

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-437**

**RESOLUTION ACCEPTING THE RESIGNATION OF GREG MATAS FROM
THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT**

WHEREAS, Greg Matas was appointed to serve as a member of the Board of Zoning Adjustment (BZA) on May 5, 2011, and

WHEREAS, Greg Matas has tendered his resignation from the BZA.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Greg Matas from the BZA hereby is accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

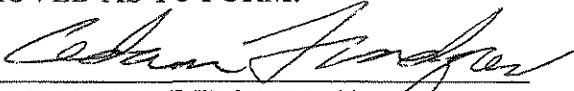
NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-438**

**RESOLUTION ACCEPTING THE RESIGNATION OF HELEN
MIHALOPOULOS FROM THE CITY OF MODESTO'S CITIZEN'S HOUSING
AND COMMUNITY DEVELOPMENT COMMITTEE**

WHEREAS, The Citizen's Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs; and

WHEREAS, December 15, 2015, by Resolution No. 2015-483, Helen Mihalopoulos was appointed to the City of Modesto's Citizen's Housing and Community Development Committee; and

WHEREAS, Helen Mihalopoulos submitted her resignation on September 29, 2016 as she will no longer be able to serve on the committee;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts the resignation of Helen Mihalopoulos from the City of Modesto's Citizen's Housing and Community Development Committee

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 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, Ridenour, Zoslocki, Mayor Brandvold

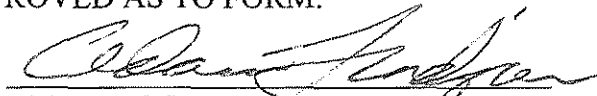
NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-439**

A RESOLUTION APPOINTING JOE DURAN, DAVID WRIGHT, DAVID WHITE AND SANDRA LUCASH (CITIZENS-AT-LARGE) AND STEVE MADISON (AFFORDABLE HOUSING REPRESENTATIVE) TO THE COMPREHENSIVE FEES TASK FORCE.

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-277, approved the reconvening of the Comprehensive Fees Task Force, and

WHEREAS, Resolution No. 2016-277 approved the following voting membership: Healthy Economy Committee Member, Effective Government Committee Member, Representative of the Manufacturer's Council, Representative of the Building Industry Association, Representative of the Chamber of Commerce, four Citizens-at-Large, one Commercial Broker and one Affordable Housing Representative, and

WHEREAS, a press release was issued informing the public of the openings on Comprehensive Fees Task Force and instructing them how to apply; and

WHEREAS, a total of seven applications were submitted: two for the Commercial Broker seat, four for the Citizens-At-Large seats and one for the Housing Provider seat, and

WHEREAS, on October 13, 2016, the Appointments Committee considered the seven applications, and

WHEREAS, the Appointments Committee recommended Joe Duran, David Wright, David White and Sandra Lucas be appointed to the Citizens-at-Large seats and Steve Madison be appointed to the Affordable Housing Representative seat,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Joe Duran, David Wright, David White and Sandra Lucas be appointed to the

Citizens-at-Large seats and Steve Madison be appointed to the Affordable Housing Representative seat on the Comprehensive Fees Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, 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, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-440**

**A RESOLUTION APPOINTING BRIAN VELTHOEN (COMMERCIAL
BROKER) TO THE COMPREHENSIVE FEES TASK FORCE.**

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-277, approved the reconvening of the Comprehensive Fees Task Force, and

WHEREAS, Resolution No. 2016-277 approved the following voting membership: Healthy Economy Committee Member, Effective Government Committee Member, Representative of the Manufacturer's Council, Representative of the Building Industry Association, Representative of the Chamber of Commerce, four Citizens-at-Large, one Commercial Broker and one Affordable Housing Representative, and

WHEREAS, a press release was issued informing the public of the openings on Comprehensive Fees Task Force and instructing them how to apply, and

WHEREAS, a total of seven applications were submitted: two for the Commercial Broker seat, four for the Citizens-At-Large seats and one for the Housing Provider seat, and

WHEREAS, on October 13, 2016, the Appointments Committee considered the seven applications, and

WHEREAS, the Appointments Committee recommended Brian Velthoen be appointed to the Commercial Broker seat,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Brian Velthoen be appointed to the Commercial Broker seat on the Comprehensive Fees Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-441**

**RESOLUTION ACCEPTING THE RESIGNATION OF LIDUVINA GONZALEZ
FROM THE CITY OF MODESTO'S 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, December 15, 2015 by Resolution No. 2015-484, Liduvina Gonzalez was appointed to the City of Modesto Housing Rehabilitation Loan Committee, and

WHEREAS, Liduvina Gonzalez submitted her resignation on October 13, 2016 as she is no longer able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Council accepts the resignation of Liduvina Gonzalez from the City of Modesto'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 1st day of November, 2016, 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

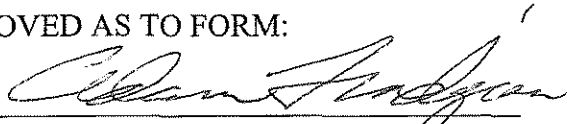
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-442**

**RESOLUTION APPOINTING HANK POLLARD TO THE CITY OF MODESTO
PLANNING COMMISSION**

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 Appointments Committee met on October 13, 2016 and recommended appointment of Hank Pollard to the Modesto Planning Commission.

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

SECTION 1. Hank Pollard is hereby appointed to the Modesto Planning Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, 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

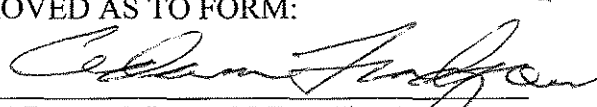
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-443**

**RESOLUTION AUTHORIZING THE PROCUREMENT AND INSTALLATION
OF ANTI-TAGGING SURVEILLANCE EQUIPMENT AND APPROVING A
SOLE SOURCE AGREEMENT WITH CELPLAN TECHNOLOGIES, INC.
RESTON, VA, FOR AN ESTIMATED COST OF \$267,707**

WHEREAS, the City selected Cel Plan Technologies as its video surveillance system provider through a formal procurement process by resolution No. 2008-033, and

WHEREAS, anti-tagging cameras will be deployed within water facilities, waste water facilities and the Pelandale Avenue Overpass Structure, and

WHEREAS, Adding cameras to the City's existing camera system provides the capability of monitoring newly deployed anti-tagging cameras from one single location, and

WHEREAS, based on maintaining a single system and source for monitoring camera activity, staff finds that the justification meets the City's sole source criteria as identified under the Modesto Municipal Code 8-3.204(b), and

WHEREAS, funds are budgeted in Fiscal Year 2016-17, in Appropriation Unit: 4100-45050-57004 (Utilities Fund) and #10046 (Pelandale Overpass Project Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the procurement and installation of anti-tagging surveillance equipment and approving a sole source agreement with CelPlan Technologies, Inc. Reston, VA, for an estimated cost of \$267,707;

BE IT FURTHER RESOLVED that the Purchasing 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 1st day of November, 2016, 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

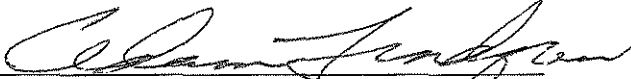
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-444**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
CODONI TRANSMISSION MAINS PROJECT, ACCEPTING THE BID, AND
APPROVING A CONTRACT WITH D.A. WOOD CONSTRUCTION, INC., OF
MODESTO, CA, IN THE AMOUNT OF \$2,432,695, AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, specifications have been prepared for the Codoni Transmission Mains Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Codoni Transmission Mains Project were opened at 11:00 a.m. on September 27, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of \$2,432,695 received from D.A. Wood Construction, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Codoni Transmission Mains Project, accepts the bid of \$2,432,695 and awards D.A. Wood Construction, Inc., of Modesto, CA, the contract for the Codoni Transmission Mains Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, 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

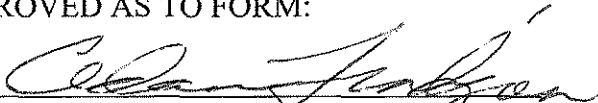
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-445**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE CODONI
TRANSMISSION MAINS PROJECT FROM 8% (\$194,616) TO 13% (\$316,250)
OF THE CONSTRUCTION CONTRACT PRICE OF \$2,432,695 WITH D.A.
WOOD CONSTRUCTION, INC., OF MODESTO, CA**

WHEREAS, on November 1, 2016, the City Council is concurrently awarding a \$2,432,695 contract to D.A. Wood Construction, Inc., of Modesto, CA for the construction of the Codoni Transmission Mains Project, and

WHEREAS, this project provides a 24-inch transmission main to convey water from a Modesto Irrigation District turnout structure on the north side of Yosemite Boulevard to the future Industrial Tank 13 site on Codoni Avenue, and a 24-inch transmission main that will return water back from the future tank site pump station to the existing City transmission main in Yosemite Boulevard, and

WHEREAS, the transmission mains installation includes a jack and bore underneath the Modesto and Empire Traction Company railroad, and Caltrans State Route 132 Yosemite Boulevard, and

WHEREAS, the transmission mains will serve the future Industrial Tank (a separate project) to provide an increase in service reliability of the City of Modesto's water system, and

WHEREAS, City staff is requesting authorization to increase the Director's Authority to 13% to provide for additional material that may be needed for this project, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of \$194,616,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Codoni Transmission Mains Project from 8% (\$194,616) to 13% (\$316,250) of the construction contract price of \$2,432,695 with D.A. Wood Construction, Inc., of Modesto, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, 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

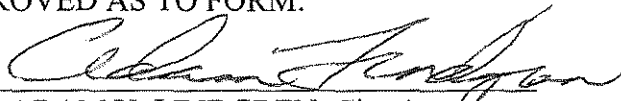
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-446**

**RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$268,000 TO BE
TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN
ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY,
CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND
DESIGN SUPPORT DURING CONSTRUCTION FOR THE CODONI
TRANSMISSION MAINS PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$268,000, in order to fund construction, contingency, and City construction forces for the Codoni Transmission Mains Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is 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 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 1st day of November, 2016, 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:

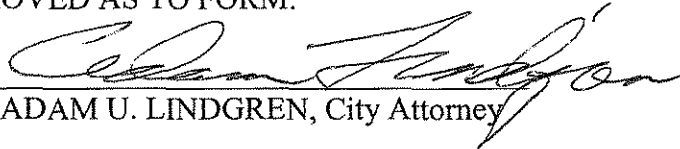
By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100672 "Codoni Transmission Mains", and the total project costs need to be increased by \$268,000. This would be done by adjusting Construction Admin by <\$33,922>, City Construction Forces by \$20,000, Construction by \$232,695, Contingency-CIP by \$96,250, and Eng/Design/Admin by <\$47,023>.

To fund the above account, \$268,000 will be transferred from Water Fund Reserves into CIP Project 100672 for the Codoni Transmission Mains Project.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-447**

**RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF
MODESTO TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY
FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE)**

WHEREAS, on September 27, 2016, Council adopted Resolution No. 2016-384 (Resolution of Intention to Annex) to indicate its intention to annex certain territory to the City of Modesto Community Facilities District 2002-1 (NorthPointe) (the District) and authorize the levy of District special taxes within the territory proposed to be annexed (Annexed Territory), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the Mello-Roos Community Facilities Act of 1982 (Act), and setting a hearing thereon for November 1, 2016, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a map of the Annexed Territory, entitled "Proposed Boundaries of Annexation No. 1 to the City of Modesto Community Facilities District No. 2002-1 (NorthPointe)" was recorded on October 12, 2016, in the Office of the County Recorder of Stanislaus, in Book 5 of Maps of Assessment and Community Facilities Districts, at page 51, and

WHEREAS, at the time and date set for the hearing (November 1, 2016) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

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

WHEREAS, at the hearing, evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2002-1 (NorthPointe), hereby finds and determines as follows:

SECTION 1. The foregoing recitals are true and correct

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

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in Resolution No. 2016-384, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

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

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

Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owners of all of the land in the Annexed Territory (the "Landowners"), the election shall be held on the 1st day of November, 2016. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on November 1, 2016, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

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

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

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

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

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2002-96 adopted by this Council on February 26, 2002 (the "Resolution of Formation").

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

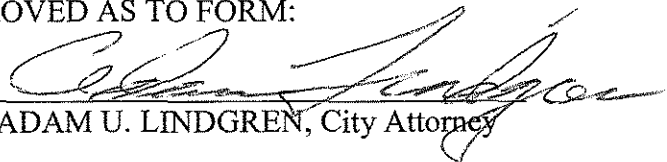
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

OFFICIAL BALLOT

BALLOT NO.

**CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2002-1
(NORTHPOINTE)**

ANNEXATION NO. 1

SPECIAL TAX ELECTION

November 1, 2016

NUMBER OF VOTES ENTITLED TO BE CAST: 15
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

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

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

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

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2002-96 entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2002-1, Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District (NorthPointe)" (the "Resolution of Formation"), adopted by the City Council on February 26, 2002, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2002-1 (NorthPointe) pursuant to the City Resolution No. 2016-384, entitled "A Resolution of Intention to Annex Territory to Community Facilities District No. 2002-1 (NorthPointe) and to authorize the levy of Special Taxes therein. (Annexation No. 1) (the "Resolution of Intention to Annex") adopted by the City Council of the City of Modesto on September 27, 2016 for the purposes set for in the Resolution of Formation?

YES
NO

BALLOT NO. 1+2

THIS BALLOT HAS A VALUE OF 15 VOTES

**MODESTO CITY COUNCIL
RESOLUTION NO. 2016-448**

**RESOLUTION DECLARING THE RESULTS OF THE NOVEMBER 1, 2016
SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE
ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY
FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE)**

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2002-1 (NorthPointe) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in Resolution No. 2016-384 entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2002-1 (NorthPointe) and to Authorize the Levy of Special Taxes therein (Annexation No. 1)" adopted on February 24, 2009, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of Resolution No. 2016-384, adopted on September 27, 2016, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for November 1, 2016, relative to the foregoing, and

WHEREAS, on November 1, 2016, the Election was held, and

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

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

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

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's Certificate is **attached** hereto and hereinafter incorporated by reference.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2016-384 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

SECTION 4. The City Clerk is hereby directed to enter this Resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Madrigal, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for Annexation No. 1 to City of Modesto Community Facilities District No. 2002-1 (NorthPointe) (the "Community Facilities District"). With my concurrence, the election was conducted on November 1, 2016. On or prior to said date I had mailed or personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to November 1, 2016 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

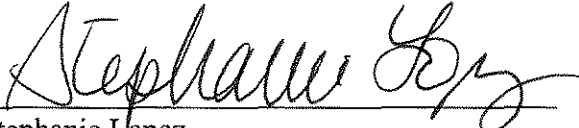
I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: X

NO: —

TOTAL NUMBER OF VOTES CAST: 15

Dated this 1st day of November, 2016.


Stephanie Lopez,
City Clerk of the City of Modesto