyd</td>
<td>$3,520,000.00</td>
</tr>
<tr>
<td>INT-004</td>
<td>Oakdale &amp; Road G Intersection Control &amp; Road Widening</td>
<td>$946,000.00</td>
</tr>
<tr>
<td>INT-002</td>
<td>Sylvan &amp; Litt Intersection Control &amp; Road Widening</td>
<td>$1,024,000.00</td>
</tr>
<tr>
<td>RD-005</td>
<td>Sylvan Avenue - North Side between Litt and Claus</td>
<td>$1,534,000.00</td>
</tr>
<tr>
<td>PK-004B</td>
<td>Claus Park Phase 1 &amp; 2 Park Construction</td>
<td>$375,800.00</td>
</tr>
<tr>
<td>INT-003</td>
<td>Sylvan &amp; Aris Intersection Control &amp; Road Widening</td>
<td>$646,000.00</td>
</tr>
<tr>
<td>INT-011</td>
<td>Claus &amp; Sylvan Intersection Control &amp; Road Widening</td>
<td>$1,059,000.00</td>
</tr>
<tr>
<td>RD-010</td>
<td>Floyd Avenue - Full width between Fine and Claus (Move Up from Priority 4 to Priority 3)</td>
<td>$2,428,000.00</td>
</tr>
<tr>
<td>M-001C</td>
<td>Planning Recap (1/4 of total)</td>
<td>$189,750.00</td>
</tr>
<tr>
<td>M-003C</td>
<td>ROW Contingency</td>
<td>$145,000.00</td>
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**Priority 3 Total:** $12,067,550.00

#### Priority 4 Facilities

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<tr>
<th>FMP #</th>
<th>Facility</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>RD-012</td>
<td>Oakdale Road - Widening between Floyd and Road G</td>
<td>$1,388,000.00</td>
</tr>
<tr>
<td>INT-007</td>
<td>Roselle &amp; Merle Intersection Control &amp; Road Widening</td>
<td>$295,000.00</td>
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<tr>
<td>RD-001A</td>
<td>Sylvan Avenue - South side between Oakdale Rd. and Wood Sorrell</td>
<td>$1,498,000.00</td>
</tr>
<tr>
<td>RD-003</td>
<td>Sylvan Avenue - North side between Aris and Roselle</td>
<td>$2,279,000.00</td>
</tr>
<tr>
<td>RD-001B</td>
<td>Sylvan Avenue - North side between Oakdale and Aris</td>
<td>$1,763,000.00</td>
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<tr>
<td>INT-001</td>
<td>Sylvan &amp; Oakdale</td>
<td>$2,657,000.00</td>
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<tr>
<td>RD-013</td>
<td>Oakdale Road - Road G to Sylvan</td>
<td>$1,154,000.00</td>
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<tr>
<td>INT-006</td>
<td>Oakdale and Briggsmore modification</td>
<td>$98,000.00</td>
</tr>
<tr>
<td>RD-011</td>
<td>Oakdale Road - Briggsmore to Floyd</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>SD-213</td>
<td>East Basin Property Acquisition (Move Down from Priority 3 to Priority 4)</td>
<td>$3,500,000.00</td>
</tr>
<tr>
<td>RD-014</td>
<td>Roselle Ave. - Briggsmore to Merle (median closure) (Move Down from Priority 2 to Priority 4)</td>
<td>$23,000.00</td>
</tr>
<tr>
<td>M-001D</td>
<td>Planning Recap (1/4 of total)</td>
<td>$189,750.00</td>
</tr>
<tr>
<td>M-003D</td>
<td>ROW Contingency</td>
<td>$321,000.00</td>
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</table>

**Priority 4 Total:** $15,178,750.00

#### Priority 5 Facilities

<table>
<thead>
<tr>
<th>FMP#</th>
<th>Facility</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>RD-016</td>
<td>Roselle Avenue - Full width between Sylvan to northern City limit (high school will do some of these improvements)</td>
<td>$2,389,000.00</td>
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<tr>
<td>INT-005</td>
<td>Oakdale &amp; Floyd (Move down from Priority 2 to Priority 5)</td>
<td>$1,267,000.00</td>
</tr>
<tr>
<td>SD-219A</td>
<td>East Basin Construction</td>
<td>$2,225,000.00</td>
</tr>
<tr>
<td>SD-219B</td>
<td>East Basin Landscaping</td>
<td>$2,352,200.00</td>
</tr>
<tr>
<td>SD-215</td>
<td>7 AC-R Retention basin on Grogan Park</td>
<td>$81,000.00</td>
</tr>
<tr>
<td>SD-220</td>
<td>Claus Rd, trunk line from Floyd to East Basin</td>
<td>$2,700,000.00</td>
</tr>
<tr>
<td>SD-223</td>
<td>850' of 30&quot; RCP (W-21 - W-22, CDM Report) Hillglen</td>
<td>$120,500.00</td>
</tr>
<tr>
<td>SD-221</td>
<td>East Basin Pump Station and completion of basin</td>
<td>$540,000.00</td>
</tr>
<tr>
<td>PK-001A</td>
<td>Grogan Park Phase 1 &amp; 2 Park Construction</td>
<td>$6,051,300.00</td>
</tr>
<tr>
<td>PD-001</td>
<td>Police Substation - Tenant Improvements</td>
<td>$27,500.00</td>
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<tr>
<td>SD-229</td>
<td>Force Main from East Basin to Claus Rd, line</td>
<td>$135,000.00</td>
</tr>
<tr>
<td>SD-222</td>
<td>Force Main from Central Basin to Claus Rd, line</td>
<td>$540,000.00</td>
</tr>
<tr>
<td>SD-216</td>
<td>6 AC-R Retention basin on Merle Park (Move Down from Priority 2 to Priority 5)</td>
<td>$67,500.00</td>
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<tr>
<td>SD-217</td>
<td>1200' of 36&quot; RCP overflow line from Fine to Merle Park (Move Down from Priority 3 to Priority 5)</td>
<td>$204,100.00</td>
</tr>
<tr>
<td>M-003E</td>
<td>ROW Contingency</td>
<td>$29,000.00</td>
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**Priority 5 Total:** $18,529,100.00

#### Priority 6 Facilities

(Unlikeley To Be Funded From CFD)

<table>
<thead>
<tr>
<th>FMP#</th>
<th>Facility</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>PD-002</td>
<td>Claus Road - Gas Line Relocation</td>
<td>CFF</td>
</tr>
<tr>
<td>PK-001B</td>
<td>Grogan Park Phase 3 &amp; 4 Construction</td>
<td>$4,151,500.00</td>
</tr>
<tr>
<td>PK-007</td>
<td>Claus Urban Expressway Trail</td>
<td>$14,920,600.00</td>
</tr>
<tr>
<td>M-002</td>
<td>Monumentation &amp; Signage</td>
<td>$500,000.00</td>
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<tr>
<td>PK-006</td>
<td>Bike Trail - MID Lat. #3</td>
<td>$1,479,100.00</td>
</tr>
<tr>
<td>PK-002</td>
<td>Buffer</td>
<td>$213,100.00</td>
</tr>
</tbody>
</table>

**Priority 6 Total:** $11,152,300.00

---

**Total Cost for Priority 1 thru 6 items:** $87,993,800.00

---

V1 Proposed Project Prioritization List

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Page 2 of 2
Existing
City of Modesto
CFD Fund
Project Detail Sheet

Project Number: CFD INT005
Project Title: Oakdale & Floyd Intersection
Location: Oakdale & Floyd
Revised:

Project Description: Construct Oakdale/Floyd intersection.

Project Status: A temporary taper will be required on North leg of Oakdale.

Project Notes:

NEW COST ESTIMATE:

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>New Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clearing &amp; Grubbing (SF)</td>
<td>91300</td>
<td>$0.10</td>
</tr>
<tr>
<td>Remove Pavement (SY)</td>
<td>300</td>
<td>$2.50</td>
</tr>
<tr>
<td>Roadway Excavation (CY)</td>
<td>5200</td>
<td>$15.00</td>
</tr>
<tr>
<td>Asphalt Concrete (Ton)</td>
<td>2700</td>
<td>$45.00</td>
</tr>
<tr>
<td>Aggregate Base (Ton)</td>
<td>6200</td>
<td>$25.00</td>
</tr>
<tr>
<td>Curb &amp; Gutter (LF)</td>
<td>2400</td>
<td>$15.00</td>
</tr>
<tr>
<td>Median Curb (LF)</td>
<td>1000</td>
<td>$18.00</td>
</tr>
<tr>
<td>Sidewalk (SF)</td>
<td>12800</td>
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<tr>
<td>Parkway Landscaping (SF)</td>
<td>13000</td>
<td>$4.50</td>
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<tr>
<td>Landscaping (SF)</td>
<td>2200</td>
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<td>Electroliers</td>
<td>9</td>
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<tr>
<td>Signing and Striping (SF)</td>
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<tr>
<td>Reconstr Priv. Imp's (LS)</td>
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<tr>
<td>Storm Drainage (LS)</td>
<td>1</td>
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<tr>
<td>Relocate Power Poles (EA)</td>
<td>20</td>
<td>$15,000</td>
</tr>
<tr>
<td>Construction Total:</td>
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<td>$1,142,410</td>
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</table>

35% Mark-up: $399,844

Right Of Way - undeveloped (ac) 0.77  $350,000  $269,500
Right Of Way comm developed (ac) 0.28  $550,000  $154,000

Total: $1,965,754
Say: $1,966,000

Updated November 2004
Existing

City of Modesto
CFD Fund
Project Detail Sheet

Project Number: CFD RD007
Project Title: Floyd Avenue Widening
Location: Floyd Avenue - Oakdale to Roselle
Revised:

Project Description: Widen Floyd Avenue to four lanes plus bike lanes and parking.

Project Status:

Project Notes: Exist improvements on south side of road to remain.

NEW COST ESTIMATE:

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>New Cost Estimate</th>
<th>Unit Price</th>
<th>Total Cost</th>
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</thead>
<tbody>
<tr>
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<td>240900</td>
<td>$24,080</td>
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<tr>
<td>Remove Pavement (SY)</td>
<td>11300</td>
<td>$26,250</td>
<td>$2.50</td>
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</tr>
<tr>
<td>Roadway Excavation (CY)</td>
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<tr>
<td>Asphalt Concr (Ton)</td>
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<td>Aggregate Base (Ton)</td>
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<td>$25.00</td>
<td>$650,000</td>
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<tr>
<td>Curb &amp; Gutter (LF)</td>
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<td>Median Curb (LF)</td>
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<td>$145,800</td>
<td>$18.00</td>
<td>$145,800</td>
</tr>
<tr>
<td>Sidewalk (SF)</td>
<td>16300</td>
<td>$46,900</td>
<td>$3.00</td>
<td>$46,900</td>
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<tr>
<td>Parkway Landscaping (SF)</td>
<td>32500</td>
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<td>Landscaping (SF)</td>
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<td>$75,000</td>
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<td>Signing and Striping (SF)</td>
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<td>$19,200</td>
</tr>
<tr>
<td>Reconstr Priv. Imp's (LS)</td>
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<td>$10,000</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Storm Drainage (LS)</td>
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<td>$288,500</td>
<td>$288,500</td>
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<tr>
<td>Relocate 17 Power Poles + 2 Steel Utility Poles</td>
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<td>$325,000</td>
<td>$325,000</td>
<td>$325,000</td>
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<tr>
<td>Construction Total:</td>
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<td></td>
<td>$2,616,250</td>
</tr>
</tbody>
</table>

35% Mark-up:

Right Of Way (ac)                    | 5.02     | $753,000          | $150,000   | $753,000   |
| Acquisition Cost                    | 5        | $150,000          | $30,000    | $150,000   |

Total: $4,434,938

Say: $4,435,000

Updated November 2004
Proposed
City of Modesto
CFD Fund
Project Detail Sheet

Project Number: CFO RD007
Project Title: Floyd Avenue Widening
Location: Floyd Avenue - Oakdale to Roselle
Revised:

Project Description: Widen Floyd Avenue to four lanes plus bike lanes and parking.

Project Status: 2005 - Updated to include NE corner of Oakdale/Floyd

Project Notes: Exist improvements on south side of road to remain.

NEW COST ESTIMATE:

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>New Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearing &amp; Grubbing (SF)</td>
<td>309300</td>
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<td>$30,930</td>
</tr>
<tr>
<td>Remove Pavement (SY)</td>
<td>11325</td>
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<td>$28,313</td>
</tr>
<tr>
<td>Roadway Excavation (CY)</td>
<td>20300</td>
<td>$15.00</td>
<td>$304,500</td>
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<tr>
<td>Asphalt Concrete (Ton)</td>
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<td>Aggregate Base (Ton)</td>
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<td>Relocate Power Poles (EA)</td>
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**Construction Total:**  $3,133,800

35% Mark-up: $1,096,830

Right Of Way (ac) 5.02 $150,000 $750,000

Acquisition Cost 5 $20,000 $100,000

**Total:**  $5,133,630

Say:  $5,134,000

Updated January 2005
Proposed
City of Modesto
CFD Fund
Project Detail Sheet

Project Number: CFD INT005
Project Title: Oakdale & Floyd Intersection
Location: Oakdale & Floyd
Revised:

Project Description: Construct Oakdale/Floyd intersection.

Project Status: A temporary taper will be required on North leg of Oakdale.

Project Notes: 2005 Update-Approx 75% of intx will be improved with RD-007
Reduce most quantities by 75%

NEW COST ESTIMATE:

<table>
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<tr>
<th>Item</th>
<th>Quantity</th>
<th>New Cost Estimate</th>
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</table>

Say: $1,267,000

Updated January 2005
NOTE:
THE EXPRESSWAYS, CLAUS AND BRIGGSMORE, ARE FUNDED
BY THE CFF. ALL ARTERIALS ARE FUNDED
BY THE CFD. ALL TRAFFIC CONTROL DEVICES ARE
FUNDED BY THE CFF.

Proposed Priority List
Update Feb, 2005
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-091


WHEREAS, the Virginia Avenue Corridor Trail Project ("Project") consists of conversion of the abandoned, 4.2 mile Union Pacific Railroad corridor from City’s central business district at Needham Avenue to the northern City boundary at Bangs Avenue into a premier linear park with Class I bikeway and pedestrian trail, and

WHEREAS, the project will provide a key north-south component to the City’s non-motorized transportation system, and it will provide links to three of the City’s existing east-west Class I bike trails (the Dry Creek and Tuolumne River corridors and the Hetch-Hetchy Right-of-Way corridor) as well as numerous Class II bike lanes and Class III bike routes along roadways, and

WHEREAS, Modesto’s five Rotary Clubs have committed to combining resources with the City in providing funding, in-kind labor and materials for this project phase, to be known as the “Five Rotary Clubs of Modesto Centennial Junction” section of the Project, and

WHEREAS, this phase of the Project will commence on February 23, 2005, with completion anticipated for October 2005, and

WHEREAS, it was decided by City staff that the size and scope of the Five Rotary Club’s contribution warrants two agreements; one agreement is for the
performance and completion of the work by the Rotarians, which also includes general liability insurance to be provided by the City of Modesto, and to require that the City of Modesto be listed as additionally insured by Rotary International; and a second agreement provides a site access license for the Rotarians and their contractors, with the same insurance provisions, and

WHEREAS, the Contractors are also to be bonded and insured as per City standard, and

WHEREAS, in order for the Five Modesto Rotary Clubs to enter into these agreements, they have formed a 501(c)(3) Non-Profit Organization called the ‘United Rotary Clubs of Modesto’, and

WHEREAS, this organization will represent the Five Modesto Rotary Clubs, whose board will sign and administer the agreements for the Five Modesto Rotary Clubs, and

WHEREAS, preceding the Rotary project, the City of Modesto will install the entire infrastructure required to build the surface of the trail and amenities, and

WHEREAS, the infrastructure project is slated to begin at the ground breaking on February 23, 2005, and end in May 2005, weather permitting, and

WHEREAS, the Rotary project will begin in June of 2005, and

WHEREAS, on January 6, 2004, the City Council adopted the environmental document in the form of a Mitigated Negative Declaration /Finding of No Significant Impact and approved the Specific Plan, and
WHEREAS, the Safety and Communities Committee met on January 3, 2005, and supported the recommendation to enter into the agreements with the United Rotary Clubs of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a construction agreement with the Five Modesto Rotary Clubs of Modesto’s 501(c)(3) non-profit organization, known as the ‘United Rotary Clubs of Modesto’, for the construction of the surface landscaping of a quarter-mile section of the Virginia Corridor adjacent to Roseburg Square.

BE IT FURTHER RESOLVED that the Council hereby approves a licensing agreement with the Five Modesto Rotary Clubs of Modesto’s 501(c)(3) non-profit organization, known as the ‘United Rotary Clubs of Modesto’, for the construction of the surface landscaping of a quarter-mile section of the Virginia Corridor adjacent to Roseburg Square.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2005-092

A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO CO-SIGN A LETTER WITH THE STANISLAUS COUNTY CHIEF EXECUTIVE OFFICER TO THE U.S. GENERAL SERVICES ADMINISTRATION, REQUESTING A 60-DAY EXTENSION TO CONSIDER PREPARATION OF A WRITTEN EXPRESSION OF INTEREST FOR FUTURE PUBLIC USE OF THE MODESTO FEDERAL BUILDING AND POST OFFICE

WHEREAS, the U.S. General Services Administration (GSA) has sent out a notice stating that the Modesto Federal Building and Post Office (Post Office) will be available to local governments for community benefit, and

WHEREAS, City of Modesto and Stanislaus County staff have been contacted by various community groups interested in public use of the facility, and

WHEREAS, although several ideas have emerged, none have sufficient detail to submit the required written expression of interest by the GSA’s deadline, and

WHEREAS, a joint City-County letter could be prepared requesting a 60-day extension to allow community organizations to more fully consider use options and to make a decision on the future use of the facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Acting City Manager to co-sign a letter with the Stanislaus County Chief Executive Officer to the U.S. General Services Administration, requesting a 60-day extension to consider preparation of a written expression of interest for future public use of the Modesto Federal Building and Post Office.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of February 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, 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
A RESOLUTION APPOINTING BOND COUNSEL AND FINANCIAL ADVISOR WITH RESPECT TO, AND AUTHORIZING SUCH PROFESSIONALS AND CITY STAFF TO PROCEED WITH ACTIONS NECESSARY TO EFFECT, A PROPOSED REFUNDING OF CERTAIN WASTEWATER TREATMENT FACILITY REVENUE BONDS FOR FUTURE CONSIDERATION BY THE CITY COUNCIL

WHEREAS, pursuant to the City of Modesto Wastewater Treatment Facilities Revenue Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the “Bond Law”), the City of Modesto, California (the “City”) is authorized to issue revenue bonds to provide funds to finance the costs of the acquisition, construction and equipping of improvements to the wastewater treatment facilities of the City (the “Enterprise”) or for the purpose of refunding bonds issued for such purposes; and

WHEREAS, staff has identified potential debt service savings to be realized from a proposed refunding of certain of the City’s outstanding wastewater treatment facility revenue bonds; and

WHEREAS, the City desires to appoint certain professionals to assist the City in connection with such proposed refunding, and to authorize such professionals and City staff to take all actions necessary, including the preparation of documents to effect such refunding, for future consideration by this City Council; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, as follows:
Sidley Austin Brown & Wood LLP, San Francisco, California, is appointed Bond Counsel ("Bond Counsel") to the City in connection with the proposed refunding of wastewater treatment facility revenue bonds of the City, and Public Financial Management Inc., San Francisco, California, is appointed Financial Advisor ("Financial Advisor") with respect thereto. The Acting City Manager or Acting Finance Director, or such other officer as may be designated by the Acting City Manager, is authorized and directed, for and in the name of and on behalf of the City, to enter into an agreement with Sidley Austin Brown & Wood LLP for its services as Bond Counsel and with Public Financial Management Inc. for its services as Financial Advisor for the proposed financing.

The officers of the City are authorized and directed to do any and all things and to proceed with any and all actions which they may deem necessary or advisable, including directing the finance professionals appointed pursuant to this Resolution to begin preparation of documents in connection with the proposed refinancing of the City’s wastewater treatment facility revenue bonds, for future consideration by this City Council, and such actions previously taken by such officers are hereby ratified and approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 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: ____________________________
JHEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-094

A RESOLUTION AMENDING THE GENERAL FUND FISCAL YEAR 2004-2005 OPERATING BUDGET TO REFLECT REVISED REVENUE PROJECTIONS

WHEREAS, each year the City Council adopts revenue forecasts for the upcoming fiscal year based on staff analysis, and

WHEREAS, those forecasts are reviewed from time to time to assure their validity, and

WHEREAS, there have been changes in the revenue forecasts which require amending the previously adopted revenue projections for FY 04-05 General Fund revenue, and

WHEREAS, these new revenue projections are identified in a staff report to City Council from Finance Department Deputy Director, Greg Baird, and Assistant to the City Manager, Judith Ray, dated January 24, 2005, and

WHEREAS, the Finance Committee reviewed said revenue information at their meetings of January 18, 2005, and January 24, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the General Fund operating budget for FY 04-05 to reflect the aforementioned revised revenue projections.

BE IT FURTHER RESOLVED that this action will reduce overall revenue projections to the General Fund in FY 2004-2005 by an estimated $1.4 million dollars.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February 2005 by Councilmember Dunbar, 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 ZAHN, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-95

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

WHEREAS, certain public agencies within the State of California (the “State”) are entitled to receive certain payments payable by the State to each such local agency on or before August 15, 2006, in connection with vehicle license fees pursuant to Section 10754.11 of the California Revenue and Taxation Code (“VLF Gap Repayments”);

WHEREAS, the City of Modesto (the “Seller”) is entitled to and has determined to sell all right, title and interest of the Seller in and to the “VLF Receivable”, as defined in Section 6585(i) of the California Government Code (the “VLF Receivable”), namely, the right to payment of moneys due or to become due to the Seller out of funds payable in connection with vehicle license fees to a local agency pursuant to Section 10754.11 of the California Revenue and Taxation Code;

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

WHEREAS, the Authority desires to purchase the VLF Receivable and the Seller desires to sell the VLF Receivable pursuant to a purchase and sale agreement by and between the Seller and the Authority in the form presented to this City Council (the “Sale Agreement”) for the purposes set forth herein;
WHEREAS, in order to finance the purchase price of the VLF Receivable from the Seller and the purchase price of other VLF Receivables from other local agencies, the Authority will issue its taxable and tax-exempt notes (the “Notes”) pursuant to Section 6590 of the California Government Code and an Indenture (the “Indenture”), by and between the Authority and Wells Fargo Bank, National Association, as trustee (the “Trustee”), which Notes will be payable solely from the proceeds of the VLF Receivable and such other VLF Receivables;

WHEREAS, the Seller acknowledges that the Authority will grant a security interest in the VLF Receivable to the Trustee and any credit enhancer to secure payment of the Notes; and

WHEREAS, a portion of the proceeds of the Notes will be used by the Authority to, among other things, pay the purchase price of the VLF Receivable;

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

NOW THEREFORE, the City Council of the City of Modesto hereby resolves as follows: Section 1. All of the recitals set forth above are true and correct, and this City Council hereby so finds and determines.

Section 2. The Seller hereby authorizes the sale of the VLF Receivable to the Authority for a price no less than the Minimum Purchase Price set forth in Appendix A. The form of Sale Agreement presented to the City Council is hereby approved. An Authorized Officer (as set forth in Appendix A) is hereby authorized and directed to execute and deliver the Sale Agreement on behalf of the Seller, which shall be in substantially the form presented to this meeting, with such changes therein, deletions
therefrom and additions thereto, as such Authorized Officer shall approve, which approval shall be conclusively evidenced by the execution and delivery of the Sale Agreement.

Section 3. Any Authorized Officer is hereby authorized and directed to send, or to cause to be sent, an irrevocable written instruction to the State Controller notifying the State of the sale of the VLF Receivable and instructing the disbursement pursuant to Section 6588.5(c) of California Government Code of the VLF Receivable to the Trustee, on behalf of the Authority.

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

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

Section 6. The City Council acknowledges that, upon execution and delivery of
the Sale Agreement, the Seller is contractually obligated to sell the VLF Receivable to
the Authority pursuant to the Sale Agreement and the Seller shall not have any option to
revoke its approval of the Sale Agreement or to determine not to perform its obligations
thereunder.

Section 7. This Resolution shall take effect from and after its adoption and
approval.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of February, 2005, by Councilmember Hawn,
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: Marsh

ABSENT: Councilmembers: None

Attest:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
APPENDIX A
CITY OF MODESTO

Minimum Purchase Price: An amount equal to or greater than $2,930,217.88 (the "Minimum Purchase Price").

Authorized Officers: Acting City Manager

Assistant City Manager

Any designee of any of them, as appointed in a written certificate of such Authorized Officer delivered to the Trustee.
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-096

A RESOLUTION APPOINTING KRISTIN OLSEN TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

WHEREAS, on January 24, 2005, the Planning Commission recommended KRISTIN OLSEN, as its representative to the Citizens Housing and Community Development Committee.

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

SECTION 1. KRISTIN OLSEN, as representative of the Planning Commission, is hereby appointed to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing & Community Development, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2005, by Councilmember Dunbar, 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, 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. 2005-097

A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 OPERATING BUDGET TO INCREASE THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REVENUE BUDGET BY $100,000 (010-140-1430-4909) AND TO APPROPRIATE $100,000 (010-140-1430-0235) FOR CONTRACT PROFESSIONAL SERVICES

WHEREAS, the City of Modesto increased development user fees, including the introduction of a new “time and materials” based fee, effective October, 2003, and

WHEREAS, revenue projections for these projects were not included in the FY 2004/2005 budget, and

WHEREAS, there are currently six (6) major time and materials projects in the Planning Division, and

WHEREAS, these projects have generated over $70,000 in revenue through November 30, 2004, and it is estimated they will generate approximately $100,000 more through June 30, 2005, and

WHEREAS, the workload increase generated by these projects has impacted the Planning Division work program, resulting in delays to individual projects, and

WHEREAS, interim contract staff support is needed on specific plan and other time and materials projects, and

WHEREAS, the unanticipated revenue can be used to offset the expense of hiring contract staff support, and

WHEREAS, the Finance Committee approved this recommendation on January 24, 2004,
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2004-2005 operating budget to increase revenues by $100,000 (010-140-1430-4909), and to appropriate $100,000 (010-140-1430-0235) for contract professional services.

BE IT FURTHER RESOLVED that the Finance Director, or designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 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, City Attorney
A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PAYMENT OF CAPITAL FACILITY FEES IN TWO INSTALLMENTS FOR JOSE CASTELLANOS

WHEREAS, Jose Castellanos has purchased a residential lot at 3300 Alonzo Court within the City of Modesto, and

WHEREAS, at the time of the purchase, said lot was vested in the 1998 Capital Facility Fee program ("CFF"), and

WHEREAS, Jose Castellanos asked for and received estimates for his fees which indicated the amounts for the 1998 CFF Program of $7,061, and

WHEREAS, in March 2004, said lot’s vesting status expired causing the fees to increase to the 2003 CFF program, an increase of $8,156, and

WHEREAS, Jose Castellanos has received approval for his loan, and is requesting that he be permitted to pay the balance of his fees at the time he receives his final occupancy permit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Jose Castellanos be granted an exception and be allowed to pay fees in the amount of $7,061 when he is issued his building permit, and the balance of $8,156 be paid when he receives his occupancy permit for said lot on Alonzo Court.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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
A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR ELECTRIC MOTOR REWINDING/REBUILDING SERVICES TO INDUSTRIAL ELECTRICAL OF MODESTO, CA FOR AN INITIAL TWO-YEAR PERIOD, WITH THREE (3) ONE-YEAR CONTRACT EXTENSIONS FOR A TOTAL ESTIMATED ANNUAL COST OF $50,000.00

WHEREAS, the Public Works Department-Electrical Division has requested the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extensions, and

WHEREAS, electric motor rewinding/rebuilding services are required because motors experience wear and failure in their normal operations, suffer bearing failure, electrical insulation failure and degradation, winding breaks or shorting, and physical damage, and

WHEREAS, electric motors are used to pump fresh water from wells or tanks, to pump sewage and storm water through the collection systems, and to pump wastewater through the Sutter and Jennings treatment facility’s, and

WHEREAS, electric motors are also used to move air through HVAC systems, operate conveyors, open and close roll up doors and gates, and in other numerous City applications, and

WHEREAS, staff uses rewinding/rebuilding services when these services are less than 60% of the motor replacement cost, and repairing/rebuilding a motor is often faster than replacement on large specialized motors, and

WHEREAS, motors are used in many processes including those processes needed to comply with state and federal permits and regulations such as the wastewater facility’s NPDES permits and water systems that meet Department of Health requirements, and
WHEREAS, other regulations are safety related such as ventilation to reduce heat or dangerous atmospheric situations in restricted areas such as pumping station dry wells, and others are convenience or security related to gate or door openers and elevators, and

WHEREAS, the price of copper used in the manufacturing of motors is very volatile and can cause fluctuations in rewinding costs, and

WHEREAS, one major advantage for an electric motor rewind/rebuild contract is a stable, known price over a period of time, and

WHEREAS, City staff is unable to perform this function due to lack of facilities and the fact that it is a very specialized, technical trade, and

WHEREAS, funding for electric motor rewinding/rebuilding is budgeted in account numbers: 6210-480-5212, 6280-480-5312-0223, 6210-480-5213-0223, 6210-480-5214-0223, and 6100-480-5013-0223, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases that meet or exceed $50,000.00 for material, equipment, or contractual services to be formally bid, and

WHEREAS, by soliciting formal bids for the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extension options for an estimated annual cost of $50,000.00, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures, and

WHEREAS, Resolution No. 2004-626 authorized the Purchasing Supervisor to solicit Request for Bids (RFB) for electric motor rewinding/rebuilding services, and
WHEREAS, twelve (12) vendors were solicited and two (2) chose to respond to the RFB, and

WHEREAS, based on being the lowest responsive bidder, City staff is recommending award of bid and contract to Industrial Electrical Co. of Modesto, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes award of bid and contract for electric motor rewinding/rebuilding services to Industrial Electrical Co., of Modesto, CA. for an initial two-year period, with three (3) one-year contract extension options, for an estimated annual cost of $50,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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. 2005-100

A RESOLUTION AMENDING THE
FISCAL YEAR 2004-2005 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been
determined that certain adjustments are required to the Annual Budget of the City of
Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted
as shown in Schedule A.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to
take the necessary steps to implement the provisions of this resolution.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JEAN ZAHRI, City Clerk

APPROVED AS TO FORM:

By: ______________________

MICHAEL D. MILICH, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Gas Tax Fund

Council Action Date: __________________
Resolution Number: __________________
FY: 04-05
Transfer No. __________________

<table>
<thead>
<tr>
<th>Fund-Agcy-Org-Object</th>
<th>Appropriation Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
</table>

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM

05-0700-480-4612-0360 4612C $771,335 ($26,698) $744,637 Streets Mtc

TO

MY-2300-480-A019-6041 A019 $149,000 $26,698 $175,698 Blu Gum Rd Improvements

TRANSFERS BETWEEN FUNDS

FROM

MY-0700-700-A019-7230 A019G $149,000 $26,698 $175,698 Transfer to Capital Grants

TO

MY-2300-700-A019-9070 $149,000 $26,698 $175,698 Transfer to Capital Grants

COMMENTS/JUSTIFICATION

This adjustment is to increase the budget to accommodate the additional work the Public Works crews had to put into this road improvement for the drainage. The funds will be taken from Streets Mtc repair and maintenance account and transferred to this CIP.

AUTHORIZATION (check if required) SIGNATURE DATE

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

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

CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Transfers into Personnel Services)
# REQUEST FOR BUDGET ADJUSTMENT

**Contact Person:** Tracie Madison  
**Telephone No.:** 1-5855  
**Department:** Finance  
**Fund Title:** Gas Tax

<table>
<thead>
<tr>
<th>Fund-Agency-Organ-Object</th>
<th>Appr Unit</th>
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<th>Increase/ Decrease</th>
<th>Revised Budget</th>
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<tr>
<td>05-0700-800-8000-8003</td>
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<td>TO</td>
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<td>2300R</td>
<td>($148,420)</td>
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<tr>
<td>MY-0700-700-Q205-7230</td>
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<td>$53,332</td>
<td>$180,000</td>
<td>$233,332</td>
<td>Transfer to Capital Grants</td>
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<tr>
<td>TO</td>
<td>MY-2300-700-Q205-9070</td>
<td></td>
<td>$53,332</td>
<td>$180,000</td>
<td>$233,332</td>
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**Comments/Justification:**
Q205 Intersection Upgrades, is funded by the Gas Tax fund. This budget adjustment is to increase the transfer from the Gas Tax to the Capital Grants Fund to cover the expenditure side of the budget. This is part of the CIP clean-up phase to identify adequate revenues to cover expenses.

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<tr>
<th>AUTHORIZATION (check if required)</th>
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<th>DATE</th>
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<td>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)</td>
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<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)</td>
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REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Phone: 1-5855
Department: Finance
Fund Title: Gas Tax
Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Gas Tax

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<td>$108,542</td>
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<td>Transfer to Capital Grants</td>
</tr>
</tbody>
</table>

**COMMENTS/JUSTIFICATION**

N060 The Scenic Bemers Rt Turn. This adjustment is to change funding sources currently the match for this Federal Grant is Gas Tax. The match for this project should be CFF Streets. This monthly adjustment has been seen by the CFF Administrator and she concurs that the funding source should be CFF not Gas Tax.

**AUTHORIZATION (check if required)**

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)

SIGNATURE

DATE
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-101

A RESOLUTION APPROVING A SECOND AMENDMENT TO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH INDEPENDENT SOLUTIONS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, on February 23rd, 2004, the City of Modesto entered into an Agreement for Professional Services with Independent Solutions, for a not-to-exceed amount of $48,000, and

WHEREAS, on October 12, 2004 the City of Modesto entered into and amendment to Agreement with Independent Solutions, for an additional contract amount of $56,000, and a total contract amount not-to-exceed $104,000, and

WHEREAS, the City has determined that additional services will be needed after the expiration of the first Amendment to Agreement, and

WHEREAS, the City desires to enter into a Second Amendment to Agreement with Independent Solutions, for an additional contract amount of $50,000, and a total contract amount not-to-exceed $154,000, and

WHEREAS, all contracts over the amount of $50,000, are required to be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second Amendment to Agreement for Professional Services with Independent Solutions for an additional contract amount of $50,000 and a total contract amount not-to-exceed $154,000.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said second Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-102

A RESOLUTION APPROVING AN AGREEMENT WITH THE
STANISLAUS COMMUNITY FOUNDATION (SCF) TO ACT AS THE
TUOLUMNE RIVER REGIONAL PARK (TRRP) JOINT POWERS
AGENCY’S FISCAL AGENT FOR ACCEPTANCE OF ENDOWMENTS
AND GIFTS FOR OPEN SPACE DEVELOPMENT AND PROGRAM
ACTIVITIES AT THE TUOLUMNE RIVER REGIONAL PARK AND
AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE 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, as part of City Council Resolution No. 2003-95, staff was directed to
negotiate an agreement with the Stanislaus Community Foundation to allow the Parks,
Recreation and Neighborhoods Department to be eligible for grants for which
government agencies are not eligible, and

WHEREAS, the Stanislaus Community Foundation is a 501(c)(3) nonprofit
organization governed by a board of private citizens chosen to represent the public
interest, and

WHEREAS, the Stanislaus Community Foundation would be a vehicle for
acceptance of endowments and gifts for the Tuolumne River Regional Park open space
development and program activities, and

WHEREAS, the Tuolumne River Regional Park Joint Powers Agreement
authorizes the City of Modesto to perform certain administrative functions and within
these parameters the Commission can specify and add to the functions that they believe
need to be performed, and
WHEREAS, the Stanislaus Community Foundation would provide a means to invest and manage gifts for park and recreation purposes, and

WHEREAS, the Tuolumne River Regional Park Commission met on December 20, 2004, and recommended 1) approval of an Agreement with the Stanislaus Community Foundation (SCF) to act as the Tuolumne River Regional Park (TRRP) Joint Powers Agency’s fiscal agent for acceptance of endowments and gifts for open space development and program activities at the Tuolumne River Regional Park, and 2) appointing the Tuolumne River Regional Park (TRRP) Citizens Advisory Committee as the Tuolumne River Regional Park Advisory Board to the Stanislaus Community Foundation for the purpose of recommending how to disburse funds held by the SCF on behalf of TRRP,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby approves an Agreement with the Stanislaus Community Foundation (SCF) to act as the Tuolumne River Regional Park (TRRP) Joint Powers Agency’s fiscal agent for acceptance of endowments and gifts for open space development and program activities at the Tuolumne River Regional Park.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Acting City Manager, or his designee, to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of February 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-103

A RESOLUTION APPOINTING THE TUOLUMNE RIVER REGIONAL PARK (TRRP) CITIZENS ADVISORY COMMITTEE AS THE TUOLUMNE RIVER REGIONAL PARK ADVISORY BOARD TO THE STANISLAUS COMMUNITY FOUNDATION (SCF) FOR THE PURPOSE OF RECOMMENDING HOW TO DISBURSE FUNDS HELD BY THE SCF ON BEHALF OF TRRP

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, as part of City Council Resolution No. 2003-95, staff was directed to negotiate an agreement with the Stanislaus Community Foundation to allow the Parks, Recreation and Neighborhoods Department to be eligible for grants for which government agencies are not eligible, and

WHEREAS, the Stanislaus Community Foundation (SCF) is a 501(c)(3) nonprofit organization governed by a board of private citizens chosen to represent the public interest, and

WHEREAS, the Stanislaus Community Foundation would be a vehicle for acceptance of endowments and gifts for the Tuolumne River Regional Park open space development and program activities, and.

WHEREAS, the Tuolumne River Regional Park Joint Powers Agreement authorizes the City of Modesto to perform certain administrative functions and within these parameters the Commission can specify and add to the functions that they believe need to be performed, and
WHEREAS, an advisory board to the SCF would provide guidance and direction for the disbursement, and

WHEREAS, the Tuolumne River Regional Park Commission met on December 20, 2004, and recommended 1) approval of an Agreement with the Stanislaus Community Foundation (SCF) to act as the Tuolumne River Regional Park (TRRP) Joint Powers Agency’s fiscal agent for acceptance of endowments and gifts for open space development and program activities at the Tuolumne River Regional Park, and 2) appointing the Tuolumne River Regional Park (TRRP) Citizens Advisory Committee as the Tuolumne River Regional Park Advisory Board to the Stanislaus Community Foundation for the purpose of recommending how to disburse funds held by the SCF on behalf of TRRP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby appoints the Tuolumne River Regional Park (TRRP) Citizens Advisory Committee as the Tuolumne River Regional Park Advisory Board to the Stanislaus Community Foundation for the purpose of recommending how to disburse funds held by the Stanislaus Community Foundation on behalf of TRRP.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 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 ZAHN City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-104

A RESOLUTION APPROVING AN AGREEMENT WITH HABITAT FOR HUMANITY, STANISLAUS, FOR THE ALLOCATION OF $68,791 FROM FISCAL YEAR 2004-2005 HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) OPERATING FUNDS AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, in Fiscal Year 2004-2005, HUD allocated $1,375,817 of HOME entitlement funds to the City of Modesto, and

WHEREAS, each year 5% of the HOME entitlement funds can be allocated to provide operating funds to non-profit organizations that are CHDO certified and provide affordable housing within the participating jurisdiction, and

WHEREAS, the City of Modesto budgeted $68,791 in CHDO Operating funds for FY 2004-2005, and

WHEREAS, on October 26, 2004, by Resolution No. 2004-564, the Modesto City Council authorized staff to send a letter to the three active and approved Community Housing Development Organizations (CHDOs) and invite them to submit a letter of interest to apply for these funds, and

WHEREAS, on October 28, 2004, a request for “Letters of Interest” was sent, inviting certified Community Housing Development Organizations (CHDOs) to submit a letter of interest by November 19, 2004, and Habitat for Humanity, Stanislaus, was the only CHDO who submitted a “Letter of Interest,” and

WHEREAS, according to the “Letter of Interest,” Habitat for Humanity will use the CHDO Operating Fund to fund the following eligible operational costs:
organizational support, housing education, administrative expenses, and operating expenses, and

WHEREAS, at the December 17, 2004, meeting, the Citizens Housing and Community Development Committee (CH&CDC) recommended the allocation of $68,791 in CHDO Operating Fund to Habitat for Humanity, Stanislaus, and

WHEREAS, on January 4, 2005, by Resolution 2005-15, the City Council approved the allocation of $68,791 from FY 2004-2005 HOME CHDO Operating Funds to Habitat for Humanity, Stanislaus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the agreement with Habitat for Humanity, Stanislaus, for the allocation of $68,791 from FY 2004-2005 HOME Community Housing Development Organization (CHDO) Operating Fund.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Acting City Manager, or his designee, to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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

MICHAEL D. MILICH, City Attorney

APPROVED AS TO FORM:
MODesto City Council
Resolution Number 2005-105

A Resolution Amending the Fiscal Year 2004/05 Budget to Transfer Funds from the Asset Forfeiture Trust Fund to the General Fund - Police Investigative Services and Police Operations for the Purchase of Police Equipment

Whereas, there is currently a need for investigative undercover equipment in three Police Department Units and for spike strips for all patrol vehicles, and

Whereas, the Police Department is in need of this equipment to provide the most effective and efficient investigative work possible, and

Whereas, current surveillance equipment for the Gang Unit and MNET is twenty years old and needs replacement, and

Whereas, the department also has a need for spike strips to terminate vehicle pursuits, and

Whereas, the investigative undercover equipment needed includes binoculars, cameras and video equipment, transmitters and receivers, and

Whereas, the Asset Forfeiture Fund (Fund 8600 / Balance Sheet 3410), with revenues from the proceeds of drug convictions, is an appropriate source for funding the acquisition of this equipment and has sufficient revenues to make the purchases, and

Whereas, there is no other known source of revenue for these purchases, and

Whereas, the Safety and Communities Committee unanimously supported this action at its meeting of January 3, 2005,

Now, Therefore, Be It Resolved by the Council of the City of Modesto that the 2004/05 Annual Budget is hereby amended as indicated below:

Appropriate:
To: 0100-190-1941-0356 $26,200 Police Investigative Services
Revenue:
From: 0100-190-1941-7202 $26,200 Seized Forfeitures
0100-190-1961-7202 $18,000 Seized Forfeitures

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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 NUMBER 2005-106

A RESOLUTION AMENDING THE FISCAL
YEAR 2004/05 BUDGET TO TRANSFER FUNDS
FROM THE TRAFFIC SAFETY FUND TO
THE GENERAL FUND – TRAFFIC FOR THE
PURCHASE OF TRAFFIC-RELATED EQUIPMENT

WHEREAS, the City of Modesto Police Department Traffic Unit has several
unmet equipment and supply needs, acquisition of which will enable the Unit to provide
the most effective traffic enforcement possible, and

WHEREAS, costs for said equipment and services are $196,200, and

WHEREAS, the Traffic Safety Fund has monies available for these purchases,
and

WHEREAS, the Safety and Communities Committee unanimously recommended
purchase of this equipment and services at its meeting of January 3, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 2004/05 Annual Budget is hereby amended as indicated below:

Appropriate To:
0600-190-1906-0209 $7,500 Training
0600-190-1906-0255 15,000 Service Credits
0600-190-1906-0351 1,200 Photo Equipment
0600-190-1906-0307 65,600 Vehicle Equipment
0600-190-1906-0308 5,500 Field Supplies
0600-190-1906-0356 5,400 Police Equipment
0600-190-1906-5500 96,000 Vehicles

Revenue From:
0600-800-8000-8003 $196,200 Reserves
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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. 2005-107

A RESOLUTION ALLOCATING A NEW POLICE LIEUTENANT POSITION
TO THE MODESTO POLICE DEPARTMENT

WHEREAS, the City of Modesto and the County of Stanislaus have a Joint
Exercise of Powers Agreement (JPA) for sharing the cost for dispatch services between
the City, County and other participating agencies, and

WHEREAS, the Advisory Board of the JPA desires to fill its Deputy Director
position with a Modesto Police Lieutenant, to oversee operations of the center, and

WHEREAS, the Stanislaus Regional 911 Communications Center JPA will
reimburse the City of Modesto for the cost of the Police Lieutenant, estimated at
$145,000 annually, and

WHEREAS, both the Finance Committee, at its meeting of January 24, 2005, and
the Safety and Communities Committee, at its meeting of January 31, 2005, unanimously
supported this action, and

WHEREAS, the Stanislaus Regional 911 Communications Center JPA will
reimburse the City of Modesto for the salary and benefit costs associated with this
position on a quarterly basis,

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
Police Lieutenant.

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 22nd day of February 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
A RESOLUTION AMENDING THE FISCAL YEAR 2004/05 BUDGET TO REALIZE REVENUE AND EXPEND FUNDS FOR A MODESTO POLICE LIEUTENANT TO SERVE AS THE STANISLAUS REGIONAL 911 COMMUNICATIONS CENTER DEPUTY DIRECTOR OF OPERATIONS

WHEREAS, the City of Modesto and the County of Stanislaus have a Joint Exercise of Powers Agreement (JPA) for sharing the cost for dispatch services between the City, County and other participating agencies, and

WHEREAS, the Advisory Board of the JPA desires to fill its Deputy Director position with a Modesto Police Lieutenant, to oversee operations of the center, and

WHEREAS, the Stanislaus Regional 911 Communications Center JPA will reimburse the City of Modesto for the cost of the Police Lieutenant, estimated at $145,000 annually,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/05 Annual Budget is hereby amended as indicated below:

Appropriate:

To: 0100-190-1902-0110 $60,417 Salaries and Benefits

Revenue:

From: 0100-190-1902-4025 $60,417 Contract Police Services

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of February, 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
A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2005-35

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and

WHEREAS, City staff identified the east side of 16th Street between H and I Streets as a location to install angle parking to create additional on-street parking, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that angle parking can be accommodated on the east side of 16th Street between H and I Streets without creating a hazard and without impeding traffic flow, and

WHEREAS, the Economic Development Committee considered the additional angle parking on 16th Street at its February 7, 2005, meeting and supported staff's recommendation,

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

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street, between 9th and 12th Streets (both sides) (diagonal)
• P Street, between 9th and Needham Streets (both sides) (diagonal)
• Coldwell Avenue, between Tully Road and College Avenue
• 4th Street, between E Street and G Street (west side)
• 16th Street, between I Street and J Street (east side)
• Elm Street, between Jefferson and Washington Streets (diagonal)
• Jefferson Street, between 8th and Laurel Streets (diagonal)
• 13th Street, between H and L Streets (east side)
• J Street, between 7th Street and 8th Street (north side)
• 10th Street, between G Street and F Street (east side) (diagonal)
• F Street, between 10th Street and 11th Street (north side) (diagonal)
• 15th Street, between K Street and H Street (east side) (diagonal)
• F Street, between 9th Street and 10th Street (north side) (diagonal)
• 8th Street, between J Street and K Street (east side) (diagonal)
• 8th Street, between K Street and L Street (east side) (diagonal)
• Sierra Drive between F Street and 4th Street (north side)
• 8th Street between L Street and Jefferson Street (east side) (diagonal)
• M Street between 7th Street and 8th Street (south side) (diagonal)
• 10th Street between G Street and I Street (east side) (diagonal)
• 16th Street between H Street and I Street (east side) (diagonal)

SECTION 2. The Public Works Director is hereby directed to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of February 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
RESOLUTION ACCEPTING THE WORK BY TCB INDUSTRIAL, INC., FOR THE “ELM STREET BUILDINGS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $299,343 PER THE CONTRACT. TOTAL PROJECT COST IS $384,478

WHEREAS, a report has been filed by the Public Works Director that the project titled “Elm Street Buildings” has been completed by TCB Industrial, Inc., in accordance with the contract agreement dated March 2, 2004.

NOW, THEREFORE, BE IT RESOLVED that the “Elm Street Buildings” project be accepted from said contractor, by TCB Industrial, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $299,343, 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 22nd day of February, 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. 2005-111

RESOLUTION ACCEPTING THE WORK BY GRAHAM CONTRACTORS, INC., FOR THE “2004 SLURRY AND CAPE SEALS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $648,231.96 PER THE CONTRACT. TOTAL PROJECT COST IS $751,826.42

WHEREAS, a report has been filed by the Public Works Director that the project titled “2004 Slurry and Cape Seals” has been completed by Graham Contractors, Inc., in accordance with the contract agreement dated August 10, 2004.

NOW, THEREFORE, BE IT RESOLVED that the “2004 Slurry and Cape Seals” project be accepted from said contractor, by Graham Contractors, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $648,231.96, 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 22nd day of February, 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

02/22/05/ PW/P Marquez/Item No. 17 1 2005-111
RESOLUTION ACCEPTING THE WORK BY GROVER LANDSCAPE SERVICES, INC., FOR THE "COFFEE CLARATINA NEIGHBORHOOD PARK AND DUAL USE BASIN" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $977,213.72 PER THE CONTRACT. TOTAL PROJECT COST IS $1,192,149.70

WHEREAS, a report has been filed by the Public Works Director that the project titled "Coffee Claratina Neighborhood Park and Dual Use Basin" has been completed by Grover Landscape Services, Inc., in accordance with the contract agreement dated May 27, 2004.

NOW, THEREFORE, BE IT RESOLVED that the "Coffee Claratina Neighborhood Park and Dual Use Basin" project be accepted from said contractor, Grover Landscape Services, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $977,213.72 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 22nd day of February, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-113

A RESOLUTION GRANTING TWO UTILITY EASEMENTS TO MODESTO IRRIGATION DISTRICT FOR THE PROPOSED BUS MAINTENANCE FACILITY

WHEREAS, Modesto Irrigation District (MID) has reviewed the new Bus Maintenance Facility plans for future service requirements, and

WHEREAS, MID will remove all overhead lines and poles from the future Bus Maintenance Facility site, and

WHEREAS, MID requires easements to construct and operate within the newly designated areas for maintenance of underground conduits and to support the utility pole re-alignment by placement of an anchor, and

WHEREAS, said utility easements are more fully described as set forth in Exhibit “A” and Exhibit “B” attached hereto and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the granting of two public utility easements to MID for relocation of utility assets for the proposed Bus Maintenance Facility.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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
LEGAL DESCRIPTION

PARCEL No. 1: 10.00 FEET MID UNDERGROUND HIGH VOLTAGE EASEMENT
PARCEL No. 2: 14.00 FEET BY 24.00 FEET MID SWITCHGEAR EASEMENT

PARCEL No. 1:

A strip of land 10.00 feet wide, in the southwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, the centerline of which is described as follows:

Commencing at the 2 inch iron pipe at the intersection of Kansas Avenue and Franklin Street, marking the west quarter corner of said Section 29, having grid coordinates of (X) = 6,413,449.22, (Y) = 2,058,054.07, in Zone 3 of the California Coordinate System of 1983 (CCS83), Epoch Date 1991.35; thence South 18° 37’ 57” East (bearings based on the grid meridian of said Zone 3) a distance of 940.25 feet (distances are ground) to the easterly right-of-way line of 120.00 feet wide Modesto Irrigation District (MID) Lateral Number 4 and the POINT OF BEGINNING of this description; thence South 88° 34’ 43” East parallel with and 40.00 feet north of the north faces of the four existing City of Modesto Corporation Yard Buildings, 521.30 feet to the west right-of-way line of 80.00 feet wide Jefferson Street.

The side lines of said 10.00 feet wide easement to be extended or shortened to meet the easterly right-of-way line of said MID Lateral Number 4 and the west right-of-way line of said Jefferson Street.

EXHIBIT “A”
PARCEL No. 2:

BEGINNING at the easterly terminus of the centerline of the above described Parcel No. 1, said point being on the west right-of-way line of 80.00 feet wide Jefferson Street; thence on said west line, North 0° 31' 51" West 12.01 feet; thence parallel with and 12.00 feet north of the centerline of the above described Parcel No. 1, North 88° 34' 43" West 14.01 feet; thence parallel with and 24.00 feet west of the west right-of-way line of said Jefferson Street, South 0° 31’ 51” East 24.01 feet; thence parallel with and 12.00 feet south of the centerline of the above described Parcel No. 1, South 88° 34’ 43” East 14.01 feet to the aforementioned west right-of-way line of Jefferson Street; thence on said right-of-way line North 0° 31’ 51” West 12.01 feet to the point of beginning.

Date: Feb. 9, 2005
24' WIDE X 14' LONG M.I.D. EASEMENT AROUND PROPOSED PAD MOUNT SWITCHGEAR REQUIRED PRIOR TO CONSTRUCTION.

M.I.D. TO SUPPLY AND INSTALL (1) 90" x 85" BOX PAD FOR NEW SWITCHGEAR AS SHOWN.

INSTALL (1) 4" SCH 40 PVC STUB OUT OF N/S OF BOX PAD FOR FUTURE SERVICE POINT FOR THE CITY OF MODESTO'S NEW BUS MAINTENANCE FACILITY BUILDING.

Design Point: B
(1) 924-0801 12Kv 3ph pad mounted air-9 switch 1000kc
(1) 122-5692 Box Pad For Air 9 Switch Geo

Design Point: 1
(1) 115-8109 POLE, WOOD, 45 FT, CLASS 3, PACIFIC COAS
(1) 914-0318 12 K.V. - Deadend, Hz 4 Wire Heavy Duty
(4) 118-5038 INSULATOR 17KV DEADEND NON P
(4) 115-9305 STRAT BODY 5/B IN X 6-1/2 IN SHK 5 IN TO
(4) 118-5005 INSULATOR 12 KV PIN TYPE GRAY - SKYLINE-
(4) 118-7116 WRAPLOCK TIE FOR 636 AA 37 WIRE F-NECK
(1) 914-1228 15KV 500A 3 PH TERMIN HORIZ, FRMG 1000 KC
(4) 118-0888 CONNECTOR, WEDGE, 636 MCM AAC TO 636 MCM

SET POLE 6' DEEP AND FRAME FOR A 12KV TANGENT ASSEMBLY USING A 12KV DOUBLE ARM DEADEND ASSEMBLY. DELETE DEADEND INSULATORS AND REPLACE WITH (1) PIN AND INSULATOR PER PHASE. 45' POLE TO BE FUTURE DEADEND POLE TO ALLOW FOR CITY OF MODESTO EXPANSION OF BUS MAINTENANCE FACILITY AND REMOVAL OF (3) SPANS OF EXISTING 12KV (NORTH) FRAME TERMINAL ON SOUTHEAST QUADRANT OF POLE.

3223-25-AC
3007-25-BC
1569-25-AB
GRANTING PUBLIC UTILITY EASEMENTS


GRANTS to Modesto Irrigation District (MID), a municipal corporation, the following utility easement rights on City of Modesto property, in the County of Stanislaus, State of California.

LEGAL DESCRIPTION

PARCEL No. 1: 10.00 FEET MID UNDERGROUND HIGH VOLTAGE EASEMENT

PARCEL No. 2: 14.00 FEET BY 24.00 FEET MID SWITCHGEAR EASEMENT

PARCEL No. 1:
A strip of land 10.00 feet wide, in the southwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, the centerline of which is described as follows:

Commencing at the 2 inch iron pipe at the intersection of Kansas Avenue and Franklin Street, marking the west quarter corner of said Section 29, having grid coordinates of
(X) = 6,413,449.22, (Y) = 2,058,054.07, in Zone 3 of the California Coordinate System of 1983 (CCS83), Epoch Date 1991.35; thence South 18° 37' 57" East (bearings based on the grid meridian of said Zone 3) a distance of 940.25 feet (distances are ground) to the easterly right-of-way line of 120.00 feet wide Modesto Irrigation District (MID) Lateral Number 4 and the POINT OF BEGINNING of this description; thence South 88° 34' 43" East parallel with and 40.00 feet north of the north faces of the four existing City of Modesto Corporation Yard Buildings, 521.30 feet to the west right-of-way line of 80.00 feet wide Jefferson Street. The side lines of said 10.00 feet wide easement to be extended or shortened to meet the easterly right-of-way line of said MID Lateral Number 4 and the west right-of-way line of said Jefferson Street.

PARCEL No. 2:
BEGINNING at the easterly terminus of the centerline of the above described Parcel No. 1, said point being on the west right-of-way line of 80.00 feet wide Jefferson Street; thence on said west line, North 0° 31' 51" West 12.01 feet; thence parallel with and 12.00 feet north of the centerline of the above described Parcel No. 1, North 88° 34' 43" West 14.01 feet; thence parallel with and 24.00 feet west of the west right-of-way line of said Jefferson Street, South 0° 31' 51" East 24.01 feet; thence parallel with and 12.00 feet south of the centerline of the above described Parcel No. 1, South 88° 34' 43" East 14.01 feet to the aforementioned west right-of-way line of Jefferson Street; thence on said right-of-way line North 0° 31' 51" West 12.01 feet to the point of beginning.

THE CITY OF MODESTO CLERK

Dated: _______________________

____________________________________

This is to certify that a joint use resolution has been provided by this action and is hereby accepted by order of the Modesto City Council Resolution No. 05-XXX, dated February 22, 2005.

Date: _______________ By: ____________________

RICH ULM, City of Modesto, City Engineer
LEGAL DESCRIPTION
MID ANCHOR EASEMENT

A strip of land 5.00 feet wide, in the southwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, the centerline of which is described as follows:

Commencing at the 2 inch iron pipe at the intersection of Kansas Avenue and Franklin Street, marking the west quarter corner of said Section 29, having grid coordinates of (X) = 6,413,449.22, (Y) = 2,058,054.07, in Zone 3 of the California Coordinate System of 1983 (CCS83), Epoch Date 1991.35; thence South 36° 55' 50" East (bearings based on the grid meridian of said Zone 3) a distance of 704.97 feet (distances are ground) to the easterly right-of-way line of 120.00 feet wide Modesto Irrigation District (MID) Lateral Number 4 and the POINT OF BEGINNING of this description; thence South 46° 53' 14" East 11.03 feet.

The side lines of said 5.00 foot easement to be extended or shortened to meet the easterly right-of-way line of said MID Lateral Number 4. The centerline of this easement is the southeasterly extension of a line between two existing MID power poles, the northerly power pole having grid coordinates of (X) = 6,413,787.6, (Y) = 2,057,570.4 and the southerly power pole having grid coordinates of (X) = 6,413,868.0, (Y) = 2,057,495.0.

Date: 12-24-2004

EXHIBIT "B"
Design Point: 5
(1) 115-8124 POLE, WOOD, 50 FT. CLASS 3, PACIFIC COAST
(2) 914-0319 12 K.V. Deadend, Hrz 4 Wire Heavy Duty
(3) 118-0511 DE CLAMP 636 AA STRAIGHT LINE SPRING LOAD
(4) 115-9305 STRAIGHT BODY 5/8 IN X 6-1/2 IN SHK 5 IN TO
(5) 118-5005 INSULATOR 12 KV PIN TYPE GRAY-SKYLINE-
(6) 118-0888 CONNECTOR, WEDGE, 636 MCM AAC TO 636 MCM
(7) 910-1308 Single Helix Anchor, 7/16" Guy

With 15 Leads:
(EAST) Obtain 2500 ft/lbs TORQUE
(NORTH) Obtain 2500 ft/lbs TORQUE

Existing 40' POLE TO BE REPLACED WITH A 50' CLASS 3 POLE
FRAME 12KV DEADEND (SOUTH) IN UPPER POSITION WITH (1) ANCHOR
AND 7/16" DOWN GUY 40' NORTH.
FRAME 12KV DEADEND (WEST) IN LOWER POSITION WITH (1) ANCHOR
AND 7/16" SIDEWALK DOWN GUY 10' EAST.
REMOVE EXISTING SPAN GUY ACROSS LATERAL 4 AND REMOVE
EXISTING 35' POLE AND ANCHOR ON W/S LATERAL 4

Design Point: 6
(2000) 118-0063 CABLE, NO. 636 KCMIL, 37 STRAND, ALL ALUMINUM

5' WIDE X 10' LONG ANCHOR EASEMENT CENTERED ON ANCHOR, M.I.D. TO STAKE NEW POLE AND ANCHOR
JEFFERSON STREET CORPORATION YARD
APN- 101-003-002

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, California 95353

GRANTING PUBLIC UTILITY EASEMENTS


GRANTS to Modesto Irrigation District (MID), a municipal corporation, the following utility easement rights on City of Modesto property, in the County of Stanislaus, State of California.

LEGAL DESCRIPTION
MID ANCHOR EASEMENT

A strip of land 5.00 feet wide, in the southwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, the centerline of which is described as follows:

Commencing at the 2 inch iron pipe at the intersection of Kansas Avenue and Franklin Street, marking the west quarter corner of said Section 29, having grid coordinates of (X) = 6,413,449.22, (Y) = 2,058,054.07, in Zone 3 of the California Coordinate System of 1983 (CCS83), Epoch Date 1991.35; thence South 36° 55' 50" East (bearings based on the grid meridian of said Zone 3) a distance of 704.97 feet (distances are ground) to the easterly right-of-way line of 120.00 feet wide Modesto Irrigation District (MID) Lateral Number 4 and the POINT OF BEGINNING of this description; thence South 46° 53' 14" East 11.03 feet.

The side lines of said 5.00 foot easement to be extended or shortened to meet the easterly right-of-way line of said MID Lateral Number 4. The centerline of this easement is the southeasterly extension of a line between two existing MID power poles, the northerly power pole having grid coordinates of (X) = 6,413,787.6, (Y) = 2,057,570.4 and the southerly power pole having grid coordinates of (X) = 6,413,868.0, (Y) = 2,057,495.0.

THE CITY OF MODESTO CLERK

BY ______________________

Dated: ____________________

______________________________

This is to certify that a joint use resolution has been provided by this action and is hereby accepted by order of the Modesto City Council Resolution No. 05-XXX, dated February 8, 2005.

Date: ____________________  By: ____________________

RICH ULM,
City of Modesto, City Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-114

A RESOLUTION APPROVING THE PAYMENT OF $114,310.00 TO MODESTO IRRIGATION DISTRICT FOR THE RELOCATION OF EXISTING ELECTRICAL FACILITIES LOCATED AT THE PROPOSED BUS MAINTENANCE FACILITY

WHEREAS, Modesto Irrigation District (MID) has reviewed the new Bus Maintenance Facility plans for future service requirements, and

WHEREAS, MID will remove all overhead lines and poles from the future Bus Maintenance Facility site, and relocate them underground, and

WHEREAS, the payment of $114,310 for the relocation of existing facilities is required to be issued to MID prior to their commencement of work, and

WHEREAS, relocation of utilities is paid for by federal & local funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves payment to MID in the amount of $114,310 for relocation of utility facilities located at the proposed Bus Maintenance Facility.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the payment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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 [Signature]
MICHAEL D. MILICH, City Attorney

ATTEST: [Signature]
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-115

A RESOLUTION ACCEPTING THE BID AND APPROVING A $272,288.50 CONTRACT WITH GEORGE REED, INC., FOR THE PROJECT TITLED, "ENCINA AVENUE ROUNDABOUT IMPROVEMENTS," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS $388,000, WHICH INCLUDES CONSTRUCTION CONTINGENCY, CONSTRUCTION ADMINISTRATION AND ENGINEERING DESIGN

WHEREAS, the bids received for “Encina Avenue Roundabout Improvements” were opened at 11:00 a.m. on January 25, 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 $272,288.50 received from George Reed, Inc., be accepted as the lowest responsible bid and the contract be awarded to George Reed, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of George Reed, Inc., in the amount of $272,288.50, and hereby awards George Reed, Inc., the contract titled “Encina Avenue Roundabout Improvements.”

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 22nd day of February 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
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO THE DISTRICT (ANNEXATION NO. 6)

WHEREAS, this Council did, on January 4, 2005, adopt its Resolution No. 2005-11 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon; and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 ("Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax is higher in Tax Zone #2, and

WHEREAS, the Annexed Territory will be subject to the taxes in Tax Zone #2,
WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk; and

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 6 of Community Facilities District No. 2004-1 ("Village One #2) of the City of Modesto, County of Stanislaus, State of California," was recorded on January 12, 2005, in the Office of the County Recorder of the County of Stanislaus, in Book 4 of Maps of Assessment and Community Facilities Districts, at page 7; and

WHEREAS, at the time and date set for the hearing (February 8, 2005 and continued to February 22, 2005) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and
WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory; and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.
SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form attached hereto as Exhibit A.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 14th day of December 2004. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.
The hour on such date when the ballots are required to be received in the office of
the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such
time, the election shall be closed.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and
arguments, as required by Section 53327(a) of the Act are hereby waived, as the City
Clerk has received the unanimous consent to such waivers from the Landowner.

SECTION 8. The publication of this Resolution as notice of the special election
is hereby waived as the City Clerk has received the unanimous consent to such waiver
from the Landowner.

SECTION 9. The Annexed Territory shall constitute a single election precinct for
the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps
necessary for the holding of the election, and to perform and render all services and
proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of
the election to this Council. If two-thirds or more of the votes cast are in favor of levying
the District special taxes in the Annexed Territory, this Council may thereafter, order the
annexation of the Annexed Territory to the District and levy the District special taxes in
the Annexed Territory in the amount and for the purposes specified in Resolution
No. 2004-199 adopted by this Council on April 6, 2004 (the “Resolution of Formation”).
The Special Tax will be levied only at the rate and apportioned only in the manner
specified in the Resolution of Formation, as clarified by the City Council on December
14, 2004 (Resolution No. 2004-681) and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 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
SAMPLE
OFFICIAL BALLOT

BALLOT NO. _____

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)
ANNEXATION NO. 6
SPECIAL TAX ELECTION
February 22, 2005

___% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT
NUMBER OF VOTES ENTITLED TO BE CAST _____
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☐ MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), adopted by the City Council of the City of Modesto on April 6, 2004, as clarified by the City Council on December 11, 2004 by Resolution No. 2004-681 and as amended by the City Council on December 11, 2004 by Resolution No. 2004-683 (Resolution Creating Tax Zone #2), which are incorporated herein by this reference, be also levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2005-11, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 6)" (the "Resolution of Intention to Annex") adopted by they City Council of the City of Modesto on January 4, 2005, for the purposes set forth in the Resolution of Formation?

☐ YES
☐ NO

BALLOT NO. _____
___% of land in territory proposed to be annexed to District
THIS BALLOT HAS A VALUE OF ___ VOTES

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) and the levy of the District special taxes (the “District Special Taxes”) within such territory, as described in its Resolution No. 2005-11, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 6)” adopted on January 4, 2005, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”); and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the territory to be annexed will be subject to the tax rates in Tax Zone #2,

WHEREAS, the owner of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced
in Sections 5, 6, 7 and 8 of this Council’s Resolution No. 2005-11, adopted on January 4, 2005, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the “Election”) for February 8, 2005, or as soon after there as practicable, relative to the foregoing;

WHEREAS, on February 22, 2005, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

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

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owners of the territory proposed to be annexed is as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk’s certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2005-11 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed as set forth in the Resolution of Creation of Tax Zone #2. It is intended that the special taxes set forth in Tax Zone # 2 be levied in the territory annexed.
SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 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
CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2005-11, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 6) adopted on January 4, 2005, by the City Council of the City of Modesto, I did conduct the Special Tax Election on February 22, 2005, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), adopted by the City Council of the City of Modesto on April 6, 2004, as clarified by the City Council on December 11, 2004 by Resolution No. 2004-681 and as amended by the City Council on December 11, 2004 by Resolution No. 2004-683 (Resolution Creating Tax Zone #2), which are incorporated herein by this reference, be also levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2005-11, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 6)” (the “Resolution of Intention to Annex”) adopted by they City Council of the City of Modesto on January 4, 2005, for the purposes set forth in the Resolution of Formation?

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<th>TOTAL VOTES CAST: YES</th>
<th>NO</th>
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Jean Zahr
City Clerk of the City of Modesto
Dated: Feb 22, 2005

Exhibit A to 2005-117 Canvassing (Annexation No. 6 to CFD No. 2004-1)
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-118

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM
AND BUDGET TO ALLOW CONSTRUCTION OF A 6-LANE INTERIM
FACILITY ON PELANDALE AVENUE BETWEEN DALE ROAD AND
MCHENRY AVENUE TO START IN FISCAL YEAR 2006

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 $9,368,000, and recommends increasing the budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby amends the Capital Improvement Program and budget to allow construction
of a 6-lane interim facility on Pelandale Avenue between Dale Road and McHenry
Avenue to start in fiscal year 2006. Staff is directed to include rubberized asphalt as a bid
alternate when the project is put out to bid.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Dunbar, Hawn, Jackman, Keating, Marsh, Mayor Ridenour

NOES:  Councilmembers:  O’Bryant

ABSENT:  Councilmembers:  None

ATTEST:  

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-119


WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Officers Association (MPOA) expired on December 27, 2004, and

WHEREAS, representatives of the CITY and the MPOA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, pursuant to an Agenda Report dated February 8, 2005, a copy of which report is on file in the office of the City Clerk, the CITY and MPOA have reached agreement on a new MOU which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

SECTION 1. SALARY INCREASES. The current salary schedule effective March 9, 2004 shall remain in full force and effect through July 25, 2005. Across-the-board salary increases shall be effective as follows:

3% effective July 26, 2005
3% effective July 25, 2006
4% effective January 9, 2007
6% effective January 8, 2008

SECTION 2. HEALTH, DENTAL AND VISION BENEFITS. The City’s contribution to employees’ Health, Dental and Vision coverage shall be as follows:
## Total Contributions (monthly)

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<th>7/25/06</th>
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The MOU provides that the City's contribution for Family coverage effective July 22, 2008 will be based on a market survey, with a maximum increase to $957/month.

### SECTION 3. POST CERTIFICATION PAY

Effective January 2007, Intermediate POST pay of 1%, and Advanced POST pay of 2%. Effective January 2008 these amounts will increase to a total of 2% and 4%, respectively. Effective January 2008, the current Master Officer/Master Detective pay of 5% is to be replaced with Senior Officer/Senior Detective pay of 1%, plus the 4% Advanced POST pay.

### SECTION 4. UNIFORM ALLOWANCE

Effective January 2008, uniform allowance increases from $1100/year to $1128/year.

### SECTION 5. COURT OVERTIME

Effective February 22, 2005, the minimum Court Overtime pay increases from 3 hours to 4 hours on a duty day, with “call-in” pay to the Court Liaison reduced from 2 hours to 1 hour.

### SECTION 6. SCHEDULE ADJUSTMENTS

Effective February 22, 2005, officers assigned to Traffic or Street Crimes units shall be subject to schedule adjustments for Graduation/Graffiti weekend (2 days), Fourth of July and for one (1) undesignated day per officer.

### SECTION 7. VEHICLES

Effective February 22, 2005, Detectives shall be permitted take home vehicles if they reside within a 30 mile radius of the Modesto City limits (previously 20 miles from the Police Department).
SECTION 8. ADDITIONAL CHANGES. Changes to the MOU also include increased canine care time (taken as release time), the requirement for off-shifting after six (6) consecutive assignments to the same shift, and phasing out the use of negative vacation.

WHEREAS, the Council considered this matter at its meeting of February 22, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA), which covers a term from February 22, 2005 through December 22, 2008, and upon execution of same, a copy of the MOU will be 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 22nd day of February, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2005-120


WHEREAS, on February 22, 2005, the City Council adopted Resolution No. 2005-119 approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association adopting salary and benefit changes for Police General Classes including salary schedules, and

WHEREAS, Council desires to establish a Class Range Table for said classes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Class Range Table for Police General Classes, entitled “City of Modesto Class Range Table General Police Classes Effective February 22, 2005” which is attached hereto as Exhibit “A” and made a part hereof as though set forth in full herein.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd day of February, 2005, by Councilmember Dunbar,
who moved its adoption, which motion being duly seconded by Councilmember Marsh,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
<table>
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<td>Computer Forensics Investigator</td>
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EXHIBIT "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-121

A RESOLUTION APPROVING THE ECONOMIC DEVELOPMENT COMMITTEE’S (EDC) RECOMMENDATION FOR THE TOP FOUR STATE TRANSPORTATION IMPROVEMENT PROJECTS (STIP)

WHEREAS, Mike Evanhoe, Interim Executive Director of StanCOG, met with City staff to review StanCOG’s highway project priorities, and

WHEREAS, StanCOG is of the opinion that the project list is unrealistic due to funding limitations, and

WHEREAS, StanCOG is recommending that member agencies “remove most projects from the active planning list,” shelving the projects until the region becomes a “self help” county and focus on key fundable and “buildable” projects, and

WHEREAS, the current top three priorities of StanCOG’s Policy Board are:
1. Route 132 Corridor (vicinity Beard Industrial Tract to I-580)
2. Route 219/Kiernan Avenue widening from McHenry Avenue to Route 99 (includes improving the Route 99 interchange)
3. Pelandale/99 Interchange, and

WHEREAS, at its meeting on February 15, 2005, the Economic Development Committee (EDC) and City Staff jointly discussed StanCOG projects and recommended that the following four projects be carried forward:

1. SR99 PM 11.9 Route 99/Whitmore Avenue I/C; at Whitmore Avenue in Ceres, Construct over crossing. Capital Cost 22.3M. Status PS&E/RW (Ceres)

3. Route 132 Corridor SR132 PM 17.7/19.7; From Riverside Drive to Frazine/Codoni Road in Empire, widen to 4 lanes. Capital Cost $7.1 million. Status: PS&E/RW. (Stanislaus County)

4. Route 219/Kiernan Avenue widening from McHenry Avenue to Route 99 (Stanislaus County), and

WHEREAS, the EDC endorsed the idea of City Capital Facilities Fees (CFF) to advance approximately $1 million to complete the Project Approval and Environmental Document (PA&ED) and Plan Specifications and Estimates (PS&E) work for the Pelandale Interchange project (project #2 in the above list), provided the City would assume the lead role for this work. In doing so, the City can enable this project to be ready for right-of-way purchase and construction when those funds are available,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the top four priority projects as recommended by the EDC and City staff set forth herein and more fully described in the February 15, 2005, agenda report from Peter Cowles, Public Works Director, on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council hereby authorizes City staff to review funding mechanisms for said projects and return to Council at a later date to present a funding package.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February 2005, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS (RFB) FOR ONE (1) CHLORINE WEIGHING SYSTEM FOR A TOTAL ESTIMATED COST OF $65,000

WHEREAS, the Operations and Maintenance Department-Water Quality Control Division has requested the purchase of one (1) chlorine weighing system for the Secondary Wastewater Treatment Facility, located at 7007 Jennings Road, Modesto, CA., 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 that being invoiced, and

WHEREAS, by soliciting formal bids for one (1) chlorine weighing system, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bids procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a formal Request for Bids for one (1) chlorine weighing system for a total estimated cost of $65,000 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of one (1) chlorine weighing system to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, the Purchasing Division will evaluate the bids and make a recommendation to award which will then be submitted to Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March 2005, by Councilmember Hawn, 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, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE FINAL MAP OF THE PAPILLON PARK SUBDIVISION IN THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH MARILYN SHROYER, TRUSTEE OF THE MARILYN SHROYER TRUST

WHEREAS, MARILYN SHROYER, Trustee of the Marilyn Shroyer Trust, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 0.98 acres, known as the PAPILLON PARK SUBDIVISION ("SUBDIVISION"), and

WHEREAS, an application for a vesting tentative subdivision map was deemed complete by the Secretary of the Planning Commission on March 10, 2004, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of May, 2004, 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 8th day of March 2005, by Councilmember Hawn, 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, 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. 2005-123

A RESOLUTION ACCEPTING THE BID AND APPROVING A $2,336,752 CONTRACT WITH ACME CONSTRUCTION CO., INC., FOR THE PROJECT TITLED, “MADDUX YOUTH CENTER RENOVATION AND EXPANSION,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the bids received for “Maddux Youth Center Renovation and Expansion” were opened at 11:00 a.m. on February 8, 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 $2,336,752.00 received from Acme Construction Co., Inc., be accepted as the lowest responsible bid and the contract be awarded to Acme Construction Co., Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Acme Construction Co., Inc., in the amount of $2,336,752.00, and hereby awards Acme Construction Co., Inc., the contract titled “Maddux Youth Center Renovation and Expansion.”

BE IT FURTHER RESOLVED that the Acting 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 8th day of March 2005, by Councilmember Hawn, 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, 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. 2005-124

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM TO
1) REDUCE PER CAPITA REVENUE FROM THE STATE OF CALIFORNIA
CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND
COASTAL PROTECTION BOND ACT OF 2002 (PROPOSITION 40) IN THE
VIRGINIA CORRIDOR ACCOUNT 2300-310-A087 BY $323,000 AND
DECREASE EXPENDITURE IN THE VIRGINIA CORRIDOR ACCOUNT 2300-
310-A087 BY $323,000, AND 2) INCREASE PROPOSITION 40 PER CAPITA
REVENUE IN MADDUX YOUTH CENTER IMPROVEMENT ACCOUNT 2300-
310-M182 BY $323,000, AND REDUCE THE COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) REVENUE IN THE MADDUX YOUTH CENTER
IMPROVEMENT ACCOUNT 2300-700-M182 BY $155,000, AND TO INCREASE
THE EXPENDITURE BUDGET IN THE MADDUX YOUTH CENTER
IMPROVEMENT ACCOUNT 2300-310-M182 BY $167,262 TO CREATE A
BALANCED BUDGET

WHEREAS, In June 2001, Parks, Recreation and Neighborhoods began a project
to remodel and to expand the Maddux Youth Center located at 615 Sierra Drive (4th
Street at G Street) in César E. Chávez Park, and

WHEREAS, construction bids were opened on February 8, 2005, and Acme
Construction Co., Inc., was the low bidder, and

WHEREAS, the Engineer’s estimate and the bids are considered reasonable
whenever any of the bids are within 10% of the Engineer’s estimate, and

WHEREAS, the low bidder was within 6.58% of the Engineer’s estimate, and

WHEREAS, in order to fully fund construction of the project, the Capital
Improvement Program needs to be amended, and

WHEREAS, $323,000 in revenue available from the City of Modesto’s share of
Per Capita program of the State of California Clean Water, Clean Air, Safe
Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40) in
Virginia Corridor project will be reduced, and
WHEREAS, $323,000 in expenditures in Virginia Corridor Project will be reduced, and

WHEREAS, $323,000 in revenue is available from the City of Modesto’s share of the Per Capita program of the State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40), and

WHEREAS, $155,000 in Community Development Block Grant funding that was incorrectly appropriated to project M182 needs to be de-obligated, and

WHEREAS, expenditures for Maddux Youth Center Remodel Project will be increase to reflect a balanced budget and

WHEREAS, on February 3, 2003, the Safety and Communities Committee recommended approval of the Master Plan, Conceptual Drawings and Cost Estimate; 2nd Amendment to RRM Design; and the Initial Study/Statement of Conformance with the MEIR, and

WHEREAS, on March 8, 2004, the Economic Development Committee recommended approval of the angle parking proposal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Capital Improvement Program to estimate $323,000 in revenue from the Per Capita program of the State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40), and to appropriate $323,000 in revenue to project 2300-310-M182, Maddux Youth Center Remodel.
BE IT FURTHER RESOLVED by the Council that it hereby approves de-obligation of $155,000 in estimated revenue from the Community Development Block Grant Program.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2005, by Councilmember Hawn, 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, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM:

Attest: 
JEAN ZAHR, City Clerk

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-125

RESOLUTION ACCEPTING THE WORK BY CLAYBORN CONTRACTING GROUP, INC. FOR THE "RELOCATION OF GAC FILTERS TO WELL 50" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $249,130 PER THE CONTRACT. TOTAL PROJECT COST IS $296,944

WHEREAS, a report has been filed by the Public Works Director that the project titled "Relocation of GAC Filters to Well 50" has been completed by Clayborn Contracting Group, Inc. in accordance with the contract agreement dated June 22, 2004.

NOW, THEREFORE, BE IT RESOLVED that the "Relocation of GAC Filters to Well 50" project be accepted from said contractor, Clayborn Contracting Group, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $249,130 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 8th day of March, 2005, by Councilmember Hawn, 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, Marsh, O'Bryant
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney