RESOLUTION APPOINTING JOSEPH “JOE” MURATORE (TERM EXPIRATION JANUARY 1, 2020) AND LAUREN TREVINO (TERM EXPIRATION JANUARY 1, 2018) TO FILL TWO VACANCIES ON THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD.

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, there are presently two (2) vacancies on the Board of Directors of the Downtown Improvement District Advisory Board (D.I.D.) occasioned by the death of Norma Reed whose term would have been up in 2020 and the resignation of Don Phillips whose term would have been up in 2018 and

WHEREAS, the D.I.D. put out a call for applicants in order to fill these vacancies and received eight applications and

WHEREAS, the Downtown Improvement District Board of Directors are recommending the appointments of Joseph “Joe” Muratore to fill the vacancy left by Norma Reed with an term expiration of January 1, 2020 and Lauren Trevino to fill the vacancy left by Don Phillips with a term ending January 1, 2018 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. Joseph “Joe” Muratore and Lauren Trevino are hereby appointed 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 24th day of October, 2017, 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: STEPHANIE LOPEZ, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE RESIGNATION OF KARLHA DAVIES FROM THE CITY OF MODESTO CULTURE COMMISSION

WHEREAS, Karlha Davies was appointed to serve as a member of the Culture Commission on October 25, 2016 through Resolution No. 2016-420, and

WHEREAS, Karlha Davies has tendered her resignation from the Culture Commission on September 29, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts, with regret, the resignation of Karlha Davies from the Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017 by Councilmember Kenoyer, 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 JONATHAN BRUNO FROM THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Jonathan Bruno was appointed to serve as a member of the Landmark Preservation Commission (LPC) on November 8, 2016, by City Council Resolution 2016-452, and

WHEREAS, Jonathan Bruno has tendered his resignation from the LPC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Jonathan Bruno from the LPC 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 24th day of October, 2017, by Councilmember Kenoyer, 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: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE RESIGNATION OF SAMUEL GONZALEZ 
FROM THE CITY OF MODESTO LANDMARK PRESERVATION 
COMMISSION 

WHEREAS, Samuel Gonzalez was appointed to serve as a member of the 
Landmark Preservation Commission (LPC) on November 8, 2016, by City Council 
Resolution 2016-450, and 

WHEREAS, Samuel Gonzalez has tendered his resignation from the LPC. 

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 
that the resignation of Samuel Gonzalez from the LPC 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 24th day of October, 2017, by Councilmember Kenoyer, 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: 

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE RESIGNATION OF MICAH RAPIER FROM THE CITY OF MODESTO HOUSING AND REHABILITATION LOAN COMMITTEE

WHEREAS, the City of Modesto’s Housing Rehabilitation Loan Committee was established to develop administrative procedures and policies for the City’s housing rehabilitation loans and grants and its down payment assistance program, and

WHEREAS, it also has the authority to review and approve housing rehabilitation loans, funded through the Community Development Block Grant – Revolving Loan Fund, in an amount up to $60,000, and

WHEREAS, on April 13, 2017, by Resolution No. 2017-162, Micah Rapier was re-appointed to the City of Modesto Housing Rehabilitation Loan Committee, and

WHEREAS, Micah Rapier submitted his resignation on October 5, 2017 as he will no longer be able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Micah Rapier from the City’s Housing Rehabilitation Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer,
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: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE 2018 CITY CALENDAR OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITTEE MEETINGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2018 City Council Meeting Calendar, attached hereto as Exhibit “A,” and the 2018 Council Standing Committee Meeting Calendar Exhibit “B,” are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, 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
## Draft City Council Calendar 2018

### January 2018
- 2\(^{nd}\) CANCELLED*
- 9\(^{th}\) CANCELLED*
- 16\(^{th}\) NO MEETING
- 23\(^{rd}\) Council Meeting (regular)
- 30\(^{th}\) NO MEETING – 5\(^{th}\) Tuesday

### February 2018
- 6\(^{th}\) Council Meeting (regular)
- 13\(^{th}\) Council Meeting (regular)
- 20\(^{th}\) NO MEETING
- 27\(^{th}\) Council Meeting (regular)

