RESOLUTION REAPPOINTING NORMA REED, TAMMY MAISETTI, AND STEVE RANK TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD FOR A FOUR-YEAR TERM TO EXPIRE JANUARY 1, 2020

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

WHEREAS, the Downtown Improvement District Board of Directors are recommending the reappointments of Norma Reed, Tammy Maisetti, and Steve Rank to a term ending January 1, 2020 to the Downtown Improvement District Advisory Board.

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

SECTION 1. Norma Reed, Tammy Maisetti, and Steve Rank are hereby reappointed to the Downtown Improvement District Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the reappointed members of Downtown Improvement District Advisory Board, and as Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of April, 2016, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE RESIGNATION OF JESSICA SELF FROM THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Jessica Self was appointed to serve as a member of the Board of
Zoning Adjustment (BZA) on October 13, 2015, and

WHEREAS, Jessica Self has tendered her resignation from the BZA, and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Jessica Self from the BZA be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-131

RESOLUTION APPROVING THE AMENDED AND RESTATED JOINT POWERS AGREEMENT ESTABLISHING THE STANISLAUS COUNCIL OF GOVERNMENTS AND AMENDED AND RESTATED BYLAWS

WHEREAS, Stanislaus Council of Governments ("StanCOG") was created as a result of the continued growth and development within the incorporated and unincorporated areas of Stanislaus County to address any regional transportation issues or problems, and

WHEREAS, StanCOG is a council of city and county governments comprised of the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and the County of Stanislaus, that was established in 1971 as the Stanislaus Area Association of Governments, and

WHEREAS, a Revised Joint Powers Agreement was approved on May 28, 1974, to which the City of Modesto was a signatory, and

WHEREAS, a Joint Powers Agreement ("JPA") establishing the Stanislaus Council of Governments was approved on June 5, 2001, and

WHEREAS, the Joint Powers Agreement was amended on December 12, 2007, and

WHEREAS, on March 18, 2015, the StanCOG Policy Board approved an amendment to the JPA updating standing committee descriptions and composition information, clarifying the selection process for the Executive Committee of the StanCOG Policy Board, and adjusting the term of office for the Chair and Vice-Chair of the Policy Board from a fiscal year to a calendar year to correspond with elected officials terms of office, and
WHEREAS, it was also determined that the Bylaws of the JPA also needed to be amended to be consistent with the JPA, and

WHEREAS, pursuant to Section 13 of the JPA of the December 12, 2007 JPA, the Bylaws of the Stanislaus Council of Governments are those annexed to the JPA as Exhibit A and amendments to all or a portion of the Bylaws may be made in the manner prescribed in the Bylaws, and

WHEREAS, Section 26 (B) of the December 12, 2007 JPA requires that any amendment to the JPA be ratified by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Joint Powers Agreement establishing the Stanislaus Council of Governments and the Amended and Restated Bylaws, and authorizes the Mayor to execute the same.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT "A"

STANISLAUS COUNCIL OF GOVERNMENTS
AMENDED AND RESTATED BYLAWS

RECITALS:

WHEREAS, it is deemed prudent to amend and restate the Bylaws of The Stanislaus Council of Governments. These Amended Bylaws, dated ________________, shall supersede the previous Bylaws as amended April 10, 1974; July 10, 1974; November 10, 1976; and ____________________.

ARTICLE I
NAME

This joint powers agency shall be known as the STANISLAUS COUNCIL OF GOVERNMENTS ("StanCOG") and shall exercise its powers within the geographical area of the County of Stanislaus as set forth in the joint powers agreement entered into by the County and the Cities ("Party or collectively "Parties") establishing StanCOG.

ARTICLE II
MEETINGS

Section 1: Regular and Special Meetings.

A. The StanCOG Policy Board shall hold a regular meeting on the third Wednesday of each month, at 6:00 p.m., or at a time, specified by the StanCOG Policy Board. Such regular meetings shall be for considering reports of the affairs of StanCOG and for transacting such other business as may be properly brought before the meeting. Any regular meeting may be rescheduled on an individual basis as to date, time and place, by motion of the StanCOG Policy Board, in the event of a conflict with holidays, Director's schedules, or similar matters, or, in the event of a lack of a quorum, as specified below. Notice of regular meetings shall be given to each representative and alternate representative at least ten (10) days prior to each meeting.

B. Special meetings may be called in accordance with the California Ralph M. Brown Act. Special meetings may be called by the Chairperson. No business except that specified in the notice shall be discussed at a special meeting.

C. All meetings shall be conducted in accordance with the Ralph M. Brown Act.

Exhibit "A"
Section 2: Closed Sessions.

A. All information presented in closed session shall be confidential. Ex-Officio non-voting members shall not be permitted to attend closed sessions.

B. Under Government Code Section 54956.96, StanCOG adopts a joint powers agency limited disclosure policy as follows:

1. All information received by the legislative body of the local agency member in a closed session related to the information presented to StanCOG in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has directed financial or liability implications for that local agency to the following individuals:

   a) Legal counsel of that member local agency for purposes of obtaining advise on whether the matter has direct financial or liability implications for that member local agency.

   b) Other members of the legislative body of the local agency present in a closed session of that member local agency.

2. Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member’s regularly appointed member to attend closed sessions of the joint powers agency.

Section 3: Cancellation of Meetings.

The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board may cancel any regular or special meeting of StanCOG except upon objection by any representative.

Section 4: Notice of Meetings.

A. Notice of regular meetings shall be in accordance with the Ralph M. Brown Act. The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board shall direct the publication of notices of all meetings, public hearings, etc., as required by the California Government Code. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.

B. In the case of special meetings, the written notice shall specify the specific nature of the business to be transacted and shall be in accordance with the Ralph M. Brown Act.
Section 5: Committee Meetings.

Except as herein or otherwise provided, the Standing Committees of StanCOG shall meet on the call of their Chairperson. Notice of committee meetings shall be in accordance with the Ralph M. Brown Act.

Section 6. Quorum.

A quorum for conducting all matters of business shall be the presence of at least one (1) representative, or the alternate, from a majority of the Member Agencies. A two-thirds majority of those present shall be required to approve all expenditures.

Section 7. Voting.

A. Voting shall only be conducted at properly noticed meetings where a quorum has been established and members are physically present, except as provided in Government Code Section 54953 for teleconferencing.

B. Voting shall be by voice, show of hands, or roll call vote. Any Director may request a roll call vote.

C. In all cases, a vote to “abstain” shall be counted as an “aye” vote unless there is a majority vote to defeat the motion and then the vote to abstain shall be counted as a “no” vote.

Section 8: Lack of a Quorum.

A. If less than a quorum of the Directors are present at any properly called regular, adjourned regular, special, or adjourned special meeting, the member(s) who are present may adjourn the meeting to a time and place specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was to have been held within 24 hours after adjournment.

B. If all the members are absent from any regular or adjourned regular meeting, the Executive Director may so adjourn the meeting and post the order or notice of adjournment as provided, and additionally shall cause a written notice of the adjournment to be given in the same manner as for a notice of a special meeting.

C. If the notice or order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for the regular meeting of StanCOG.

Section 9. Agenda.

Any Director or the Executive Director may cause an item to be placed on the agenda.
Section 10. Adjournment.

Except as provided in Section 8 above, a meeting may be adjourned by the presiding officer’s own action; however, any Director may object to such adjournment by the presiding officer and then a motion and action is required in order to adjourn the meeting in accordance with Robert’s Rules of Order.

ARTICLE III
CONDUCT OF MEETINGS

Section 1: General Conduct.

Except as herein or otherwise provided, ROBERTS RULES OF ORDER shall govern all proceedings of the Council. In any event, all proceedings and conduct of the meetings shall be in full compliance with the State of California Government Code.

Section 2. Decorum

All Directors, and staff, shall conduct themselves in accordance with Robert’s Rules of Order and in a civil and polite manner toward other board members, employees, and the public. Using derogatory names, interrupting the speaker having the floor, or being disorderly or disruptive, are prohibited actions. If any meeting is willfully interrupted by any individual so as to render the orderly conduct of that meeting infeasible, that individual may be removed from the meeting. If any group or groups of persons willfully interrupts a meeting so as to render the orderly conduct of that meeting infeasible, the presiding officer, or a majority of the Board, may clear the meeting room in accordance with Government Code Section 54957.9.

Section 3: Voting Authorization.

All votes shall be cast by the person or persons authorized to do so by the member which they represent. Such authorization shall be made known to the Executive Director of StanCOG at least twenty-four hours prior to the meeting. No proxy, absentee, or fractional votes may be cast.

ARTICLE IV
EXECUTIVE SESSIONS

Section 1: Executive Sessions.

Executive sessions shall be held in conformance with the Government Code of the State of California.
ARTICLE V
OFFICERS

Section 1: Chair.

A. The representatives of StanCOG shall elect from among their members a Chair of the Policy Board. The Chair shall serve a one-year term of office beginning at the first regular meeting of each calendar year. The Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Chair shall preside at all meetings of the Policy Board and such other meetings approved by the Policy Board.

C. The Chair shall serve as the official spokesperson for the Policy Board.

D. The Chair shall appoint such committees and other working groups as prescribed by the Policy Board.

E. The Chair shall designate Directors or others to represent the Policy Board at various meetings, hearings, and conferences.

F. The Chair shall perform such other duties as necessary to carry out the work of the Policy Board or as prescribed by law.

Section 2: Vice-Chair.

A. The representatives of StanCOG shall elect from among their members a Vice-Chair of the Policy Board. The Vice-Chair shall serve a one-year term of office beginning at the first regular meeting in each calendar year. The Vice-Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Vice-Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair.

Section 3: Absences.

In the absence of both the Chair and the Vice-Chair, a majority of the Policy Board shall select a Director to serve as Chair Pro Temp.

Section 4: Secretary.

The Executive Director shall serve as the Secretary of the StanCOG Policy Board. The Secretary shall maintain a public record of the Policy Board's resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of StanCOG.

Exhibit “A”
Section 5: Vacancy.

Upon a vacancy occurring in the office of the Chair, the Vice-Chair shall assume the office of Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair the representatives shall elect, from among their members, a Vice-Chair to serve the balance of the unexpired term.

ARTICLE VI

COMMITTEES

Section 1: Standing Committees.

The Standing Committees of the Council shall be:

A. Executive Committee.

The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the Stanislaus County Board of Supervisors, to be appointed by and serve at the pleasure of the Stanislaus County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the pleasure of the City of Modesto City Council, and; Two representatives from among the other Cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto, and serve at the pleasure of these other cities. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

The Executive Committee shall be operated in accordance with the Bylaws of the Policy Board.

B. Management and Finance Committee.

The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

The Management and Finance committee shall be operated in accordance with the Bylaws of the Policy Board.

C. Social Services Transportation Advisory Council.

The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:
1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who is handicapped.

3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.

4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

The Social Services Transportation Advisory Committee shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Committee.

D. Citizens Advisory Committee.

The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Citizens Advisory Council shall be operated in accordance the Bylaws of the Citizens Advisory Council.

D. Bicycle/Pedestrian Advisory Committee.

The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Bicycle/Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle/Pedestrian Advisory Committee.

F. Valley Vision Stanislaus Steering Committee.

The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members which shall consist of Tier I and Tier II members as follows:

Tier I Members: One representative (Planning Director or his/her designee) from each of the ten (10) Member Agencies (Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and Stanislaus County); one (1) representative (Executive Officer or his/her designee) from LAFCO; one (1) representative from the Policy Board.
Tier II Members: One representative may be appointed as needed from each of the following: Citizens Advisory Committee, Health Industry, Agriculture Industry, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.

The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee.

Section 2: Special Committees.

The Chair of the Policy Board or Directors may appoint additional committees as may be necessary or desirable.

ARTICLE VII
FINANCIAL DETERMINATIONS

Section 1: Withdrawal.

A member of the Council that withdraws from the Council shall not have its financial contribution refunded.

Section 2: Newly Incorporated Cities.

Any newly incorporated city which becomes a member of the Council after the commencement of a fiscal year shall not be required to contribute financially to the Council until the subsequent fiscal year, providing that the said newly incorporated city becomes a member of the Council within one (1) year of its incorporation date.

Section 3: Other Political Entities.

Any other political entity which becomes a member of StanCOG after the commencement of a fiscal year shall contribute to the Council that amount which it would have contributed had it been a member at the commencement of the fiscal year.

ARTICLE VIII
REFERRALS

StanCOG may accept by letter or resolution referrals for study and report from any duly constituted advisory or legislative body or their representatives. Reports will be made and returned to the referring body within a reasonable time.
ARTICLE IX
REPORTS

StanCOG shall render a written report on its activities at the end of each fiscal year of operation to each legislative body which is a Member Agency of StanCOG.

ARTICLE X
INITIATIVE

StanCOG may, upon its own initiative, institute action to carry out any routine or special study or project.

ARTICLE XI
COORDINATION

It is the policy of StanCOG to establish technical and advisory liaison with all other agencies and bodies seeking to improve the quality of planning, health, safety, welfare and governmental services for the Stanislaus Regional Area.

ARTICLE XII
TRANSMITTAL OF PLANNING INFORMATION

StanCOG hereby approves as a regular operating procedure the transmittal of planning information to the individual Boards of Supervisors, City Councils, County and City Planning Commissions, the California State Office of Planning, and any other duly constituted regional area, metropolitan, or other Planning Commission which may request in writing such information.

ARTICLE XIII
AMENDMENTS

Section 1: These Bylaws may be amended by a two-thirds vote of those representatives voting at a Regular Meeting of the StanCOG Policy Board.

Section 2: Amendments to these Bylaws may be proposed by any representative of StanCOG.

Section 3: In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing by the Secretary to the representatives and alternate representatives at least fifteen (15) days prior to the meetings.
APPENDIX I

STANISLAUS COUNCIL OF GOVERNMENTS
SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL
BYLAWS

ARTICLE I
FUNCTION

Section 1: The Social Services Transportation Advisory Council (SSTAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board and have the following responsibilities:

1. Annually participate in the identification of transit needs in the jurisdiction, including unmet transit needs that may exist within the jurisdiction of the Stanislaus Council of Governments, and that may be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services.

2. Annually review and recommend action by StanCOG for the area within StanCOGs jurisdiction which finds by resolution, that:
   A. there are no unmet transit needs; or
   B. there are no unmet transit needs that are reasonable to meet; or
   C. there are unmet transit needs, including needs that are reasonable to meet.

3. Advise StanCOG on any other major transit issues, including the coordination and consolidation of specialized transportation services.

ARTICLE II
MEMBERSHIP

Section 1: The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.
2. One representative of potential transit users who is handicapped.

3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.

4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

Section 2: A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 3: Any qualified resident of Stanislaus County may apply for membership on the Social Services Transportation Advisory Council. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Social Services Transportation Advisory Council shall be valid for a period of two years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Executive Committee of StanCOG shall appoint, from the list of applicants, the members of the Social Services Transportation Advisory Council.

ARTICLE III
TERM OF OFFICE

Section 1: Of the initial appointments to the Social Services Transportation Advisory Council, one-third of them shall be for a one-year term, one-third shall be for a two-year term, and one-third shall be for a three-year term.

Section 2: Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed for additional three-year terms.
ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Social Services Transportation Advisory Council, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Social Services Transportation Advisory Council will be expected to attend the meetings of the Council on a regular basis. Any member of the Council who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Council.

ARTICLE VI
REMOVAL

The Executive Committee of StanCOG may, at any time, recommend the removal of any member of the Social Services Transportation Advisory Council. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Social Services Transportation Advisory Council shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be for one year.

Section 2: The Social Services Transportation Advisory Council shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Social Services Transportation Advisory Council shall conduct all proceedings in conformity with Robert’s Rules of Order and the Brown Act.

Section 3: All references to “year” shall refer to the StanCOG fiscal year, July 1 through June 30.
ARTICLE VIII

STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Social Services Transportation Advisory Council and shall provide the Social Services Transportation Advisory Council with appropriate staff assistance.

ARTICLE IX

FINANCING

Section 1: Except as specifically provided by the StanCOG Policy Board, the members of the Social Services Transportation Advisory Council shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support StanCOG deems necessary for the successful functioning of the Social Services Transportation Advisory Council.

ARTICLE X

AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Social Services Transportation Advisory Council present and voting at a regular meeting of the Social Services Transportation Advisory Council, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members present and voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing to the members of the Social Services Transportation Advisory Council at least fifteen (15) days prior to the meeting at which a vote is to be taken.
APPENDIX II

STANISLAUS COUNCIL OF GOVERNMENTS

CITIZENS ADVISORY COMMITTEE BYLAWS

ARTICLE I

FUNCTION

Section 1: The Citizens Advisory Committee (CAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to transportation from the public's perception and transportation activities affecting the general public.

ARTICLE II

MEMBERSHIP

Section 1: The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

- City of Ceres
- City of Modesto
- City of Oakdale
- City of Riverbank
- City of Waterford
- City of Hughson
- City of Newman
- City of Patterson
- City of Turlock
- Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Citizens Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Policy Board’s Executive Committee shall appoint from the list of applicants the members of the Citizens Advisory Committee.

Section 5: When making Citizen’s Advisory Committee appointments, the Policy Board’s Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.
ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Citizens Advisory Committee will be expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Executive Committee may, at any time, recommend the removal of any member of the Citizens Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Citizens Advisory Committee shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be one year.

Section 2: The Citizens Advisory Committee shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board.

Section 3: All references to “year” shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII

STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Citizens Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX

FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Citizens Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X

AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Committee present and voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing to the members of the committee at least fifteen (15) days prior to the meeting at which a vote is to be taken.
APPENDIX III

STANISLAUS COUNCIL OF GOVERNMENTS

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS

ARTICLE I
FUNCTION

The Bicycle and Pedestrian Advisory Committee (BPAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to bicycle and pedestrian needs or concerns and advise on the development of the StanCOG Non-motorized Transportation Plan.

ARTICLE II
MEMBERSHIP

Section 1: The Bicycle and Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

- City of Ceres
- City of Modesto
- City of Oakdale
- City of Riverbank
- City of Waterford
- City of Hughson
- City of Newman
- City of Patterson
- City of Turlock
- Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Bicycle and Pedestrian Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant’s name may be removed from the list of applicants.

Section 4: The Policy Board’s Executive Committee shall appoint from the list of applicants the members of the Bicycle and Pedestrian Advisory Committee.

Section 5: When making Bicycle and Pedestrian Advisory Committee appointments, the Policy Board’s Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.
Section 6: The following agencies are invited to have members attend meetings of the BPAC and share their expertise, as non-voting members.

- Various City agencies having an interest in non-motorized transportation
- Stanislaus County [Department of Public Works, Traffic Engineering, or related departments]
- California Department of Transportation [CalTrans]
- Stanislaus County-based bicycling or pedestrian organizations

Section 7: Any appointment term shall commence as of the date of appointment.

ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Bicycle and Pedestrian Advisory Committee are expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.
ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any member of the Bicycle and Pedestrian Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The BPAC shall elect from among its membership a Chair and a Vice-Chair. The term of office for each shall be one year.

Section 2: The BPAC shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert’s Rules of Order and the Brown Act.

Section 3: All references to “year” shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Bicycle and Pedestrian Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Bicycle and Pedestrian Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the BPAC with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the BPAC voting at a regular meeting of the Committee, and shall be subject to the
majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the BPAC at least fifteen (15) days prior to the meeting at which a vote is to be taken.
ARTICLE I
FUNCTION

The Valley Vision Stanislaus Steering Committee (VVS) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on issues related to the development of the Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP).

ARTICLE II
MEMBERSHIP

Section 1: The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members. A quorum shall consist of one-half (1/2) plus 1 (1) of the current membership.

Section 2: The twenty-one (21) members of the Committee shall consist of Tier I and Tier II members.

Tier I Members:

One representative (Planning Director or his/her designee) from each of the 10 Member Agencies:

City of Ceres
City of Modesto
City of Oakdale
City of Riverbank
City of Waterford

City of Hughson
City of Newman
City of Patterson
City of Turlock
Stanislaus County

One representative (Executive Officer or his/her designee) from LAFCO

One representative from the Policy Board

Tier II Members:

One representative may be appointed as needed from each of the following:
ARTICLE III
TERM OF OFFICE

Section 1: Tier I appointments shall not be subject to term restrictions or limits. Each Tier II appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any Tier II member of the Committee serve on the Committee longer than eight (8) consecutive years.

Section 3: Any appointment term shall commence as of the date of appointment.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Valley Vision Stanislaus Steering Committee are expected to attend the meetings of the Committee on a regular basis. Any Tier II member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.
ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any Tier II member of the Valley Vision Stanislaus Steering Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The VVS shall elect from among its membership a Chair and a Vice-Chair. The term of office for each shall be one year.

Section 2: The VVS shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert’s Rules of Order and the Brown Act.

Section 3: All references to “year” shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Valley Vision Stanislaus Steering Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Valley Vision Stanislaus Steering Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the VVS with the financial support deemed necessary for the successful functioning of the Committee.
ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the VVS voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the VVS at least fifteen (15) days prior to the meeting at which a vote is to be taken.
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-132

A RESOLUTION APPROVING AMENDMENT NO. 3 TO AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND DISABILITY ACCESS CONSULTANT, INC. TO ASSIST THE CITY IN UPDATING THE 1992 SELF EVALUATION AND TRANSITION PLAN, IN AN AMOUNT NOT TO EXCEED $9,550, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), approved on July 26, 1990, prohibits discrimination against people with disabilities, and

WHEREAS, the ADA requires state and local government to prepare a Self-Evaluation and Transition Plan, and

WHEREAS, the City of Modesto completed a Self-Evaluation and Transition Plan in 1992, and

WHEREAS, the City of Modesto is updating the 1992 Self-Evaluation and Transition Plan, and

WHEREAS, a Request for Proposal was prepared seeking a qualified consultant to train, guide, and assist the City Staff in updating the 1992 Self-Evaluation and Transition Plan, and

WHEREAS, four consultants were interviewed and Disabilities Access Consultant, Inc. (DAC) was selected as the most qualified consultant, and

WHEREAS, on February 5, 2013, the City Council approved an agreement with DAC in the amount of $55,000 to train, guide, and assist City Staff in updating the Self-Evaluation and Transition Plan including the survey of some buildings and facilities
under the Parks, Recreation and Neighborhood Department to determine compliance with ADA Standards and the California Building code, and

WHEREAS, on September 9, 2014, the City Council approved Amendment No. 1 to the agreement with DAC in the amount of $96,823 to survey buildings and facilities under Public Works and Utilities Departments to determine compliance with ADA Standards and the California Building code and to train city staff on how to survey Arterial and Collector streets, and,

WHEREAS, on April 28, 2015, Staff approved Amendment No. 2 to the agreement with DAC in the amount of $7,400, but does not exceed the $96,823 approved by Amendment No. 1 due to saves in another task, to survey Tenth Street Place to determine compliance with ADA Standards and the California Building code, and,

WHEREAS, the City now desire that DAC to survey of additional priority facilities with high public use that include Modesto Centre Plaza, McHenry Mansion, Senior Center, Maddux Center, James Marshall Center, and King Kennedy Center to determine compliance with ADA Standards and the California Building code;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 3 to an Agreement for services between the City of Modesto and Disability Access Consultant, Inc. to assist the City with surveys of Modesto Centre Plaza, McHenry Mansion, Senior Center, Maddux Center, James Marshall Center, and King Kennedy Center, in an amount not to exceed $9,550.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment No. 3 to the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:
By: ADAM LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE CALIFORNIA STATE TRANSPORTATION AGENCY FOR $1,000,000 IN FUNDING UNDER THE 2016 TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM FOR THE PURPOSE OF OBTAINING THE FINAL DESIGN AND ENGINEERING DOCUMENTS FOR A DOWNTOWN PASSENGER RAIL STATION

WHEREAS, the Modesto General Plan includes policies that support the extension of passenger rail service to downtown Modesto, and

WHEREAS, at its regularly scheduled meeting of February 12, 2013, City Council approved the Downtown Passenger Rail Feasibility Study, including the preferred location of a Downtown Passenger Rail Station, and

WHEREAS, San Joaquin Regional Rail Commission is preparing preliminary design documents and environmental review for a Downtown Passenger Rail Station in Modesto, and

WHEREAS, the California State Transportation Agency has issued a Call for Projects dated February 5, 2016, under its 2016 Transit and Intercity Rail Capital Program (TIRCP), and

WHEREAS, the City of Modesto desires to apply for a TIRCP grant for the purpose of obtaining Final Design and Engineering documents for a Downtown Passenger Rail Station.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to submit an application to the California State Transportation Agency for $1,000,000 under the 2016 Transit and Intercity Rail Capital Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING AN INFORMATIONAL MID-YEAR GENERAL FUND REVENUE REPORT AND AMENDING THE FISCAL YEAR 2015-16 OPERATING BUDGET TO APPROVE ADJUSTMENTS TO GENERAL FUND REVENUES AS DESCRIBED IN EXHIBIT B

WHEREAS, the Budget Division within the Finance Department has prepared an informational report to be presented to the City Council on the state of the General Fund revenues at mid-year of Fiscal Year 2015-16, and

WHEREAS, the Mid-Year General Fund Revenue Report contains the following documents which are attached hereto and referenced as “Exhibit A” the Mid-Year General Fund Revenue Report, and

WHEREAS, the informational Mid-Year General Fund Revenue Report contains recommended mid-year adjustments to the General Fund operating revenue budgets for Fiscal Year 2015-16 attached to the item as “Exhibit B”, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the informational Mid-Year General Fund Revenue Report for the City of Modesto for Fiscal Year 2015-16.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
Staff has completed a mid-year review of the FY 2015-16 operating revenue budgets. This report summarizes the activities of the City's General Fund major revenues. It is intended to provide the Finance Committee and the public with a general overview of the fiscal conditions at slightly over mid-year, January 31, 2015.

General Fund Revenues:

General Fund revenues are classified into three categories: major, construction and other. Major revenues include revenues such as property tax, sales tax, utility user tax, etc. Construction revenues are those revenues received by the City's Building and Planning Divisions. Other revenues contain all other departmental revenues across the City's various departments. At mid-year, the total operating revenue budget for FY 2015-16 is $113 million. This amount does not include Transfer In revenues ($994 thousand) or one-time revenues from MRFA (Modesto Regional Fire Authority) dissolution Funds ($1.6 million).

Major Revenues: Major revenues represent 80.3% of the total General Fund revenue budget at $90.8 million and are detailed below.

Property Tax: The first installments of secured and unsecured property tax revenue, which are the largest portions of property tax revenue, were received in January 2016. Factoring those receipts into the mid-year analysis, property tax revenues received are trending higher than the prior fiscal year. This is consistent with information that has been provided by the County Assessor's Office and trends that have been seen in assessed valuations throughout the Central Valley.

Staff is recommending an increase of $300,000 to the existing budget of $27.6 million for FY 2015-16 Property Tax revenues. This will bring the combined total of Property Tax revenues budgeted up to $27.9 million for FY 2015-16.
Sales and Use Tax: The December 2016 payment has not been received at the time this report was completed. Factoring the estimated receipt into the mid-year analysis for FY 2015-16, sales tax revenue is trending lower than FY 2014-15 actuals and FY 2015-16 projections mainly due to substantially lower, sustained fuel prices as well as an increase in consumer spending via online purchases over the holiday seasons throughout the region. While we still have not received the December 2015 Sales Tax payment, we anticipate that any offset from a stronger holiday shopping season via brick and mortar stores will be countered by the lower fuel prices that have been seen throughout Stanislaus County for the past 4-6 months. While sales tax revenues had begun to show signs of improvement, the growth will be tested over the next few months to a year as the low fuel prices have really taken a bite out of any consumer spending increases. We do anticipate that some of the sustained savings at the fuel pump will eventually be realized as return through sales tax as consumers gain confidence and begin to spend more in the local economy.

Staff is not recommending any adjustment to Sales and Use Tax revenue at this time. We may elect to bring a further revision at a later date once we receive the December and January payments as well as the first Triple Flip payment from the state.
**Utility User Tax:** At mid-year, utility user tax revenue is trending slightly below FY 2014-15. Due to the mild temperatures that the Stanislaus County has experienced so far this Winter and since MID and PG&E are the largest remitters of this type of revenue, Utility Users Tax remains one of the harder revenue sources to estimate accurately. Staff will continue to monitor this revenue and may recommend an adjustment after the 3rd quarter of FY 2015-16. The actuals for Users Utility Tax has consistently come in over $19 million for the past six fiscal years and we do not anticipate a drastic change from this trend.

Staff is not recommending any adjustment to the Utility Users Tax revenue and its existing budget of $20 million at this time. After further analyses through the third quarter revenues received, staff may bring forward an adjustment depending upon the outcome of the figures at that time.
Transient Occupancy Tax – At mid-year, transient occupancy tax revenue is trending up by about $100,000 when compared to prior year and the current projections for FY 2015-16. This is a good positive trend as this revenue source is collected when rooms are rented in hotels, inns, or motels around Modesto. This increase can mean that more people are coming to events in Modesto and possibly spending dollars within the City, thus increasing other revenue sources for the City such as Sales and Use Tax.

Staff is recommending an increase to Transient Occupancy Tax revenue of $175,000 to the existing budget of $1.8 million for FY 2015-16.

Franchise Fees – At mid-year, franchise fee revenue is trending slightly higher than prior year and in line with current projections for FY 2015-16. The higher trending amounts are being caused by slightly higher payments being received through January for Cable TV Franchise Fees, Garbage Franchise Fees, and City Towing Franchise Fees. Should the trends continue through the third quarter, staff may come back to with an adjustment to increase the Franchise Fee budgeted revenue amounts for these areas.

Staff is not recommending any adjustments to Franchise Fees at this time. Should the slightly higher trends continue through the third quarter, staff will bring back an adjustment to the Franchise Fee budgeted revenues for Cable TV, Garbage and City Towing Franchise Fees.
Business License/Mill Tax – At mid-year, business license/mill tax revenue is trending down from prior year. As of January 2016, revenues were also slightly behind budgeted amounts in FY2015-16 but this was caused by not yet receiving the large mill tax payment that the City will typically receive early February. Continued enforcement and collection efforts contribute to the stability of this business license side of this revenue source.

Staff is not recommending any adjustments to the Business License/Mill Tax revenue for FY 2015-16. Staff will continue to watch the trends in this revenue source over the next two quarters but does not anticipate any large deviations from the budgeted amounts.
**Motor Vehicle License Fee:** At mid-year, motor vehicle license fee revenue is trending up from current projections for FY 2015-16. It is important to note that the City had been notified in FY 2011-12 that it should no longer expect motor vehicle license fee revenue in starting in FY 2012-13, unless there is a change in the law at the State level. However, each year since then we have received some small amounts of revenue from this source. In FY 2014-15 the amount was the smallest yet at $86 thousand, so we had not anticipated receiving any funds for FY 2015-16. That was not the case and we did receive $84 thousand from the Motor Vehicle License Fees fund from the state. The other budgeted funds in this revenue source are made up from abandoned motor vehicle fees collected by the Modesto Police Department.

Staff is recommending that we increase the budgeted revenue for Motor Vehicle License Fees by the amount received from the state of $84,403 in FY 2015-16. These funds have already been received and this will adjust the revenue budget to account for those funds.

**Construction Revenue:** Construction revenues include all revenues for the Building Safety and Planning divisions in the Community & Economic Development (CED) Department and represent 1.8% or $2.04 million of the total operating revenue budget for the General Fund. At mid-year, construction revenues are trending down from current year projections for FY 2015-16, having only received $1.04 million through January 2016.

Staff is recommending a decrease in Construction revenue in the amount of $250,000 for FY 2015-16. The decrease in revenue has mainly been caused by some major construction projects not materializing as quickly as was initially anticipated.
Other Revenue: Other revenue includes any revenue source that is not included in the major or construction revenue categories and represents 14% or $15.8 million of the total operating revenue budget for the General Fund. The revenues are accounted for under the generating department and include a wide range of revenue sources such as miscellaneous revenue (all departments), contract police services (Police Department), youth services program fees (Parks, Recreation & Neighborhoods) and general City fines (General).

Staff is recommending one change to one revenue source under this category. The recommendation is to increase the existing budget in FY 2015-16 for the McHenry Tax Sharing Agreement by $100,000. This will bring the new budget amount for this revenue source to $1.4 million. This revenue source is trending higher than the prior fiscal year and staff feels that this adjustment should capture that additional revenue that is anticipated to be received.

All other departmental revenues are on track and staff recommends no change in their budgeted amounts at this time.
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RESOLUTION AMENDING THE FISCAL YEAR 2015-16 POSITION ALLOCATION TO ELIMINATE THE MRFA FINANCE MANAGER AND MRFA INFORMATION TECHNOLOGY POSITIONS AND ADD ONE ADMINISTRATIVE ANALYST II AND ONE SENIOR ADMINISTRATIVE OFFICE ASSISTANT IN THE FIRE DEPARTMENT IN THE GENERAL FUND AND TO REALLOCATE THE EXECUTIVE ASSISTANT POSITION IN THE UTILITIES ADMINISTRATION DIVISION TO AN OFFICE SUPERVISOR IN THE WATER FUND

WHEREAS, the Human Resources Department has worked with the Fire Department and the Utilities Department to identify changes needed within their respective position allocations for Fiscal Year 2015-16, and

WHEREAS, the MRFA Finance Manager and MRFA Information Technology Technician were established in 2013, as a step towards the Modesto Regional Fire Authority (MRFA) becoming a stand-alone agency, and

WHEREAS, it has been identified that as the Fire Department has transitioned back to the City of Modesto, these classifications are no longer necessary since some of the functions of these classifications are performed by City staff in other departments. Therefore, these positions are being eliminated from the Classification Plan and the Position Allocation for the Modesto Fire Department, and

WHEREAS, Human Resources and the Modesto Fire Department recognize the need to continue to provide a high level of service from the Administration Division of the department, it is recommended that for staff to perform administrative and analytical functions, there is a need to allocate one (1) Administrative Analyst II and one (1) Senior Administrative Office Assistant, and
WHEREAS, in October of 2015, a classification study was completed for the Executive Assistant position in the Utilities Department. The analysis included a review and analysis of the incumbent’s Position Inventory Questionnaire (PIQ), a desk audit with the incumbent, meeting with department management, and a review of the duties and responsibilities assigned to the position. Once the data collection was completed, allocation factors were carefully and consistently applied to the positions, resulting in the appropriate classification determination, and

WHEREAS, the study determined that there have been several changes to the duties and responsibilities of this position, resulting in a significant change of duties performed and an increase in the level of responsibility and authority. As a result, it is the recommendation to reallocate this position to an Office Supervisor and reclassify the incumbent accordingly from the current position classification of Executive Assistant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the recommendations brought forward by Human Resources, the Modesto Fire Department, and the Utilities Department to amend the Fiscal Year 2015-16 position allocation to eliminate the MRFA Finance Manager and MRFA Information Technology positions and add one Administrative Analyst II and one Senior Administrative Office Assistant in the Fire Department and reallocate one Executive Assistant to an Office Supervisor in the Utilities Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF A CONSTRUCTION PROJECT MANAGEMENT SOFTWARE SYSTEM FOR THE UTILITIES DEPARTMENT TO E-BUILDER, INC., PLANTATION, FL, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT FOR AN ESTIMATED TOTAL COST OF $559,628

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and installation of a construction project management software system, including equipment training and five (5) years of software support, and

WHEREAS, the Purchasing Division issued RFP 1415-24 for the purchase and installation of a construction project management software system on the City’s website under the commodity code for software management, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, none of which were local companies, and

WHEREAS, no local companies provide this system, and

WHEREAS, twenty-two (22) companies chose to download the RFP document, and

WHEREAS, proposals were formally opened in the City Clerk’s office and four (4) companies chose to respond, and

WHEREAS, all four (4) companies responding provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of six (6) City staff members evaluated and graded the proposals, and
WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal and contract for the purchase and installation of a construction project management software system to e-Builder, Inc., Plantation, FL, for an estimated total cost of $559,628, and

WHEREAS, The Chief Information Officer approved this purchase in accordance with Administrative Directive Policy number 1.18 Information Technology Acquisition Policy, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase and installation of a construction project management software system to e-Builder, Inc., Plantation, FL, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 4210-41310-57005 and 4100-41410-57005 (Wastewater Fund and Water Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for the purchase and installation of a construction project management software system to e-Builder, Inc., Plantation, FL.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract for an estimated total cost of $559,628.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION(S) TO THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CALRECYCLE) FOR RECYCLE PAYMENT PROGRAMS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS AND AUTHORIZATIONS AND RESCINDING CITY COUNCIL RESOLUTION NO. 2015-69

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions, and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs, and

WHEREAS, CalRecycle’s procedures for administering payment programs require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of the payment program such as approval of applications and acceptance of awards, and

WHEREAS, the City benefits from CalRecycle payment programs by receiving funding for advertising, beverage container collection programs, litter clean-up, recycling education and personnel related to recycling under the conditions of the payment program, and

WHEREAS, due to the benefits that the City derives from the CalRecycle City/County Payment Program approval of applications, accepting awards and amending the annual budgets for all City/County Payment Programs to CalRecycle shall be on an ongoing basis until Council rescinds said authorization.
NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto authorizes the submittal of application(s) to CalRecycle for any and all payment programs offered for which the City qualifies, acceptance of the awards, and amendment of the annual budgets for all City/County Payment Programs to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Council of the City of Modesto.

BE IT FURTHER RESOLVED that Resolution No. 2015-69 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDEGREN, City Attorney
RESOLUTION AUTHORIZING THE SUBMISSION OF THE CITY’S LOCAL TRANSPORTATION FUND (LTF) FY 2015/16 CLAIM FOR NON-MOTORIZED PURPOSES IN THE AMOUNT OF $153,047 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

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

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the coming fiscal year, and

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

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

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2015-2016 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by StanCOG Resolution 14-50 “Approving the Transportation Development Act Apportionments for FY 2015-16 for Transit and Other Purposes” before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submission of the City’s Local Transportation Fund Claim for
Fiscal Year 2015-2016 Non-motorized Funds, in the amount of $153,047, to the Stanislaus Council of Governments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Council member Kenoyer, who moved its adoption, which motion being duly seconded by Council member Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO PACKER TRUCKS TO WESTERN TRUCK CENTER, WEST SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING ORDER FOR AN ESTIMATED TOTAL COST OF $424,003

WHEREAS, the replacement packer trucks for the Public Works Department, Green Waste Division, have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, and

WHEREAS, The Purchasing Division issued RFB 1516-23 for the purchase of two non-brand specific packer trucks on the City’s website under the commodity codes for trucks one-ton or less and specialized bodies. Prospective bidders were given notice online of the bid opportunity. Fourteen companies chose to download the RFB document, and

WHEREAS, the bids were formally opened in the City Clerk’s office. Three companies chose to respond. There are no local vendors capable of providing this type of equipment. All three companies provided responsive and responsible bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two packer trucks to Western Truck Center, West Sacramento, CA, for a total estimated cost of $424,003, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services
to be formally bid. The award of bid for the purchase of two packer trucks to Western
Truck Center, West Sacramento, CA, conforms to the Modesto Municipal Code, 8-3.203,
and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2015-16, in account:
5409-53246-57003. Funding for these vehicles was collected thru the internal service
fund (ISF) via straight-line depreciation over the life of the vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the award of bid for the purchase of two packer trucks to
Western Truck Center, West Sacramento, CA, for an estimated total cost of $424,003.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is
authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who
moved its adoption, which motion being duly seconded by Councilmember Grewal, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam U. Lindgren, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH O’DELL ENGINEERING, INC., DBA O’DELL ENGINEERING OF MODESTO, CA TO PROVIDE SURVEY SERVICES FOR EAST MORRIS SEWER IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED $140,200 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $14,020 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $154,220, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, after completing a comprehensive closed circuit television (CCTV) evaluation on the six and eight-inch sewer mains in the East Morris neighborhood, design and operations staff determined the area to be a high priority for rehabilitation, and

WHEREAS, City design staff will be preparing improvement plans for the replacement or rerouting of severely damaged and/or hydraulically inefficient sewer mains in the East Morris neighborhood, and

WHEREAS, the purpose of this agreement is to procure surveying services that are needed to complete the design, and

WHEREAS, a Request for Proposal (RFP) was sent out in September 2015 to the list of prequalified local consultants, and

WHEREAS, the project limits encompass 465 acres, approximately 91,000 linear feet of pipe, and 325 manholes, and

WHEREAS, O’Dell Engineering (O’Dell) was the only consultant to submit a proposal, and

WHEREAS, staff reviewed the proposal, met with the consultant, and negotiated the scope and fee, and
WHEREAS, the scope of services to be provided under this agreement includes:
1) Topographical survey of the sewer in the Project Area; 2) Traffic control; 3) Caltrans coordination; and 4) Project meetings, and

WHEREAS, therefore, City staff recommends approving an agreement with O’Dell Engineering to perform the survey services for East Morris Sewer Improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O’Dell Engineering, Inc., dba O’Dell Engineering of Modesto, CA for Survey Services for East Morris Sewer Improvements, in an amount not to exceed $140,200 for the identified scope of services, plus $14,020 for additional services (if needed), for a maximum total amount of $154,220.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of April, 2016, by Councilmember Zoslocki, who
moved its adoption, which motion being duly seconded by Councilmember Madrigal,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Ridenour

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE SHACKELFORD SEWER CROSSING PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, AND RELEASE SECURITIES AND PAYMENTS TOTALING $2,065,706 TO MOZINGO CONSTRUCTION INC., OF OAKDALE, CA.

WHEREAS, the Shackelford Sewer Crossing Project has been completed by Mozingo Construction Inc. of Oakdale, CA in accordance with the contract agreement dated July 1, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Shackelford Sewer Crossing Project is hereby accepted as complete from said contractor, Mozingo Construction Inc. of Oakdale, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,065,706, as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A DONATION AGREEMENT WITH JANOPAUL PROPERTIES, LLC, FOR DONATION OF A PUBLIC UTILITY EASEMENT LOCATED AT 615 JANOPAUL AVENUE (APN: 038-019-017), CONSISTING OF 31,320 SQUARE FEET, FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is continuing to make improvements to the efficiency of the water distribution system, and

WHEREAS, the improvements in this project include installing new water lines, upgrading existing water lines, and replacing old water lines, in addition to also installing new fire hydrants for added fire protection, and

WHEREAS, these improvements will allow for an increase of water pressure delivery for fire flows, and

WHEREAS, City staff is recommending acquisition of Public Utilities Easements for installation of the water improvements, and

WHEREAS, Janopaul Properties, LLC has agreed to donate the Public Utility Easement, without compensation, and

WHEREAS, an agreement is needed for the donation of the easement and City staff recommends approving the Donation Agreement for the Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Donation Agreement with Janopaul Properties, LLC for the acquisition of a 31,320 square foot Public Utility Easement, located at 615 Janopaul
Avenue (APN 038-019-017), for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A DONATION AGREEMENT WITH SERRAO PROPERTIES, LLC FOR DONATION OF A PUBLIC UTILITY EASEMENT LOCATED AT 820 JANOPAUL AVENUE (APN: 038-019-018), CONSISTING OF 16,176 SQUARE FEET, FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is continuing to make improvements to the efficiency of the water distribution system, and

WHEREAS, the improvements in this project include installing new water lines, upgrading existing water lines, and replacing old water lines, in addition to also installing new fire hydrants for added fire protection, and

WHEREAS, these improvements will allow for an increase of water pressure delivery for fire flows, and

WHEREAS, City staff is recommending acquisition of Public Utilities Easements for installation of the water improvements, and

WHEREAS, Serrao Properties, LLC has agreed to donate the Public Utility Easement, without compensation, and

WHEREAS, an agreement is needed for the donation of the easement and City staff recommends approving the Donation Agreement for the Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Donation Agreement with Serrao Properties, LLC for the acquisition of a 16,176 square foot Public Utility Easement, located at 820 Janopaul.
Avenue (APN 038-019-018), for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-144

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE ACQUISITION OF A PUBLIC UTILITY EASEMENT LOCATED AT 615 JANOPAUL AVENUE, OWNED BY JANOPAUL PROPERTIES, LLC, (APN: 038-019-017) TO BE ACCEPTED BY THE CITY OF MODESTO FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT

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

WHEREAS, the City of Modesto desires to accept a 31,320 square foot Public Utility Easement, for the acquisition of property interests located at 615 Janopaul Avenue (APN 038-019-017), owned by Janopaul Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 615 Janopaul Avenue (APN 038-019-017), owned by Janopaul Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

04/05/2016 UnijYurisf/Item 20    2  2016-144
RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE DONATION OF A PUBLIC UTILITY EASEMENT LOCATED AT 820 JANOPAUL AVENUE, OWNED BY SERRAO PROPERTIES, LLC, (APN: 038-019-018) TO BE ACCEPTED BY THE CITY OF MODESTO FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT

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

WHEREAS, the City of Modesto desires to accept a 16,176 square foot Public Utility Easement, for the acquisition of property interests located at 820 Janopaul Avenue (APN 038-019-018), owned by Serrao Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 820 Janopaul Avenue (APN 038-019-018), owned by Serrao Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney