

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-638**

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE STANDARD AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND STOCKTON BLUE, TO ALLOW FOR FUTURE SCANNING, STORAGE, BACKUP AND MAINTENANCE OF PLAN DOCUMENTS; FOR \$50,001, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000.

WHEREAS, the City of Modesto entered into a contract with Stockton Blue on April 7, 2004 to perform the conversion of existing microfilmed and paper plans to Tiff files, for the upload and maintenance of files on PlanWell Internet server, to burn back up CDs with PlanWell viewer and indexing, as well as the future scanning and Plan Well updates, and

WHEREAS, Stockton Blue has completed the conversion of all microfilmed and existing paper plans to Tiff files, in accordance with the original Standard Agreement, and

WHEREAS, Stockton Blue has completed the upload of all converted plans on PlanWell Internet server, in accordance with the original Standard Agreement, and

WHEREAS, Stockton Blue has completed burning the CDs with all converted plans, in accordance with the original Standard Agreement, and

WHEREAS, the need for storage, maintenance and future scanning of plans is an on-going necessity, and

WHEREAS, there are limitations of office space to store/house plans in our previous fashion, and

WHEREAS, there is a need to keep pace with technology that provides the most efficient access to information for our customers, and

WHEREAS, the Community and Economic Development Department desires to extend Consultant's contract for future services for an additional \$50,001, for a total contract amount not to exceed \$100,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 1 to the Agreement between the City of Modesto and Stockton Blue to provide future services in the amount of \$50,001, for a total contract amount not to exceed \$100,000, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment No. 1 to the Agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 10th day of October, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Wood
SUSANA WOOD, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-639**

A RESOLUTION APPROVING A MASTER PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND HARRIS AND ASSOCIATES FOR PROJECT MANAGEMENT SERVICES IN CONJUNCTION WITH PROCESSING OF THE FAIRVIEW SPECIFIC PLAN AMENDMENT IN AN AMOUNT NOT TO EXCEED \$359,840 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City Council has directed staff to proceed with processing of the proposed Fairview Specific Plan Amendment, and

WHEREAS, The City has an approved consultant list for the preparation of Facilities Master Plans (FMP) and Infrastructure Master Plans (IMP), and

WHEREAS, processing of the Fairview Specific Plan Amendment must take place prior to, and in coordination with, preparation of the FMP and IMP for this service area, and

WHEREAS, City staff recommends that Harris and Associates be accepted to provide project management services associated with processing the proposed Fairview Specific Plan Amendment because of their extensive experience on similar projects in other jurisdictions, and

WHEREAS, City staff anticipates the project will involve one phase in an amount not to exceed \$359,840,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the Harris and Associates to provide project management services associated with processing the proposed Fairview Specific Plan Amendment in an amount not to exceed \$359,840.

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 10th day of October, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen,
Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST Jean Morris
Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Susana Alcala Wood
Susana Alcala Wood, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2006-640

A RESOLUTION AMENDING THE
FISCAL YEAR 2006-2007 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain year-end adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2006-2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2006-2007 budget have been adjusted as shown in **Schedule A.**

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(seal)

APPROVED AS TO FORM:

By: Susana Alcala Wood
SUSANA ALCALA WOOD, City Attorney

Schedule A

Finance Department

Non-Departmental General Fund Accounts. The expense budgets for three areas were inadvertently left out of the FY 2006-07 adopted operating budget. This transaction will restore funding for Utility Users Tax (UUT) Collection reimbursement, Property Tax Collection reimbursement, and the Senior/Disabled Discount, each of which are described below.

The UUT Collection reimburses Modesto Irrigation District for collecting UUT on behalf of the City. This is applicable only to MID since they are another governmental agency. No other utility provider is reimbursed for collection of UUT.

The Property Tax Collection reimburses Stanislaus County for assessing, collecting and remitting annual property taxes to the City, per SB2557. Applicable costs of the County Assessor, Tax Collector and Auditor Controller are analyzed and allocated to all of the taxing agencies receiving property taxes, including the City and Redevelopment Agency.

The Senior/Disabled Discount is a subsidy to assist low-income and disabled seniors pay their utility bills. Based on the sign-up rate and the 15% water rate increase, it is estimated that the Senior/Disabled Discount will be approximately \$89,000 in FY2007.

This budget adjustment will appropriate funds from the General Fund Reserve to the expense accounts as follows:

From:	General Fund Reserve Acct #0100-800-8000-8003	\$(295,000)
To:	Utility Tax Collection Acct #0100-510-9510-0431	\$ 35,000
	Property Tax Collection Acct #0100-510-9510-0432	\$ 170,000
	Senior/Disabled Discount Acct #0100-510-9510-0440	\$ 90,000

State Booking Fee

The State budget adopted in July authorized an appropriation for the reimbursement to cities of their prior year jail booking fee costs. Based on the actual amount paid for jail booking fees during the 2005-06 fiscal year, the City will receive \$279,416 in new revenue. Since this revenue was not budgeted for FY2007, this budget adjustment will increase the revenue budget amount as shown below:

To:	Jail Booking Revenue Acct #0100-190-1901-4045	\$279,416
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Schedule A

Parks, Recreation & Neighborhoods Department

Youth Financial Assistance Program (Leisure Bucks) - In FY2005-06, the County gave the City \$8,000 which was earmarked for County youth participating in the City Leisure Bucks Program. At year-end, there was \$3,551 still available to assist youth during the FY2006-07 budget year. A budget adjustment transferring funds from the General Fund Reserve to the Leisure Bucks Operating Account as shown below:

From:	General Fund Reserve Acct #0100-800-8000-8003	\$(3,551)
To:	Youth Scholarships Operating Acct #0100-350-3801-1061	\$ 3,551

Community Development Block Grant (CDBG) Program - A small amount of work remains on two projects within the CDBG Program. The Mark Twain Play Equipment project needs \$386 and the Chrysler 99 Play Equipment project needs \$268. Revenue funds in the amount of \$654 need to be carried over to the FY2007 budget to complete these two projects as shown below:

To:	CDBG Revenue Acct #1130-320-3233-3511	\$386
	CDBG Revenue Acct #1130-320-3234-3511	\$268
To:	Mark Twain Play Equipment Acct #1130-320-3233-6010	\$386
	Chrysler 99 Play Equipment Acct #1130-320-3234-6010	\$268

Play Equipment Upgrades (15 parks) – The 15 parks being upgraded are divided into groups. Group I is complete. Remaining funds from Group I are now being transferred to help fund Group II. Originally, remaining funds from Capital Project #M185 (Parks Infrastructure Preservation) were to be moved; however, to make better use of the resources allocated in the capital accounts, staff is requesting funds in the amount of \$24,724 be moved from Capital Project #P493 (Park System Improvements) to Capital Project #N442 (Play Equipment Upgrades) as shown below:

From:	Capital Project Acct #1400-310-P493-6040	\$(24,724)
To:	Capital Project Acct #2300-310-N442-6040	\$ 24,724

Centre Plaza FF&E – The Furniture, Fixtures & Equipment Fund (FF&E) is budgeted from the Centre Plaza Contingency Reserves for specific projects or purchases. There are purchases that were not completed or encumbered in Fiscal Year 2005-06 and the remaining funds need to be re-appropriated in FY2006-07 as follows:

From:	Centre Plaza FF&E Reserves Acct #6710-800-8000-8003	\$(26,960)
To:	Centre Plaza FF&E Repair & Mntc. Acct #6710-340-3420-0223	\$ 26,960

Schedule A

City Manager's Office

Additional Survey Work – The City is currently working with the consulting group, Management Partners, to complete an organizational assessment and business plan for the City. Additional survey work was identified as a need during the initial round of interviews in late July. A budget transfer from the General Fund Reserve Account in the amount of \$5,000 to the City Manager's operating account is needed to pay for the additional survey work as shown below:

From:	General Fund Reserve Acct #0100-800-8000-8003	\$(5,000)
To:	Professional Services Acct #0100-020-0201-0235	\$ 5,000

Public Works Department

Proposition 42 Funding – The City received Prop 42 funds in the amount of \$1,516,292 in July 2006. These funds need to be appropriated as shown below:

To:	Proposition 42 Revenue Acct #0700-480-4612-3230	\$758,146
	Proposition 42 Revenue Acct #0700-430-4380-3230	\$758,146
From:	Streets Mtc/Asphalt Operating Acct #0700-480-4612-5005	\$758,146
	Annual Slurry Seals Operating Acct #0700-430-4380-5006	\$758,146

**MODESTO CITY COUNCIL
RESOLUTION NO.2006-641**

A RESOLUTION APPOINTING A NEW WATER BOND COUNSEL TO THE FINANCING TEAM CONSISTING OF SIDLEY AUSTIN, BOND COUNSEL AND PAY JONES HALL FOR PRELIMINARY WORK COMPLETED WITH RESPECT TO THE PROPOSED ISSUANCE OF CERTAIN WATER REVENUE BONDS FOR FUTURE CONSIDERATION OF COUNCIL, AND AUTHORIZING SAID WATER BOND FINANCING TEAM TO PROCEED WITH ACTIONS NECESSARY FOR BOND DOCUMENT DEVELOPMENT.

WHEREAS, pursuant to the City of Modesto Water Revenue Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the "Bond Law"), the City of Modesto, California (the "City") is authorized to issue revenue bonds to provide funds to finance the costs of the acquisition, construction and equipping of improvements to the water system of the City (the "Enterprise") or for the purpose of refunding bonds issued for such purposes, and

WHEREAS, staff has identified the need to restructure water debt, issue water revenue bonds and prepare for the Modesto Irrigation District to issue bonds which will be considered as parity debt for the City of Modesto, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby appoints Sidley Austin, San Francisco, California, as Bond Counsel ("Bond Counsel") to the City and approves payments to Jones Hall as preliminary work completed in connection with the issuance of water revenue bonds of the City.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, including directing the finance professionals appointed pursuant to this Resolution, to begin preparation of documents in connection with the proposed issuance of the City's water revenue bonds, for future consideration by the City Council

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2006, by Councilmember Marsh who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the Resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

SUSANA ALCALA WOOD
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-642**

A RESOLUTION APPROVING AN AGREEMENT FOR BOND COUNSEL SERVICES WITH SIDLEY AUSTIN FOR THE 2006-2007 WATER REVENUE BONDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT.

WHEREAS, Public Works and Finance representatives developed a list of needs for new utility studies, and

WHEREAS, the objectives of the rate/fee studies are to ensure that the City's water infrastructure is developed and have a strategy for identifying and financing capital needs, and

WHEREAS, City staff desires the assistance of Sidley Austin regarding the 2006-2007 Water Bond Financing,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an Agreement For Legal Services with Sidley Austin for bond counsel services for the 2006-2007 Water Bond Financing,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th of October, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-643**

A RESOLUTION APPROVING AN AGREEMENT FOR BOND COUNSEL SERVICES WITH SIDLEY AUSTIN FOR THE 2006-2007 WASTEWATER REVENUE BONDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT.

WHEREAS, Public Works and Finance representatives developed a list of needs for new utility studies, and

WHEREAS, the objectives of the rate/fee studies are to ensure that the City's wastewater infrastructure is developed and have a strategy for identifying and financing capital needs, and

WHEREAS, City staff desires the assistance of Sidley Austin regard to the 2006-2007 Wastewater Bond Financing,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an Agreement For Legal Services with Sidley Austin for bond counsel services for the 2006-2007 Wastewater Bond Financing,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th of October, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-644**

**A RESOLUTION APPROVING A DISCLOSURE COUNSEL AGREEMENT
WITH STRADLING YOCCA CARLSON & RAUTH FOR LEGAL SERVICES
FOR THE 2006-2007 WASTEWATER REVENUE BONDS, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID
AGREEMENT.**

WHEREAS, Public Works and Finance representatives developed a list of needs for new utility studies, and

WHEREAS, the objectives of the rate/fee studies are to ensure that the City's wastewater infrastructure is developed and have a strategy for identifying and financing capital needs, and

WHEREAS, City staff desires the assistance of Stradling Yocca Carlson & Rauth in regard to the 2006-2007 Wastewater Bond Financing,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves a Disclosure Counsel Agreement for legal services with Stradling Yocca Carlson & Rauth for the 2006-2007 Wastewater Bond Financing,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th of October, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-645**

A RESOLUTION APPROVING A GRANT APPLICATION FOR \$1.5 MILLION FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002 (Proposition 50) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

WHEREAS, the Legislature and Governor of the State of California have provided funds for the California River Parkways Grant Program under the Water, Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 - Proposition 50, and

WHEREAS, City staff believes the City's development of the Gateway portion of the Tuolumne River Regional Park to be an excellent "fit" for this specific funding project, and

WHEREAS, the State Resources Agency has been delegated the responsibility for the administration of this grant program, including establishing necessary procedures, and

WHEREAS, said procedures established by the State Resources Agency require a resolution certifying the approval of the application by the Council of the City of Modesto before submission of this application to the State, and

WHEREAS, the City of Modesto, if selected, will enter an agreement with the State of California to carry out the Project,

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

1. Approves the filing of an application for the Tuolumne River Regional Park Gateway Project;
2. Certifies that the City of Modesto understands the assurances and certification in the application;
3. Certifies that the City of Modesto will have sufficient funds to operate and maintain the project consistent with the land tenure requirements;

4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor code regarding payment of prevailing wages on Projects awarded Proposition 50 funds;

5. If applicable, certifies that the Project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained; and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2006 by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-646**

A RESOLUTION APPROVING A SECOND AMENDMENT TO A STANDARD AGREEMENT BETWEEN THE CITY OF MODESTO AND PRECISION INSPECTION COMPANY INC., INCREASING THE NUMBER OF HOURS OF HOUSING REHABILITATION SERVICES TO INCLUDE ADDITIONAL INSPECTIONS, BID PREPARATION, AND REHABILITATION CONTRACT MONITORING SERVICES PROVIDED TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$15,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT.

WHEREAS, on January 10, 2006, by Resolution No. 2006-016, the City Council approved a Standard Agreement between the City and Precision Inspection Company, Inc. (Precision) for services that include building permit inspections and plan checking services for the Community and Economic Development Department, in an amount not to exceed \$75,000, and

WHEREAS, staffing changes left the Parks, Recreation and Neighborhoods Department in need of similar technical consulting services available through Precision Inspection Company, Inc., and

WHEREAS, On April 25, 2006, by Resolution No. 2006-240, the Council approved an amendment to the agreement with Precision to increase the Scope of Services to include inspections, bid preparation, and rehabilitation contract monitoring services for the Parks, Recreation and Neighborhoods Department for an amount not to exceed \$50,000, and

WHEREAS, Precision has provided a Senior Housing Rehabilitation Specialist and a Rehabilitation Specialist II to complete inspections, write specifications, oversee procurement of rehabilitation services and monitor rehabilitation contracts for the HUD funded rehabilitation programs, and

WHEREAS, Precision has now billed the amount allowed by the previously amended services agreement, and

WHEREAS, the Neighborhood Services Division would like to extend the Service Agreement with Precision for an additional amount not to exceed \$15,000 to ensure continued services with clients while current City staff provides cross over training of new staff, and

WHEREAS, the Housing Rehabilitation Loan Committee reviewed the proposed Scope of Work at its April 6, 2006, meeting, and recommended that the Precision Agreement be amended to include the work needed by the Parks, Recreation and Neighborhoods Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Agreement with Precision Inspection Company, Inc., increasing the contract amount by \$15,000, to increase the number of hours of housing rehabilitation services for inspections, bid preparation, and rehabilitation contract monitoring services to the Parks, Recreation and Neighborhoods Department.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2006-647**

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF AMMUNITION FOR THE POLICE DEPARTMENT, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR A TOTAL ESTIMATED ANNUAL AMOUNT OF \$75,000.

WHEREAS, the Modesto Police Department maintains an inventory of Federal brand ammunition for issuance to sworn staff and for training purposes, and

WHEREAS, a one-time purchase is made each fiscal year to replenish the supply for the Department, and

WHEREAS, the FBI established a standardized bullet testing protocol, and

WHEREAS, about six years ago the Modesto Police Department tested several bullet brands using the FBI protocol, and

WHEREAS, at the time the department was using Remington, and

WHEREAS, the best performing bullet was the Speer Gold Dot; however, this brand is very expensive, and

WHEREAS, the next best performing brand was Federal, and

WHEREAS, Federal is competitively priced when compared to Remington and Winchester, and

WHEREAS, for this reason, the department purchases Federal Brand, and

WHEREAS, there are several authorized dealers of Federal Brand ammunition on the West Coast, and

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

WHEREAS, the issuance of a formal Request for Bid for the purchase of ammunition for the Police Department conforms to the code requirements, and

WHEREAS, Funds are budgeted and made available in 0100-190-1921-0308 for the purchase of ammunition, in FY 06/07,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of ammunition for the Police Department, for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City, for a total estimated annual amount of \$75,000 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of ammunition, for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood
SUSANA ALCALA WOOD, City Attorney