### March 2018
- 6\(^{th}\) Council Meeting (regular)
- 13\(^{th}\) Council Meeting (regular)
- 20\(^{th}\) NO MEETING
- 27\(^{th}\) CANCELLED **

### April 2018
- 3\(^{rd}\) Council Meeting (regular)
- 10\(^{th}\) Council Meeting (regular)
- 17\(^{th}\) NO MEETING
- 24\(^{th}\) Council Meeting (regular)

### May 2018
- 1\(^{st}\) Council Meeting (regular)
- 8\(^{th}\) Council Meeting (regular)
- 15\(^{th}\) NO MEETING
- 22\(^{nd}\) Council Meeting (regular)
- 29\(^{th}\) NO MEETING - 5\(^{th}\) Tuesday

### June 2018
- 5\(^{th}\) Council Meeting (regular)
- 12\(^{th}\) Council Meeting (regular)
- 19\(^{th}\) NO MEETING
- 26\(^{th}\) Council Meeting (regular)

### July 2018
- 3\(^{rd}\) Council Meeting (regular)
- 10\(^{th}\) Council Meeting (regular)
- 17\(^{th}\) NO MEETING
- 24\(^{th}\) NO MEETING
- 31\(^{st}\) NO MEETING

### August 2018
- 8\(^{th}\) Council Meeting (special)***
- 14\(^{th}\) Council Meeting (regular)
- 21\(^{st}\) NO MEETING
- 28\(^{th}\) NO MEETING

### September 2018
- 4\(^{th}\) Council Meeting (regular)
- 11\(^{th}\) Council Meeting (regular)
- 18\(^{th}\) NO MEETING
- 25\(^{th}\) Council Meeting (regular)

### October 2018
- 2\(^{nd}\) Council Meeting (regular)
- 9\(^{th}\) Council Meeting (regular)
- 16\(^{th}\) NO MEETING
- 23\(^{rd}\) Council Meeting (regular)
- 30\(^{th}\) NO MEETING – 5\(^{th}\) Tuesday

### November 2018
- 6\(^{th}\) Council Meeting (regular)
- 13\(^{th}\) Council Meeting (regular)
- 20\(^{th}\) NO MEETING
- 27\(^{th}\) Council Meeting (regular)

### December 2018
- 4\(^{th}\) Council Meeting (regular)
- 11\(^{th}\) Council Meeting (regular)
- 18\(^{th}\) CANCELLED per MMC 2-1.01
- 25\(^{th}\) CANCELLED per MMC 2-1.01

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* January 2\(^{nd}\) and January 9\(^{th}\) due to Winter Break  
** March 27\(^{th}\) due to Spring Break  
*** August 8\(^{th}\) Wednesday Meeting due to National Night Out on August 7\(^{th}\)
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- Council
- Economic Development Committee
- Appointment & Audit Committees - As needed
- Safety & Communities Committee
- Finance Committee

*Meeting dates are subject to change at the request of Council
Calendar by the City Clerk's Office 10/24/2017 - Revised for clerical error
RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE $120,000 FROM THE GENERAL FUND TO THE JOHN THURMAN FIELD CAPITAL IMPROVEMENT FUND (PROJECT 101019)

WHEREAS, City Council Resolution No. 2016-503 and No. 2016-504 approved an agreement with HWS Baseball, IV, LLC (the Nuts) for the use and operation, and management of John Thurman Field and to establish a fund for capital improvements to be made to the stadium, and

WHEREAS, the 2018 List of Priorities for Capital Improvements has been submitted to the City and is attached hereto, and

WHEREAS, the City has identified and approved the replacement of the stadium seats and completion of the anti-skid treads on the stadium steps, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended to appropriate $120,000 from Fiscal Year 2016-2017 General Fund Carryover to the John Thurman Field Capital Improvement Fund budget to fund the approved improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2017-2018 Capital Improvement Budget to appropriate and transfer $120,000 from 2016-2017 FY General Fund Carryover to the John Thurman Capital Improvement Project Fund (Project 101019).

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, 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
2018 List of Priorities at John Thurman Field

1. Replacement of approximately 1,000 Upper Box seats
   a. Estimated Cost: $140,000
   b. Reason: The Upper Box seats are the same seats that were installed in 1997. Typically, these seats have a lifespan of 10 years. We have just completed our 21st season with the same seats. They are faded, loose and in constant need of repair.

2. Installation of misters in the seating area
   a. Estimated Cost: $10,000
   b. Reason: There is very little shade in the seating area at John Thurman Field. The high temperatures we experience in the summer has a dramatic negative impact on attendance. Installing a mister unit, similar to other ballparks in California, will allow our fans to stay cool during hot games.

3. Renovate two lower level seating sections into a premium seating area
   a. Estimated Cost: $20,000
   b. Reason: Premium seating options close to the field are in high demand across the country. Currently, our premium seating options are limited to groups and tend to be further from the action. By removing 2 sections of seats (160 total) and installing a deck area with round tables and misters, we can create a unique environment close to the action for the individual fan to purchase.

4. Replacement of video board
   a. Estimated Cost: $500,000
   b. Reason: The current video board was purchased and installed prior to the 2007 season. With proper maintenance, video boards have a lifespan of 8-10 years. The maintenance of the scoreboard has not been kept up and we will complete our 11th season with the video board. While the board is still currently operational, the franchise believes we are on borrowed time.

5. New fencing/gates around the perimeter of the facility
   a. Estimated Cost: TBD
   b. Reason: The fencing around the facility is weak, outdated and easy to climb. Trespassers can easily climb the fence or pull the bottom from the Municipal Golf course and enter the stadium with relative ease. This has subjected the franchise to numerous break-ins and losses.

6. Repainting of green steel throughout the facility
   a. Estimated Cost: $50,000
   b. Reason: The steel is stained, faded and gives an overall rundown impression throughout the stadium. This project can be broken up into smaller parts over time.
RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #16)

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”), and

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

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

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and
WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled “Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)” and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the “Consolidated Boundary Map”), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12, 13, 14, and 15, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, it is intended that the territory be annexed to Tax Zone #2.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto that the Council finds and orders the following:

1. The above recitals are true and correct.

2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled “Annexation Map No. 11 of

3. The territory proposed to be annexed to the District (the “Territory”) is described in Exhibit A, attached hereto.

4. The boundaries of the Territory are also shown on the map thereof, entitled “Proposed Boundaries of Annexation No. 16 to the City of Modesto Community Facilities District No. 2004-1 (Village One #2), City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a
copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

6. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday November 28, 2017, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the
public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

9. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

10. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN UPDATED ACQUISITION AND SHORTFALL AGREEMENT WITH BERBERIAN HOLDINGS, LP, MODESTO, CA, TO REDUCE PERFORMANCE AND PAYMENT SECURITIES TO 50% OF THE ESTIMATED COST OF THE IMPROVEMENTS; RESCINDING RESOLUTION NO. 2017-311; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT IN BOTH THE CAPACITY OF FORM OF INTERIM CITY MANAGER AND AS DISTRICT ADMINISTRATOR


WHEREAS, the policy allows developers to install public improvements which benefit properties within a proposed CFD, and be reimbursed for the work if certain parameters are met, and

WHEREAS, on April 6, 2004, the City of Modesto formed City of Modesto Community Facilities District No. 2004-1 (CFD No. 2004-1) to pay for various infrastructure improvements as well as the maintenance of parks, parkways and open space, storm drainage basin and related facilities that serve the Village One area, and

WHEREAS, a developer may construct identified improvements for CFD No. 2004-1 and be reimbursed, provided an agreement for such improvements is entered into with the City and CFD No. 2004-1 prior to commencement of work, and

WHEREAS, on April 26, 2017, Berberian Holdings, LP (Applicant) submitted an application to develop an 18-acre neighborhood shopping center known as The Marketplace on property located at the southwest corner of Sylvan Avenue and Oakdale Road, and
WHEREAS, the proposed project will construct public improvements at the Sylvan Avenue and Oakdale Road intersection as well as on Oakdale Road between Sylvan Avenue and Post Office Drive and includes paving, curb, gutters, sidewalks, storm drainage, traffic signal modification and MID pole relocation, and

WHEREAS, the City’s General Plan calls for Oakdale Road to be a six lane principal arterial, and for Sylvan Avenue to be constructed as a six lane principal arterial, and

WHEREAS, an Acquisition & Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Berberian Holdings, LP, must be executed prior to commencement of work in order for Applicant to be reimbursed for certain public improvements, and

WHEREAS, the proposed Acquisition and Shortfall Agreement has a maximum reimbursement amount of $2,635,322; however, reimbursement will be based upon actual expenses incurred and in no event will exceed the maximum reimbursement amount, and

WHEREAS, reimbursement is strictly limited to funds from the City of Modesto Community Facilities District No. 2004-1 (Village One #2), and

WHEREAS, on August 8, 2017, by Resolution 2017-311, the Council approved an Acquisition and Shortfall Agreement with Applicant, and

WHEREAS, under the terms of the Acquisition & Shortfall Agreement, the Applicant is required to provide both payment and performance securities in an amount equal to 100% of the estimated cost of the improvements to be installed by the Applicant, and
WHEREAS, this is the standard language for Acquisition & Shortfall
Agreements, and

WHEREAS, the Acquisition & Shortfall Agreement approved on August 8, 2017,
was not signed by the Applicant, and

WHEREAS, the Applicant requested the security requirements in Section 3(g) of
the Acquisition & Shortfall Agreement be amended to reflect a 50% performance security
and a 50% security be provided in lieu of the current 100% performance and 100%
payment security requirement, and

WHEREAS, at the 100% security requirement, the Applicant is required post two
securities, each in the amount of $2,635,322, and

WHEREAS, if the security requirement is reduced to 50%, the Applicant will be
required to post two securities, each in the amount of $1,317,661, and

WHEREAS, rather than providing bonds, the Applicant will assign two
Certificates of Deposit, each in the amount of $1,317,661, to the City, and

WHEREAS, Certificates of Deposit are sounder securities than bonds as they are
essentially “cash” the City can draw upon in the event Applicant breaches the Acquisition
& Shortfall Agreement, and

WHEREAS, if the updated Acquisition & Shortfall Agreement to reduce the
amount of the two securities is not approved, the developer would have to look into other
options to provide the stated securities and it would delay construction on the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an updated Acquisition and Shortfall Agreement with Berberian
Holdings, LP, Modesto, CA, to reduce performance and payment securities to 50% of the estimated cost of the improvements.

BE IT FURTHER RESOLVED that Resolution No. 2017-311 is rescinded in its entirety.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in both the capacity of Interim City Manager and as District Administrator, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION CLAIMING FISCAL YEAR 2016-2017 UNCLAIMED FUNDS OF $27,094 HELD IN THE CITY’S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City’s General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of $15 or more, held in the City’s Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby claims the FY 2016-2017 unclaimed funds of $27,094 held in the City’s trust fund for more than three years and authorizes the transfer to the General Fund.

BE IT FURTHER RESOLVED that the Interim 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 24th day of October, 2017, by Councilmember Kenoyer, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-417

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR A JOINT APPLICATION FOR FUNDING IN THE AMOUNT OF $169,479 THROUGH THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF AGREEMENT

WHEREAS, the allocation of Edward Byrne Memorial Justice Assistance Grant (JAG) is based on a formula of population and violent crime statistics, in combination with a minimum allocation to ensure that each state and territory received an appropriate share of funding, and

WHEREAS, the JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local need and conditions, and

WHEREAS, the City of Modesto Police Department is eligible to apply for $140,751 and Stanislaus County is eligible for $28,728, and

WHEREAS, the City of Modesto Police Department is considered “disparate” under the terms of this grant because the City is eligible to receive one and one-half times more than a County (150% more than the County with concurrent jurisdiction), and

WHEREAS, the Modesto Police Department and Stanislaus County are required to submit a joint application for the total eligible allocation of $169,479 and

WHEREAS, recommended distribution of the 2017 JAG funds are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation</td>
<td>$7,182</td>
</tr>
<tr>
<td>Sheriff</td>
<td>$21,546</td>
</tr>
<tr>
<td>Sheriff (Administrative Fee)</td>
<td>$4,223</td>
</tr>
<tr>
<td>Modesto Police Department</td>
<td>$136,528</td>
</tr>
</tbody>
</table>
WHEREAS, the City of Modesto will use its allocation to help fund the acquisition and implementation of License Plate Reader (LPR) equipment and analytical software, and

WHEREAS, there is no match required for this grant, and

WHEREAS, the awards are made in the first fiscal year of the appropriation and may be expended during the following three years for a total of four years, and

WHEREAS, Stanislaus County will be the fiscal agent for this grant, and

WHEREAS, the County will charge the City a three percent (3%) administrative fee in the amount of $4,223 to cover the reporting costs associated with the grant, and

WHEREAS, the administrative fee reduces the City’s total projected grant award to $136,528 ($140,751 less the 3% administrative fee of $4,223), and

WHEREAS, the grant requires that a trust fund must be established for fund deposits, and funds cannot be commingled with funds from any other source, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter, and

WHEREAS, grant requires a signed Memorandum of Agreement between the City and County for the application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of $169,479 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the grant application upon award.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, 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. LINDREN, City Attorney
RESOLUTION ACCEPTING THE 2018 PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT IN THE AMOUNT OF $30,000 FROM THE OFFICE OF TRAFFIC SAFETY TO INCREASE AWARENESS AND EDUCATION FOR PEDESTRIAN AND BICYCLE SAFETY; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Pedestrian and Bicycle Safety Program grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a grant in the sum of $30,000 from OTS, and

WHEREAS, acceptance of said $30,000 grant will provide funding for pedestrian and bicycle safety presentations, equipment and resources to educate and bring awareness for safety of non-motorized travel on city roadways, and

WHEREAS, OTS will pay overtime for Police staff to participate in traffic safety fairs, community events and otherwise educate citizens through community-based organizations at both the neighborhood and community levels, and

WHEREAS, the term of this grant will be from October 1, 2017, through September 30, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Pedestrian and Bicycle Safety Program Grant in the amount of approximately $30,000 from the Office of Traffic Safety to increase awareness and education for pedestrian and bicycle safety.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the necessary award documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, 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. 2017-419

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 MULTI-YEAR BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF $30,000 RELATED TO THE PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT TO INCREASE AWARENESS AND EDUCATION FOR PEDESTRIAN AND BICYCLE SAFETY

WHEREAS, the Police Department acquired a grant award in the amount of approximately $30,000 from the Office of Traffic Safety (OTS) to increase awareness and education for pedestrian and bicycle safety, and

WHEREAS, the grant provide funding for pedestrian and bicycle safety presentations, equipment and resources to educate and bring awareness for safety of non-motorized travel on city roadways, and

WHEREAS, the grant will also pay overtime for Police staff to participate in traffic safety fairs, community events and otherwise educate citizens through community-based organizations at both the neighborhood and community levels, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, the term of this grant will be from October 1, 2017, through September 30, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2017/2018 Multi-Year Budget is hereby adjusted as indicated on budget adjustment attached.

BE IT FURTHER RESOLVED that the Interim 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 24th day of October, 2017, by Councilmember Kenoyer,
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, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
### Exhibit A

**Project Name:** 2018 OTS Pedestrian and Bicycle Safety Program  
**Project Fund:** 1342 – Grants – Police

The Multi-Year 2017/2018 Operating Budget will be amended as follows:

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>MY-1342-19998-42141-101056</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Increase/(Decrease)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To: MY-101056 - Appr. A - 51200</td>
<td>$25,363</td>
<td>Overtime</td>
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<tr>
<td>MY-101056 - Appr. C - 53025</td>
<td>$2,000</td>
<td>Training Expense</td>
</tr>
<tr>
<td>MY-101056 - Appr. C - 52300</td>
<td>$2,637</td>
<td>Tools &amp; Field Supplies &lt; $5,000</td>
</tr>
</tbody>
</table>

$30,000
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-420

RESOLUTION APPROVING AN AGREEMENT WITH BRASCO INTERNATIONAL, INC., MADISON HEIGHTS, MI, TO PROVIDE BUS STOP SHELTERS FOR THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM, AT A COST OF $95,615 FOR THE FIRST YEAR AND TOTALING $562,075 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, a Request for Bids (RFB) for bus stop shelters was issued soliciting bids from qualified firms on August 7, 2017, and

WHEREAS, Brasco International, Inc., Madison Heights, MI, submitted a bid that was determined to be reasonable and cost effective, and

WHEREAS, the RFB conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203 and staff recommends awarding the contract to the lowest responsive and responsible proposal, which was submitted by Brasco International, Inc., Madison Heights, MI.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Brasco International, Inc., Madison Heights, MI, to provide bus stop shelters for the Modesto Area Express (MAX) Transit System, at a cost of $95,615 for the first year and totaling $562,075 over five years.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING THE AWARD FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) OF $5,172,318 IN FTA SECTION 5307 FUNDS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES, AND ALL OTHER NECESSARY DOCUMENTS WITH THE FTA

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

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C Section 5307, and

WHEREAS, on September 26, 2017, Council approved the submittal of a grant application through Resolution No. 2017-379, and

WHEREAS, the projects are included in the 2017 Federal Transportation Improvement Program (FTIP) adopted by the Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, formerly known as “State Toll Credits”, in lieu of a local match, and

WHEREAS, these Section 5307 funds will be used for preventative maintenance, to fund the capital cost of contracting for Stanislaus County, and for employee education and training, bus stop shelters, and maintenance to the downtown Transit Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the award of $5,172,318 in FTA Section 5307 funds.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-422

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, "NEW TRAFFIC SIGNALS" AT ROSELLE AVENUE AT BELHARBOUR DRIVE, FLOYD AVENUE AT MILLBROOK AVENUE AND PRESCOTT ROAD AT MOUNT VERNON DRIVE, ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO TIM PAXIN'S PACIFIC EXCAVATION, INC. OF ELK GROVE, CA IN THE AMOUNT OF $878,860, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in April, 2010 City Staff applied for Congestion Mitigation and Air Quality (CMAQ) funds to construct a new traffic signal at the following three intersections in the City of Modesto: (1) Roselle Avenue at Belharbour Drive, (2) Floyd Avenue at Millbrook Avenue, and (3) Prescott Road at Mount Vernon Drive, and

WHEREAS, construction of this project would install new traffic signals including LED street lighting at the intersections and meeting current Americans with Disabilities Act (ADA) standards, and

WHEREAS, on December 18, 2015, City Council approved Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive as a Capital Improvement Project (CIP) project, and

WHEREAS, City staff has worked diligently with California Department of Transportation (Caltrans) for project funding and approval, and

WHEREAS, City staff worked with Stanislaus Council of Governments (StanCOG) staff to increase the amount of CMAQ funds for the New Traffic Signals project, and
WHEREAS, on July 6, 2017, City Council, by Resolution No. 2017-269 approved the addition of $160,000 in Measure L funds to the construction phase and match funding of this project, and

WHEREAS, on July 22, 2017, the project was advertised for bids, and

WHEREAS, on August 15, 2017, bids were publicly opened pursuant to Modesto Municipal Code Section 8-3.403 and later tabulated by the Public Works Director for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development and the Interim City Manager have recommended that the bid of $878,860 received from Tim Paxin’s Pacific Excavation, Inc. be accepted as the lowest responsive and responsible bid and the contract be awarded to Tim Paxin’s Pacific Excavation, Inc. of Elk Grove, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the project titled, “New Traffic Signals” at Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive, accepts the bid from Tim Paxin’s Pacific Excavation, Inc., of Elk Grove, CA in the amount of $878,860 and awards Tim Paxin’s Pacific Excavation, Inc. of Elk Grove, CA the contract for the “New Traffic Signals – 2013” project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: Ridenour

ATTEST: 

SEAL

APPROVED AS TO FORM:
By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-423

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET IN THE AMOUNTS AS SHOWN IN EXHIBIT A IN ORDER TO FULLY FUND CONSTRUCTION ADMINISTRATION, CONSTRUCTION, CONTINGENCY, AND ENGINEERING SUPPORT FOR TRAFFIC SIGNAL PROJECTS #100719 ROSELLE AT BELHARBOUR AND #100720 FLOYD AT MILLBROOK AND PRESCOTT AT MT. VERNON

WHEREAS, certain budgetary transactions are necessary in the amounts as shown in Exhibit A, in order to fully fund construction administration, construction, contingency and engineering support for projects #100719 and #100720, which would provide traffic signals for Prescott Road at Mt. Vernon Avenue, Roselle Avenue at Belharbour Drive, and Floyd Avenue at Millbrook Avenue, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program must be amended as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 

SEAL 

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
## EXHIBIT A

### Project #100719 - Traffic Signals 2013 (Roselle/Belharbour)

<table>
<thead>
<tr>
<th>Description</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>InterGov - State - Department of Transportation</td>
<td>$240,061</td>
<td>-</td>
<td>$240,061</td>
</tr>
<tr>
<td>Transfer in from Fund 1410 (Measure L Proceeds)</td>
<td>$160,000</td>
<td>$(121,629)</td>
<td>$38,371</td>
</tr>
<tr>
<td>Village One #2 CFD Fund Reserves (Project resides in fund, comes from fund balance)</td>
<td>$25,272</td>
<td>$100,000</td>
<td>$125,272</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$425,333</strong></td>
<td><strong>$(21,629)</strong></td>
<td><strong>$403,704</strong></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Administration</td>
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<td>$(15,177)</td>
<td>$38,432</td>
</tr>
<tr>
<td>Construction</td>
<td>$339,192</td>
<td>$(42,644)</td>
<td>$296,548</td>
</tr>
<tr>
<td>Contingency - CIP</td>
<td>$17,886</td>
<td>$(5,836)</td>
<td>$23,724</td>
</tr>
<tr>
<td>Eng/Design/Admin</td>
<td>$45,000</td>
<td>-</td>
<td>$45,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$425,333</strong></td>
<td><strong>$(21,629)</strong></td>
<td><strong>$403,704</strong></td>
</tr>
</tbody>
</table>

### Project #100720 - Traffic Signals 2013 (Prescott/Mt. Vernon)

<table>
<thead>
<tr>
<th>Description</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>InterGov - State - Department of Transportation</td>
<td>$608,237</td>
<td>-</td>
<td>$608,237</td>
</tr>
<tr>
<td>Transfer in from Fund 1410 (Measure L Proceeds)</td>
<td>$ -</td>
<td>$121,629</td>
<td>$121,629</td>
</tr>
<tr>
<td>Transfer in from Fund 1700 (Surface Transportation Fund)</td>
<td>$50,430</td>
<td>-</td>
<td>$50,430</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$658,667</strong></td>
<td><strong>$121,629</strong></td>
<td><strong>$780,296</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
</tr>
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<tbody>
<tr>
<td>Construction Administration</td>
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<tr>
<td>Construction</td>
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<tr>
<td>Contingency - CIP</td>
<td>$48,072</td>
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<td>$46,585</td>
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<tr>
<td>Eng/Design/Admin</td>
<td>$65,000</td>
<td>-</td>
<td>$65,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$658,667</strong></td>
<td><strong>$121,629</strong></td>
<td><strong>$780,296</strong></td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY REGARDING THE RIGHT-OF-WAY ACQUISITIONS FOR THE STATE ROUTE 132 PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, State Route (SR) 132 is an east-west highway that extends from I-580 in the Central Valley, south of the City of Tracy, to SR 49 in the foothills of the Sierra Mountains, terminating in the town of Coulterville, and

WHEREAS, the SR 132 corridor is a vital link through the Central Valley, serving local traffic from these communities and providing for regional traffic between the Bay Area and the mountains for the movement of traffic and goods and services, and

WHEREAS, the SR 132 West Freeway/Expressway Project developed by Caltrans (Project) proposes to construct a four lane freeway/expressway on a new alignment south of Kansas Avenue from Dakota Avenue to east of SR 99 at Needham Street, and

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, Phase 1 of the Project is approximately four miles in length and will allow for construction of the ultimate multi-lane freeway. Phase 1 of the Project will replace the existing 2-lane highway segment of SR-132 along Maze Boulevard from SR-99 to Dakota Avenue, and

WHEREAS, the City will be primarily responsible for the implementation of Phase 1 of the Project.
WHEREAS, as part of Phase 1 of the Project, the City will need to acquire property that is within the geographic boundaries of the City as well as some parcels that are within the unincorporated areas of the County, and

WHEREAS, pursuant to the Joint Exercise of Powers Act and Code of Civil Procedure section 1240.140, the Joint Powers Agreement delegates the common powers to acquire and condemn real property for state highway purposes to the City, for right-of-way acquisition for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Joint Powers Agreement between the City of Modesto and Stanislaus County regarding the right-of-way acquisitions for the State Route 132 Project.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute the Agreement in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, 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]

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH ABS DIRECT INC., MODESTO, CALIFORNIA, INCREASING THE CONTRACT AMOUNT FOR PRINTING SERVICES BY $257,579, FROM $731,350 TO $988,929, EXTENDING THE TERM OF THE AGREEMENT FROM SEPTEMBER 7, 2016 TO MAY 31, 2018; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AMENDMENT TO THE AGREEMENT

WHEREAS, in November, 2010 the City went through a formal bidding process, pursuant to Modesto Municipal Code 8-3.203, for the furnishing of forms, printing and mailing services used primarily for the mailing of City utility bills, and

WHEREAS, Council authorized the award of proposal to ABS Direct, Inc., through Resolution No. 2011-385, and

WHEREAS, the City executed a contract with ABS Direct, Inc. in September 2011 for the furnishings of Forms, Printing and Mailing services for an estimated annual cost of $146,270 totaling $731,350 over a five year period, and

WHEREAS, over the five year term of the agreement, postage costs of $3.1 million were approved and reimbursed to ABS Direct Inc., through the annual budget process, and

WHEREAS, the City required the continued use if its Forms, Printing and Mailing services in order to ensure it met its daily business needs such as sending utility bills or business licenses until a competitive bid process occurred, and

WHEREAS, due to exigent circumstances created by the ongoing mailing needs of the City, from September 7, 2016 to September 6, 2017, $113,554 was paid for the Forms, Printing and Mailing services and pass through postage costs of $426,452 were reimbursed to ABS Direct Inc., and
WHEREAS, $42,597 of outstanding invoices have been received from ABS Direct, Inc., which include $7,262 for printing and mailing services and $35,335 for postage costs, and

WHEREAS, it is estimated an additional $136,763 will be needed for Forms, Printing and Mailing services and an additional $326,802 in pass through postage costs for the period of September 7, 2017 through May 31, 2018, and

WHEREAS, the Finance Department has completed the competitive bid process and is scheduled to forward the results and recommendation of award to the Finance Committee on November 27, 2017 to request the Committee forward to Council for consideration on December 5, 2017, and

WHEREAS, Modesto Municipal Code Section 8-3.204(c), Exceptions to Formal Bidding Requirements, provides that the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in Modesto Municipal Code section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, Modesto Municipal Code 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, the purchase may be exempt from the formal bid process, and

WHEREAS, the Purchasing Manager has determined that the current situation is an exigent circumstance since the City cannot have any lapse in printing and mailing of utility bills and business licenses since this is a major source of revenue for the City. Due to the exigent circumstances, the Purchasing Manager has also determined that
continuing in the current contract with ABS until such time that the RFP process can be completed would prevent any lapse in mailing services and save the City from incurring additional costs relating to staff time, and

WHEREAS, the postage costs are an essential and implied cost of mailing utility bills and business licenses and it is more efficient for the vendor to pay the postage costs to the Postal Service with reimbursement of the vendor by the City, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds the foregoing recitals to be true and correct and hereby approves an amendment to the agreement with ABS Direct, Inc., Modesto, CA, increasing the contract amount for printing services by $257,579 from $731,350 to $988,929 and extending the term of the agreement from September 7, 2016 to May 31, 2018.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the amended Agreement, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Council acknowledges the postage costs reimbursed to ABS Direct, Inc. since 2011 are a pass through cost of the Forms, Printing and Mailing services.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, 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]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney